

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
December 9, 2021

MEMBERS PRESENT: Kelly Arguello, Erik Braun, Karen Bulman, Mike Gollhofer, Eirik Heikes, John Herr, Eric Ottenbacher, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Rachael Caesar. Ron Weifenbach, Council Liaison was also absent.

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

Braun called the meeting to order at 7:06 a.m.

**\*22. No. 21UR047 - Harter Subdivision**

A request by Michael Willard for Tree House Cannabis LLC to consider an application for a **Conditional Use to allow a Medical Cannabis Dispensary** for Lot 1R of Lot N of Harter Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2525 W. Main Street, Suite 104 and 105.

Stuck stepped down from the dais again.

Erin Schoenbeck Byre, attorney for Black Hills Pediatric Dentistry and Rushmore Ambulatory Surgery Center, reviewed their reasons for opposing the request for a dispensary in this location, including what they believe is insufficient distance and separation, the proposed danger to their clients, the increase in traffic, the shared access and parking area. Byre argued that they believe that their clients being children creates a special circumstance that should require separation as well as a safety concern. Byre also stated they worry that the dispensary will bring crime to the area and that they request that the application be denied.

Brennan presented the application and reviewed the associated slide stating that a residential zoning district to the southeast created the need for a Conditional Use Permit.

Fisher clarified that the requested use is a Medical Dispensary, not recreational and approval does not mean it will become a recreational dispensary in the future. Fisher further reviewed the separation requirements and that the Conditional Use Permit addresses allowances to those separations per the Planning Commission review.

In response to a question from Bulman whether the suites were connected or not, Brennan confirmed that they are connected that the applicant is using both to obtain the size for the dispensary.

In response to questions from Gollhofer regarding saturation, Fisher reviewed prior discussion on allowing multiple Conditional Use Permits applications to be approved in one location, but with only one single dispensary be allowed to operate

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on a legally described property. However, this is a different case where the dispensaries are on separate properties located adjacent to each other but also have the same applicant and property owner.

In response to a question from Heikes regarding security, waste management and odor control plans, Fisher stated that they have met requirements, but the plans are very detailed and staff didn't feel it would serve to attach the information. Brennan confirmed that the applicant has to meet the stringent State requirements to receive their final City license.

**Bulman moved, Herr 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; and,**
- 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**

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**a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit. (9 to 0 with Arguello, Braun, Bulman, Golliher, Heikes, Herr, Ottenbacher, 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.***