



Rapid City Planning Commission

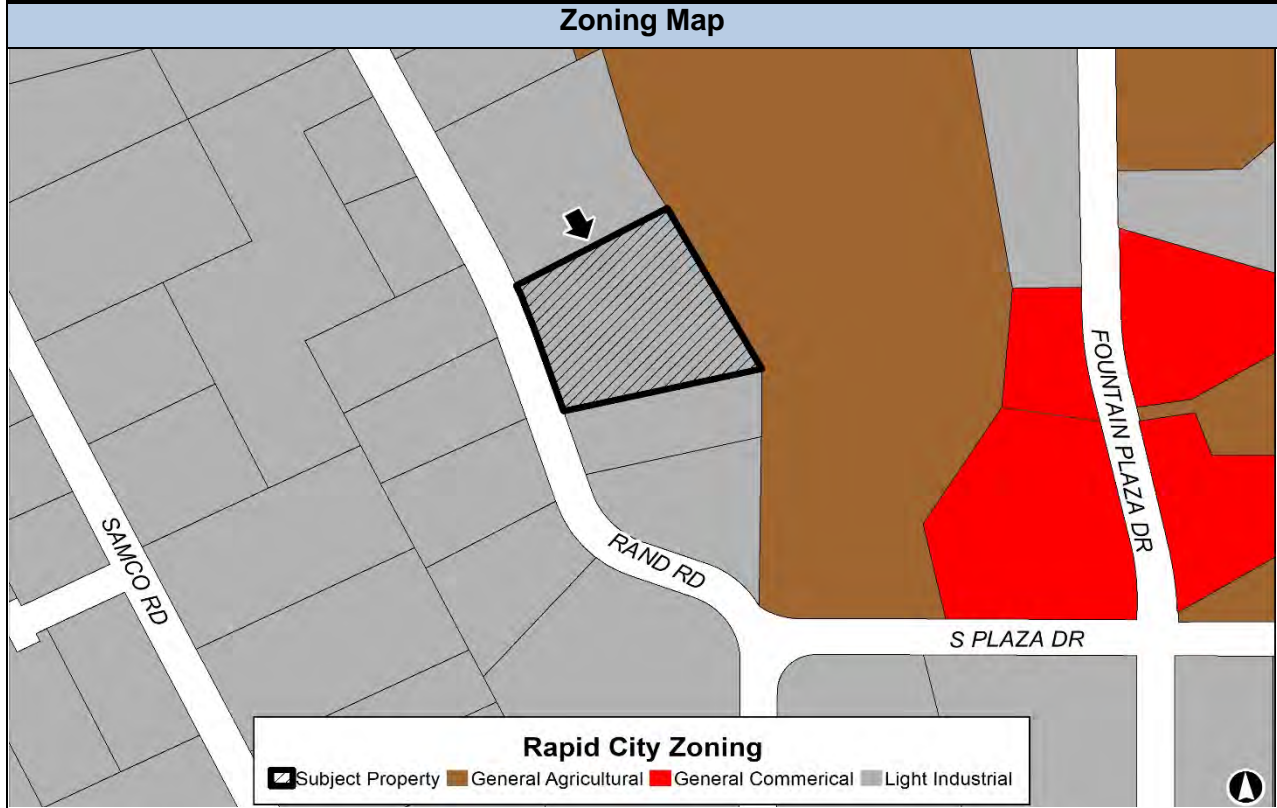
Conditional Use Permit Project Report

February 10, 2022

Item #5	
Applicant Request(s)	
Case #22UR002 – Conditional Use Permit to allow a Medical Cannabis Cultivation Establishment	
Companion Case(s): N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Conditional Use Permit be approved with the stipulations noted at the end of the report.	
Project Summary Brief	
<p>The applicant has submitted a Conditional Use Permit application to allow a medical cannabis cultivation establishment at 1820 Rand Road. There is currently a 4,400 square foot industrial building located on the property. The applicant has indicated that the medical cannabis cultivation establishment will not be open to the public. There will be 4-8 employees occupying the business between 8 a.m. and 8 p.m. Monday through Sunday.</p> <p>Pursuant to SDCL 34-20G, the City of Rapid City adopted Ordinances to regulate the time, place, manner and number of medical cannabis establishments within the City. The adopted Ordinances are intended to balance the varied interests and lessen any potentially deleterious effects on neighboring properties for what will be a new use of property within the City of Rapid City. The proposed State regulations require that all medical cannabis establishments be a minimum distance of 1,000 feet from public or private schools. The adopted City Ordinance includes language to promote separation between other specific uses to minimize the impact and preserve the character of the neighborhood. More specifically, a medical cannabis cultivation establishment must also be located a minimum distance of 500 feet from a childcare center, church, public park, or property zoned as a residential district. The use is only allowed within the Light Industrial District and the Heavy Industrial District and requires the review and approval of a Conditional Use Permit.</p> <p>The subject property is zoned Light Industrial District and is not located within 1,000 feet of a school and is not located within 500 feet of a public park, childcare center, church or residential district. As such, the applicant has submitted this Conditional Use Permit application for the review and approval by the Planning Commission.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Jacob Thomas Johnson	Planner: Kelly Brennan
Property Owner: 412 Investment Group LLC	Engineer: Emily Fisher
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Emily Fisher
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	1820 Rand Road
Neighborhood	Deadwood Avenue Neighborhood Area
Subdivision	Watersedge Subdivision
Land Area	2.08 acres
Existing Buildings	Industrial
Topography	Flat/se corner of lot slopes se
Access	Rand Road
Water Provider	City of Rapid City
Sewer Provider	City of Rapid City

Electric/Gas Provider	Black Hills Energy
Floodplain	N/A

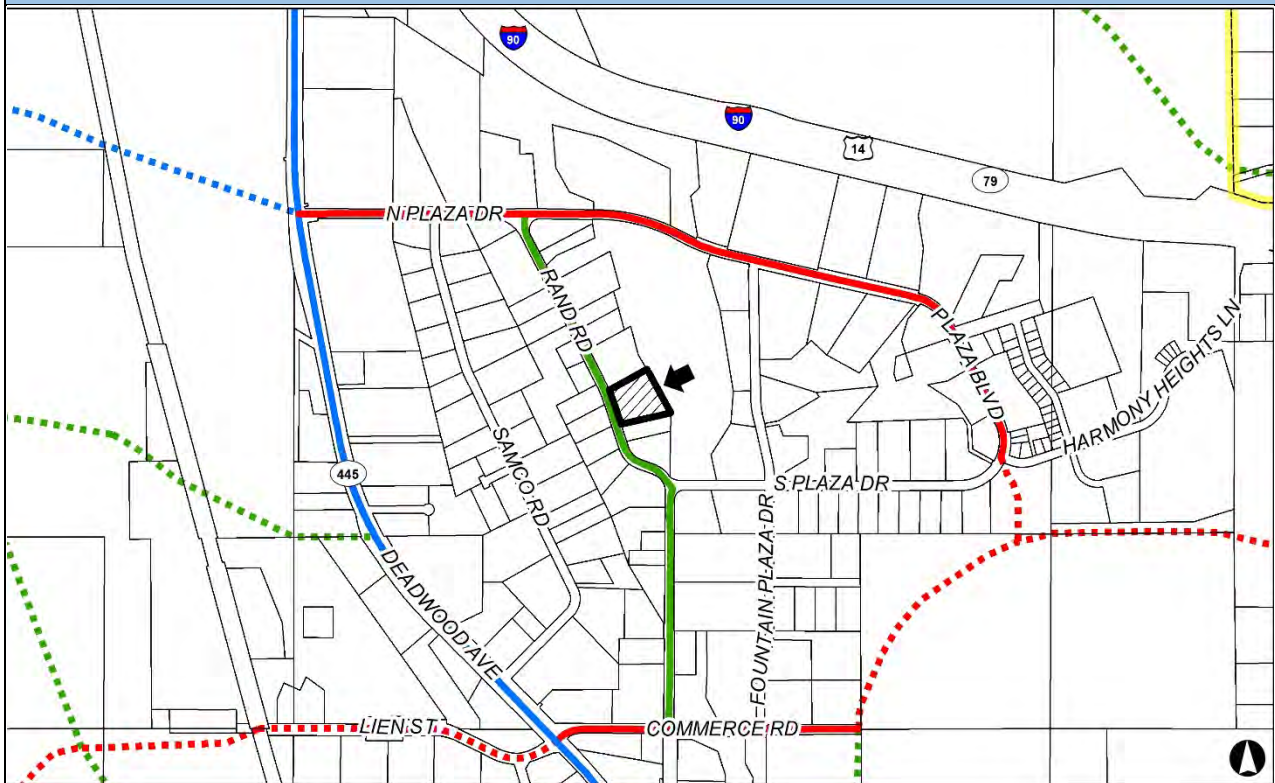
Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LI	LI	Vacant industrial building
Adjacent North	LI	LI	Auto repair shop
Adjacent South	LI	LI </td <td>Mixed industrial uses</td>	Mixed industrial uses
Adjacent East	GA	PG	Vacant
Adjacent West	LI	LI	Auto repair shop



Comprehensive Plan Future Land Use



Parks or Transportation Plan










Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Light Industrial District	Required	Proposed	
Lot Area	20,000 square feet	90,605 square feet	
Lot Frontage	N/A	198 feet	
Maximum Building Heights	4 stories or 45 feet	1-story, 25 feet	
Maximum Density	75%	5%	
Minimum Building Setback:			
• Front	25 feet	150 feet	
• Rear	25 feet	70 feet	
• Side	25 feet	75 feet	
• Street Side	25 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	86,205	92,266	
• # of landscape islands	0	0	
Minimum Parking Requirements:			
• # of parking spaces	13	27	
• # of ADA spaces	1	2	
Signage	As per Sign Code	N/A	
Fencing	As per RCMC Chapter 17.50.150	N/A	

Planning Commission Criteria and Findings for Approval or Denial	
<p>Pursuant to Section 17.50.105 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow a medical cannabis cultivation establishment:</p>	
Criteria	Findings
1. The property shall not be located within 1,000 feet of a public or private school;	Pursuant to South Dakota Codified Law (SDCL) 34-20G, the use shall not be allowed within 1,000 feet of a public or private school. The City does not have the authority to waive this requirement. Upon review of this location, it has been determined that the use is not located within 1,000 feet of a public or private school.
2. The medical cannabis cultivation establishment shall be operated completely within an enclosed structure;	The applicant has submitted an operational plan identifying that the medical cannabis cultivation establishment will be operated completely within an enclosed structure.
3. The applicant shall submit the following plans demonstrating compliance with all applicable laws, regulations, administrative rules, and ordinances, including but not limited to § 17.50.105: a) an operating plan; b) a waste management plan; c) a security plan and d) an odor control plan;	<p>Operational Plan - The applicant has indicated that the medical cannabis cultivation establishment will be operational daily from 8:00 a.m. to 8:00 p.m. Each prospective employee will be required to pass a criminal history background check. No public access to the building will be allowed.</p> <p>Security Plan - The plan identifies that the establishment will be camera monitored inside and outside 24 hours per day, Monday through Sunday. The security cameras will operate at a minimum resolution of 750 pixels and 15 frames per second. The security system will include a backup battery system that will allow the system to operate without direct electrical service for a minimum of 24 hours. In addition, there will be an alarm system with monitored</p>

	<p>sensors on all exterior doors, windows, and gates. All medical cannabis materials will be tracked by regular inventory audits to prevent loss or theft.</p> <p>Waste Management Plan - The applicant will ensure that all cannabis remnants or by-products will be disposed of according to an approved plan. Cannabis waste will be rendered unrecognizable and will be composted onsite or offsite. All medical cannabis products will be recorded into an Inventory Tracking System.</p> <p>Odor Control Plan – Odor eliminating activities will occur in all locations inside the facility. A combination of intake and exhaust fans will be used continuously to create negative air pressure inside the main perimeter of the building. This results in air being pulled in through any opening around the building, keeping odors inside. In addition, all air leaving the building will pass through an activated charcoal filter or receive an ozone treatment.</p>
4. The medical cannabis cultivation establishment shall comply with all requirements of the Fire Code adopted as Chapter 8.24 of the Rapid City Municipal Code;	The Fire Department has noted that the applicant must contact the Rapid City Fire Department, Fire and Life Safety Division for guidance and assistance to determine the specific needs for this building. If the building is not currently equipped with the required protective features, a corrective plan of action must be developed in coordination with the Fire Department. All corrective actions and timeframes will be secured with a covenant agreement prepared by the Rapid City Attorney's Office. Such covenant must be established prior to issuance of a certificate of occupancy.
5. The property shall not be located within 500 feet of a childcare center, church, public park, or property zoned as a residential district;	It is the purpose of this section to regulate medical cannabis cultivation establishments to promote the health, safety, and general welfare of the citizens of Rapid City, and to establish reasonable and uniform regulations to allow medical cannabis land uses in appropriate areas without harm to the City's residential, commercial, and public park areas. As noted above, The subject property is zoned Light Industrial District and is not located within 1,000 feet of a school and is not located within 500 feet of a public park, childcare center, church or residential district.
6. The proposed use has been reviewed under Chapter 17.54.030(E) Conditional Use Permit Criteria for Review.	See below
Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.030(E) of the Rapid City Municipal Code the Planning Commission shall consider the following criteria:	
1. The location, character and natural features of the property;	The property is approximately 2.08 acres in size and is located at 1820 Rand Road. The property is zoned Light Industrial District and is currently developed with a one-story industrial building measuring 4,400 square feet in size.
2. The location, character and design of adjacent buildings;	Properties to the north, west, and south are all zoned Light Industrial District. The property to the east is zoned General Agricultural District The west, south, and north lots are developed with industrial uses, and the property to the east is vacant.

3. Proposed fencing, screening and landscaping;	The applicant is not proposing any new fencing or screening. The landscape plan indicates 86,205 landscape points are required, while 90,605 points will be provided. This will bring the property into compliance with Chapter 17.50.300 of the Rapid City Municipal Code.
4. Proposed vegetation, topography and natural drainage;	The property is primarily flat. Utilizing an existing structure for the location of the proposed medical cannabis cultivation establishment does not alter the existing topography or drainage on the property.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;	Vehicular access to the proposed medical cannabis cultivation establishment is from Rand Road, a collector street on the City's Major Street Plan. The City parking regulations require that 13 parking spaces with 1 "van" accessible ADA space be provided. The applicant has submitted a parking plan, which provides 27 parking spaces with 2 ADA spaces. One of the ADA spaces is "van" accessible. The parking plan also identifies a loading and unloading area within the structure, accessed via a garage door located on the west side of the existing structure. This access point will be secured at all times.
6. Existing traffic and traffic to be generated by the proposed use;	The subject property is located within an existing industrial corridor with an existing street design to accommodate the traffic. A 4,400 square foot medical cannabis cultivation establishment will have a minimal impact on traffic at this location.
7. Proposed signs and lighting;	No electronic signage is being approved as a part of the Conditional Use Permit application.
8. The availability of public utilities and services;	The property is currently served by public utilities including Rapid City sewer and water.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;	The property is zoned Light Industrial District. As previously noted, the property is not located within 1,000 feet of a school and is not located within 500 feet of a public park, childcare center, church or residential district. As such, the applicant has submitted this Conditional Use Permit application for the review and approval by the Planning Commission. The application includes the necessary information to ensure that all of the requirements for a medical cannabis cultivation establishment set forth within Chapter 17.50.105 of the Rapid City Municipal Code are being met.
10. The overall density, yard, height and other requirements of the zone in which it is located;	The existing development located on the property is in compliance with the overall density, yard and height requirements of the Zoning Ordinance. No additional structural development is being proposed.
11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation;	Pursuant to the City's Medical Cannabis Establishment Ordinance, the applicant has submitted a waste management plan and an odor control plan. The waste management plan must be continually monitored to ensure the security of waste handling. In addition, The odor control plan must be continually monitored to ensure that all ventilation, odor abatement, and any other measures are taken to prevent nuisances. The premises must 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 must direct exhaust away from residential uses or zones.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses.	The stipulations of approval will ensure that the proposed medical cannabis cultivation establishment is operated in compliance with the submitted operational plan and that any expansion of the medical cannabis cultivation use will require a Major Amendment to the Conditional Use Permit.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial	
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:	
Comprehensive Plan Conformance – Core Values Chapters	
 A Balanced Pattern of Growth	
N/A	
 A Vibrant, Livable Community	
LC-3.1C	Compatible Infill and Redevelopment – This goal encourages compatible infill development to take advantage of existing infrastructure and to encourage additional upkeep and reinvestment. A medical cannabis cultivation establishment at this location in an existing vacant industrial building will meet this goal.
 A Safe, Healthy, Inclusive, and Skilled Community	
N/A	N/A
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: The subject property abuts Rand Road, which is identified as a collector street on the City's Major Street Plan. This section of Rand Road is a developed industrial corridor with the potential for reinvestment of properties along the corridor.
 Economic Stability and Growth	
N/A	N/A
 Outstanding Recreational and Cultural Opportunities	
EC-3.1C	Other Employment Areas: The proposed Rezoning request supports the development of other employment uses in Light Industrial areas.
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	Public Input Opportunities: The proposed Conditional Use Permit requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Conditional Use Permit is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Light Industrial
Design Standards:	
N/A	
Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Deadwood Avenue Neighborhood Area
Neighborhood Goal/Policy:	
DA-NA1.1C	Employment Activities: Support the continuation and expansion of existing employment and light industrial uses in these areas.

Findings
Staff has reviewed the Conditional Use Permit to allow a medical cannabis cultivation establishment pursuant to Chapter 17.18, Chapter 17.50.105 and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed medical cannabis cultivation establishment site is zoned Light Industrial District and is not located within 1,000 feet of a school or within 500 feet of a public park, childcare center, church or residential district. The application includes the necessary information to ensure that all of the requirements for a medical cannabis cultivation establishment set forth within Chapter 17.50.105 of the Rapid City Municipal Code are being met. In addition, the proposed land use is in compliance with the City’s Future Land Use Plan and meets several of the goals of the City’s Comprehensive Plan.

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Conditional Use Permit be approved with the following stipulation(s):	
1.	Prior to issuance of a certificate of occupancy, a medical cannabis cultivation establishment license shall be secured from the South Dakota Department of Health. Failure to obtain a registration certificate, or revocation of a registration certificate, shall disqualify the establishment as a permitted use and shall be sufficient cause for revocation of a Conditional Use Permit;
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 cultivation establishment 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;
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 cultivation establishment at the location proposed. The medical cannabis cultivation establishment 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 cultivation

	establishment shall require a Major Amendment to the Conditional Use Permit. Permitted uses within the Light Industrial District, which are in compliance with the Parking Ordinance, shall be allowed with a building permit.
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Rapid City Department of Community Development

Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

Applicant Request(s)	
Case # 22UR002	Conditional Use Permit to allow a medical cannabis cultivation establishment
Companion Case(s) #	N/A
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use;
2.	All requirements of the currently adopted Building Code, Mechanical and Electric Codes and the International Fire Code shall be met;
3.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
4.	ADA accessibility shall be maintained throughout the site as necessary;
5.	All parking shall be installed and maintained in compliance with the requirements of the Rapid City Parking Ordinance; and,
6.	All lighting shall be designed to preclude shining on adjacent properties and rights-of-ways, so as not to create a nuisance to neighboring properties and traffic.