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.

*36. **No. 21UR034 - Arches Addition**

A request by KTM Design Solutions, Inc for Moyle Petroleum Company to consider an application for a **Conditional Use Permit to allow a medical cannabis dispensary** for Tract 2 of Arches Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2640 Mount Rushmore Road.

Hanzel presented the application and reviewed the associated slides. Hanzel stated that the application is a Conditional Use Permit because it is adjacent to a High Density Residential area and within 500 feet of a church. Hanzel stated that the dispensary would be located to the back of the existing convenience store taking access off of Cathedral Drive. Hanzel noted that the green space between the proposed dispensary location and the residence is used by the residents of the high rise apartments. Hanzel acknowledged there is a fence between the properties, but staff does not feel that there is sufficient separation due to the use of the open area and the visual aspect of the high rise adjacent to the dispensary and that the access streets will be shared. Hanzel stated that staff recommends denial of the Conditional Use Permit to allow a medical cannabis dispensary.

Roger Tellinghuisen, representing Moyle Petroleum, stated that this is a very commercial area and that a pharmacy has been operating in the location for years. Tellinghuisen stated that they feel there is proper separation and noted that the visual issue is difficult as the apartment complex is 10 stories tall. Tellinghuisen stated that if it is an issue they are willing to move the entrance to the west side of the building.

Fisher addressed the separation requirements and stated that this one was difficult as it is a commercial area but stressed that the separations that were created by the Ordinance need to be supported.

Tellinghuisen further noted that another application with a high rise within visibility
had been approved by the Planning Commission (21UR025) earlier in the meeting and with the door moved to the west side, the visibility is almost eliminated.

Golliher stated he likes this location because it is away from all the other locations. Vidal stated that this is already an operating pharmacy and he supports this location and Braun and Quasney agreed.

Bulman stated that she likes the idea of moving the entrance. In response to her question of how that would be done, Tellinghuisen said they would rework the building footprint.

In response to question from Quasney regarding the door being on same side as gas station and convenience store, Tellinghuisen said they would be okay with not moving the door.

Caesar moved, Golliher seconded to approve with standard stipulations for Conditional Use Permit for Medical Cannabis Dispensary.

Bulman stated that she cannot support the motion if the door is not moved. Vidal agreed that he also has issue approving the motion without moving the door.

Bulman offered a substitute motion, Vidal seconded to approve the Conditional Use Permit to allow a medical cannabis dispensary with an additional stipulation that the door to the Medical Cannabis Dispensary be moved to the Mount Rushmore Road side.

Bulman moved, Vidal seconded approve the Conditional Use Permit to allow a medical cannabis dispensary with the stipulations outlined below and with the additional stipulation that the door to the Medical Cannabis Dispensary be moved to the Mount Rushmore Road side;

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 Conditional Use Permit;

7. Prior to submittal of a building permit application, the applicant shall enter into a Developmental Lot Agreement; a copy of the recorded document shall be submitted with the building permit application;

8. Prior to submittal of a building permit application, a revised landscaping plan will be required showing the additional landscaping needed;

9. The Conditional Use Permit 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 Conditional Use Permit. Permitted uses within the General Commercial District in compliance with the Parking Ordinance shall be allowed with a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (6 to 0 with Braun, Bulman, Caesar, Golliher, Quasney and Vidal voting yes and none voting no)

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.