PLANNING COMMISSION MINUTES – CITY OF INVER GROVE HEIGHTS

Wednesday, November 6, 2024 – 7:00 p.m.
City Council Chambers – 8150 Barbara Avenue

1. CALL TO ORDER

Chair Weber called the Planning Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioner's Present:	Jonathan Weber *(Chair)* Scott Clancy *(Vice-Chair)* Jason Teiken Lance Twedt Amy Hunting Robert Heidenreich Aida Schaefer Dennis Wippermann
Commissioner's Absent:	Trisha Presley *(Secretary) – excused*
Staff Present:	Jason Ziemer, Community Development Director Heather Botten, Associate Planner Stacy Bodsberg, Community Development Support Specialist

3. CONSENT AGENDA

A. Minutes of October 15, 2024, Planning Commission Meeting.

Motion by Hunting, Second by Clancy, to approve the minutes as submitted.
Ayes: 8
Nays: 0 Motion Carried.

4. PUBLIC HEARING

A. Zoning Code Amendment to Create the Use *Palliative Care Home* in the E-1, Estate District. (The Bardo – Case No. 24-38ZA)

Reading of Public Notice

Vice-Chair Clancy read the Public Hearing Notice.

Presentation of Request

Associate Planner Botten presented a summary of the staff report.

The applicant wishes to convert a single-family home to an end-of-life care facility that would provide 24-hour residential and supportive services for dying people.

If the code amendment is approved, Palliative Care Home use would be added to the City Code and allowed in all E-1, Estate District zoned properties.

The second decision for the Commission involves the type of use: permitted, conditional, or interim.

- Permitted use may be difficult to administer.
    - Staff would not be able to review the site for parking, access, or number of patients allowed.

- Conditional use would allow for the addition of conditions.
    - Would stay with the property even if the owner changed.
- Interim use is for temporary uses or newer uses that do not fit into the Zoning Code.
    - Allows for a timeline for re-evaluation and the setting of performance standards and conditions.

Staff have drafted suggested Performance Standards, which can be edited if the use is approved:

- Up to 3 dying people residing in the property at one time
- No remains stored on the property
- No support/accessory services for people other than the patients residing in the home and their families
- No funeral services on the property
- Parking will be provided on the property (not on public/private streets)
- Interim use would expire in 5 years, or when the ownership of the property changes

Staff believe that the Department of Health may require a license for this type of use. However, staff recommend continuing with the public hearing. (If a license is required, there may be some impact on Building and Fire Code requirements and/or performance standards.)

Planning Commission Discussion

Commissioner Schaefer questioned how neighboring cities handle this type of use. Associate Planner Botten stated that Palliative Care Home is a newer use type. Cities broadly do not yet have policies for palliative care homes. Some have policies for hospice homes, but those are different as they are licensed. Schaefer inquired if there was any other difference between palliative care homes and hospice homes, besides lack of licensing. Botten stated that may be a question for that applicant. Schaefer inquired if it would be a non-profit or for-profit business. Botten stated that either way would not affect the code amendment/use type decision.

Commissioner Schaefer inquired about requirements for operating a business in a residence. Community Development Director Ziemer clarified that there are requirements for home-occupation businesses, but that this use is different. The State of Minnesota is still determining specifics.

Commissioner Clancy inquired about a map of all the land currently zoned E-1, Estate District. Associate Planner Botten stated one isn't readily available at this meeting but could be prepared for the next meeting. Clancy questioned whether the licensing would be for the building itself or for the workers. Botten stated that it would be the for the building; the State similarly requires licensing for group homes and hospice homes.

Opening of Public Hearing

Christin Ament, 6985 Babcock Trail, Applicant, stated that she has read and understood the staff report. She shared that she is a nurse practitioner who has been working in hospice/palliative care for 15 years, and the owner of a property approached her about starting a palliative care home, as opposed to a hospice home. (Hospice homes must follow Medicare determinations about what is hospice-appropriate, which did not fit with their residential rather than clinical vision for the space.) The property is also close to nature, which allows for nature-based practices. The model for this use type is the Omega Home Network (e.g., the Center for Conscious Living and Dying in Asheville), which allows 3 or fewer people to die in a residential home (unlicensed) with staff, volunteers, and hospice professionals. Once a patient is deemed terminal, an outside hospice agency provides medical care, and staff and volunteers provide comfort care. Each patient completes an intake form with their Advance Care Directive, Do Not

Resuscitate/Do Not Intubate orders, the results of their most recent physical, and the hospice agency of their choice.

Commissioner Clancy inquired if there would be a staff member present 24/7. Ms. Ament stated that a staff member would be present during business hours. Family and/or volunteers (background-checked with references, similar to a home health aide) would be there overnight. Volunteers who have expressed interest so far include backgrounds as medical professionals or death doulas.

Commissioner Hunting inquired about how the patient referral process would work. Ms. Ament stated that most patients would likely come from hospitals. Once patients receive a terminal diagnosis and are assigned to a hospice agency, discharge coordinators connect patients to in-home care, a long-term care facility, a nursing home, or one of the few hospice facilities in the metro. However, referrals could also come from nursing homes or transitional care units. Hunting inquired if potential clients could be homeless. Ms. Ament stated that she hoped so. Hunting inquired how staff would be paid. Ms. Ament stated that the model they are interested in (Omega Home Network) is donation-based. However, that model focuses on providing people with a place to be in their final days. The goal for this care home will be to provide support services to the patient and family before death and to the family after death.

Commissioner Hunting stated that long-term care insurance would deny coverage to insured people due to the lack of a license and asked whether similar facilities in other states are licensed. Ms. Ament stated that they are not. And summarized some responses to questions from the State Department of Health: Family, hospice agencies (RNs, MDs, aides, chaplains, social workers), Bardo staff (2 medically trained, 2 trained in providing comfort), and volunteers would provide care. There would be no facility affiliation with a particular hospice agency. Volunteers would be selected based on interest, trained, and there would be monthly check-ins. There would not be an admittance contract, but each patient would fill out an extensive application. Hospice agencies would monitor each patient's medical state and care. Upon death, hospice agency staff/volunteer/Bardo staff would contact a funeral home to get the death certificate. Hunting inquired whether, if the State decides the home needs to be licensed, if the Applicant would continue in establishing this business. Ms. Ament stated that she would.

Commissioner Twedt questioned whether this home would be open to anyone. Ms. Ament stated that it would; she has been connected with different hospitals and hopes that they will consider the home for referrals. Twedt inquired about the potential length of a patient's stay. Ms. Ament stated that imposing limits on a stay would be unethical, but currently the average length of a stay in hospice is about seven days. The hope would be to not have people there longer than two weeks in order to maximize available space. However, no one would be kicked out at the two-week mark.

Commissioner Twedt questioned whether there would be relationships with particular funeral homes. Ms. Ament stated that the goal would be to have a list of resources to connect the families with, but not a pipeline to a certain funeral home.

Commissioner Twedt inquired about patient payment. Ms. Ament stated that there are eight hospice facilities in the Twin Cities. Our Lady of Peace is the only one that does not charge. They have 20 beds. The others charge $550 to $775 per day, which is usually paid out-of-pocket. The plan for this facility is to offer it free of charge, by donation. If there is a charge, the estimated overhead would be $200 per day. The plan would be to ask those who can pay more to pay more to cover those who cannot.

Chair Weber asked the Commission to focus on land use/land designation questions.

Commissioner Schaefer inquired as to how much space in each bedroom would be required for 3 people in this type of facility. Ms. Ament stated that the majority of people in hospice are bed-bound in a twin-size hospital bed. The hope is to also provide a daybed in each bedroom to accommodate family members. Schaefer stated that she would prefer to limit the space rather than the number of people per facility. She asked for a square footage estimate. Ms. Ament stated that a 16x16-foot room would allow for a twin bed and a daybed.

Commissioner Wippermann inquired about the reason for the added parking lot accommodating 15 to 16 vehicles. Ms. Ament stated that 15-16 spaces is what the location allows for. If all rooms were full, with each patient having family members present and hospice staff coming and going, the estimate of 10 to 12 people arriving throughout the day (not all at once). The Fire Chief is consulting about emergency vehicles arriving at the scene.

Commissioner Clancy stated that he is open to approving an Interim Use Permit (IUP) with the performance standards that staff have suggested.

Chair Weber agreed.

Commissioner Schaefer asked for language on minimum square footage per dying person.

Commissioner Wippermann stated that many families would appreciate this type of facility in the community. He brought up neighborhood compatibility -- he said that he drove past the property, and it is set back from the street in a wooded area, but on a flat lot, the number of vehicles coming and going could change the character of the neighborhood.

Commissioner Twedt stated that he is in favor of the concept but would like more information about oversight.

Commissioner Hunting stated that she agreed with Commissioner Twedt. She has concerns as the City is not set up to do inspections, monitor training, or respond to complaints. She asserted that there should be a pause until the State of Minnesota makes its decision on licensing. Could see this type of facility working, but there are more details that need to be worked out.

Chair Weber asked if a condition could be added to approval say that the State would have to determine that this type of facility does not need a license. Associate Planner Botten said that this was possible.

Commissioner Clancy asked whether there was a timeline for that decision from the State.

Chair Weber stated that there is not.

Associate Planner Botten stated that approval could be postponed until an answer from the State is resolved.

Chair Weber stated that by approving this use as an Interim Use Permit would increase the pressure on the State to answer the licensing question.

Commissioner Clancy suggested lowering the Interim Use Permit timeline to one or two years.

Chair Weber stated that going through the Interim Use Permit process every year would be a burden on the City.

Associate Planner Botten clarified that the specifics about the Interim Use Permit would be handled at a later time.

Community Development Director Ziemer stated that the goal for the staff's suggested performance standards was to provide pre-determined standards; there could be additional standards considered in individual applications.

Commissioner Hunting asked whether Interim Use Permit's stay with a property. Botten stated that Conditional Use Permits stay with a property; IUPs are a temporary use on a property.

Veronica Barnes, 3596 72nd Street East, stated that she had good experiences with The Bardo. She discussed personal and professional experiences with death that have led her to support the type of space where people can die with ease and reverence. She expressed support for this business in Inver Grove Heights as an example for the country.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Commissioner Hunting requested to add language about the licensing and felt five years was too long for an IUP of this type, one or two years sounded about right.

Chair Weber inquired with Associate Planner Botten to provide an overview of the IUP process. Botten stated that the Applicant would have to make a site-specific Interim Use Permit application. The interval can be decided at the time of the IUP application. There is also the option to put the interval at change of ownership. There could be a one-time extension, and they could then ask for permanent use.

Commissioner Twedt stated that limiting the permit to a year or two could negatively impact the business's ability to retain staff.

Chair Weber suggested leaving out the time interval.

Associate Planner Botten stated that there would be set performance standards to ensure that people in E-1 zoning would know the minimum requirements, but there could be additional site-specific conditions. She recommended including the standards, but said Performance Standard f. could be removed.

Commissioner Hunting stated that she was in favor of removing Performance Standard f. She asked for wording about needing to follow state licensing guidelines be added.

Planning Commission Recommendation

Motion by Weber, Second by Twedt, to Approve a Zoning Code Amendment in the E-1, Estate zoning district for *Palliative Care Home* with the conditions a, b, c, d, e, and replacing f with "the property must follow State of Minnesota guidelines on whether it needs to be a licensed facility or unlicensed facility".

Ayes: 8
Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on November 25, 2024.

B. Comprehensive Plan Amendment to Change the Land Use from RDR, Rural Density Residential to LI, Light Industrial; Rezoning from A, Agricultural to I-1, Limited Industry District; and Zoning Code Amendment to Create the Use Commercial Yard Waste Recycling and Composting Facility in I-1, Limited Industry District for the property located at 10645 Rich Valley Boulevard. (Jack Hartigan – Case No. 24-12Z)

Reading of Public Notice
Vice-Chair Clancy read the Public Hearing Notice.

Presentation of Request
Associate Planner Botten presented a summary of the staff report.

The Applicant is requesting to open a commercial yard waste recycling/composting facility for reprocessing of yard waste into topsoil.

The applicant requests:
- Change land use from Rural Density Residential to Light Industrial (Comprehensive Plan Amendment).
- Rezone property from A, Agricultural to I-1, Limited Industry District – this would be spot-zoning, given that the area is Rural Density Residential.
- Add Commercial Yard Waste Recycling and Composting Facility as Conditional Use in the I-1, Limited Industry District (Zoning Code Amendment).

The surrounding properties to the south and west are owned by Flint Hills, meaning no further residential development is planned. Yard waste recycling is deemed a low traffic generator. However, if the property is rezoned, any type of I-1, Limited Industry would be supported on this site in the future – this could represent a major change in land use direction and pattern from what is in the Comprehensive Plan. In addition, there could be odor problems due to compost turning. Moreover, there would not be much tax generated due to lack of structures/employees on site.

Associate Planner Botten stated that even if the rezoning and comp plan amendment are denied, this land use (Commercial Yard Waste Recycling and Composting Facility) could be allowed in I-1, Limited Industry Districts broadly.

This use is allowed in the nearby Integrated Resource Management Overlay District, which was created to keep landfills and other waste management facilities in one area of the City. Another option might be to expand the Overlay District, but staff are not recommending that at this time.

Staff recommend denial of the land use change, denial of the rezoning, and denial of the zoning code amendment.

Planning Commission Discussion
Chair Weber inquired as to what the zoning is for Gerten's. Botten stated that it is zoned Commercial PUD. Weber inquired about the owners of the properties to the south and west. Botten stated that Pine Bend Refinery/Flint Hills owns them.

Chair Weber clarified that the current zoning is Agricultural and future land use guidance was Rural Density Residential. Associate Planner Botten confirmed in the affirmative.

Commissioner Hunting inquired about a recent application for a mini-storage business nearby that was denied.

Commissioner Wippermann asked whether that was this same property.

Associate Planner Botten stated that it is not, and the mini-storage business was proposed for property to the north of this one.

Opening of Public Hearing

Jack Hartigan, 9852 Adam Ave, Applicant, said that he runs a landscaping company and has lived in Inver Grove Heights for 20 years. He said that currently, his business uses Gerten's to dump leaves, brush, and dirt, but disposal costs are rising. He said that the Republic Services dump site is adjacent.

Commissioner Heidenreich inquired about the area for collecting leaves and debris and who would be able to utilize. Mr. Hartigan stated that the plan was to focus on local residents and local businesses (Rosemount/Inver Grove/Eagan), as there's a lack of facilities in the south metro. Heidenreich inquired as to how jumping worms would be handled. Mr. Hartigan stated that there would be regular inspections from DNR, as well as regulations and best practices for mitigation. Heidenreich inquired as to what those regulations and best practices were. Mr. Hartigan stated that the City of Eagan has already come up with recommendations and that they plan to follow those.

Paul Saver, 7845 Boyd Court, stated that he is the owner of Johnson Excavating, 10805 Rich Valley Boulevard, located directly north of the applicant's property. He is in support of the applicant and thinks this is an excellent use and opportunity for the applicant's property.

John Larson, 1938 105th Street East, stated that he is opposed to changing the land use from RDR. He is also opposed to changing the zoning from Agricultural to I-1, Light Industrial, as this would change the long-term plan for the area.

Motion by Clancy, Second by Teiken, to include two emails from residents into the record.
Ayes: 8
Nays: 0 Motion Carried.

Scott Lindell, 10895 Barnes Ave, stated that he lives in the area and is concerned about spot zoning and allowing more industrial businesses in the area in the future. He also has concerns about odor management.

Susan Tschida, 2360 108th Street East, expressed opposition to more industrial businesses generally and to this business due to concerns about odor.

William Gillet, 2295 108th Street, stated that Gerten's exists nearby and is a well-run facility. He is opposed due to the short distance of the proposed business from his home.

Jack Hartigan, 9852 Adam Ave, stated that Gerten's facility in Eagan will drop their capacity soon due to part of their lease ending. At that point, their prices will increase significantly. Mr. Hartigan explained that when a pile is turned, there's a 24-hour period of time where there is a light odor. However, they plan on following all the recommendations that Gerten's uses, and they welcome community input as well.

Chair Weber closed the Public Hearing.

Planning Commission Discussion

Community Development Director Ziemer reminded the Commission that the matter on the table is not the specific use, but the change in land use and zoning, which would broaden the type of uses allowed in all Light Industrial properties.

Commissioner Schaefer inquired about whether a Commercial Yard Waste Recycling and Composting Facility would be allowed in an Agricultural district. Associate Planner Botten stated that a Commercial Yard Waste Recycling and Composting Facility is currently only allowed in the Integrated Resource Management Overlay District.

Commissioner Clancy questioned if it could be allowed within the Agricultural district. Botten stated that the Commission could make that recommendation.

Commissioner Clancy questioned if the Integrated Resource Management Overlay District could be extended to include this area. Botten stated that it could be requested but would require a new planning application to be submitted and would include new public hearing notice sent to surrounding property owners.

Chair Weber stated that a nearby business is zoned Agricultural, and they operate with a Conditional Use Permit. Inquired as to why this application was submitted as a Rezoning request rather than a Conditional Use Permit under its current Agricultural zoning. Botten stated that changing the zoning code to allow it in Agricultural would open up Commercial Yard Waste Recycling and Composting Facility as a Conditional Use for all Agricultural lots.

Commissioner Twedt inquired to keep the current zoning and proposed a Conditional Use Permit. Community Development Director Ziemer stated that changing the Agricultural zoning was not currently an item before the Commission, but that could be direction given to staff.

Commissioner Clancy recommended denial of all three requests and stated that he would support a request for a Conditional Use Permit.

Chair Weber inquired if the Applicant could simply amend his current application. Botten stated that the Applicant would have to decide whether to move forward with the current request to Council or withdraw his request and submit a new request to amend the Zoning Code to allow this use in the Agricultural-zoned areas as a Conditional Use. Weber stated that he did not want to create bureaucratic hurdles for applicants. Botten stated that changing the request from an industrial/commercial use to a residential use would represent a significant change affecting more properties in the City, and this process would need to be published in the paper..

Commissioner Wippermann stated that the requested change would open up this use to any Agricultural property. He expressed opposition to that and is also opposed to the current request due to the spot zoning issue. But would support extending the Integrated Resource Management Overlay District to include this site.

Chair Weber inquired whether Gerten's operates under an IRM. Botten stated that they are not.

Planning Commission Recommendation

Motion by Wippermann, Second by Hunting, to Deny the request for a Comprehensive Plan Amendment from RDR, Rural Density Residential to LI, Light Industrial subject to the conditions listed in the staff report; and Deny the Rezoning of the property from A, Agricultural to I-1, Limited Industry District; and Deny the Zoning Code Amendment to allow Commercial Yard

Waste and Composting Facilities as a Conditional Use in the I-1 District with the reason that it would be spot zoning, and also the reasons listed in the staff report.
Ayes: 8
Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on November 25, 2024.

C. Zoning Code Amendment to Title 10 of the City Code (Zoning Regulations), Chapter 2, Section 10-2-2 and Chapter 6, Section 10-6-2 relating to Cannabis, Medical Cannabis and Low-Potency Hemp uses. (City of IGH/Cannabis Ordinance – Case 24-39X)

Reading of Public Notice
Vice-Chair Clancy read the Public Hearing Notice.

Presentation of Request
Community Development Director Ziemer presented a summary of the staff report.

New regulations from the State law legalizing commercial and recreational cannabis go into effect on January 1, 2025.

Low-potency hemp edibles and medical-use cannabis were already legal.

All businesses must be licensed through the new Office of Cannabis Management through the State of Minnesota.

Retailers must also register with the City. The retail registration will be handled by City Council, but there is also a zoning certification component, which the Planning Commission will interact with.

There are buffer setbacks, which the Planning Commission will not need to consider.

The actions requested are:

- Create definitions for uses
    - Adding definitions to the code instead of including references to State statutes is preferable from a staff and customer service standpoint, as it makes it easier to find relevant information
- Determine types of uses and zoning
    - Permitted, conditional, accessory
        - Staff recommends considering delivery services an Accessory Use
    - Agriculture districts:
        - Staff recommend permitting use, with a footnote specifying that this excludes indoor and outdoor cultivation beyond that allowed for personal use
        - No commercial operations permitted
    - Commercial districts:
        - Staff recommend only permitting retail in B-2, B-3, and B-4, and aligning General Retail use categories based on size of store (under 1,000 square feet in B-2, B-3, or B-4; over 1,000 square feet, B-4 only)
            - Limited Business, B-1
            - Neighborhood Business, B-2
            - General Business, B-3

        - Shopping Center, B-4
    - Office Park districts:
        - Staff recommends permitting no uses
    - Industrial districts:
        - Staff recommends permitting cultivation, manufacturing, wholesale, and limited retail.
        - Relevant business definitions/regulations:
            - Microbusinesses and mezzobusinesses can both be 3-in-1 (cultivator, manufacturer, and retailer)
            - On-site consumption is allowed in microbusinesses (similar to a taproom), but disallowed in mezzobusinesses
            - Microbusinesses can have one retail location; mezzobusinesses can have up to three
            - No retail-only in industrial districts; businesses will need to also do cultivation and/or manufacturing on-site
- Suggested Performance Standards
    - Cultivation only indoors
    - Retail in industrial areas only if cultivation and manufacturing are on the same premises
    - Outdoor storage of raw/finished product(s) or waste materials prohibited
    - On-site storage of raw/finished product(s) prohibited with Delivery Services and Transporters
    - Transport vehicles for raw/finished product(s) must be parked in secured, fenced site
    - No raw/finished product may be stored in vehicles
    - Security systems, lighting, etc.
    - Additional conditions for CUPs, if necessary or required
        - Odor will be managed similar to noise/light concerns (requiring air handling systems, etc.)

Community Development Director Ziemer stated that cannabis use would be allowed in one Planned Unit Development, Argenta Hills, due to its commercial properties being zoned B-4. Permitting cannabis use in other Planned Unit Developments (Bishop Heights, Arbor Point, Office Park PUDs) would require an amendment.

Existing lower-potency hemp and medical cannabis locations will be grandfathered in as Legal Non-Conforming (regardless of buffer areas/zoning decisions). There are continuing legal questions about existing uses, e.g., once a property changes ownership.

Staff recommend approval of the zoning amendment related to cannabis uses.

Questions for discussion:

- What use(s) to permit for each zoning district? Office Park district?
- Permitted versus conditional versus accessory uses?
- How much additional regulation for non-retail use?
- Other Performance Standards not listed to consider?

Planning Commission Discussion

Chair Weber inquired about the micro/mezzobusiness definitions. Community Development Director Ziemer stated that those were established in State statute.

Commissioner Schaefer questioned why outdoor growing is not allowed in Agricultural districts. Community Development Director Ziemer stated that there were concerns about securing and monitoring the outdoor growing. Schaefer clarified that greenhouses would not be allowed in Agricultural districts, but they would be allowed in Industrial districts. Ziemer confirmed that. The intention was to give the City more control over where these uses occur. There are still some licensing questions being determined (e.g., does retail include selling seeds/plants?)

Chair Weber clarified that each person is allowed up to 8 plants and that these could be grown outside. Community Development Director Ziemer confirmed that.

Chair Weber questioned whether the Cannabis Testing use category refers to testing people or testing of the product. Ziemer stated that it was the latter, testing of the product. Chair Weber suggested adding the word Product to the "Cannabis Testing" use for clarity. Ziemer stated that he would verify adding that word was legally acceptable.

Commissioner Twedt questioned whether cities broadly will be establishing their own definitions. Ziemer stated that they would be, though some are quite short. Staff provided more definition to make uses clearer. Twedt inquired as to what happens if the City establishes a definition that conflicts with State statute. Ziemer stated that the State statute would take precedence. Twedt inquired as to whether this would increase the regulatory burden on the City. Ziemer stated that it would not. Every cannabis business type would be licensed with the State. The City will not be responsible for the license. If a business is registered with the City, the City could revoke registration for lack of compliance, and it would then go to the State for review. Twedt stated that the City can then establish additional requirements. Ziemer stated yes, but in compliance with State statute.

Commissioner Clancy inquired if there will be involvement at the County level. Ziemer stated that the City had the option of deferring registration to the County and the City's preference was to retain control of registration.

Commissioner Clancy inquired as to whether other cities would respect buffer zones that cross City boundaries. Ziemer stated that he did not know.

Commissioner Teiken inquired as to whether the suggested definitions had been legally reviewed for conformance with State statute. Ziemer stated that they had.

Commissioner Schaefer stated that City-specific definitions would make it more difficult to monitor changes to State statute and recommended adhering to State definitions to reduce staff workload. Ziemer stated that the suggested definitions are in line with those of other cities. With less definition, there is the potential for responding reactively rather than proactively to issues that may arise.

Commissioner Twedt inquired about the reasoning for City-specific definitions.

Chair Weber pointed out that the retail registration definitions align closely with State statute.

Community Development Director Ziemer stated that was because there are State licensing standards on the retail side. However, there is less guidance from the State on the zoning side. The City's suggested definitions do not conflict with any State statutes.

Chair Weber brought up the example of Sunday liquor sales and agreed with the approach of over- rather than under-defining at first, as definitions could always be removed later.

Commissioner Twedt stated that he doubted whether removal of regulations would actually occur.

Commissioner Teiken inquired as to whether the City has heard from interested cannabis businesses yet. Ziemer stated that they had not. Existing low-potency and medical businesses could be grandfathered in or be required to get the Conditional Use Permit.

Commissioner Wippermann inquired as to whether state law requires allowing cannabis businesses in the City. Chair Weber confirmed that it does.

Planning Commission Recommendation

Motion by Weber, Second by Teiken, to Approve a Zoning Code Amendment to Title 10 of the City Code (Zoning Regulations), Chapter 2, Section 10-2-2 and Chapter 6, Section 10-6-2 relating to Cannabis, Medical Cannabis and Low-Potency Hemp uses.
Ayes: 8
Nays: 0 Motion Carried.

The item is tentatively scheduled to go before the City Council on November 25, 2024.

5. REGULAR BUSINESS

None.

6. ADJOURN

Motion to adjourn the meeting at 9:13 p.m.

Respectfully submitted by Will Clashe, Recording Secretary.