

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.

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 3, 4, 5, 6, 7, 22, 23, and 27 be removed from the Consent Agenda for separate consideration.

Bulman requested that Items 24 and 25 be removed from the Consent Agenda for separate consideration.

Stuck stepped down from the dais at this time.

Motion by Vidal seconded by Heikes and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 27 in accordance with the staff recommendations with the exception of Items 3, 4, 5, 6, 7, 22, 23, 24, 25 and 27. (9 to 0 with Arguello, Braun, Bulman, Gollhofer, Heikes, Herr, Ottenbacher, Quasney, and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 24, 2021 Planning Commission Meeting Minutes.
2. No. 21PL106 - Elks Crossing
A request by KTM Design Solutions, Inc for SSST, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2 and 3 of Block 13, Lots 8 thru 14 of Block 14, Lots 8 thru 13 of Block 15, Lots 1 thru 7 of Block 18, Lot 1 and Lot 2 of Block 19 of Elks Crossing, legally described as a portion of the NW1/2 of the NW1/4 less Elks Crossing, located in Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of Pahlmeyer Drive and Caymus Drive.

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

1. **Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline**

- comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale;
2. 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;
 3. Upon submittal of a Development Engineering Plan application, construction plans for Pahlmeyer Drive, a local 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 for Papillon Drive, a local 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;
 5. Upon submittal of a Development Engineering Plan application, construction plans for Court A, a local 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. In addition, the cul-de-sac bulb 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;
 6. Upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction;
 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 9. The proposed plat shall be allowed as a phased development with all

- subdivision improvements needed to support a particular phase included in the construction plans for that phase;
10. Prior to submittal of a Final Plat application, that portion of the property located outside of the City limits shall be annexed;
 11. Prior to submittal of a Final Plat application, the property shall be rezoned from No Use District to Low Density Residential II District as proposed in order to support the proposed residential development;
 12. Prior to submittal of a Final Plat application, proposed street names 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;
 13. 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,
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

*8. No. 21PD045 - Buffalo Crossing West

A request by Hermanson Egge Engineering, Inc for Dye Properties, LLC to consider an application for a **Revocation of a Planned Development Designation** for Lot G of Buffalo Crossing West, located in Section 27, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 2014 Hope Court.

Planning Commission approved the Planned Development Designation Revocation.

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. 21PD046 - Cambell Square Addition

A request by From the Hills to consider an application for a **Major Amendment to A Planned Development Overlay to allow a Medical Cannabis Dispensary** for Lot 7 of Cambell Square Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 530 Cambell Street.

Planning Commission approved the Major Amendment to a Planned Development Overlay 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 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.

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.

10. No. 21RZ031 - Section 24, T2N, R7E
A request by Bret and Kathy and Carla McBride to consider an application for a **Rezoning request from General Agricultural District to Medium Density Residential District** for the NW1/4 of the NE1/4 less McMahon Industrial Park Subdivision #2 and less right-of-way; the SW1/4 of the NE1/4 less Dollar General Subdivision, less Lot H3 and less right-of-way, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Haines Avenue and Country Road.

Planning Commission recommended approval of the Rezoning request from General Agricultural District to Medium Density Residential District be approved.

11. No. 21PL121 - Irene Estates Subdivision

A request by Davis Engineering, Inc for Jon Eizinger to consider an application for a **Preliminary Subdivision Plan** for proposed Lots A and B of Lot 2 of Block 1 of Irene Estates Subdivision, legally described as Lot 2 of Block 1 of Irene Estates Subdivision, located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of W. SD Highway 44 and west of Nameless Cave Road.

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

1. **Upon submittal of a Development Engineering Plan application, construction plans for a sanitary sewer main within Nameless Cave Road right-of-way shall be submitted for review and approval 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;**
2. **Upon submittal of a Development Engineering Plan application, the plat document shall show the dedication of 17 additional feet of right-of-way along Nameless Cave Road 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, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
4. **Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;**
5. **Prior to approval of the Development Engineering Plan application, an engineering design report for sewer shall be 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;**
6. **Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;**
7. **Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;**
8. **Prior to submittal of a Final Plat application, the applicant shall coordinate with the Rapid City Fire Department to determine if a Wild**

Fire Mitigation Plan is needed for the property. If required, a copy of the approved plan shall be submitted with the Final Plat application;

9. 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;
 10. 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;
 11. Prior to submittal of a Final Plat application, the plat title shall be revised to add "of Block 1" to the new lots and to the formerly description;
 12. 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,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
12. No. 21PL128 - Villas at the Villaggio

A request by Longbranch Civil Engineering, Inc for Villaggio, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lot A of Villas at the Villaggio, legally described as a portion of the NE1/4 of the SW1/4 of the SE1/4, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Vineyard Lane and Golden Eagle Drive.

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

1. Upon submittal of a Development Engineering Plan application, construction plans for Golden Eagle Drive, a local street, located west of the intersection of Villaggio Lane 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;
2. Upon submittal of a Development Engineering Plan application, the plat document shall show the dedication of an additional 4.47 feet of right-of-way along Golden Eagle Drive up to and through the Villaggio Lane intersection to obtain a width of 34 feet to center of existing right-of-way as required for collector streets;
3. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted

- for review and approval;
4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 5. 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;
 6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
 7. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;
 8. 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;
 9. Prior to submittal of a Final Plat application, the plat shall be revised to show a corporate acknowledgement for the owner. In addition, the "Certificate of Finance Director" shall be placed in the correct order within the two signature blocks required for the Finance Director;
 10. 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,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

*13. No. 21UR037 - Northern Heights Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for property described as Lot 1 of Tract A of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1565 Haines Avenue, Suite B.

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

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. 21UR038 - Market Square Subdivision
A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 4 of Market Square Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 1624 E. St. Patrick Street, Suite 106.

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

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.

*15. No. 21UR039 - Market Square Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 4 of Market Square Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1624 E. St. Patrick Street, Suite 107.

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

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.

*16. No. 21UR040 - Market Square Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** Lot 4 of Market Square Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1624 E. St. Patrick Street, Suite 101.

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. **Only one building permit shall be issued to allow one Medical Cannabis**

- Dispensary to be operated on this legally described property;
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.**

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.

*17. No. 21UR041 - Market Square Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 4 of Market Square Subdivision, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1624 E. St. Patrick Street, Suite 108.

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

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.

*18. No. 21UR042 - Section 3, T1N, R7E

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot D, E, F and G of Lot 1 of the NE1/4 of the NE1/4, less Lot H of Lot 1 of Baken Park Subdivision (NKA Tract 11, Rapid City Greenway Tract) Less Lot H1 of said Lot D, less Lot H1, Lot H2, Lot H3 of said Lot E, less Lot H1 and Lot H2 of said Lot G, all located in Section 03, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 709 Mountain View Road.

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 a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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. 21UR043 - Northern Heights Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 1 of Tract A of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1565 Haines Avenue, Suite A.

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

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.

*20 No. 21UR044 - Northern Heights Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 1 of Tract A of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1565 Haines Avenue, Suite E.

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

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. 21UR045 - Northern Heights Subdivision

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** Lot 1 of Tract A of Northern Heights Subdivision, located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1565 Haines Avenue, Suite C.

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

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.

*26. No. 21UR051 - Original Town of Rapid City

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 18 thru 20 of Block 7 of Schnasse Addition, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 230 East North Street.

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 a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.**

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.

---END OF CONSENT CALENDAR---

Stuck returned to the dais at this time.

Fisher requested that Items #3, #4, #5, #6 and #7 be taken together.

3. No. 21AN004 - 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 **Petition for Annexation** for the SW1/4 SE1/4 and part of the E1/2 SE1/4 Lying southwest of RR, and including the Old Folsom Road right-of-way adjoining thereto, in Section 20, T1N, R8E, BHM, Pennington County, South Dakota; the E1/2; and the NW1/4 E of HWY 79 Less Lot H2, in Section 29, T1N, R8E, BHM, Pennington County, South Dakota; and Highway 79 right-of-way (less that portion previously annexed by the City of Rapid City) located in Sections 19, 20, 29 and 30, T1N, R8E; BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Highway79 and Old Folsom Road.

4. 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.

5. 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** for 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.

6. 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.

7. 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: 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.

Fisher state that the applicant has requested that the items be continued to allow revisions to the applications and as such staff recommends that they be continued to the January 27, 2022 Planning Commission meeting.

**Golliher moved, Quasney seconded and the Planning Commission unanimously continued the Petition of Annexation to the January 27, 2022 Planning Commission meeting; and ,
Continued the Rezoning request from No Use District to Light Industrial District to the January 27, 2022 Planning Commission meeting; and,
Continued the Rezoning request from No Use District to Heavy Industrial District to the January 27, 2022 Planning Commission meeting; and,
Continued the Rezoning request from No Use District to General Commercial District to the January 27, 2022 Planning Commission meeting; and,
Continued the Rezoning request from No Use District to Heavy Industrial District to the January 27, 2022 Planning Commission meeting. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Ottenbacher, Quasney, Stuck and Vidal voting yes and none voting no)**

*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 Gollither 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 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 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, Gollither, 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.

*23. 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 met 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. Gollhofer, 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.

Gollhofer moved, Ottenbacher seconded and the Planning Commission denied the Conditional Use Permit to allow a Medical Cannabis Dispensary. (6 to 3 with Arguello, Bulman, Gollhofer, 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.

Bulman asked that Item #24 and #25 be taken together.

*24. No. 21UR049 - Original Town of Rapid City

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 29 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 608 St. Joseph Street.

*25 No. 21UR050 - Original Town of Rapid City

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Conditional Use Permit to allow a Medical Cannabis Dispensary** for Lot 28 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 610 St. Joseph Street.

Harrington presented the application and reviewed the associated slides noting these are located in the downtown area so no parking or landscaping plans are required stating that staff recommends approval of the Conditional Use Permits to allow a Medical Cannabis Dispensary with stipulations.

In response to a question from Vidal on the residential use planned as a part of the development on the corner of 5th Street and St. Joseph and if that creates a separation concern, Harrington clarified that the Ordinance identifies Residential Zoning Districts as requiring separation.

In response to a question from Bulman the two separate properties and potential for sale of one or the other, Fisher said the described property is one with two addresses and ownership is not the issue.

In response to a question from Heikes on Security, Waste and Odor Plans, Fisher

clarified that staff has done a thorough review of the applications including their operation plans to ensure that they have acceptable plans, but reiterated that the actual management of these will be done by the State.

Harrington clarified that after discussion with the property owner, that the properties are separate with a lot line between them. Fisher clarified that staff would still support the application with the additional stipulation that only one dispensary be allowed.

Vidal 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;**
- 7. Only one building permit shall be issued to allow only one Medical Cannabis Dispensary to be operated at 608 Saint Joseph Street or 610 Saint Joseph Street; 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; and,

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.

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. Only one building permit shall be issued to allow only one Medical Cannabis Dispensary to be operated on this legally described property or the neighboring property;**
- 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. (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.

*27. No. 21PD050 - Marshall Heights Subdivision #2

A request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a **Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary** for Tract A and B of Marshall Heights Subdivision #2, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2130 N. LaCrosse Street.

Fisher stated that the required sign was not displayed continually on the property and therefore did not meet the notification requirements and as such staff requests that the Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary be continued to the January 6, 2022 Planning Commission Meeting.

In response to a question from Quasney whether delaying the application put it past the deadline for qualifying for State Lottery, Fisher confirmed that it unfortunately does, but that staff is tasked with ensuring that all requirements are met to allow applications to be heard.

Emmett Reistroffer, Genesis Farms, LLC, thanked staff for working with them on all their applications. Reistroffer explained the poster/sign was only down for a couple of hours at most due to miscommunication between shift staff and would ask that the application be allowed to be heard.

In response to a question from Vidal as to what the purpose of sign being posted, Groote confirmed it is to give notice to the public and that the Ordinance requires it be posted continually.

Bulman moved, Golliher seconded and the Planning Commission continued the Major Amendment to a Planned Development Overlay to allow a Medical Cannabis Dispensary to the January 6, 2022 Planning Commission Meeting. (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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*28. No. 21PD049 - Big Sky Business Park

A request by Indigo Design, LLC for Pilot Properties, LLC to consider an application for a **Major Amendment to a Planned Development to expand an apartment complex** for Lots 4 thru 6 of Block 5 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Berneice Street and Neel Street.

Stuck returned to the dais at this time.

Hanzel presented the application and reviewed the associated slides noting that this is to expand an existing apartment complex. Hanzel explained that staff wanted to present this application so that Planning Commission can see the proposed design which staff supports and recommends be approved. Hanzel reviewed that this is a phased project with Phase 1 being projected to start in 2022 with Phase 3 being slated for 2024. Hanzel reviewed the project noting the proposed open space for the residents in addition to a patio area for their use. Hanzel stated that staff recommends the Major Amendment to a Planned Development to expand an apartment complex be approved with stipulations.

Vidal moved, Golliher seconded and the Planning Commission recommended approval of the Final Planned Development Overlay to expand an apartment complex with the following stipulations:

- 1. A building permit shall be obtained prior to any construction. A Certificate of Occupancy is required prior to occupancy;**
- 2. All plans, including Footing and Foundation plans, shall be stamped by an engineer;**
- 3. Prior to submittal of a building permit, a recorded plat document shall be submitted showing lot lines configured such that sewer and water service lines do not cross property lines;**
- 4. Upon submittal of a building permit, an executed development lot agreement or covenant agreement allowing shared access and parking shall be submitted;**
- 5. Upon submittal of a building permit, written permission shall be submitted from the owner of Lot 3C, Block 1, Big Sky Business Park allowing storm water from the proposed project to drain across the lot to the existing detention cell;**
- 6. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Major Amendment to the Initial and/or Final Planned Development Overlay;**
- 7. An Air Quality Permit shall be obtained prior to disturbance of 1 acre or more of soil;**
- 8. 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; and
9. This Final Planned Development Overlay shall allow a 48-unit apartment development. These 48 units are in addition to the 48 units previously approved with 13PD053. 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. (9 to 0 with Arguello, Braun, Bulman, Gollither, Herr, Ottenbacher, 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.

*29. No. 21RZ030 - Rice Valley View Properties Subdivision

A request by Indigo Design, LLC for Rice Valley View Properties to consider an application for a **Rezoning request from General Commercial District to Office Commercial District** for Lot 4, Lot 5 and Lot 7 of Rice Valley View Properties Subdivision, located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Omaha Street and west of Cambell Street.

Hanzel presented the application and reviewed the application, noting that the surrounding area is generally General Commercial and Light Industrial. Hanzel further noted that there is high vehicle and truck traffic along Cambell Street and Omaha. Hanzel reviewed some of the items staff reviews for a rezoning request and stated that staff raised concerns about the potential for land use conflicts which lead to staff's original recommendation to deny. However, Hanzel stated that staff has had further discussion with the applicant on the future development plans and plans to take access from Omaha Street. Hanzel also noted that the applicant plans to use the elevation difference from E. Omaha as a buffer between the residential use and the highly trafficked street. Hanzel reviewed that following these discussions, staff has revised their recommendation to approve the Rezoning request from General Commercial District to Office Commercial District in conjunction with a Planned Development Designation to allow review of future development of the area so these areas of concern can be addressed. Hanzel further stated that the applicant has been made aware that based on the number of residential units a Traffic Impact Study may be required.

Fisher reviewed the unique basis of this application and the change of staff's recommendation, noting that this is a viable development option and staff wants to promote mixed use design that provides opportunity for families that might be better served by this type of residential development.

Kyle Hibbs, Indigo Design, LLC, representing Blue Line Development, briefly reviewed the proposed development and that the plan is to develop a 180 unit

apartment with 3, 60-unit buildings with target tenants being young families and the elderly. Hibbs noted that proposed access to the development is anticipated to be taken from Omaha Street through the lot to the west. Hibbs reviewed that rent would be based on income and unit size and that they have considered both transportation and walkability options as well as that there will be two play areas provided on-site for residents.

Scott Engman, Habitat for Humanity, spoke to their concerns regarding access to the proposed development stating that their location has seen issues and worries that additional use of access from this area would create further difficulties and would prefer access be taken from Cambell if possible.

Fisher reiterated that it is anticipated the applicant will have to provide a Traffic Impact Study which would address access issues at that time; however, that requirement is not a part of the request before the Planning Commission today. Fisher noted the study would be required as a part of the Planned Development Overlay application that would be submitted to allow the development of the property, should the Planning Commission approve the Rezoning request.

Ottenbacher asked about the proposed number of units and proposed continuing the application to allow more concrete plans for the proposed development. Fisher reviewed the ordinance for residential structures, clarifying the need for a Planned Development. Fisher further clarified that the time and tool to review issues related to the development is the Planned Development Overlay, that the Rezoning request is the initial step to allow the applicant to know if the land supports moving forward with that application

Hibbs reviewed plans for access reviewing how access is planned to be taken from Omaha. Fisher further noted that should the Traffic Impact Study be required with the Planned Development Application it might identify that two points of access are required but again noted that it is a part of the Planned Development process.

Fisher clarified that although staff's initial recommendation had been to deny, current recommendation before the Planning Commission is to approve in conjunction with a Planned Development, which would allow Planning Commission to review any development as it goes forward.

Further discussion relating to the proposed development of the property including access, design, floodplain, nearby railroad access, uncommon location for residential development followed with staff addressing these issues. Harrington clarified the railroad property is considered rail banked, which is not abandoned, but is reserved for future railroad use if necessary and that the City is looking to enter a lease for this of right-of-way for recreational uses. Fisher clarified this is not located in the flood plain. Fisher discussed how the Comprehensive Plan promotes infill development and mixed-use development within the city.

Braun stated he the feels that part of benefit is the businesses and traffic as is building within rather than in sprawling outside of the City.

Golliher moved, Vidal seconded and the Planning Commission recommended

approval of the Rezoning request from General Commercial District to Office Commercial District in conjunction with a Planned Development Designation. (7 to 2 with Arguello, Braun, Bulman, Golliher, Herr, Stuck and Vidal voting yes and Ottenbacher and Quasney voting no)

30. Discussion Items
None

31. Staff Items
Harrington informed the Planning Commission that Vicki Fisher had been appointed and sworn in by City Council at the December 6th City Council meeting as the official Director of the Department of Community Development.

Fisher thanked everyone and thanked the Planning Commission for their thorough review of the applications brought before them.

32. Planning Commission Items
None

There being no further business, Golliher moved, Bulman seconded and unanimously carried to adjourn the meeting at 8:36 a.m. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Ottenbacher, Quasney Stuck and Vidal voting yes and none voting no)