MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 9, 2021

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

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


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

123. **No. 21UR048 - Section 14, T1N, R7E**
A request by Cody Schad to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for Lot 1 of Lot A of Lot C of the SE1/4 of the NE1/4, located in Section 14, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located east of Tower Road, north of Hanks Drive.

Harrington presented the application and reviewed the associated slides stating that staff had received a letter of opposition on this application. Harrington noted that the dispensary, which is located east of Tower Road and west of Mt. Rushmore Road/Highway 16, would take access from Mt. Rushmore Road with a right-in, right-out only access and that due to the right-of-way requirements for Mt. Rushmore Road that the structure for the dispensary would be set back into the elevated section of the property. Harrington stated that the letter of opposition is concerning the soils and topography in the area.

Nevada Ellison, 20755 100 Street, Rushmore Cannabis Car, LLC, said that they understand the concerns and stated they will have a comprehensive soils study prior to any construction.

Discussion followed with Arguello, Bulman, Ottenbacher and Heikes commenting on their concerns regarding access from Mt. Rushmore and the soil issues in the area. They noted that the speed of and level of traffic, as well as access off of a highway rather than the lower trafficked Tower Road is concerning. Harrington stated due to the topography, access from Tower Road is nearly impossible which is why access is being taken from Mt. Rushmore Road. Harrington noted that in addition to the receiving the right-in, right-out access from the State Department of Transportation, they also obtained an easement that allows the parking to work. Further discussion followed with concerns regarding soils testing and engineering plans being required. Fisher confirmed that all requirements will need to be meet prior to issuance of building permits and Certificate of Occupancy. Additionally the applicant will have to meet the State requirements.

Following the motion to deny, Fisher requested criteria for the denial. Golliher, motion maker, stated the reason for denial is location.
Braun reviewed the vote, verifying the action and vote count.

In response to a question from Vidal if the applicant would need to reapply or continue to allow for further study, Fisher clarified that due State deadlines, this is the last opportunity for review.

Golliher moved, Ottenbacher seconded and the Planning Commission denied the Conditional Use Permit to allow a Medical Cannabis Dispensary. (6 to 3 with Arguello, Bulman, Golliher, Ottenbacher, Quasney and Vidal voting yes and Braun, Heikes and Herr 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.