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December 23, 2021

Via email only to cpweb@rcgov.org

City Council of Rapid City
300 Sixth Street
Rapid City, SD 57701

Re: Conditional Use Permit No. 21UR047
Tree House Cannabis, LLC

Dear City Council Members:

This office represents Tree House Cannabis, LLC in its pending application for a conditional use permit to operate a medical cannabis dispensary at 2525 W. Main Street, Ste. 104-105. We urge the Council to uphold the decision of the Planning Commission and approve this conditional use permit.

As an initial matter, Tree House Cannabis sought a conditional use permit because its proposed location at Clock Tower Plaza is located approximately 310 feet from a residential zoning district. Despite being located within 500 feet of a residential zoning district, the proposed location for Tree House Cannabis is sufficiently buffered from the residential zoned district to prevent any adverse effects. In reviewing Tree House Cannabis' application, the Planning Commission found that commercial development and a large parking lot separate the proposed dispensary location from the residential zoned district. The dispensary location and signage is not visible from the residential area and traffic to the residential area will not increase as the dispensary will be accessed from Piedmont Street off of West Main Street which does not connect to the residential zoned district. Pictures showing this are contained within the application. I am also attaching additional photographs from the proposed site showing the residential zoning district is not visible.

The Planning Commission also notes that property directly to the south of Clock Tower Plaza, zoned as an Office Commercial District, contains the Clock Tower Gardens Apartment Complex. Although Clock Tower Garden's proximity to the proposed dispensary location does not require a conditional use permit as it is

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not zoned as residential property, the Planning Commission did find that the entrance and signage of the proposed dispensary was not visible from the apartment complex.

To date, we are unaware of any appeals or objections to the Planning Commission's decision having been filed by the owners or residents of the residential zoned properties located within 500 feet of the proposed location or the Clock Tower Gardens apartment complex. Citizens whose proximity to this location require a conditional use permit have made no objection to Tree House Cannabis' request.

Tree House Cannabis has reviewed the appeal submitted by Black Hills Pediatric Dentistry, Rushmore Ambulatory Surgery Center, and Sheridan Lake Properties (hereinafter "Sheridan Lake Properties"). The proposed location of the dispensary and Tree House Cannabis' business plan adequately address the concerns raised in this appeal. The objections of the Sheridan Lake Properties are not a reasonable basis to deny Tree House Cannabis a conditional use permit.

The Sheridan Lake Properties raise concerns that the location of the dispensary creates a danger to its young patients. While Black Hills Pediatric Dentistry and Rushmore Ambulatory Surgery Center provide services to children, these businesses cannot be compared to childcare facilities, schools, playgrounds, churches, or public parks where children may be expected to present for extended periods of time for recreation. Rather, patients of these businesses will be present for a short period of time to receive their necessary treatment and will likely be accompanied by their parents or guardians. The presence of children at these businesses is transitory. They are not locations where children "congregate."

In any event, there is a sufficient buffer between the proposed location of the dispensary and the Sheridan Lake Properties to protect children that may be present. Attached hereto is a zoning map that was included in Tree House Cannabis' Application for Medical Cannabis Business License. On this copy of the map, the approximate location of the Sheridan Lake Properties is noted. The Sheridan Lake Properties sit south and west of the residential zoned properties the Planning Commission have already found to be adequately buffered from the dispensary location. Tree House Cannabis would be located on the east side of the Clock Tower Plaza. From this location, the entrance of the dispensary and its signage is not visible from the Sheridan Lake Properties. Clock Tower Gardens Apartment Complex sits between the two properties. Anyone attempting to travel past the Sheridan Lake Properties from Piedmont Street would have to navigate through the parking lots of the apartment complex and onto Sheridan Lake Road. It is not logical that anyone would take such a convoluted route when West Main Street offers much quicker ingress and egress from Piedmont Street. There is no through road connecting the two businesses. I am also attaching pictures from the

proposed site towards the Sheridan Lake Properties showing the Sheridan Lake Properties are not visible.

The Sheridan Lake Properties allege that the proposed location of the dispensary would exponentially increase the potential of someone driving under the influence around its facilities. However, the Sheridan Lake Properties provides no evidence to substantiate this claim. Tree House Cannabis would not allow on-site consumption of its products and security would prevent customers from loitering in the parking area and using products prior to departing. It is notable that for many years the Clock Tower Plaza housed the Clock Tower Lounge, a bar that allowed for on-site consumption of alcohol. The presence of a bar is more likely to lead to intoxicated departing customers than a medical cannabis dispensary.

The second concern raised by the Sheridan Lake Properties is that the proposed dispensary will lead to an increase in crime. The Sheridan Lake Properties seem concerned with the possibility of approved medical cannabis buyers illegally reselling medicines outside of the establishment or of approved buyers being robbed as they leave the establishment. The city's Medical Cannabis Ordinance requires strong security measures to prevent such criminal activity. As laid out in its Application for a Medical Cannabis Business License, Tree House Cannabis will adhere to, and exceed, these requirements. This includes security cameras and security guards outside of the main entrance. These outside security guards will prevent loitering and deter robbery and illicit reselling of medicines.

The remaining appeals raised blanket objections to the granting of a conditional use permit for a medical cannabis facility but did not lay out specific objections to Tree House Cannabis' Application or proposed location. As noted above, the only reason Tree House Cannabis requires a conditional use permit is its proximity to a residential zoned district. However, there is adequate buffering from the residential zoned district such that a dispensary at this location will not adversely affect the residential zoned district. In all other respects, this is a suitable location not in close proximity to schools, parks, churches, daycares, or bike paths.

It should also be noted that Tree House Cannabis, LLC is not a large corporation or "conglomerate". It is a business owned by someone who was born and raised in Rapid City, and is already a business owner. This is a single application for a single location; it is not seeking multiple applications and locations. Mr. Willard is a cancer survivor and is not doing this for the money, but with the knowledge of what these types of treatments can do to help those with serious illness. He has pledged that a portion of the profits will be donated to community engagement initiatives, including the United Way of the Black Hills, Youth and Family Services, Black Hills Workshop, and the Pennington County search and Rescue Team.

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Tree House Cannabis, LLC respectfully request the Council uphold the decision of the Zoning Commission and grant the conditional use permit, so it can operate a safe and successful business providing a medical service approved by a majority of South Dakotans.

Sincerely,

/s/ Jordan D. Bordewyk

Jordan D. Bordewyk

JDB:llc
Enclosures
c. Client