

**MINUTES  
PIERRE CITY PLANNING COMMISSION MEETING  
COMMISSION ROOM  
MONDAY, JUNE 28, 2021 5:15 P.M.**

***Members present*** were: Rick Dockter, Emeline Hoblick, Terry Keller, and Dave Templeton.

***Staff members present:*** Sharon Pruess.

***Guests present:*** Ron Lutz.

Chairman Templeton called the meeting to order at 5:16 p.m. The first item on the agenda is approval of the 4/26/21 minutes. Commissioner Dockter made a motion to approve the 4/26/21 minutes. Commissioner Hoblick seconded the motion. All members voted to approve the minutes.

**Old or New Business/Public Comment Period per SDCL 1-21-1**

Chairperson Templeton noted that Mr. Lutz had not yet arrived for his agenda item. He asked for Old or New Business. The staff noted that there was none. He then asked for any general public comments. Hearing none, Chairperson Templeton closed the public comment period. Mr. Lutz then arrived for his agenda item.

**Agenda Item: Plat – Lots 37R & 39R, Original Plat. Petitioners – ONSPEC LLC/Jeremy Phelps/Ron Lutz.**

Sharon Pruess, City Planner, provided a summary of the proposal. The property owner is proposing to divide the lots into 2 lots. Lot 37R or the southerly lot would include the existing residence at 410 S. Pawnee. It is proposed to be 9,771 sq. ft. and includes an existing 1,068 sq. ft. residence. Lot 39R would be the northerly lot at 41' X 165' or 6,775 sq. ft. with 41' of street frontage. The property owner is proposing to move an existing residence from 331 N. Highland Avenue onto the lot. The existing residence to be moved is approximately 23' X 46' or 1,035 sq. ft. The proposed lot for the new structure is very small. However, it does meet the minimum lot size of 6,000 sq. ft., the minimum street frontage of 40' for a zoning lot, the maximum lot coverage of 30% and the minimum building setbacks. There are no requirements in city ordinance that would prevent the lot from being subdivided or from moving a house onto the lot. The staff has advised Ron Lutz that the house will be a very tight squeeze with setbacks. The staff advised Ron Lutz that the City maps do not appear to show a sewer or water service to these lots and they will need to be added at the property owner's expense. The staff also advised that the minimum build elevation in this area is 1433.5'. The moved-in house will require a moving permit approved by the City Commission. The moved-in house will need to be brought up to current building code. The property is zoned Multiple Family Residential. Moving the house onto the existing lot will be a very tight squeeze with very little room for error. The staff recommended to the property owner that he hire a licensed surveyor to stake the foundation for the moved-in house.

Commissioner Templeton asked if the project would include a basement. Ron Lutz said it does include a partial basement. Lutz said that he will do a stem wall and building above that. The plan includes a tuck-under garage with a rear lot driveway entrance. Lutz said that he still needed his surveyor to establish elevations.

Commissioner Dockter asked about how tight the setbacks would be with the moved-in residence. Pruess referred the Commission to the site plan in their packets. On the south side of the lot the required minimum building setback is 6' and the site plan shows 6'. On the north side of the residence the foundation and eaves can't encroach into the existing 10' utility easement. Lutz said that he would have Bob Thielen survey in the basement/foundation. He noted that he is familiar with building setback requirements and has been practicing engineering for 50 years. He said the residence is Uncle Matt's former residence from 331 N. Highland Avenue. Merle Olson bought the residence and was going to demolish it because the foundation was bad. Ron Lutz got a quote from Buell Maberry to move the residence and decided to buy it. Commissioner Templeton asked if he was going to rent the property or sell it. Lutz said that he would be selling it. He said that he would be renovating the house including new windows and siding.

Commissioner Keller made a motion to recommend approval of the plat of Lots 37R & 39R, Original Plat. Dockter seconded the motion. Approval was unanimous.

**Agenda Item: Discussion – Zoning for Medical Marijuana Establishments.**

Sharon Pruess, City Planner, provided an update on the medical marijuana issue. She reminded that Planning Commission that they had approved a temporary zoning ordinance in June providing a stay on this issue until the State can promulgate their rules by October 29, 2021. She noted that the joint City/County Commission had also approved the same temporary zoning ordinance for medical marijuana establishments. The City has a working group with approximately 12 members that has been meeting about every 2 weeks on this issue. The City has included the County staff in at least one meeting so that we can coordinate with them on the extra-territorial area. The meeting packets included sample medical marijuana ordinances for Mitchell and Spearfish. The pro's and con's of each were discussed. The only distance requirement in the new state law is that marijuana establishments have to be 1,000 feet from a private or public school. So cities and counties are starting to consider what other time, place and manner restrictions they want to put in place. The City is hearing that the Municipal League may have a sample zoning ordinance ready sometime in July. The City is starting work on a draft ordinance. The police department likes the 1,000 feet spacing for marijuana establishments because it is consistent with the requirements for sex offenders and where they can reside. They must be 1,000 feet from a school, public park or playground. A 1,000 distance from schools does take up quite a bit of the community and the Commission reviewed the original map that showed the schools and the 1,000 distance from them. Pruess said the city staff working group had requested that the map be revised to show more of where the establishments can be rather than where they can't be located. An updated zoning map was distributed that shows the 1,000 feet distance from schools and shows only the business and industrial zoning districts where establishments can be located. The Commission had discussion on allowing the marijuana establishments in just the business and industrial districts and reviewed the other zoning districts and why establishments would not be permitted in those districts. The group reviewed the 4 types of establishments; cultivation, testing, product manufacturing, and dispensary. They

reviewed a list of business and industrial districts where each type of use would be allowed. There was discussion on allowing manufacturing facilities in the Local Business District. The Commission commented that may be appropriate along the Truck Route but not along Sioux Avenue or Euclid Avenue.

Commissioner Dockter asked about whether state law requires carbon filtering to address the odors from facilities. He noted that Denver does require the filtering but Boulder does not. Pruess said that she would check state law for that issue. Commissioner Hoblick asked about how the products would be taxed. Pruess noted that her understanding was that marijuana products would be taxed liked vitamins with the regular sales tax rate. The group had discussion on whether the marijuana establishments should be 1,000 feet from another establishment. Commissioner Templeton commented that public informational meetings may be helpful prior to public hearings. Pruess noted that the City Planning Commission and City Commission would need to have public hearings before adopting an ordinance.

### **Adjourn**

With no further business, Commissioner Hoblick made a motion to adjourn, seconded by Commissioner Keller. All commissioners voted to approve the motion. Chairman Templeton declared the meeting adjourned at 5:49 p.m.

*Minutes by Sharon Pruess.*