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)

---CONSENT CALENDAR---

1. Approval of the November 4, 2021 Planning Commission Meeting Minutes.

2. No. 21RZ025 - Feigels Addition
A request by Lester Miles to consider an application for a **Rezoning request from Medium Density Residential District to General Commercial District** for Lots 15 thru 18 of Feigels Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 420 Spruce Street.

Planning Commission recommended approval of the Rezoning request from Medium Density Residential District to General Commercial District in
conjunction with a Planned Development Designation.

3. No. 21RZ026 - Section 29, T1N, R8E
   A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a Rezoning request
   from No Use District to Light Industrial District for a portion of E1/2; NW1/4 E of HWY 79 less Lot H2, Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: commencing at the Northwest corner of said portion of E1/2; NW ¼ E of HWY 79 Less Low H2 of Section 29, T2N, R8E, BHM, Pennington County, South Dakota; thence S87°21’16”E, a distance of 1074.24 feet the point of beginning; Thence first course: S87°21’16”E, a distance of 1,387.27 feet; Thence second course: S87°21’11”E, a distance of 56.38 feet; Thence third course: S02°33’38”W, a distance of 2,537.54 feet; Thence fourth course: N89°46’05”W, a distance of 725.83 feet; Thence fifth course: N24°10’16”W, a distance of 1,597 feet; Thence sixth course: N02°33’38”E, a distance of 1,142.71 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

   Planning Commission continued the Rezoning request from No Use District to Light Industrial District to the December 9, 2021 Planning Commission Meeting.

4. No. 21RZ027 - Section 20, T1N, R8E
   A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a Rezoning request
   from No Use District to Heavy Industrial District the SW1/4 SE1/4 and portion of E1/2 SE ¼ lying southwest of railroad, Section 20, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Southeast corner of Section 20, T2N, R8E, BHM, Pennington County, South Dakota; being the point of beginning; Thence first course: N88°12’30”W, a distance of 225.01 feet; Thence second course: N87°21’16”W, a distance of 2,364.70 feet; Thence third course: N87°21’11”W, a distance of 56.38 feet; Thence fourth course: N02°54’12”E, a distance of 1,330.08 feet; Thence fifth course: S87°41’31”E, a distance of 890.39 feet; Thence sixth course: S88°25’31”E, a distance of 474.59 feet; Thence seventh course: N01°14’02”E, a distance of 361.37 feet; Thence eighth course: On a non-tangent curve turning to the right with an arc length of 1,054.11 feet, with a radius of 4,637.38 feet, with a chord bearing of S41°31’48”E, with a chord length of 1,051.8 feet; Thence ninth course: S35°23’16”E, a distance of 895.14 feet; Thence tenth course: S02°44’25”W, a distance of 13.18 feet; Thence eleventh course: S02°44’19”W, a distance of 229.47 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

   Planning Commission continued the Rezoning request from No Use District to Heavy Industrial District to the December 9, 2021 Planning Commission Meeting.

5. No. 21RZ028 - Section 29, T1N, R8E
   A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a Rezoning request
from No Use District to General Commercial District for portion of E1/2; NW1/4 E of HWY 79 less Lot H2, Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Northwest corner of said portion of E1/2; NW ¼ E of HWY 79 Less Low H2 of Section 29, T2N, R8E, BHM, Pennington County, South Dakota; being the point of beginning; Thence first course: S87°21'16"E, a distance of 1,074.24 feet; Thence second course: S02°33'38"W, a distance of 1,142.71 feet; Thence third course: S24°10'16"E, a distance of 1,597.16 feet; Thence fourth course: N89°46'05"W, a distance of 557.61 feet; Thence fifth course: S89°56'20"W, a distance of 258.89 feet; Thence sixth course: N21°41'15"W, a distance of 1,311.89 feet; Thence seventh course: N21°26'01"W, a distance of 41.46 feet; Thence eighth course: N70°20'14"E, a distance of 73.34 feet; Thence ninth course: N19°19'43"W, a distance of 66.86 feet; Thence tenth course: S70°59'17"W, a distance of 75.19 feet; Thence eleventh course: On a non-tangent curve turning to the right with an arc length of 1,026 feet, with a radius of 5,960.21 feet, with a chord bearing of N15°32'46"W, with a chord length of 1,025.3 feet; Thence twelfth course: N10°21'46"W, a distance of 326.58 feet; Thence thirteenth course: N06°35'12"W, a distance of 16.50 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Planning Commission continued the Rezoning request from No Use District to General Commercial District to the December 9, 2021 Planning Commission Meeting.

6. No. 21RZ029 - Section 29, T1N, R8E
A request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust to consider an application for a Rezoning request from No Use District to Heavy Industrial District for portion of E1/2; NW1/4 E of HWY 79 less Lot H2, Section 29, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Southeast corner of said portion of E1/2; NW ¼ E of HWY 79 Less Low H2 of Section 29, T2N, R8E, BHM, Pennington County, South Dakota; being the point of beginning; Thence first course: N87°44'03"W, a distance of 1,294.25 feet; Thence second course: N87°38'18"W, a distance of 1,322.00 feet; Thence third course: S87°21'16"W, a distance of 2,364.70 feet; Thence fourth course: N02°08'09"E, a distance of 2,742.84 feet; Thence fourth course: N02°33'38"E, a distance of 2,537.54 feet; Thence fifth course: S87°21'16"E, a distance of 2,364.70 feet; Thence sixth course: S88°12'30"E, a distance of 225.01 feet; Thence seventh course: S02°03'05"W, a distance of 1,277.30 feet; Thence eighth course: S02°03'03"W, a distance of 3,991.49 feet to the point of beginning, more generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Planning Commission continued the Rezoning request from No Use District to Heavy Industrial District to the December 9, 2021 Planning Commission Meeting.

*10. No. 21PD040 - Rushmore Center
A request by Peco Kid, LLC to consider an application for a Revocation of a Final Planned Development Overlay and a Planned Development Designation for Lot 3A of Tract C of Rushmore Center, located in Section 30, T2N, R8E, BHM,
Rapid City, Pennington County, South Dakota, more generally described as being located at 1440 Luna Avenue.

Planning Commission approved the Revocation of the Final Planned Development Overlay and Planned Development Designation.

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.

*13. No. 21PD043 - Rushmore Crossing
A request by Jon Lesselyoung for Rushmore Crossing Associates, LLC to consider an application for a Major Amendment to a Planned Development Overlay to allow addition pylon signage for Lot 1 of Block 3 and Lot 9 of Block 2 of Rushmore Crossing, located in Section 29 (and Section 32), T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1601 Eglin Street.

Planning Commission approved the Major Amendment to a Final Planned Development Overlay with the following stipulation(s):
1. A Sign Permit shall be obtained prior to placement of any signs;
2. All signs shall comply with the City’s adopted Sign Code; and.
3. Future signage in compliance with the City’s Sign Code shall be allowed with a Sign Permit. LED Reader Board signage shall require the review and approval of a Major Amendment to the Final Planned Development Overlay.

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.

14. No. 21PL107 - Red Rock Shadows Subdivision
A request by KTM Design Solutions, Inc for Redrock Apartments LLC to consider an application for a Preliminary Subdivision Plan for proposed Lot 12 of Block 2 of Red Rock Shadows Subdivision, legally described as a portion of Lot B of Red Rock Shadows Subdivision, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Muirfield Drive and Portrush Road.

Planning Commission recommended that the Preliminary Subdivision Plan be approved.

15. No. 21PL109 - Murray Subdivision
A request by KTM Design Solutions, Inc for Susan Murray to consider an application for a Preliminary Subdivision Plan for proposed Lots A and B of Murray Subdivision, legally described as the SE1/4 of Government Lot 4, located in
Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6600 Bighorn Road.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Final Plat application, an Exception shall be obtained to allow 92 lots with one point of access in lieu of a maximum of 40 lots or the plat document shall be revised to provide a second point of access;

2. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application;

3. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;

4. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provisions are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application; and,

5. Upon submittal of a Final Plat application, written documentation shall be submitted confirming that the Big Horn Road District is in agreement with adding an additional lot to the road district.

No. 21PL111 - Lovell Subdivision

A request by Renner Associates, LLC for Mike Holmberg to consider an application for a Preliminary Subdivision Plan for proposed Lots 1A of 1B of Lovell Subdivision, legally described as Lot 1 less dedicated right-of-way of Lovell Subdivision, located in the SE1/4 of the NE1/4 and the N1/2 of the SE1/4 of Section 29, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23359 Bradsky Road.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with stipulations:

1. Prior to submittal of a Final Plat application, an Exception shall be obtained to allow 92 lots with one point of access in lieu of a maximum of 40 lots or the plat document shall be revised to provide a second point of access;

2. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system
design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;

3. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application;

4. Prior to submittal of a Final Plat application, a Variance shall be obtained from City Council waiving the requirement to construct sidewalk along Bradsky Road or construction plans shall be submitted for review and approval showing the construction of sidewalk along the east side of the street;

5. Prior to submittal of a Final Plat application, the plat document shall show the dedication of 17 additional feet of right-of-way along the entire east property line or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application. If the dedication of right-of-way is required then that portion of the existing barn located within the proposed right-of-way shall be removed. In addition, that portion of the barn located within the minimum required front yard setback shall be removed or a Variance from Pennington County Zoning Board of Adjustment to reduce the front yard setback requirement shall be obtained; and,

6. Prior to submittal of a Final Plat application, proposed Lot 1B shall be rezoned by Pennington County from Agriculture District to Low Density Residential District and the rezone shall be effective.

17. No. 21PL118 - Diamond Ridge Subdivision
A request by KTM Design Solutions, Inc for BH Capital, LLC to consider an application for a Preliminary Subdivision Plan for proposed Lot 27 of Block 2, Lots 12 thru 37 of Block 4, Lots 1 thru 4 of Block 8, Lots 1 thru 7 of Block 9 of Diamond Ridge Subdivision, legally described as a portion of the SW1/4 of the NW1/4 less the east 312 feet and less Diamond Ridge Subdivision; the NW1/4 of the SW1/4 less the east 312 feet of the north 536 feet less Lot A and less Diamond Ridge Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Valley Drive and Homestead Street.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, construction plans for Street A, Court A and Court B, local streets, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb(s) shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If
Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, construction plans Homestead Street, a collector street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for re-grading the east ditch along Valley Drive if analysis indicates there are capacity issues. In addition, the plat document shall show the dedication of 34 feet of right-of-way for Valley Drive;

4. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that fire flows are being provided to support the proposed subdivision. If fire flows are insufficient, then upon submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement with the City to ensure that fire suppression systems are installed in all new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, the covenant agreement shall ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative;

5. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted to Rapid Valley Sanitary District for their review and approval;

6. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

8. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

9. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

10. Prior to approval of the Development Engineering Plan application,
any necessary off-site easements shall be recorded;
11. Prior to submittal of a Final Plat, street names for proposed Street A, Court A and Court B shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street names shall be shown on the plat document;
12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District;
13. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage easement shall be dedicated for all drainage improvements;
14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

18. No. 21PL120 - Black Hills Center Subdivision
A request by FMG Engineering for Scull Construction Service, Inc. to consider an application for a Preliminary Subdivision Plan for proposed Lot 10 of Block 2 of Black Hills Center Subdivision, legally described as the S1/2 of the NE1/4 lying southwest of 5th Street right-of-way less Lot H-1 less Fifth Street Office Plaza less Black Hills Center less Stumer Road and less E. Stumer Road, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Black Hills Boulevard and Catron Boulevard.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Prior to submittal of a Final Plat application, a miscellaneous document shall be recorded with the Register of Deeds’ Office creating the proposed shared access easement. In addition, the recording information for the miscellaneous document shall be shown on the Final Plat; and,
2. Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat.

---END OF CONSENT CALENDAR---

7. No. 21PD037 - Fifth Street Office Plaza
A request by TJ Wojtanowicz for Enchanted, LLC to consider an application for a Final Planned Development Overlay to allow an apartment complex for Lot 4 of Block 2 of Fifth Street Office Plaza, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4815 5th Street.

Hanzel presented the application and reviewed the associated slides noting that the zoning and Future Land Use Plan support this type of development. Hanzel reviewed there will be a total of 165 units in 11 15-unit buildings each, along with 4
proposed garage structures. Hanzel noted that the required parking, landscaping and open space is being met. Hanzel pointed out that there is a 29 foot setback on the west side of the development which provides a separation from the single family homes in that area. Hanzel noted that the applicant has received an Exception to providing a Traffic Impact Study as the Traffic Engineer did not find the development would trigger the need and that staff recommends approval of the Final Planned Development Overlay to allow an apartment complex application with stipulations.

In response to Caesar question as to why the Traffic Impact Study was waived, Peckosh stated that the improvements to handle the anticipated traffic are already in place and the increased traffic would not trigger any additional improvements.

Dub Doering, 125 Savoy Circle, spoke to his concerns stating that he had been assured the property in question would be commercial development and asked when the zoning change from Commercial to Medium Density Residential. Fisher clarified that the zoning of the majority of the property is Office Commercial District which allows residential, with a small section abutting the western edge that is Medium Density Residential.

Scott Peterson, 121 Savoy Circle, agreed that they were informed upon purchase the property would be developed as commercial and is disappointed to see this type of development instead. Peterson asked about the proposed height and how a 3 story building can 28 feet in height and spoke to traffic issues, stating that congestion and accidents already occur in the area and he believes a Traffic Impact Study should be required.

Fisher clarified how height is measured at the median of the roof for all structures and confirmed that these structures measure 28 feet at that point, therefore falling with in the requirements.

In response to questions from Bulman, Quasney and Vidal on access, traffic and potential signaling of the intersection, Peckosh clarified that the access is from Enchanted Pines Drive which has two exits for Enchanted Pines with one being on 5th Street and the other being on Catron Boulevard, that the unused access on 5th street is due to the insufficient distance from the Enchanted Pines access. Peckosh stated that there are two accesses and that signaling would require the warrants to be met and that this development does not meet them. Fisher further stated regarding traffic movement, signaling and road improvement are closely studied by City staff and they work to make sure they are met when necessary. Peckosh stated there are no plans at this time to reduce the speed limit on 5th Street.

Caesar moved, Vidal seconded and the Planning Commission approved the Final Planned Development Overlay with the following stipulations:
1. Upon submittal of a building permit, a 5-foot wide sidewalk shall be provided along Enchanted Pines Drive or obtain a Variance from the City Council shall be obtained pursuant to 12.08.060 of the Rapid City Municipal Code;
2. Upon submittal of a building permit, demonstrate that storm water quality treatment is being provided as required by 8.48 of the Rapid City
3. Upon submittal of a building permit, a complete set of plans shall be submitted for review and approval including but not limited to utility, grading, drainage, and erosion and sediment control plans and design report;

4. An Air Quality permit shall be obtained prior to disturbing an acre or more of soil;

5. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for any new signs;

6. This Final Planned Development Overlay shall allow a 165-unit apartment development. Any change in use that is a permitted use in the Office Commercial District and complies with the Parking Ordinance shall require the review and approval of a building permit. Any change in use that is a conditional use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development;

7. A minimum of 66,000 square feet of open space shall be provided;

8. A minimum of 248 parking spaces and 7 ADA spaces, with 1 ADA space being “Van” accessible shall be provided;

9. A minimum of 219,254 landscape points shall be provided. The type and location shall be in compliance with the City’s Landscape Regulations and shall be maintained in a live vegetative fashion; and,

10. Prior to issuance of a building permit, the site plan shall be revised to provide 4 landscape islands designed in compliance with the City’s Landscape Regulations or an Exception shall be obtained. (8 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck 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.

*8. No. 21PD038 - Original Town of Rapid City
A request by FMG Engineering for C. R. Lloyd Associates, Inc. to consider an application for an Initial Planned Development Overlay to allow a mixed-use development for Tract A, vacated East 13 feet of 6th Street, vacated South 3.5 feet of Saint Joseph Street and vacated West 1-foot of 5th Street adjacent to Said Tract A, Block 95 of Orginal Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 525 Saint Joseph Street.

Braun stated that this item was pulled to allow Quasney to abstain due to a conflict of interest.

In response to Braun’s inquiry whether the Planning Commission wanted to hear a presentation on this application, the Planning Commission stated they did not and
Bulman moved, Vidal seconded and the Planning Commission approved the Initial Planned Development Overlay to allow a mixed use development with the following stipulations:

1. Upon submittal of a Final Planned Development Overlay application, a Traffic Impact Study shall be submitted for review and approval. In addition, construction plans shall be submitted for any improvements needed to accommodate the traffic to be generated by the development;

2. Upon submittal of a Final Planned Development Overlay application, utility plans and reports shall be submitted for review and approval demonstrating adequate water and sewer capacity to serve the proposed development;

3. Prior to submittal of a building permit, a public access easement shall be deduced for the sidewalk on 6th Street;

4. Prior to submittal of a building permit application, the applicant shall coordinate with the City Traffic Engineer for the removal of parking spaces on St. Joseph Street for the proposed loading/unloading zone;

5. Prior to submittal of building permit application, an exception shall be submitted for and approved for the approach width pursuant to 2.16.5(2) of the Infrastructure Criteria Design Manual;

6. An Air Quality Permit shall be obtained prior to disturbance of 1 acre or more of soil;

7. Prior to submittal of a building permit, a Historic Review application shall be submitted for review and approval;

8. Prior to submittal of a sign permit, a Historic Sign Review application shall be submitted for review and approval. In addition, all signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit shall be obtained for any new signs;

9. The Initial Planned Development Overlay shall allow a mixed use development which includes a 330-stall parking structure to serve the needs of the residents and patrons of the development. Any change in use that is a permitted use in the Central Business District shall require the review and approval of a building permit. Any change in use that is a conditional use in the Central Business District shall require the review and approval of a Major Amendment to the Planned Development Overlay; and,

10. The Initial Planned Development Overlay shall demonstrate approval of the applicant's development plan for the property. A Final Planned Development Overlay application shall be secured prior to issuance of a building permit. (7 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Stuck and Vidal voting yes and none voting no and Quasney 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.

*9. No. 21PD039 - Superpumper Addition
A request by KTM for DTJ, LLC to consider an application for an Initial Planned Development Overlay to allow mini warehousing for Lot 2 less Lots A, B and C, less Drainage Lot 1, less Drainage Lot 2 and less right-of-way of Superpumper Addition, located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the Cambell Street and E. Fairmont Boulevard intersection.

Fisher stated that the applicant has requested that this item be continued to the January 6, 2022 Planning Commission meeting to allow Exceptions to be submitted and reviewed by staff and, as such, staff recommends the item be continued per the applicant’s request.

Vidal moved, Caesar seconded and the Planning Commission continued the Initial Planned Development Overlay to allow mini warehousing to the December 9, 2021 Planning Commission Meeting. (8 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck 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.

Stuck stepped down from the dais at this time.

*11. No. 21PD041 - Discovery Subdivision
A request by KTM for Moyle Petroleum Company to consider an application for a Major Amendment to a Planned Development Overlay to allow a medical cannabis dispensary for Lot 5R2 of Tract 3 of Discovery Subdivision, located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1624 Discovery Circle.
Fisher stated that staff recommends approval of the Major Amendment to a Planned Development Overlay with stipulations.

Braun read in the application and accepted motion, noting that Stuck would be abstaining due to conflict of interest.

Golliher moved, Bulman seconded and the Planning Commission approved the Major Amendment to a 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 Major amendment to a 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.

*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 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 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.

*19. No. 21UR025 - Jackson View Addition
A request by Puffy's LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for Lot 42 Shaver Block 2 of Block 2 of Jackson View Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1002 Jackson Boulevard.

Braun stated that Stuck would be abstaining due to a conflict of interest

In response to a request from Vidal to see a map showing the location of all the requested dispensaries, Brennan reviewed the map noting it represents applications for both this and the next meeting.

Brennan reviewed the slide for this item showing location and surrounding areas and that staff recommends approval of the Conditional Use Permit to allow a Medical Cannabis Dispensary with stipulations.

Bulman moved, Quasney seconded and the Planning Commission approved the Conditional Use Permit to allow a Medical Cannabis Dispensary 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 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; and

8. 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. (7 to 0 with, Braun, Bulman, Caesar, Goliher, 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.
No. 21UR026 - Foley Subdivision
A request by Puffy's LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 1 of Foley Subdivision, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2706 E. Highway 44.

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

Hanzel presented the application noting that staff had received questions with concerns on this item. Hanzel noted the applicant is proposing to use the front 1,000 feet of the existing building for the dispensary. Hanzel stated that the residential development located behind the building created the need for the Conditional Use Permit review for this location but noted there is both landscaping and a height differential between the residential area and the proposed dispensary. Hanzel said that the separation distance is 400 feet and with the change in elevation and existing landscaping staff feels the separation is sufficient and recommends approval of the Conditional Use Permit to allow a medical cannabis dispensary with stipulations.

Ron Jeffries, 1732 Mesa, minority owner in Puffys LLC, thanked the staff for all their work in reviewing all these applications. Jeffries noted this building had been operated as a casino until recently. Jeffries noted that the letter of concern from Hani Shafi called out residences in the area, but he feels the separation between the proposed dispensary and the residences is sufficient, he also note that the Rural American Initiatives and Abbot House are separated by 1,500 feet, but also that neither fall within the criteria for required separation. Jeffries stated that the proposed WDT housing in the area is located north of WDT and not next to the property.

Kyle Treloar, Dream Design International, stated they do have opposition, stating this area is part of a proposed master plan for residential development and asked that it be denied. Treloar also noted that the Rural American Initiatives and WDT are located in the area.

Bulman moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary 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 Conditional Use Permit;
7. 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. (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.

*21. No. 21UR027 - Providence Addition
A request by 605 Organic LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot A of Block 21 of Providence Addition, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2604 West Main Street.

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

Brennan stated that the speaker request form is from the applicant so unless there were questions he would not need to speak. Brennan reviewed the associated slides and stated that staff recommends approval of the Conditional Use Permit to allow a medical cannabis dispensary with stipulations.
Caesar moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary 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 Conditional Use Permit;
7. 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. (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.
Braun stated that Stuck would be abstaining due to a conflict of interest.

Brennan confirmed that the speaker request form on this item is from the applicant who would be available for questions.

Brennan stated that the location is the old Subway location on East North Street and that staff recommends approval of the Conditional Use Permit to allow a medical cannabis dispensary with stipulations.

Herr moved, Quasney seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary 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 Conditional Use Permit;
7. 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 change in use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (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.

*23. No. 21UR035 - Original Town of Rapid City
A request by TGIAM 508 LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 16 of Block 84 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 631 Main Street.

Braun stated that Stuck would be abstaining due to a conflict of interest and read the item in. As there were no comments, Braun requested a motion.

Caesar moved, Quasney seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary 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 submittal of a building permit, the applicant shall complete a Historic Review if the use requires any exterior alterations to the structure, including any window replacement or changes to the exterior cladding;
3. Upon submittal of a Sign Permit, the applicant shall complete a Historic Sign Review. In addition, 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;
4. 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;

5. The waste management plan shall be continually monitored to ensure the security of waste handling;

6. 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;

7. 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;

8. 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. (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.

*24. No. 21UR036 - Devine Subdivision
A request by Puffy’s LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 2 of Devine Subdivision, located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1513 E. Philadelphia Street.

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

In response to a question from Braun on the Heavy Industrial Zoning, Fisher stated that retail use is allowed use in the Heavy Industrial District and that pharmacies are considered retail.

Bulman moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary be approved 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 Conditional Use Permit;

7. 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. (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.

---BEGINNING OF REGULAR AGENDA ITEMS---

Stuck returned to the dais at this time.
Fisher requested that Items #25 and #26 be taken together.

25. **No. 21RZ019 - Highpointe Ranch Subdivision**

A request by KTM Design Solutions, Inc for Watershed II, LLC to consider an application for a **Rezoning request from No Use District to Low Density Residential District II** for portions of the NE1/4, and the SE1/4, Section 20, T1N, R7E, BHM, Pennington County, South Dakota, commencing at the East 1/4 corner of Section 20, T1N, R7E, being monumented by a 8"x6"x6" granite stone, and being the point of beginning; Thence (1) with the east boundary of said Section 20, North 0°08'06" West, 841.48 feet; Thence (2) North 57°53'10" West, 911.33 feet; Thence (3) North 38°30'50" West, 620.65 feet; Thence (4) South 0°10'16" East, 483.60 feet; Thence (5) North 89°45'37" West, 822.36 feet; Thence (6) South 16°17'46" West, 102.05 feet; Thence (7) South 0°02'34" West, 222.42 feet; Thence (8) South 30°17'54" West, 187.39 feet; Thence (9) South 61°07'59" West, 150.61 feet; Thence (10) South 8°02'38" West, 291.70 feet; Thence (11) South 13°52'34" East, 198.33 feet; Thence (12) South 0°02'45" West, 136.86 feet; Thence (13) South 24°12'42" West, 162.57 feet; Thence (14) North 89°44'57" West, 174.38 feet; Thence (15) South 0°12'27" East, 1,454.15 feet; Thence (16) North 89°47'44" East, 823.62 feet; Thence (17) North 0°12'47" West, 124.89 feet; Thence (18) South 89°51'13" East, 329.43 feet; Thence (19) South 89°48'07" East, 1,318.31 feet to a point on the east boundary of aforementioned Section 20; Thence (20) with the east boundary of said Section 20, North 0°13'36" West, 1,320.91 feet to the point of beginning, more generally described as being located north of terminus of Cloud Peak Drive.

Fisher present the applications and reviewed the applications for rezoning from No Use District to Low Density Residential District II and the Preliminary Subdivision Plan to allow create 169 single family lots, 10 townhome lots and common lot. Fisher stated that the property is north of the area known as Red Rocks and has recently been annexed into the City limits and the No Use District is a holding zone that needs to be rezoned to within 120 days of annexation. Fisher said that the applicant is requesting the property be zoned Low Density Residential District II. Fisher noted that they are providing a common lot for open use by residents of the development. Fisher stated that the proposed impact to Sheridan Lake Road has been discussed stating that the CIP shows Sheridan Lake Road being expanded in approximately 2024. Fisher also noted that Portrush provides a secondary access.
that can be used. Fisher reviewed the Master Plan which shows this is a 5 phase project and that a Traffic Impact Study had been submitted with the applications. Fisher stated that staff has reviewed the Study noting that it requires that the applicant will be responsible to widen and restrripe the eastbound approach on Sheridan Lake Road to include a dedicated 12-foot wide left turn lane within the existing center striped area. In addition, a minimum of 100 feet of storage, 100 feet of deceleration and a 120-foot taper length for the eastbound left turn lane. Fisher also stated that the congestion of Dunsmore Road north of Portrush Road will be moderated at such time as it is deemed necessary by removing parking from one side of Dunsmore Road. Fisher reviewed street design and development noting that although Cog Hill Lane was actually designed as the collector street and Dunsmore Road as a local road, but residents use Dunsmore Road rather than Cog Hill Lane creating the congestion we see today. Fisher stated that staff recommends approval Rezoning request from No Use District to Low Density Residential District II and of the Preliminary Subdivision Plan with stipulations outlined in the Project Report.

Andrew Scull, 2665 Cavern Road, Watershed Development, spoke to the Traffic Impact Study and the proposed buildout of development, noting that the final phase is projected to be completed in 2027. Scull believes that this dispersion of the platting and building will help enable the area to adapt to the growth over time.

Quasney stated he still has concerns regarding traffic in addition to those addressed in the Traffic Impact Study, stating that he believes there are options to take access from the back side of the area that should be considered. Quasney further stated that he believes road development needs to be addressed in front of the need rather than responding to the need.

Bulman stated she also has concerns speaking to the congestion for residents and she believes there should be a second access, but she does not believe this can be designed from the dais.

Braun stated that he does not have any problems with the development but his only concern is that there are still large areas of undeveloped land in the area and wonders how the City plans to address the need for roads to support all of this development. Fisher stated that City tries to address street connections and road development, but continues to run into disagreement and will continue to work on this.

Vidal moved, Stuck seconded and the Planning Commission recommended approval of the Rezoning request from No Use District to Low Density Residential District II; and,
Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Upon submittal of a Development Engineering Plan application, construction plans for Bernina Court, Kenya Court, Andean Court and Big Sky Court, lane place streets, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb(s) shall be constructed pursuant to Table 2-4 of the
Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, construction plans for Cloud Peak Drive, Kenai Lane and Kilimanjara Drive, local streets, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb(s) shall be constructed pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application;

3. Upon submittal of a Development Engineering Plan application, construction plans for Wind River Road, a collector street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application;

4. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval widening and restriping the eastbound approach on Sheridan Lake Road to include a dedicated 12-foot wide left turn lane within the existing center striped area. In addition, a minimum of 100 feet of storage, 100 feet of deceleration and a 120-foot taper length for the eastbound left turn lane shall be provided;

5. If a lift station is proposed, the lift station shall be approved per Section 3.13 of the infrastructure Design Criteria Manual “Regional Wastewater Facilities” prior to submittal of a Development Engineering Plan application;

6. Upon submittal of a Development Engineering Plan application, the proposed “Pond” area shall be included in the boundary of the plat and identified as a Drainage Lot or Greenway Lot or secured as a Drainage Easement and filed at the Register of Deed’s Office as a miscellaneous document. In addition, the phasing plan for the construction of the proposed pond shall be identified;

7. Upon submittal of a Development Engineering Plan application, a minimum 30-foot wide utility corridor shall be provided to the west lot line for sewer/force main and water and a minimum 20-foot wide utility corridor shall be provided to the east lot line for water;

8. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

10. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and
agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

11. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

12. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;

13. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application;

14. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable;

15. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative;

16. Prior to submittal of a Final Plat application, an alternate street name for Big Sky Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street names shall be shown on the plat document;

17. Prior to submittal of a Final Plat application, the property shall be rezoned from No Use District to Low Density Residential District II;

18. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed Common Lot and any proposed drainage elements. In addition, a Major Drainage easement shall be dedicated for all drainage improvements;

19. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

20. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (7 to 1 with, Braun, Bulman, Caesar, Golliher, Herr, Stuck and Vidal voting yes and Quasney voting no)

*27. No. 21PD033 - Section 26, T2N, R7E
A request by Dream Design International, Inc for Salmon River, LLC to consider an application for an Initial Planned Development Overlay to allow a hotel and
mixed use condominium development for that part of the SE1/4 of the NW1/4 of the NW1/4 lying east of Highway 16 less right-of-way, located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6400 Mount Rushmore Road.

Hanzel presented the application and reviewed the associated slides. Hanzel stated that the property is proposed to be a hotel and condominium mixed use development. Hanzel stated that the applicant is requesting two Exceptions. One Exception is to allow a maximum height of 8 stories (109 feet) for the northernmost residential condominium tower in lieu of the maximum allowed height of 45 feet and the second Exception is to allow a maximum of 10 stories (125 feet) for the southernmost residential condominium tower in lieu of the maximum allowed height of 45 feet. Hanzel reviewed that landscaping and parking meets requirements. Hanzel stated that the proposed development is located in an entrance corridor, which is an area where the views and the impact to such are important to maintain and reviewed renderings provided by the applicant that represent the impact of the surrounding area. Hanzel stated that the applicant will need to work with the South Dakota Department of Transportation as the current plan shows access to the development being taken from Tucker Street which is planned to be eliminated. Hanzel noted this is an Initial Planned Development Overlay and a Traffic Impact Study will be required upon submittal of the Final Planned Development Overlay application. Hanzel stated that staff is in support of the development, but are opposed to the height of the towers.

Kyle Treloar, Dream Design International Inc, Treloar spoke to the development using infill rather than expansion and that the lot coverage density is only 17 percent. Treloar said that the towers are crucial for the condo development. Treloar reviewed some of the development around this complex that they are involved in and believes that this development will provide a type of housing not provided elsewhere as well as provide housing for development in this area.

Numerous comments were made regarding the heights of the towers with Quasney, Stuck, Bulman and Golligher saying that although the development is wonderful, and they support the use of infill development, they do not feel that this is the correct location for this height of buildings.

Caesar stated that she believes orientation of the buildings being off-set from the road appears to soften the impact, but still believes it is too close to the entrance corridor.

In response to a question from Stuck regarding the height of other buildings in the area and the review of Exceptions to the 45 foot height restriction, Fisher stated that Black Hills Corp has an Exception but is located at a lower grade to moderate the height impact and confirmed that the First Security Bank currently being built meets height restrictions. Fisher stated that deviations from the height restriction requires an Exception and she reviewed those that had been granted. Fisher clarified that the height restriction is general and not specific to Mount Rushmore Road.

Bulman spoke to the tools that are in place to manage the height and visual impact
along the entrance corridor and it would change the future development of the road and she does not feel this is the right place to have this type of development.

Fisher clarified options for approval including to Approve granting the Exceptions, to Approve denying the Exceptions, or to Deny.

Further discussion was held regarding density versus sprawl and its impact on traffic and other developmental effects on the City. Tim Behlings of the Fire Department stated they support higher story construction as once a structure passes a certain height the materials used become more fire manageable.

Quasney moved, Bulman seconded to approve the Initial Planned Development Overlay to allow a hotel and mixed use condominium development with stipulations and denial of the Exceptions. No action was taken on this motion.

Vidal stated that he doesn’t believe there should be a height restriction.

Quasney reiterated that he believes that height in this area should be maintained especially in this area.

Bulman spoke to the Comprehensive Plan that addresses the further growth and development of the City as well as the Future Land Use Plan and she feels that these plans need to be followed when possible and one of the items is the control of the view sheds in the entrance corridors.

Treloar stated that the height is integral to the development and asked that if the height is not allowed that the entire application be denied.

Discussion followed regarding the Planning Commission’s options for action considering the applicant's request for a blanket denial rather than an approval without granting the height Exceptions and it was agreed that the Planning Commission could move forward with the motion on the floor or change to deny.

Quasney, as the motion maker, chose not to change the motion.

Treloar explained that if the height Exception is not granted they do not want the Planned Development Overlay on the property for future development.

Quasney agreed and Golliher seconded the substitute motion that the Initial Planned Development Overlay to allow a hotel and mixed use condominium development be denied.

A roll call vote was called with a 4-4 tie. Motion failed.

Groote confirmed that upon failure of the substitute motion the Planning Commission would then vote on the original motion.

Before the action could be taken on the original motion, Treloar requested that the application be withdrawn.
Bulman moved, Stuck seconded to and the Planning Commission acknowledged the applicants withdrawal of the an Initial Planned Development Overlay to allow a hotel and mixed use condominium development 8 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck 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.

Bulman moved, Vidal seconded and the Planning Commission unanimously carried to continue the Planning Commission Meeting past 9:00 am and to take a five minute break. (8 to 0 with, Braun, Bulman, Caesar, Golliher, Herr, Quasney, Stuck and Vidal voting yes and none voting no)

Herr and Stuck left the meeting at this time.

Braun called the meeting back to order at 9:10.

*28. No. 21PD044 - Northern Heights Subdivision
A request by Hive Collective LLC to consider an application for a Major Amendment to Final Planned Development Overlay to allow a medical cannabis dispensary for Lot 2 of Lot A of Block 6 of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1315 Haines Avenue Suite C.

Fisher presented the application and reviewed the associated slides stating that there is a churches to the east and west and residential to the south of the property. Fisher stated that in reviewing this application the fact that there are residential and church uses within the separation area, staff does not feel that sufficient separation is provided. Additionally, Fisher noted the fact that access to and use of the area is shared. Fisher stated based on these findings, staff is not able to support the proposed use and recommends that the Major Amendment to Final Planned Development Overlay to allow a medical cannabis dispensary be denied.

Karen Cox, 317 Sacajawea Court, representing Hive Collective, opted not to speak stating issues had been addressed.

Vidal moved, Bulman seconded and the Planning Commission denied the Major Amendment to a Final Planned Development Overlay to allow a Medical Cannabis Dispensary. (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.
No. 21UR032 - Red Cliff Terrace
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 Lot 2 of Red Cliff Terrace, located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4260 Canyon Lake Drive.

Fisher stated that this item had been erroneously placed on the Non-Consent agenda and that staff recommends approval of the Conditional Use Permit to allow a medical cannabis dispensary with stipulations.

Bulman moved, Quasney seconded and the Planning Commission recommended that the Conditional Use Permit to allow a Medical Cannabis Dispensary be approved 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 Conditional Use Permit;
7. 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. 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.

Brennan requested that Items #30, #31, #32 and #33 be heard together.

*30. No. 21UR021 - Greenway Tract
A request by Puffy’s LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 1 of Tract 12 of Greenway Tract, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2120 W. Main Street, Unit #1.

Brennan presented the applications and reviewed the associated slides noting that the 4 applications are located on one property in separate suites and that staff wished to address them together. Brennan stated that a developmental parking agreement would be required but as the property is owned by one person staff sees no problem obtaining one. Brennan reviewed the individual locations stating that the reason this requires a Conditional Use Permit is that the property is adjacent to the Greenway located behind the building, which is identified as a park. However, Brennan noted, as this is primarily part of the floodway, staff believes this provides a buffer. Brennan noted that staff feels that 4 dispensaries in one structure would create a saturation that could affect the neighborhood. As such, Brennan stated that staff is recommending approval with stipulations of one of the Conditional Use Permits to allow a medical cannabis dispensary and denial of the other three Conditional Use Permits to allow a medical cannabis dispensary.

Fisher reviewed what was used to arrive at the number of and procedures for dispensaries. Fisher stated that the number of units at the single location would create a saturation, but that staff understands the intent for applicants to increase their chances in the State Lottery with multiple locations. Fisher also addressed the potential for transfer of licenses, but staff cannot guarantee this will happen nor do they want to be party to that process.

Ryan Schwalk, Bermingham and Schwalk, representing Puffy’s LLC, stated that as the Project Reports support all of the applications, but that based on saturation staff recommends to deny all but one, he argues that as they support them he would like to have all four approved. Stuck stated that the State does not limit saturation and that he feels it should be encouraged. Schwalk offered language to allow a motion to approve all four with limit to only issue one building permit which would allow his client to obtain his provisional licenses to increase his number in the State lottery.

Brennan stated that staff understands the applicant’s desire to increase their
numbers for the State lottery and have worked closely with all applicants to achieve the best options.

Kittrick Jeffries, 1732 Mesa Drive, Dakota Cannabis Consulting and Puffys LLC, thanked staff for all their work in this process. In response to Jeffries’ question as to which unit staff preferred, Brennan stated that staff has no preference. Jeffries asked that all four be approved.

Fisher clarified that when working on the language for licensing, one license for one location was decided. However, Fisher stated that land use identifies a location as legally described property, but addressing identifies a location as an addressed location, causing the situation before the Planning Commission. Staff believes this creates the potential for saturation and was not the plan when the regulations were created.

Brennan reviewed the Conditional Use Permit map showing the location of all received and proposed dispensaries.

Discussion followed regarding approving multiple locations on one property with the option to receive only one building permit per parcel property, the intent of the Ordinance, how staff would ensure that only one Conditional Use Permit was operated per parcel property, and the transfer of licenses.

Justin Williams, Assistant City Attorney, clarified license transferring and Fisher clarified that they can transfer between ownership.

Weifenbach stated that City Council and Planning Department discussion did not see the location being an address location versus a parcel location, but also stated that he understands that they will not open all four dispensaries in the one location. Weifenbach spoke to how City Council arrived at what they did.

Brennan clarified that deadline for submitting Conditional Use Permit applications for dispensaries has passed due to meeting dates.

Discussion followed regarding what would happen if the applicant did draw four State licenses with Fisher clarifying that should this happen the applicant has options including transferring them to another entity or another location. Fisher stated that if the location was permitted there would be no further review, but if not it would have to be reviewed by a Conditional Use Permit and as the applicant has one year to make the license operable.

Groote suggested legal language for approval identifying the applications by number and location, stating only a single Conditional Use Permit be operable on the property and any additional Conditional Use Permits on the property would revoke that Conditional Use Permit, but Fisher suggested the approval language be kept to the approval of all four with stipulations outlined in the Project Report and that only one site and only one building permit would be issued to the legally described location.

Groote asked that the applicant confirmed understanding of the approval language
and intent, Jeffries agreed they understand.

Tellinghuisen spoke to his concerns how this off sets the numbers for other applicants.

Discussion followed regarding license transferring, draws in the State Lottery and letters of compliance with Williams clarifying license holders would be able to have more than one license and would be able to transfer but must be operable within a year or it is revoked.

Fisher called the meeting back to subject, clarifying that the discussion on the floor is to approve all four of the Conditional Use Permits with stipulations and the language identifying the single use be addressed.

Quasney moved, Caesar seconded that all four Conditional Use Permits be approved with stipulations identified in 21UR021 with the additional stipulation that only one dispensary be shall be allowed to be operated from this legally described property.

Weifenbach thanked the Planning Commission for their vetting of these items stating that if any of them are brought to the Council he will be able to support their decisions.

Quasney moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary with the following stipulation(s):

1. Only one building permit shall be issued to allow one Medical Cannabis Dispensary to be operated on this legally described property;
2. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;
3. 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;
4. The waste management plan shall be continually monitored to ensure the security of waste handling;
5. 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;
6. 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;

7. 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;

8. 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;

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

10. 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.

*31. No. 21UR022 - Greenway Tract
A request by Puffy's LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 1 of Tract 12 of Greenway Tract, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2120 W. Main Street, Suite 3.

Quasney moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary with the following stipulations:

1. Only one building permit shall be issued to allow one Medical Cannabis Dispensary to be operated on this legally described property;

2. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;

3. 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;

4. The waste management plan shall be continually monitored to ensure the security of waste handling;

5. 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;

6. 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;

7. 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;

8. 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;

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

10. 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.

*32. No. 21UR023 - Greenway Tract
A request by Puffy's LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 1 of Tract 12 of Greenway Tract,
located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2120 W. Main Street, Suite 4.

Quasney moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary with the following stipulations:

1. **Only one building permit shall be issued to allow one Medical Cannabis Dispensary to be operated on this legally described property**;
2. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;
3. 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;
4. The waste management plan shall be continually monitored to ensure the security of waste handling;
5. 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;
6. 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;
7. 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;
8. 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;
9. Prior to submittal of a building permit application, a revised landscaping plan will be required showing the additional landscaping needed; and
10. 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.

*33.  No. 21UR024 - Greenway Tract
A request by Puffy’s LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for Lot 1 of Tract 12 of Greenway Tract, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2120 W. Main Street, Suite 5.

Quasney moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary with the following stipulations:

1. Only one building permit shall be issued to allow one Medical Cannabis Dispensary to be operated on this legally described property;
2. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;
3. 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;
4. The waste management plan shall be continually monitored to ensure the security of waste handling;
5. 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;
6. 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;
7. 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; 

8. 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; 

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

10. 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) 

**34.** No. 21UR028 - Gateway Addition 
A request by Puffy's LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for parcel 147 feet square in the SE corner less Lot H1 of Block 18 of Gateway Addition, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 West Omaha, Unit 100. 

Brennan presented the application and reviewed the associated slides. Brennan noted that this application is also a multi-unit request within one property with suite 100 and 200 being proposed (21UR029). Brennan noted that this is a Conditional Use Permit due to the park located across the street but staff feels that the street between the property and the park provides adequate separation. Brennan stated that based on the discussion from the previous applications staff recommends approval of both Conditional Use Permit to allow a medical cannabis dispensary with the stipulations outlined in 21UR028 and the additional stipulation that only one dispensary be shall be allowed to be operated from this legally described property. 

In response to a question from Caesar on Department of Transportation issues on the property, Brennan clarified there is no right-of-way issue as the previous issues with the property have been addressed by the adjustment of the existing building. 

Bulman moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary with the following stipulations: 

1. Only one building permit shall be issued to allow one Medical Cannabis Dispensary to be operated on this legally described property; 

2. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;
3. 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;

4. The waste management plan shall be continually monitored to ensure the security of waste handling;

5. 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;

6. 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;

7. 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; and

8. 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.

*35. No. 21UR029 - Gateway Addition
A request by Puffy's LLC to consider an application for a Conditional Use Permit to allow a medical cannabis dispensary for parcel 147 feet square in the SE corner less Lot H1 of Block 18 of Gateway Addition, located in Section 35, T2N,
R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1401 West Omaha, Suite 200.

Bulman moved, Caesar seconded and the Planning Commission approved the Conditional Use Permit to allow a medical cannabis dispensary with the following stipulations:

1. Only one building permit shall be issued to allow one Medical Cannabis Dispensary to be operated on this legally described property;
2. Prior to issuance of a building permit, a medical cannabis dispensary license shall be secured from the South Dakota Department of Health;
3. 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;
4. The waste management plan shall be continually monitored to ensure the security of waste handling;
5. 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;
6. 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;
7. 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; and
8. 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.

*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
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.

37. **Discussion Items**
   None

38. **Staff Items**
   Fisher wished everyone Happy Thanksgiving. Fisher thanked staff for their hard work with a reduced staff and for the Planning Commission for vetting the items as thoroughly as they have.

39. **Planning Commission Items**
   Quasney and Caesar thanked the staff and hoped that everyone is aware of the staffing needs.

There being no further business, Bulman moved, Vidal seconded and unanimously carried to adjourn the meeting at 10:40 a.m. (6 to 0 with Braun, Bulman, Caesar, Golliher, Quasney and Vidal voting yes and none voting no)