

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST
MARCH 14, 2022 @ 12:00P.M. (NOON)**

- 1. Call To Order:**
- 2. Roll Call:**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda:**
- 5. Approval Of Previous Minutes 2-28-22.**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 2-28-22.PDF](#)

- 6. Schedule Next Meeting-3-28-22 @ 12:00 P.M.**
- 7. Plat: Lots 1 Thru 15 And 22 Thru 28 Of Airport Addition, A Subdivision Of Previously Platted Lots 2 And 3 Of Fiala's Addition In The East 1/2 Of The NW 1/4 Of Section 4, T 103 N, R 60 W Of The 5th P.M., City Of Mitchell, Davison County, South Dakota; As Requested By PSG Properties LLC.**

Documents:

[PSG PROPERTIES LLC-PLAT.PDF](#)
[PSG PROPERTIES LLC-GIS.PDF](#)

- 8. Plat: Tract 1 In The West 626.84 Feet Of Lot 5 Of Crane's Addition, In The SE 1/4 Of Section 34, T 103 N, R 60 W Of The 5th P.M., Davison County, South Dakota; As Requested By Ronald & Michele Riggs.**

Documents:

[RIGGS PLAT.PDF](#)
[RIGGS-GIS.PDF](#)

- 9. Variance: Carey & Darlene Buhler, 600 Greenridge Lane**

Carey & Darlene Buhler have applied for a Variance Permit for an attached garage and accessory building combination of 2,160 square feet vs 2,000 square feet and maximum height for an accessory building of 30' vs 22'; located at 600 Greenridge Lane, legally described as Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R1 Single Family Residential District.

Documents:

[BUHLER-APPLICATION.PDF](#)
[BUHLER-PRELIMINARY SITE PLANS.PDF](#)
[BUHLER-GIS.PDF](#)
[BUHLER-NOTICE OF HEARING.PDF](#)
[BUHLER-NEIGHBORS.PDF](#)
[BUHLER-LETTER FROM NEIGHBOR-HUBER.PDF](#)

10. Variance: DLJ LLC-501 E Juniper Ave.

DLJ LLC has applied for a variance of approximately 867 feet vs 1,000 feet as required to be from another medical cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

Documents:

[DLJ LLC-APPLICATION.PDF](#)
[DLJ LLC-GIS.PDF](#)
[DLJ LLC-NEIGHBORS.PDF](#)
[DLJ LLC-NOTICE OF HEARING.PDF](#)
[DLJ LLC-LETTER FROM NEIGHBOR-PATZER.PDF](#)
[DLJ LLC-LETTER-MCENTEE.PDF](#)
[DLJ LLC-LETTER FROM NEIGHBOR-KUMMER AND LEE.PDF](#)
[DLJ LLC-LETTER FROM NEIGHBOR-LEE-II.PDF](#)

11. Conditional Use Permit: Genesis Farms LLC-106 W 5th Ave.

Genesis Farms LLC has applied for a Conditional Use Permit to operate a Medical Cannabis Dispensary; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

Documents:

[GENESIS FARMS LLC-APPLICATION-CUP.PDF](#)
[GENESIS FARMS LLC-GIS.PDF](#)
[GENESIS FARMS LLC-NEIGHBORS.PDF](#)
[GENESIS FARMS LLC-NOTICE OF HEARING-CUP.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-VOLESKY.PDF](#)
[GENESIS FARMS LLC-LETTER-MCENTEE.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-WEISSER.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-REIMNITZ.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-VOLESKY II.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-HAUSER.PDF](#)

12. Variance: Genesis Farms LLC-106 W 5th Ave.

Genesis Farms LLC has applied for a variance of 101 feet vs 300 feet as required to be from religious institution; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

Documents:

[GENESIS FARMS LLC-APPLICATION-VARIANCE.PDF](#)
[GENESIS FARMS LLC-GIS.PDF](#)
[GENESIS FARMS LLC-NEIGHBORS.PDF](#)
[GENESIS FARMS LLC-NOTICE OF HEARING-VARIANCE.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-VOLESKY.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-YOUNG.PDF](#)
[GENESIS FARMS LLC-LETTER-MCENTEE.PDF](#)

13. Other Business:

14. Public Input: If You Need To Address The City Planning Commission On An Item That Was Not On The Agenda, Excluding Personnel Items, Please Come Forward To The Podium And State Your Name And Your Concern. Presentations Are Limited To Three Minutes. Items Will Be Considered But No Action Will Be Taken At This Time.

15. Adjournment:

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 605-995-8433 at least 24 hour prior to the scheduled meeting."

CITY OF MITCHELL
CITY PLANNING COMMISSION MINUTES
February 28, 2022

NOT APPROVED

1. Chairperson Larson called the February 28, 2022 City Planning Commission Meeting to order at 12:00 P.M. noon in the Council Chambers, City Hall, 612 N Main Street.
2. Roll Call-quorum is met, simple majority vote required for all items.
Present: Larson, Molumby, Osterloo, Sonne, Genzlinger, Doescher.
Absent: Penney, Jirsa
Staff Present: Jenniges, Schroeder, J Johnson, Hegg, Ellwien, Mayor Everson.
3. Declare conflicts of interest-None
4. Approval of proposed agenda: Motion by Genzlinger, seconded by Osterloo, to approve the proposed agenda. All present members voting aye, motion carried.
5. Approval of proposed minutes: Motion by Molumby, seconded by Sonne, to approve the minutes of the February 14, 2022 Planning Commission meeting. All present members voting aye, motion carried.
6. Schedule next meeting: Motion by Genzlinger, seconded by Molumby, to schedule the next meeting for March 14, 2022. All present members voting aye, motion carried.
7. Plan Approval: Jeremy Gunkel is proposing to remodel the exterior of 615 N Main St. The property is zoned Central Business. The applicant was present to answer questions.

Jenniges stated this is not in the historical district so SHPO will not be involved with this project.

Gunkel stated he will be removing the castle towers, install new windows and a door on the front, new door in the back of the building and paint the existing remaining brick. He wants to freshen up the building and change the persona that has been with the building over the past few years. He does not own the building yet, they close on it April 4th, but would like to get approval prior so he can get windows ordered which are 8 weeks out.

Motion by Genzlinger, seconded by Osterloo, to approve the plan. All present members voting aye, motion carried.

8. Rezone: City of Mitchell is requesting the following property legally described as; Lot 1, Block 1 of Fullerton Properties Second Addition, a subdivision of the N ½ of Section 16, and a portion of previously platted Outlot B-2, a subdivision of Outlot B, Section 16, all in T 103 N R 60 w of the 5th P.M., City of Mitchell, Davison County, South Dakota; from PL Public Lands District to R3 Medium Density Residential District (northwest

intersection of N Minnesota St and W 15th Ave). For the purpose of transferring to MADC for the purpose new residential construction. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with two responses against.

Mark Wilson a neighbor to the west is opposed to the rezone. He stated that when Fullerton's was doing the development that lot was left to be dedicated as a park and the city has never built the park. He said that was one reason why he moved there.

Jason Hehr has lived to the north for 15 years and is opposed to the rezone. He would like to see it used as it was intended for the green space and has concerns with the busy intersection.

Cory Arneson lives two houses north and is opposed for the same reasons stated by the two previous people.

Geri Beck, director of MADC, said they will put the lot up for sale with covenants or build a house with the newly created Mitchell Area Housing Incorporated group. This will be a \$300,000 dollar house to fit the neighborhood.

A few of the board members voiced their concerns that if it was intended to be green space it should stay as green space, this will be researched prior to going to council.

Motion by Osterloo, seconded by Sonne, to recommend approval of the rezone. Roll call vote: Roll call vote: Larson – aye, Molumby – aye, Jirsa –absent, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.

9. Other Business-None.

10. Public Comment-None.

11. Chairperson Larson adjourned the meeting at 12:23 P.M.

Jay Larson
Planning Commission Chairperson



1 Inch = 100 Feet

LEGEND

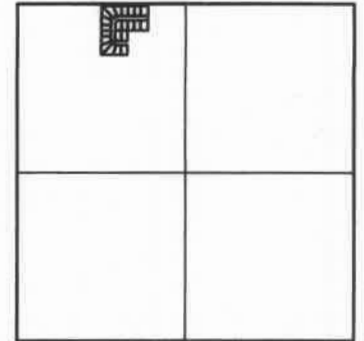
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER PJR-6702
- WM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,
STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 12B.
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

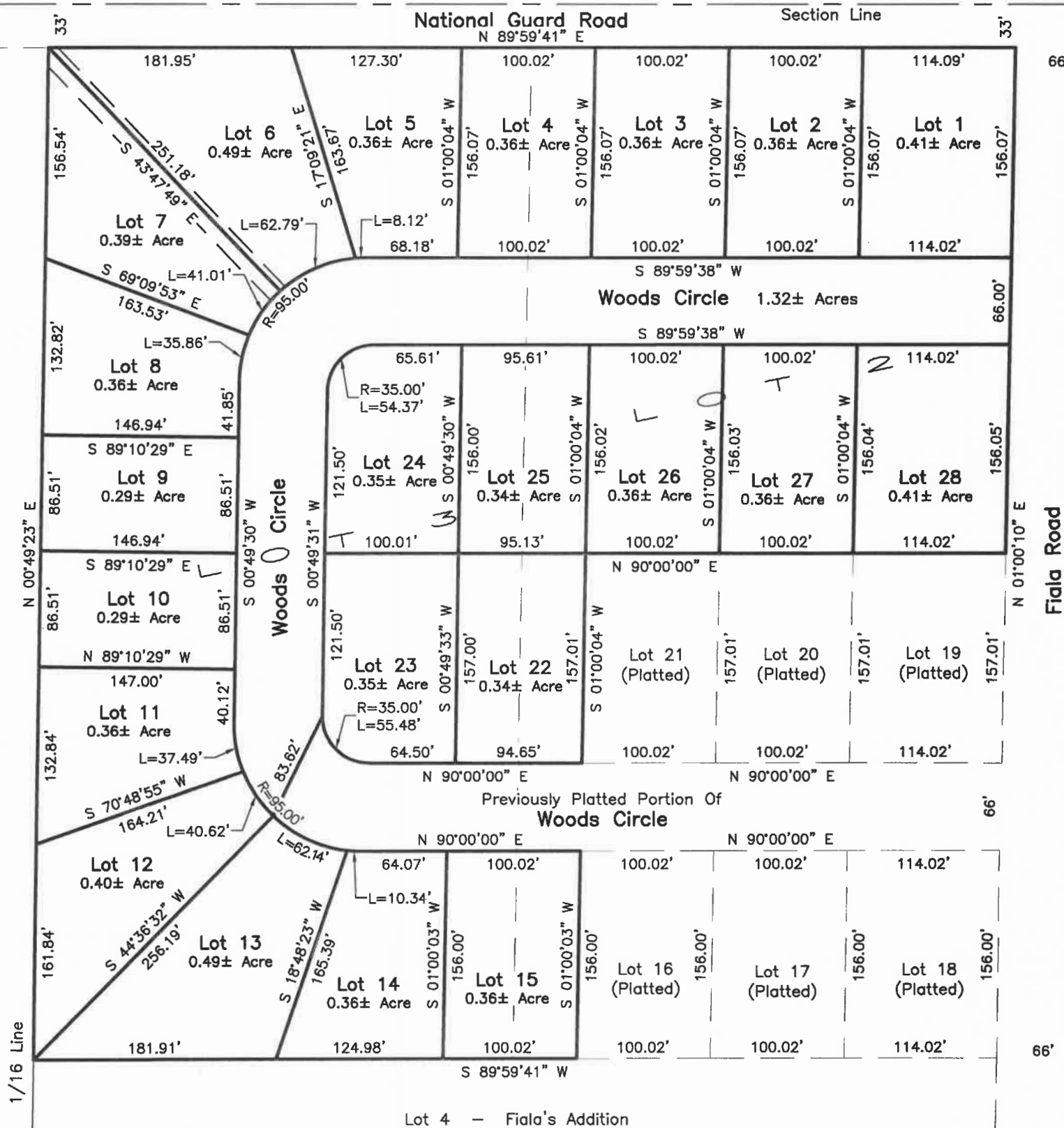
NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASEMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.

SEC. 4, T 103 N, R 60 W



LOCATION MAP
SCALE: 1" = 3000'

EASEMENTS WITHIN EACH LOT DEDICATED BY THIS PLAT:
3' UTILITY AND DRAINAGE EASEMENTS ALONG SIDE LOT LINES BETWEEN LOTS EXCEPT BETWEEN LOTS 6 AND 7 WHICH IS 5' IN LOT 6 AND 10' IN LOT 7.
5' UTILITY AND DRAINAGE EASEMENTS ALONG ALL REAR LOT LINES INCLUDING ALONG NATIONAL GUARD ROAD.
10' UTILITY EASEMENTS ALONG FIALA ROAD AND WOODS CIRCLE.



A PLAT OF LOTS 1 THRU 15 AND 22 THRU 28 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of PSG Properties, LLC, a South Dakota Limited Liability Company, as owner, and under its direction for purposes indicated therein, I did on or prior to March 8, 2022, survey those parcels of land described as follows: LOTS 1 THRU 15 AND 22 THRU 28 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 9TH day of MARCH, 2022.

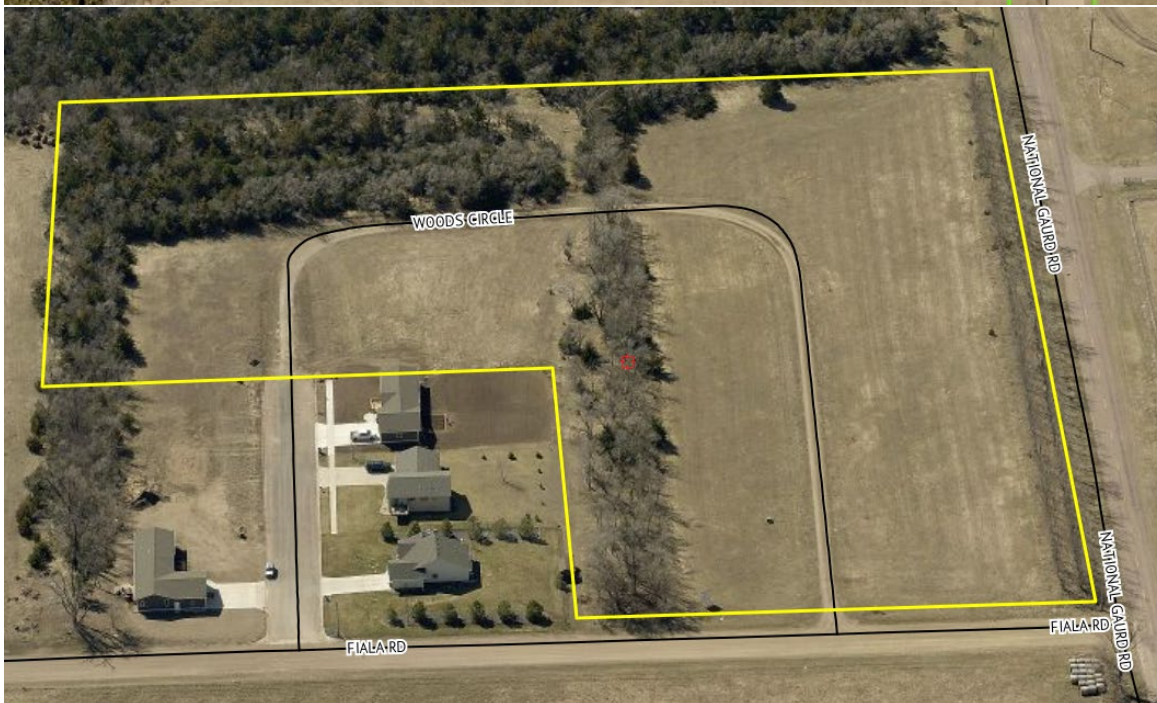
Registered Land Surveyor #SD6702

SPN

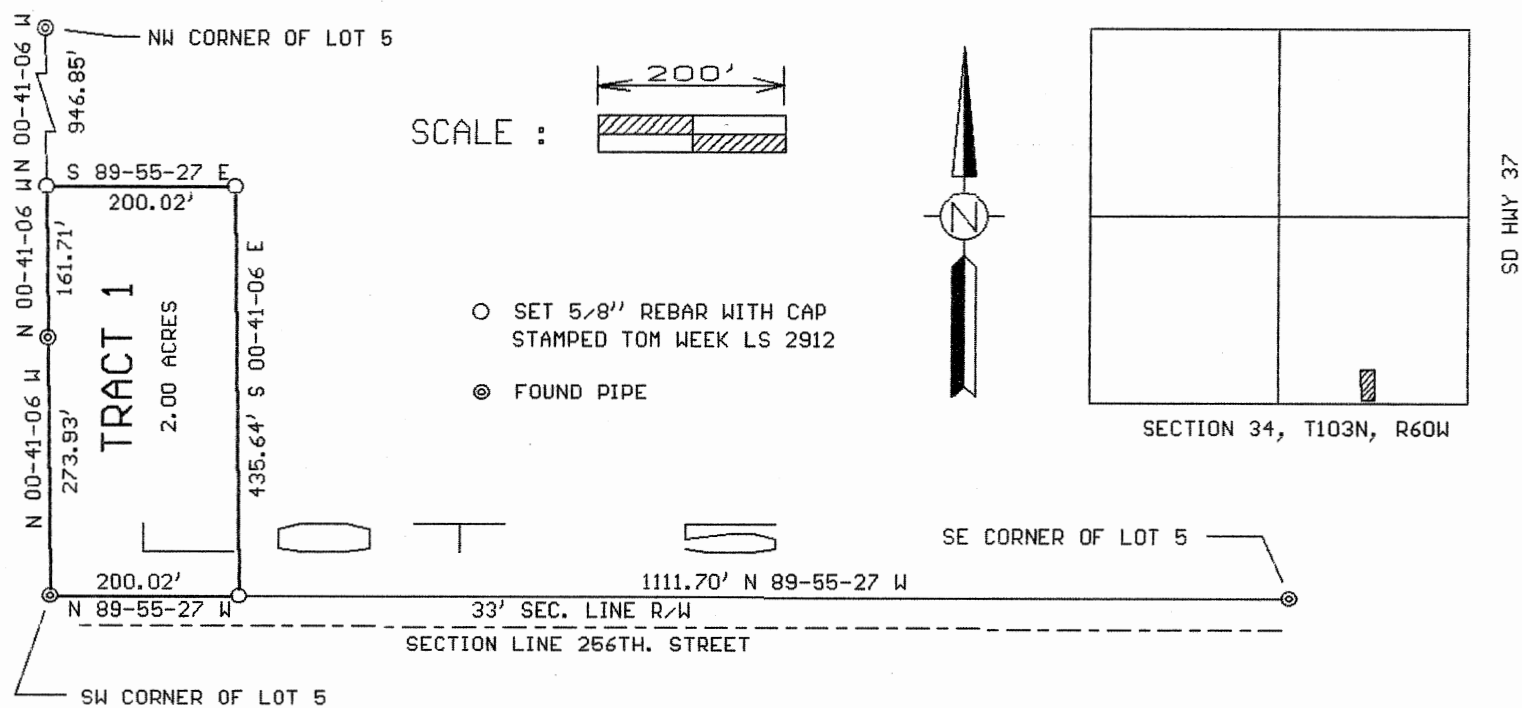
& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, hereby certify that PSG Properties, LLC, a South Dakota Limited Liability Company, is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of PSG Properties, LLC, a South Dakota Limited Liability Company, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOTS 1 THRU 15 AND 22 THRU 28 OF AIRPORT ADDITION, A SUBDIVISION OF PREVIOUSLY PLATTED LOTS 2 AND 3 OF FIALA'S ADDITION IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 4, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and PSG Properties, LLC, a South Dakota Limited Liability Company, hereby dedicates to the public, for public use forever as such, the streets and alleys, if any, as shown or described on said plat; and that development of the land included within the boundaries of said Lots 1 thru 15 and 22 thru 28 shall conform to all existing applicable zoning, subdivision, erosion, sediment control and drainage regulations and ordinances; further that there now exists National Guard Road, Fiala Road and a portion of Woods Circle. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Agriculture and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.



PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION,
IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON
COUNTY, SOUTH DAKOTA.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS 9TH. DAY OF MARCH, 2022.

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

CERTIFICATE OF STREET AUTHORITY

THE EXISTING ACCESS TO TRACT 1 IS APPROVED. ANY CHANGE IN THE EXISTING ACCESS SHALL REQUIRE ADDITIONAL APPROVAL. DATED THIS ____ DAY OF _____, ____.

TOWNSHIP / COUNTY HIGHWAY REPRESENTATIVE

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS ____ DAY OF _____, ____.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF
EQUALIZATION, DAVISON COUNTY, S.D.

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER\DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS ____ DAY OF _____, ____.

TREASURER/DEPUTY TREASURER DAVISON COUNTY, S.D.

PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, RONALD L. RIGGS AND MICHELE S. RIGGS, DO HEREBY CERTIFY, THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF THE ABOVE DESCRIBED REAL PROPERTY: TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT 1, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS ____ DAY OF _____, _____.

RONALD L. RIGGS

MICHELE S. RIGGS

STATE OF _____
COUNTY OF _____

ON THIS ____ DAY OF _____, _____, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RONALD L. RIGGS AND MICHELE S. RIGGS, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE ____ DAY OF _____, _____.

CHAIRMAN/VICE CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS ____ DAY OF _____, _____.

COUNTY AUDITOR/DEPUTY AUDITOR

CHAIRMAN/VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, THE PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, HERETOFORE FILED IN THE OFFICE OF CITY FINANCE OFFICER OF MITCHELL, SOUTH DAKOTA, HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION OF THE SAID CITY OF MITCHELL, SOUTH DAKOTA; AND WHEREAS, THE CITY PLANNING COMMISSION, IN REGULAR MEETING ASSEMBLED, HAD DULY CONSIDERED SAID PLAT AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR THE CITY OF MITCHELL, SOUTH DAKOTA, HERETOFORE ADOPTED BY THIS COMMISSION;

NOW THEREFORE, BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA, IS HEREBY RECOMMENDED.

I, _____, CHAIRMAN OF THE CITY PLANNING COMMISSION FOR THE CITY OF MITCHELL, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, _____.

CITY PLANNING COMMISSION BY: _____

RESOLUTION OF CITY COUNCIL

WHEREAS, IT APPEARS THAT THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, DID DULY CONSIDER AND DID RECOMMEND THE APPROVAL AND ADOPTION OF THE HEREINAFTER DESCRIBED PLAT, AT ITS MEETING HELD ON THE _____ DAY OF _____, _____; AND WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AS PREPARED BY THOMAS LYNN WEEK, A DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, THAT SAID PLAT IS IN ACCORDANCE WITH THE SYSTEM OF STREETS AND ALLEYS SET FORTH IN THE MASTER PLAN ADOPTED BY THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, AND THAT SUCH PLAT HAS BEEN PREPARED ACCORDING TO LAW;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF TRACT 1 IN THE WEST 626.84 FEET OF LOT 5 OF CRANE'S ADDITION, IN THE SE1/4 OF SECTION 34, T103N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH HEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL.

I, _____, FINANCE OFFICER OF THE CITY OF MITCHELL, SOUTH DAKOTA, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD ON THE _____ DAY OF _____, _____.

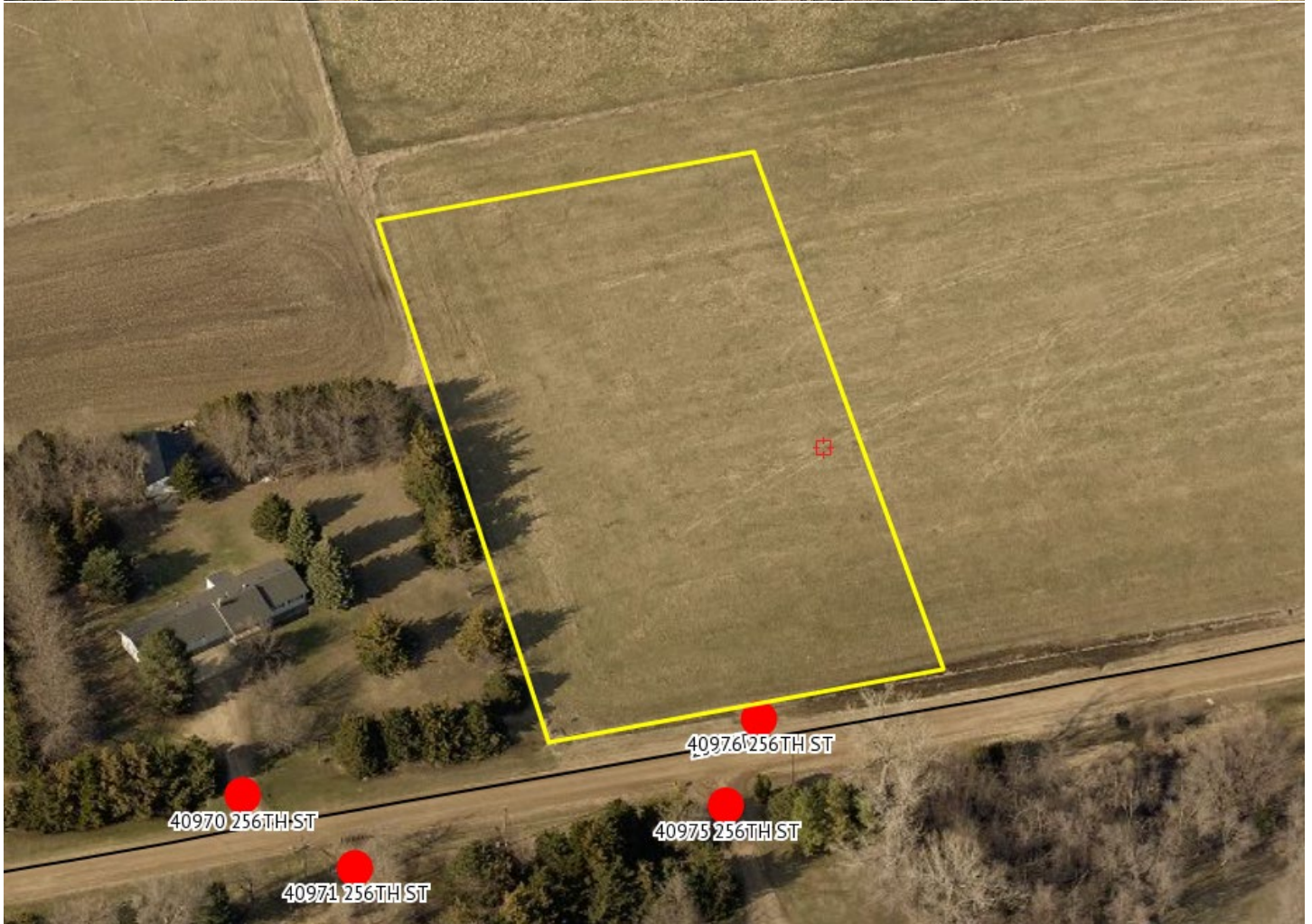
FINANCE OFFICER BY: _____

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS\DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS _____ DAY OF _____, _____, _____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK _____, PAGE _____.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.

PREPARED BY TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333





TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ **Rezoning** *\$150 application fee due with the application.*

Applicant is request to rezone property from _____ District to _____ District.

☒ **Variance** *\$100 application fee due with application.*

Description of Variance: Variance Permit for an attached garage and accessory building combination of 2,160 square feet vs 2,000 square feet and maximum height for an accessory building of 30' vs 22'.

☐ **Conditional Use Permit** *\$150 application fee due with application*

Description of Conditional Use:

This Application is for the following described real property:

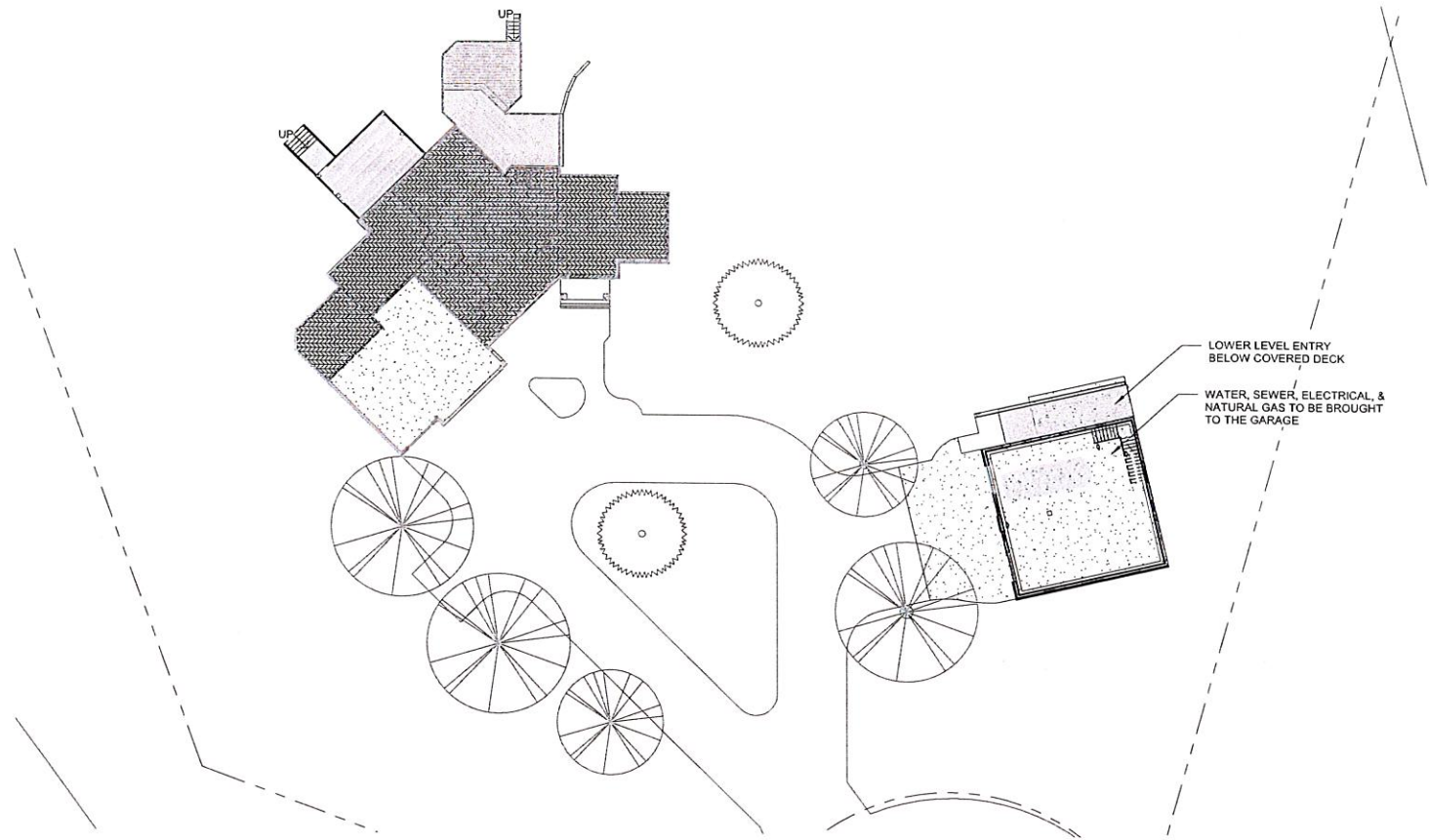
Legal Description: Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota.

Property Address: 600 Greenridge Lane, Mitchell, SD 57301

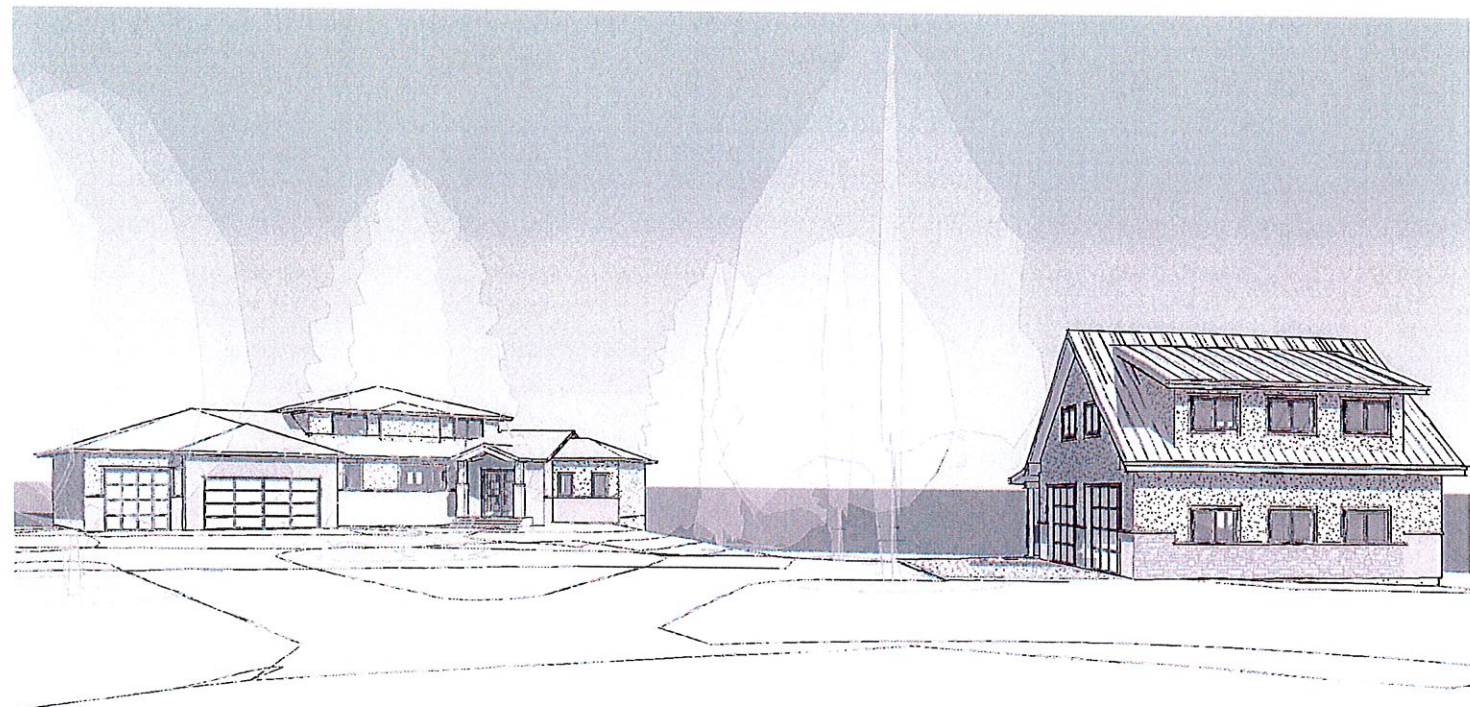
Dated this 16th of February, 2022

CAREY BUTLER
APPLICANT

Carey Butler
OWNER



1 SITE PLAN - PRESENTATION
1" = 20'-0"



2 WEST CAMERA VIEW - STREET VIEW

Buhlers Residence - Detached Garage

Mitchell, SD

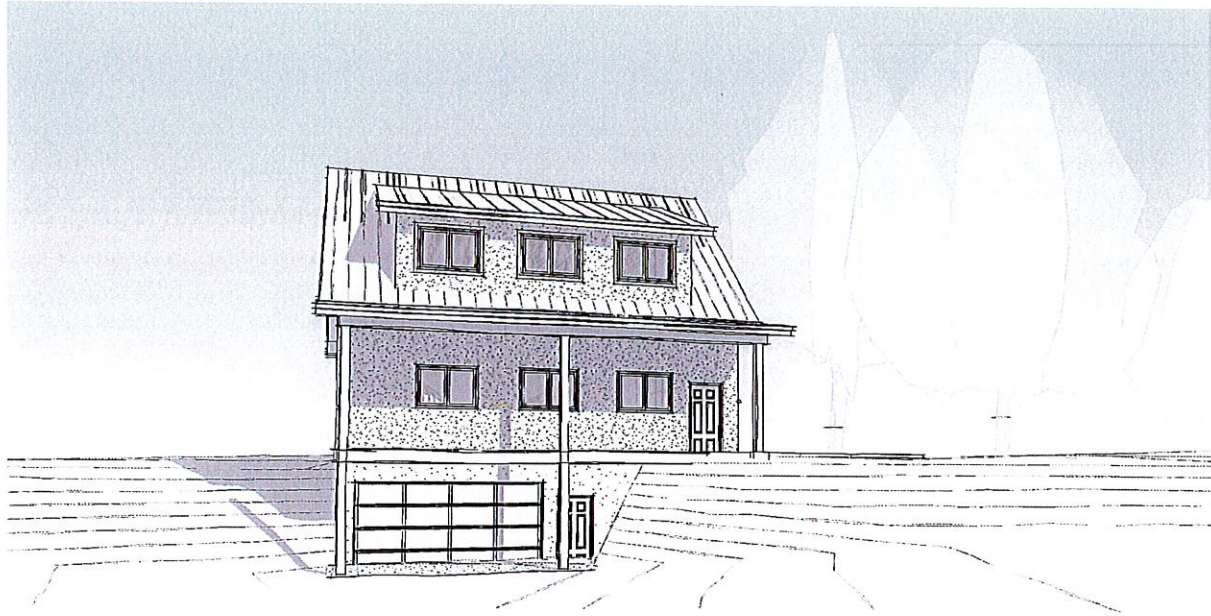
Site Plan 600 Greenridge Ln

Revision Schedule
No. Description Date

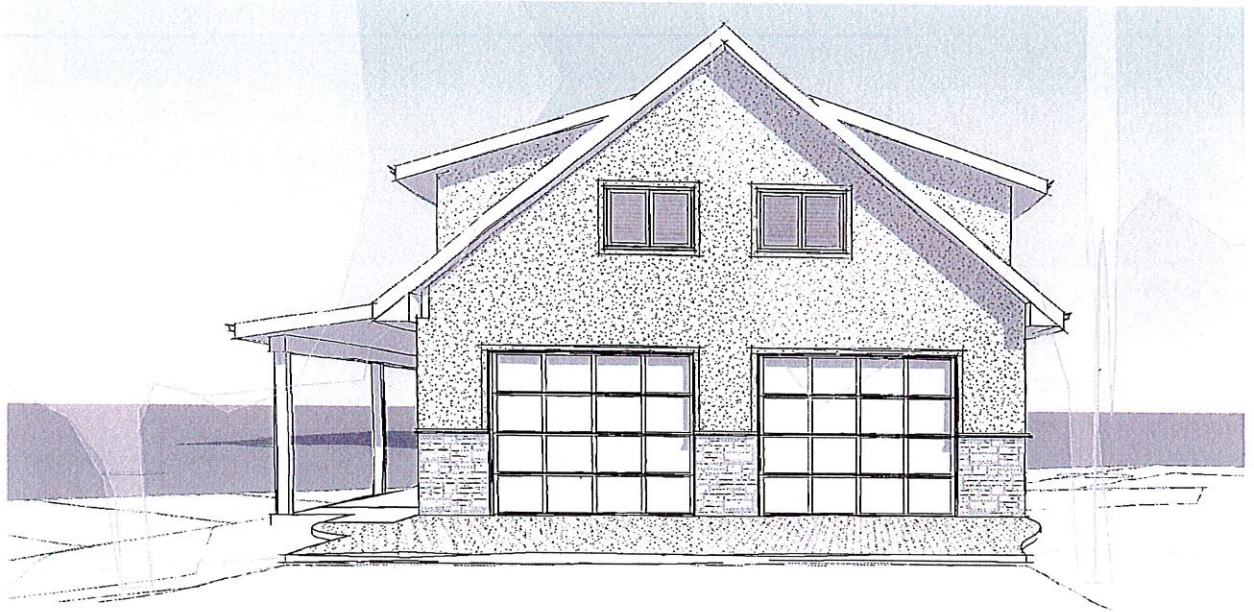
Drawn By: MH
Checked By: MH
Date: 9/18/21

A1.0

Lacey
997-1159



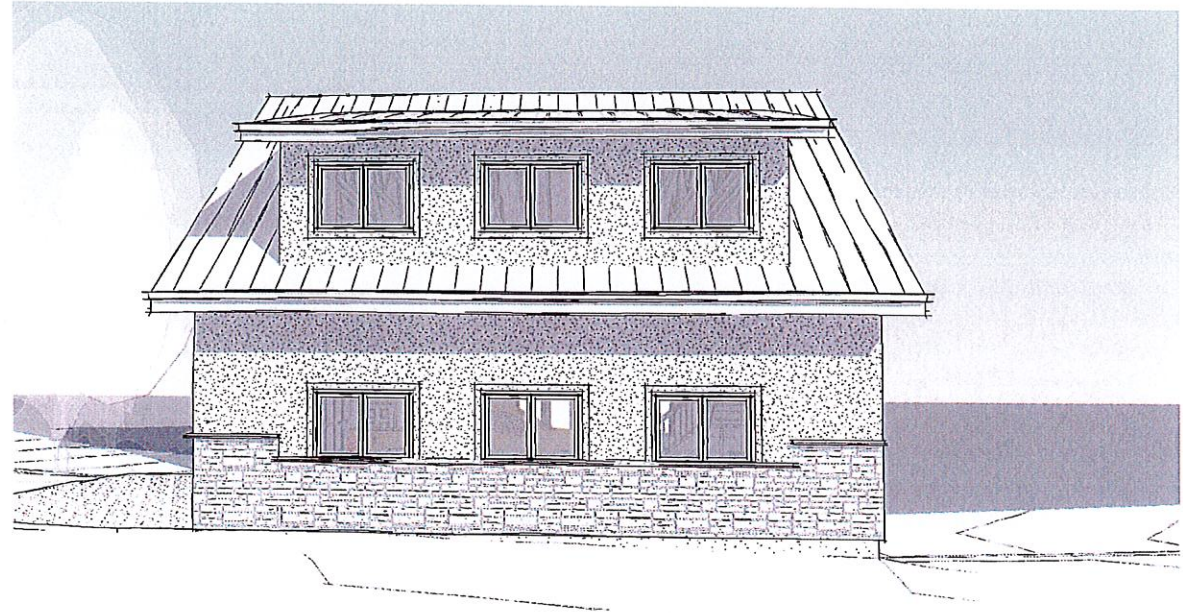
3 EAST CAMERA VIEW



1 NORTH CAMERA VIEW



4 SOUTH CAMERA VIEW



2 WEST CAMERA VIEW

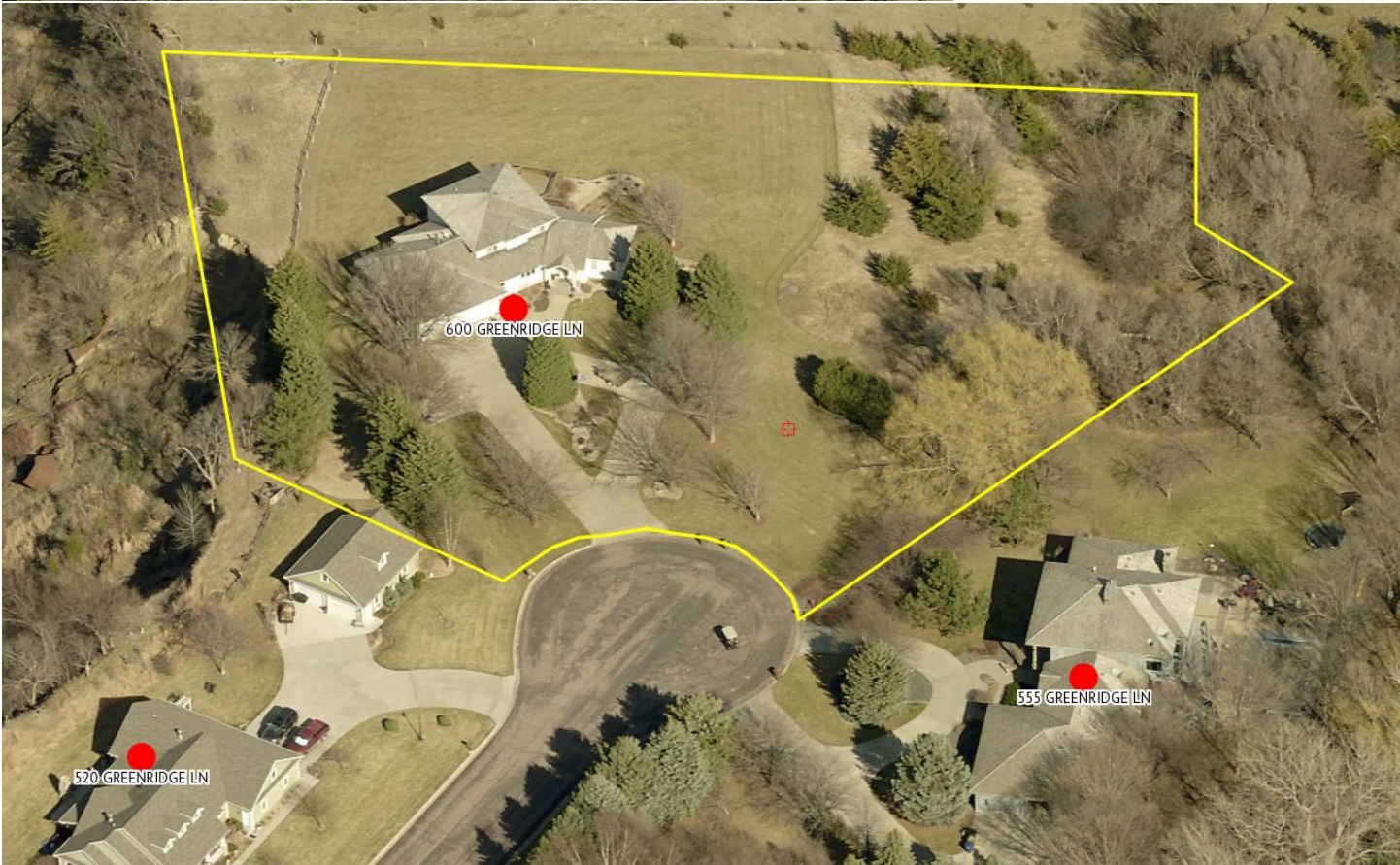
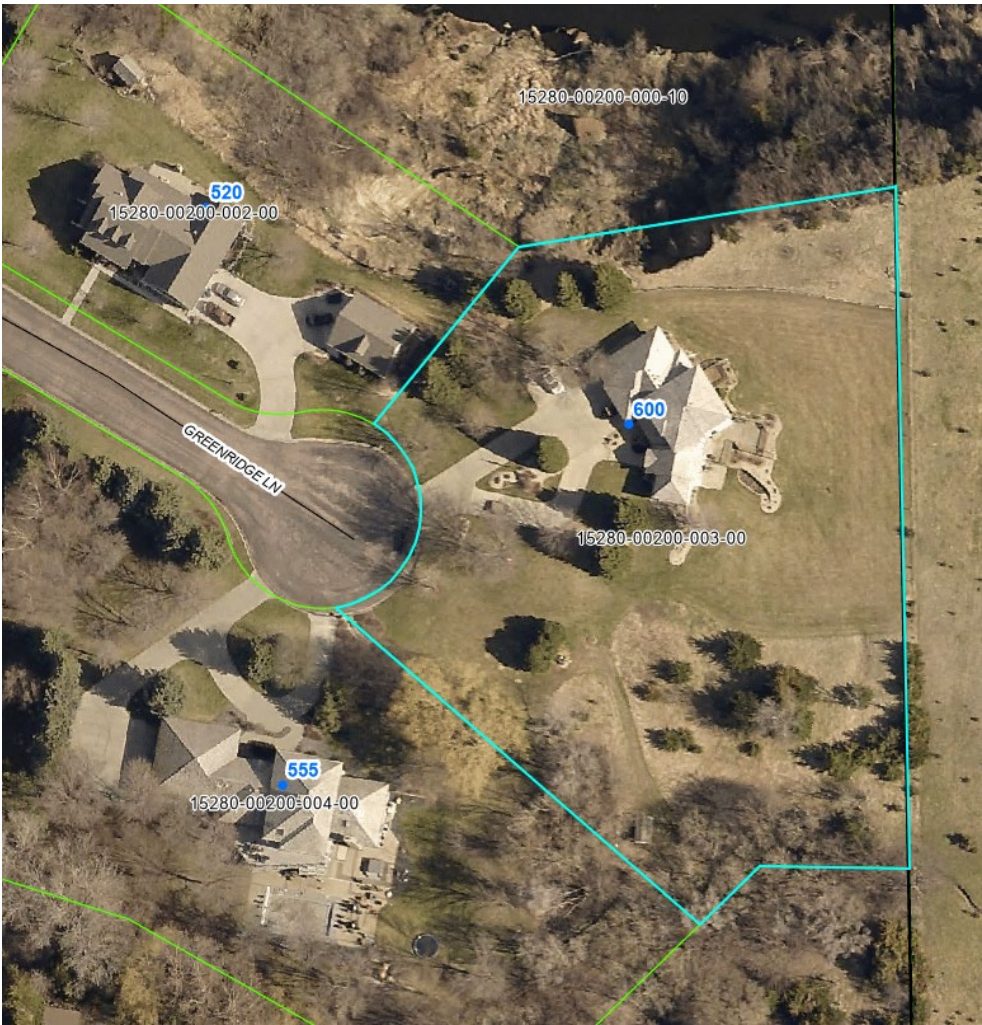
Buhlers Residence - Detached Garage

Mitchell, SD

CAMERA VIEWS

Revision Schedule		
No.	Description	Date

Drawn By: MH
Checked By: MH
Date: 9/18/21



NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Carey & Darlene Buhler have applied for a Variance Permit for an attached garage and accessory building combination of 2,160 square feet vs 2,000 square feet and maximum height for an accessory building of 30' vs 22'; located at 600 Greenridge Lane, legally described as Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on March 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on March 21, 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 24th day of February, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of March, 2022

Approximate Cost:

Carey & Darlene Buhler
600 Greenridge Lane
Mitchell, SD 57301

Connie Borman
520 Greenridge Lane
Mitchell, SD 57301

Jerome & Terri Howe
500 Greenridge Lane
Mitchell, SD 57301

Todd Mabee Revocable Living
1344 NW Ithaca Ave
Unit #
Bend, OR 97703

Dustin & Jacquelyn Johnson
501 Greenridge Lane
Mitchell, SD 57301

Tim & Kelly Bottum
555 Greenridge Lane
Mitchell, SD 57301

Ryan & Anne Huber
600 Fair Oaks Ave
Mitchell, SD 57301

March 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Carey & Darlene Buhler have applied for a Variance Permit for an attached garage and accessory building combination of 2,160 square feet vs 2,000 square feet and maximum height for an accessory building of 30' vs 22'; located at 600 Greenridge Lane, legally described as Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R1 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, March 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, March 21, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We RYAN & ANNE HUBER
OWNER

600 FAIROAKS AVENUE, MITCHELL
ADDRESS

____ APPROVE

X DISAPPROVE

No response will indicate approval.

COMMENTS:



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☒ Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

☐ Conditional Use Permit \$100 application due with the application.

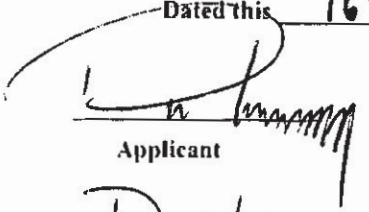
- Description of Conditional Use: _____

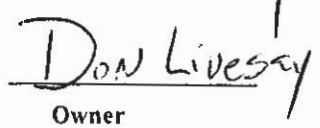
This Application is for the following described real property:

- Legal Description: _____

- Property Address: _____

Dated this 16th day of December, 2021


Applicant


Owner

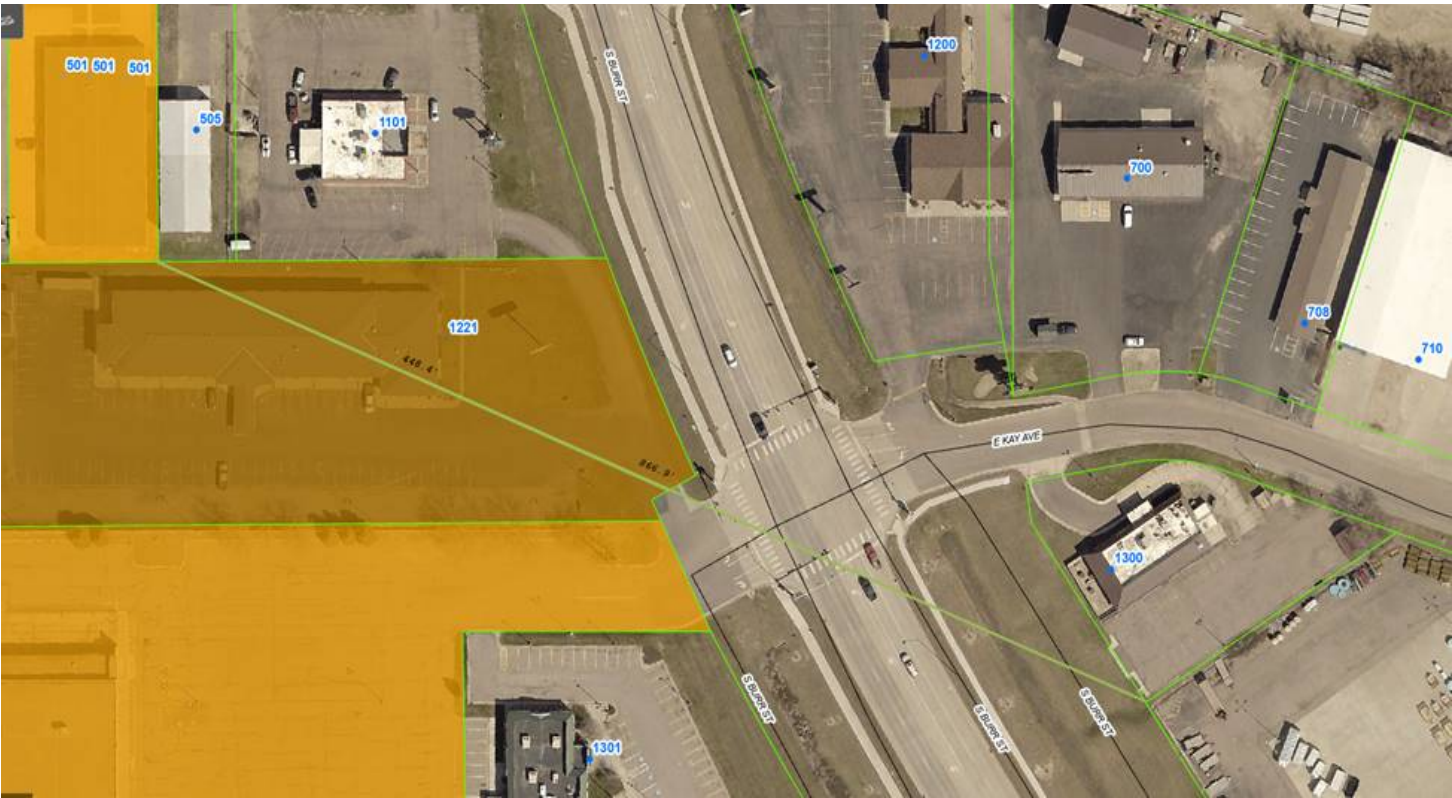
**DLJ, LLC
VARIANCE REQUEST
501 JUNIPER STREET
MEDICAL CANNABIS DISPENSARY**

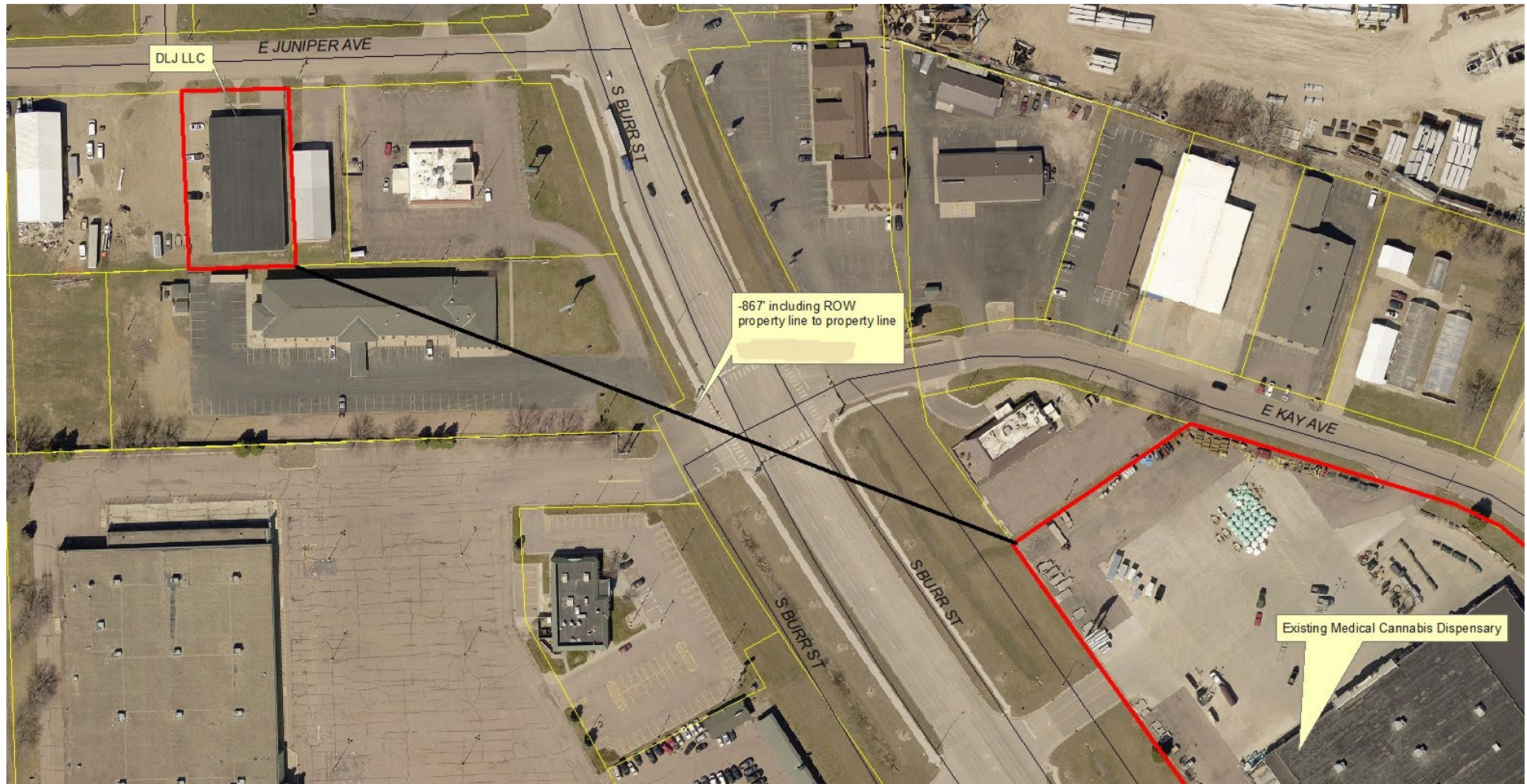
DLJ, LLC ("DLJ") requests the variance from City of Mitchell Zoning Regulation 9-15-6(B), which states in relevant part "no cannabis dispensary shall operate within one thousand feet (1,000') of another cannabis dispensary". The reason this variance is needed is because there happened to be another dispensary location that has been approved by the City of Mitchell that rests within 1,000 of DLJ's location at 501 Juniper. The other dispensary will be located in the space where Runnings is currently located.

As shown on the attached map (Attachment A), the closest boundary edge between 501 Juniper and the other dispensary is approximately 867 feet. If the right of way is excluded as set forth in the ordinance, the distance is approximately 448 feet. There is no way DLJ could have known there would be a dispensary at that location at the time it filed its application.

A variance is appropriate in this case for multiple reasons. First, the two dispensary locations are separated by a four-lane portion of South Burr Street. Second, they are not in view from each other, since there is a hotel that sits in between the two locations. Third, the distance between the entrances of the locations is well over 1,000 feet. Fourth, having these two dispensaries at their respective proposed location would not interfere with any of the stated goals of the Mitchell cannabis ordinance because it would not have any adverse impact on the health, safety or welfare of the general public, would not create conflicts arising from ownership or employees, and would not create any increased safety risk or increased risk of unauthorized use or access of cannabis.

DLJ would operate a safe and healthy medical cannabis dispensary. Since its owner is a Mitchell resident and business owner, DLJ is committed to being an outstanding corporate citizen within the Mitchell community.





DLJ LLC
1307 W Birch St
Mitchell, SD 57301

Thomas & Sherri Patzer
25240 Valley View Ln
Mitchell, SD 57301

Thomas & Sherri Patzer
414 E Juniper Ave
Mitchell, SD 57301

Iverson Chrysler Center, Inc
600 S Burr St
Mitchell, SD 57301

Thomsen Enterprises LLC
PO Box 1244
Mitchell, SD 57301

Los Martinez LLC
1101 S Burr St
Mitchell, SD 57301

Dennis Wagner Trust
14375 Peace River Way
Palm Beach Gardens, FL 33418

Lori Kummer Trust
40404 262nd St
Ethan, SD 57334

Shree Radhe Hospitality LLC
1221 S Burr St
Mitchell, SD 57301

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that DLJ LLC has applied for a variance of approximately 867 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, March 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, March 21, 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 24th day of February, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of March, 2022

Approximate Cost:

December 29, 2021

TO WHOM IT MAY CONCERN:

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YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, January 18, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Thomas E Patzer
OWNER

414 E. Juniper Ave.
ADDRESS

X APPROVE

 DISAPPROVE

10/10/2021

No response will indicate approval.

COMMENTS:

Mark Jenniges

From: Jeff & Linda McEntee <jefflindamac@gmail.com>
Sent: Friday, January 7, 2022 12:01 PM
To: Mark Jenniges
Subject: Dispensaries...

Mark - I just wanted to drop a note regarding the medical dispensary applications.

Yes, I know it's legal and I'm not going to argue that - but is downtown a good place for this? I'm guessing these establishments will be a stop in and get your stuff and leave type of establishment, not so much a stroll down main street and just happen to stop in. More of just come and go traffic and parking.

An ordinance was set to not allow these within 300ft of a church, or within 1000 feet of another dispensary. The council went to the work of creating the ordinances and passing them... I ask that the ordinance should be upheld. I would bet that there are locations available that would comply with the ordinance.

Anyway, those are just my thoughts.

thanks,

Linda McEntee



1408 N Sanborn Blvd
Mitchell, SD 57301
605-990-3700
doug@dailey-law.com
www.dailey-law.com

January 7, 2022

HAND DELIVERED

City of Mitchell Planning Commission and
City of Mitchell Board of Adjustment
612 N. Main St.
Mitchell, SD 57301

Re: Objections to Variance Request for 501 E. Juniper St.

Greetings:

This letter is being submitted to set forth the objections of Lori Kummer and Phillip Lee to the Variance Request submitted by DLJ, LLC for a medical cannabis dispensary license located at 501 East Juniper Street. Enclosed with this letter are the Notices indicating they disapprove of the variance application.

Lori K. Kummer is the Trustee of the Lori K. Kummer Trust, dated January 12, 2021, which is the owner of the real property at 419 East Juniper Street, which sits adjacent to the east of the property for which the variance is being sought. Phillip Lee is the owner of Lee Electric, Inc. d/b/a TK Electric, which leases the property from Mrs. Kummer. Lee Electric also holds an option to purchase the property.

City of Mitchell Zoning Regulation 9-15-6 provides that “[n]o cannabis dispensary shall operate within one thousand feet (1,000’) of another cannabis dispensary.” The Zoning Regulations are intended to prevent “a concentration of certain cannabis establishments in one area.” Zoning Regulation 9-15-1.

The Variance Request does not set forth reasons that are sufficient to prove an “unnecessary hardship” exists to justify the City granting the variance. In fact, the application makes no mention of any type of hardship on the Applicant. It merely states they had no reason to know an application for a dispensary license that sits within 1,000’ was submitted before theirs.

It is the Applicant’s own negligence that their application was initially denied due to the zoning regulations. Had DLJ, LLC been diligent and submitted its application within the timeframe set forth in the Invitation for Medical Cannabis Dispensary Applications they would have been approved as there were no other cannabis dispensary applications submitted within 1,000’ of their proposed location. All applications submitted after the initial lottery deadline are to be issued on a first-come, first-serve basis. Zoning Regulation 4-11-5(C)(8). As the Applicant did not get their application in before another dispensary in the area, they should be denied the variance to uphold the intent of the regulations.

Furthermore, there are many other locations available within the City limits for a cannabis dispensary that do not fall within the 1,000' requirement. As DLJ, LLC is a proposed tenant of the property and is not the owner, they would have any number of other locations available for their dispensary to be operated. It is highly unlikely its lease is not conditioned upon the cannabis dispensary license being granted. In the event the Variance Request is denied, DLJ would be able to submit another application for a different location as, to date, there are still licenses available.

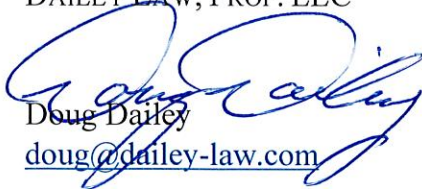
My clients also object to the variance as the Applicant proposes to utilize their property for ingress, egress, and parking. The map included with the Variance Request as Attachment A is misleading as the spaces marked as "Ingress/Egress" and "Parking" do not reflect that my client is the owner of that property. In the past, Lori and her late husband have given permissive use of the driveway to various tenants of 501 E. Juniper St. to allow them convenient access to the west side of the building. They have not permitted its use by the general public. My clients are not comfortable allowing the use of their driveway for a medical cannabis dispensary as there will be increased traffic which will increase their risk of liability. Additionally, they have no intentions of allowing an easement to permit the use of their property.

My clients are also concerned about the increased risk of potential crime due to the existence of a medical dispensary and that they may need to implement additional measures to ensure their property is sufficiently protected. They believe it would be necessary to erect a fence along the property line to prevent unwanted traffic on their property. This would create an unnecessary financial burden upon them.

Based on the foregoing, my clients respectfully request the Variance Request be denied.

Sincerely,

DAILEY LAW, PROF. LLC



Doug Dailey
doug@dailey-law.com

Enc.

EC: Lori Kummer
Phillip Lee



December 29, 2021

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that DLJ LLC has applied for a variance of approximately 448 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, January 18, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Phillip J. Lee sole shareholder of Lee Electric, Inc d/b/a TK Electric
TENANT

419 E. Juniper Ave., Mitchell, SD 57301
ADDRESS

_____ APPROVE

 X DISAPPROVE

No response will indicate approval.

COMMENTS: Please refer to the letter from Attorney Doug Dailey begin submitted herewith for my comments in support of my objection to the application for a variance submitted by DLJ LLC for a cannabis dispensary.

City of Mitchell | Mayor's Office
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8420 | Fax: 605-995-8054
CityOfMitchell.org



December 29, 2021

TO WHOM IT MAY CONCERN:

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I/We Lori K. Kummer, Trustee of the Lori K. Kummer Trust dated 1-12-21
OWNER

419 E. Juniper Ave., Mitchell, SD 57301

ADDRESS

_____ APPROVE

 X DISAPPROVE

No response will indicate approval.

COMMENTS: Please refer to the letter from Attorney Doug Dailey begin submitted herewith for my comments in support of my objection to the application for a variance submitted by DLJ LLC for a cannabis dispensary.

Outside expectations

March 2, 2022

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that DLJ LLC has applied for a variance of approximately 867 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

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I/We Phil and Andria Lee
OWNER (TK Electric)
419 East Juniper Street
ADDRESS

____ APPROVE

X DISAPPROVE

No response will indicate approval.

COMMENTS:



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☐ Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

☐ Conditional Use Permit \$100 application due with the application.

- Description of Conditional Use: See attached.

We will install all required fire suppression systems/piping, in addition to other life safety alarms/systems.

This Application is for the following described real property:

- Legal Description: ROWLEYS 1ST ADDN-NW(22) LOTS 11 AND 12 BLK 12 TOWNSHIP 103N RANGE 60W

- Property Address: 108 W 5th Ave, Mitchell, SD 57301

Dated this 20th day of December, 2021

Emmett Reistroffer
Emmett Reistroffer on behalf of Genesis Farms, LLC

Applicant

Nara Volesky
Owner
Property owner

City of Mitchell Variance and CUP application attachment

Description of Variance Requested:

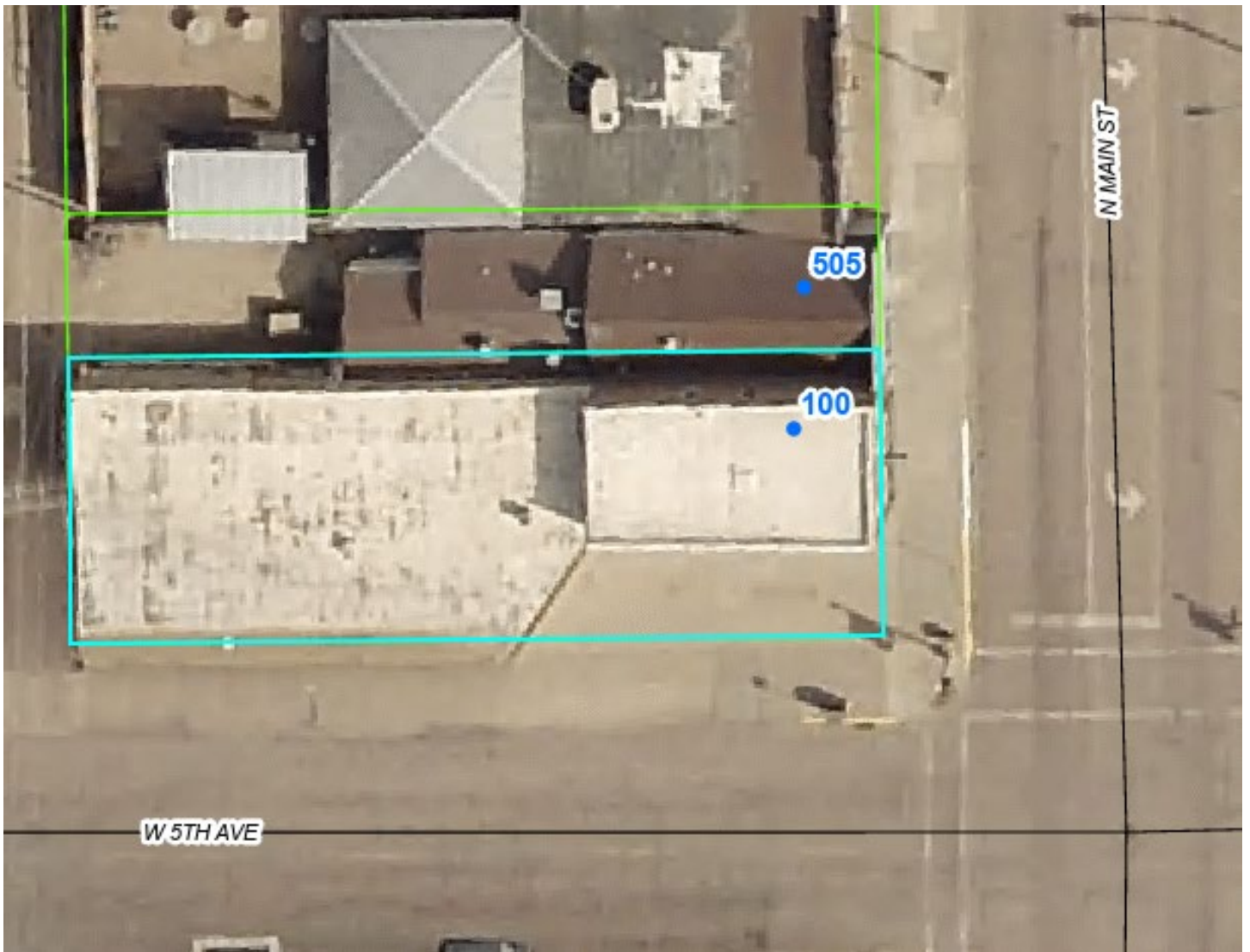
Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a variance request to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave, because the proposed location is within 300 feet of two churches. The churches are located to the south of us on Main street. We believe one of the church locations is primarily a staff office, and the other church is no longer active, however we will attempt to contact and confirm the current use of the properties with both. We are confident we can address any concerns and answer any questions the churches or other neighbors may have about the dispensary. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary every Sunday. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers.

 12/20/21

Description of Conditional Use:

Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a Conditional Use to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave. We are confident we can address any concerns and answer any questions that members of the community may have. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary on Sundays. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers. We will make significant improvements to the building, including an interior buildout and improvements to the exterior façade, to create an environment that is clinical in nature and similar to a medical clinic or pharmacy. We will add the necessary ADA improvements/features and work with the City to improve the adjacent public sidewalk. We will design and operate the dispensary in a manner that ensures cannabis and related business activities are not visible to neighbors, and so that any cannabis related business activities do not negatively impact the neighbors in any way.

 12/20/21



Genesis Farms LLC
PO Box 2735
Sioux Falls, SD 57101

Menprop LLC
PO Box 456
Mitchell, SD 57301

Volesky Properties LLC
404 Homer Ct #4
Mitchell, SD 57301

Douglas & Gay Weber
512 W 3rd Ave
Mitchell, SD 57301

Chuck Mueller
508 N Rowley St
Mitchell, SD 57301

Clayton & Frieda Helmuth
504 N Rowley St
Mitchell, SD 57301

John & Brenda Weisser
815 E 4th Ave
Mitchell, SD 57301

Keke Leiferman
614 E 6th Ave
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

Slate Creek Properties LLC
3612 W Teem Dr
Sioux Falls, SD 57107

Timothy & Sherry Hines
605 W 14th Ave
Mitchell, SD 57301

Boyd Reimnitz
817 N Sanborn Ave
Mitchell, SD 57301

Word of Life Christian
420 N Main St
Mitchell, SD 57301

Brenda Olesen
721 W Hanson Ave
Mitchell, SD 57301

Jack Earl
712 Ninde St
Mitchell, SD 57301

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a Conditional Use Permit to operate a Medical Cannabis Dispensary; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on March 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on March 21, 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 24th day of February, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of March, 2022

Approximate Cost:

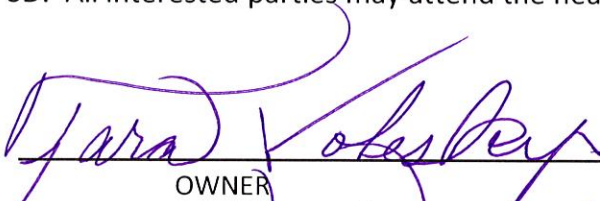
December 29, 2021

TO WHOM IT MAY CONCERN:

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I/We


OWNER


ADDRESS

 APPROVE

DISAPPROVE

No response will indicate approval.

COMMENTS:

Mark Jenniges

From: Jeff & Linda McEntee <jefflindamac@gmail.com>
Sent: Friday, January 7, 2022 12:01 PM
To: Mark Jenniges
Subject: Dispensaries...

Mark - I just wanted to drop a note regarding the medical dispensary applications.

Yes, I know it's legal and I'm not going to argue that - but is downtown a good place for this? I'm guessing these establishments will be a stop in and get your stuff and leave type of establishment, not so much a stroll down main street and just happen to stop in. More of just come and go traffic and parking.

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Anyway, those are just my thoughts.

thanks,

Linda McEntee



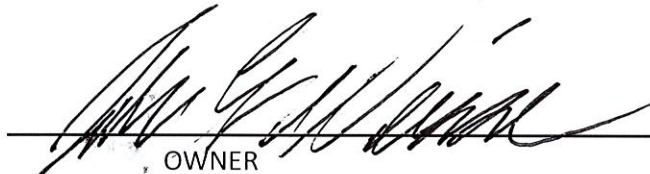
December 29, 2021

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a Conditional Use Permit to operate a Medical Cannabis Dispensary; located at 106 W 5th Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, January 18, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We



OWNER

114 W 5th and 500 N Rowley

ADDRESS

____ APPROVE

☒ DISAPPROVE

No response will indicate approval.

COMMENTS:

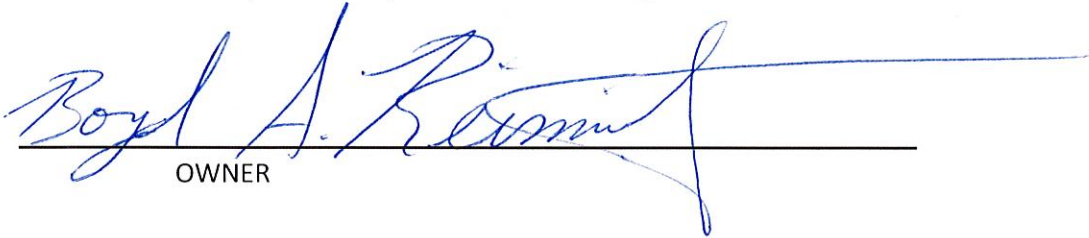
March 2, 2022

TO WHOM IT MAY CONCERN:

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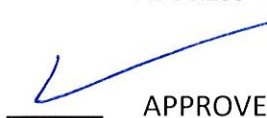
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I/We



OWNER

ADDRESS



APPROVE

DISAPPROVE

No response will indicate approval.

COMMENTS:



Lots 600 Mitchell

March 2, 2022

TO WHOM IT MAY CONCERN:

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I/We

Gara Volesky
OWNER
Mitchell

ADDRESS

✓ *100% ☺*

APPROVE

 DISAPPROVE

No response will indicate approval.

COMMENTS:



March 2, 2022

TO WHOM IT MAY CONCERN:

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I/We

Dan Hausel

OWNER

412 N MAIN ST, Mitchell

ADDRESS

APPROVE

X

DISAPPROVE

No response will indicate approval.

COMMENTS:

Outside expectations



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☐ Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

☐ Conditional Use Permit \$100 application due with the application.

- Description of Conditional Use: See attached.

We will install all required fire suppression systems/piping, in addition to other life safety alarms/systems.

This Application is for the following described real property:

- Legal Description: ROWLEYS 1ST ADDN-NW(22) LOTS 11 AND 12 BLK 12 TOWNSHIP 103N RANGE 60W

- Property Address: 108 W 5th Ave, Mitchell, SD 57301

Dated this 20th day of December, 2021

Emmett Reistroffer
Emmett Reistroffer on behalf of Genesis Farms, LLC

Applicant

Nara Volesky
Owner
Property owner

City of Mitchell Variance and CUP application attachment

Description of Variance Requested:

Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a variance request to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave, because the proposed location is within 300 feet of two churches. The churches are located to the south of us on Main street. We believe one of the church locations is primarily a staff office, and the other church is no longer active, however we will attempt to contact and confirm the current use of the properties with both. We are confident we can address any concerns and answer any questions the churches or other neighbors may have about the dispensary. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary every Sunday. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers.

 12/20/21

Description of Conditional Use:

Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a Conditional Use to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave. We are confident we can address any concerns and answer any questions that members of the community may have. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary on Sundays. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers. We will make significant improvements to the building, including an interior buildout and improvements to the exterior façade, to create an environment that is clinical in nature and similar to a medical clinic or pharmacy. We will add the necessary ADA improvements/features and work with the City to improve the adjacent public sidewalk. We will design and operate the dispensary in a manner that ensures cannabis and related business activities are not visible to neighbors, and so that any cannabis related business activities do not negatively impact the neighbors in any way.

 12/20/21



Genesis Farms LLC
PO Box 2735
Sioux Falls, SD 57101

Menprop LLC
PO Box 456
Mitchell, SD 57301

Volesky Properties LLC
404 Homer Ct #4
Mitchell, SD 57301

Douglas & Gay Weber
512 W 3rd Ave
Mitchell, SD 57301

Chuck Mueller
508 N Rowley St
Mitchell, SD 57301

Clayton & Frieda Helmuth
504 N Rowley St
Mitchell, SD 57301

John & Brenda Weisser
815 E 4th Ave
Mitchell, SD 57301

Keke Leiferman
614 E 6th Ave
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

Slate Creek Properties LLC
3612 W Teem Dr
Sioux Falls, SD 57107

Timothy & Sherry Hines
605 W 14th Ave
Mitchell, SD 57301

Boyd Reimnitz
817 N Sanborn Ave
Mitchell, SD 57301

Word of Life Christian
420 N Main St
Mitchell, SD 57301

Brenda Olesen
721 W Hanson Ave
Mitchell, SD 57301

Jack Earl
712 Ninde St
Mitchell, SD 57301

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a variance of 101 feet vs 300 feet as required to be from religious institution; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on March 14, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on March 21, 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 24th day of February, 2022.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of March, 2022

Approximate Cost:

December 29, 2021

TO WHOM IT MAY CONCERN:

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I/We

Para Volesky
OWNER

106 West 5th
ADDRESS

☒ APPROVE

☐ DISAPPROVE

No response will indicate approval.

COMMENTS:

Submit City Council Comments

City Council Comment Form

Date Submitted	1/17/2022
City Council issue that you are commenting on:	Marijuana Dispensaries
Name	Quinton Young
Email Address	youngq19@gmail.com
Address	40789 259th st.
City	Mitchell
State	SD
Zip Code	57301
Phone Number	6059990533
Mobile Number	6059990533

Comment for City Council:

Hello,

I currently own and operate a business on Main Street at 314 N. Main. I just wanted to express my personal feelings on the topic of the dispensary to potentially be located on 5th street. To me this business is going to be a taxable and valuable asset to the North end of Mitchell. The church in question for variance is a nice establishment but as far as a house of worship I believe they conduct a majority of their sermons at the local theatre. I do not believe their status as a church should be a deciding factor in the city's choice of approval on a location for medical dispensary. The benefits both financially and medically provided to the community I believe will far outweigh the implied religious disruption. I would think there could be some sort of probationary period for the business to prove they are not a drug dealer/crack house there by helping the city understand the benefits and risks.

These are my personal feelings/beliefs and I hope that they will be taken into consideration during the councils meeting to approve the variance in question. Legal Marijuana is an undeniable truth at this point, we can either choose to accept it and have a portion of control on how the businesses are conducted or we can be behind the ball when the time comes and stumble our way through it.

You are a wise group of public leaders and I know you will do what's best for our community.

Thank you,
Quinton Young

Mark Jenniges

From: Jeff & Linda McEntee <jefflindamac@gmail.com>
Sent: Friday, January 7, 2022 12:01 PM
To: Mark Jenniges
Subject: Dispensaries...

Mark - I just wanted to drop a note regarding the medical dispensary applications.

Yes, I know it's legal and I'm not going to argue that - but is downtown a good place for this? I'm guessing these establishments will be a stop in and get your stuff and leave type of establishment, not so much a stroll down main street and just happen to stop in. More of just come and go traffic and parking.

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I/We

Tara Volesky
OWNER

Mitchell
ADDRESS

☒ 100% 😊
APPROVE

☐ DISAPPROVE

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COMMENTS:

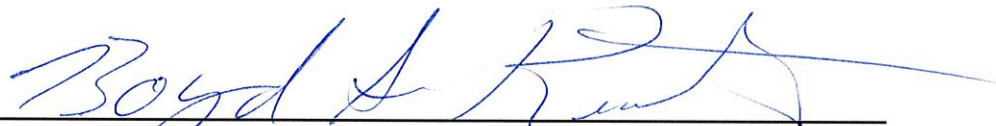
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I/We


OWNER

ADDRESS

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DISAPPROVE

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COMMENTS:

