

**MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 24, 2021**

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Golliher, John Herr, Mike Quasney, Haven Stuck and Vince Vidal. Ron Weifenbach, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, and Eric Ottenbacher,

STAFF PRESENT: Vicki Fisher, Sarah Hanzel, Kelly Brennan, Tim Behlings, Chip Premus, Todd Peckosh, Steve Frooman, Kinsley Groote, Justin Williams, Rebel VanLoh, and Andrea Wolff.

Braun called the meeting to order at 7:02 a.m.

Braun noted that due to the number of participants and the large number of items on the agenda they will be using the timing lights, explained their operation and thanked everyone for their consideration and understanding.

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Items 7, 8, 9, 12, 20, 21 and 22 be removed from the Consent Agenda for separate consideration.

Stuck requested that item 11, 19, 23 and 24 be removed from the Consent Agenda for separate consideration.

Motion by Vidal seconded by Caesar and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 24 in accordance with the staff recommendations with the exception of Items 7, 8, 9, 11, 12, 19, 20, 21, 22, 23 and 24. (8 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

---END OF CONSENT CALENDAR---

Stuck stepped down from the dais at this time.

***12. No. 21PD042 - Orchard Meadows**

A request by KTM for Moyle Petroleum Company to consider an application for a **Final Planned Development Overlay to allow a medical cannabis dispensary** for Tract AR of Orchard Meadows, located in Section 09, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2421 Elderberry Boulevard.

Fisher presented the application stating the reason the Conditional Use is needed is that there is a residential district across the highway. Fisher noted this is a new construction of 2,516 square feet and that there will be no LED lighting included in

the signage. Fisher stated that staff believes that the 280 feet right-of-way and 5 lanes of traffic creates sufficient separation between the proposed dispensary and the existing residential district. Fisher stated that staff recommends approval of the Final Planned Development Overlay to allow a medical cannabis dispensary with stipulations.

In response to a request from Braun for a definition separation requirements, Fisher stated that City Ordinance requires a 500 foot separation from any park, church, child care center or residential zoning district; anything less would require a Conditional Use Permit. Fisher clarified these separations are in addition to the 1000 foot separation from a school required by the State, which staff is not able to waive.

Roger Tellinghuisen, 6002 Nugget Gulch Road, representing the applicant, requested to speak to the letter of concern and agreed with Fisher that adequate separation exists.

In response from Quasney regarding what qualifies as a school, Brennan clarified that the attorneys had decided that the tax code was used to define the definition of a school. In response to Quasney's concerns that this would restrict future school development, Fisher stated that upon review the existing use take precedence, but the school could decide to locate within the 500 foot boundary.

Braun noted that Stuck would be abstaining due to conflict of interest.

Vidal moved, Bulman seconded and the Planning Commission approved the Final Planned Development Overlay with the following stipulations:

- 1. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;**
- 2. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department Fire and Life Safety Division to establish a plan with acceptable time frames to provide an approved fire sprinkler protection and associated fire alarm systems designed and installed as per NFPA 13 and NFPA 72, respectively, and shall be provided throughout the building containing the cannabis related activity. Where applicable, a covenant agreement addressing the fire protection system installation, shall be entered into prior to issuance of a certificate of occupancy;**
- 3. The waste management plan shall be continually monitored to ensure the security of waste handling;**
- 4. The security plan shall be continually monitored to ensure that all areas and operation of the medical cannabis dispensary are provided 24/7 surveillance and recovery of video shall be provided as needed;**
- 5. The odor control plan shall be continually monitored to ensure that all ventilation, odor abatement, and any other measures are taken to prevent nuisances. The premises shall be properly ventilated and the exhaust air filtered or treated to neutralize the odor from cannabis so that the odor cannot be detected by a person with a normal sense of smell at the property line of the premises or on any adjoining property. No operable windows or exhaust vents shall be located on the building façade that abuts a residential use or zone. Exhaust vents on rooftops**

- shall direct exhaust away from residential uses or zones;
6. All signage shall meet the requirements of the Rapid City Sign Code. A sign permit shall be obtained for each sign. No Light Emitting Diode (LED) message centers are being approved as a part of this request. The inclusion or addition of any LED message centers shall require a Major Amendment to the Final Planned Development Overlay;
 7. The Final Planned Development Overlay shall allow a medical cannabis dispensary at the location proposed. The medical cannabis dispensary shall be operated in compliance with the approved operational plan and in compliance with all City and State regulations. Any expansion of the medical cannabis establishment shall require a Major Amendment to the Planned Development Overlay. Permitted uses within the General Commercial District in compliance with the parking regulations shall be allowed with a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development Overlay. (7 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney and Vidal voting yes and none voting no and Stuck abstaining)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.