MEMBERS PRESENT: Karen Bulman, Rachael Caesar, Mike Golliher, Eirik Heikes, John Herr, Eric Ottenbacher, Haven Stuck and Vince Vidal. Ron Weifenbach, Council Liaison was also present.

MEMBERS ABSENT: Kelly Arguello, Erik Braun, Mike Quasney,


Caesar called the meeting to order at 7:00 a.m.

Caesar 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.

Herr requested that Items 5 be removed from the Consent Agenda for separate consideration.

Motion by Bulman seconded by Golliher and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 5. (5 to 0 with Bulman, Caesar, Golliher, Heikes, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 21, 2022 Planning Commission Meeting Minutes.

*2. No. 22PD015 - Johnson Ranch Subdivision
   A request by KTM Design Solutions, Inc for Yasmeen Dream LLC to consider an application for a Final Planned Development Overlay to allow a community park for Lot BR-1 of Johnson Ranch Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Provider Boulevard north of Hutt Court.

   The Planning Commission continued the Final Planned Development Overlay to allow a community park to the June 9, 2022 Planning Commission Meeting.

   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.

3. No. 22PL037 - Black Hills Commerce Center Subdivision
   A request by Towey Design Group, Inc for Keating Resources to consider an application for a Preliminary Subdivision Plan for proposed Lots 1 thru 15 of
Black Hills Commerce Center Subdivision, legally described as the unplatted portion of the SW1/4 of Section 28, T2N, R8E, Lot 3 of Starlite Subdivision and Lot 4 of Forefathers Flats Subdivision all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Dyess Avenue and E. Mall Drive.

The Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Prior to submittal of a Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application;

2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the proposed internal “Access and Utility Easement” as right-of-way or an Exception shall be obtained to allow an easement to serve more than four lots. 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 Traffic Impact Study shall be submitted for review and approval. In addition, construction plans addressing any required improvements identified within the Traffic Impact Study shall be submitted with the Development Engineering Plan application for review and approval;

4. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street and shall include a cul-de-sac at the southern terminus in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the plat document shall show the dedication of 35 feet of right-of-way, half of the required 70-foot wide right-of-way for a commercial street, with an additional 5 feet of right-of-way the first 200 feet as the street extends south from the intersection of E. Mall Drive 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;

5. Upon submittal of a Development Engineering Plan application, construction plans for the proposed interior access and utility easements shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street and shall include a cul-de-sac at the eastern terminus of the easement abutting proposed Lot 5 in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the plat document shall be revised to show the easement(s) with a minimum width of 70 feet and an additional 10 feet the first 200 feet as the easement(s) extends south from E. Mall Drive 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 a Development Engineering Plan application, access to proposed Lot 5 shall be clarified. In particular, if the proposed
“shared approach” located on proposed Lot 4 is to provide access to proposed Lot 5 then the “shared approach” shall be relocated to the common lot line between the two lots and extended in length to accommodate traffic and turning movements;

7. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval;

8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;

9. 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;

10. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;

11. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded;

12. Prior to submittal of a Final Plat application, the plat document shall be revised to show “Mall Drive” as “E. Mall Drive” and to show “Dyess Aveess Ave” as “Dyess Avenue”;

13. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements created with the proposed development. In addition, Major Drainage Easements shall be dedicated for all drainage improvements;

14. 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,

15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

4. No. 22PL038 - Silver Strike Subdivision
A request by Ferber Engineering Company, Inc for Hay Land, LLC to consider an application for a Preliminary Subdivision Plan for proposed Lot 1R of Silver Strike Subdivision, legally described as the balance of Lot 1 of Silver Strike Subdivision, less a portion of Lot 1A of Block 5 in East Mall Business Center Subdivision and less Tish Boulevard right-of-way, located in the SW1/4 of the NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Tish Boulevard and north of E. Mall Drive.

The Planning Commission recommended that the Preliminary Subdivision
Plan be approved with the following stipulation:

1. Upon submittal of a Final Plat application, written documentation from all of the affected utility companies indicating approval of the vacation of the existing power easements on the property shall be submitted.

6. No. 22RZ005 - Section 24, T1N, R7E
A request by KTM Design Solutions, Inc for Stoneridge LLC to consider an application for a Rezoning request from Low Density Residential District 1 to General Commercial District for the unplatted balance of the NE1/4 less Lot H2R of the SE1/4 of the NE1/4 less the NW1/4 of the NE1/4 less Lot H1 of the N1/2 of the NE1/4 less the S1/2 of the NE1/4 lying southwest of 5th Street and less right-of-way, located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of 5th Street and Enchanted Pines Drive.

The Planning Commission recommended approval of the Rezoning request from Medium Density Residential District to General Commercial District.

---END OF CONSENT CALENDAR---

5. No. 22RZ004 - Boulevard Addition
A request by Historic Rapid City to consider an application for a Rezoning request from Medium Density Residential District to General Commercial District for Tract A Revised of Block 25 of Boulevard Addition, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 727 South Street.

Fisher presented the application noting that the property is located along the Mt. Rushmore Road Entrance Corridor which is changing from residential to commercial, noting that future Comprehensive Plan Amendment is planned to recognize this change. Fisher noted that this specific property is a historic home structure that has been restored and will to be used as a museum.

In response to question from Herr regarding setback issues, Fisher reviewed the different setbacks requirements for Medium Density Residential District and General Commercial District, noting that if rezoned to General Commercial the setback will be in compliance. In response to his question on parking plan, Fisher noted this is not the use review so that information and review will come at the time a building permit is requested.

Bulman thanked the people who have worked to restoration this property and asks when they anticipate requesting needing the building permit, Gene Kessloff, Historic Rapid City, 1015 12th Street, said that they had experienced some delays due to Covid, but although there is no definite they are moving forward at a good speed and she noted that tours are available upon request.

Heikes believes this restoration is an asset and appreciated, but also questioned the parking. Fisher stated that there may need to be parking agreements with neighboring properties to allow the needed parking. In response to Heikes’ question on ADA access, Kessloff said ADA access is available and is located on the east
side of the property.

Fisher noted that with the move from residential uses to commercial uses along Mt. Rushmore Road may require a little give between the zoning and ordinance to allow the change.

In response to a question from Herr regarding how parking requirements are calculated, Fisher stated that 4 spaces per thousand is general equation for the proposed use.

Bulman moved and Heikes seconded and the Planning Commission recommended approval of the Rezoning request from Low Density Residential District I to General Commercial District in conjunction with a Planned Development Designation. (8 to 0 with Bulman, Caesar, Golliher, Heikes, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*7. No. 22UR007 - 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 Block 1 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.

Stuck stepped down for the dais as this time as he abstained due to conflict of interest.

Harrington presented the application and reviewed the associated slides noting that the location is within a strip mall, meets parking requirements and that the dispensary is contained within a single suite with a security plan in place. Harrington reviewed the zoning requirements for Cannabis Dispensaries noting that this is within 500 feet of a residential zoning district so a Conditional Use Permit is required. Harrington also noted this location had been approved for a previous application that was overturned by City Council and the applicant has requested it be reviewed again. Harrington stated that staff recommends approval of the Conditional Use Permit to allow a Medical Cannabis Dispensary with stipulations.

Fisher reviewed that the City decided on a total of 15 dispensary licenses, these licenses have been assigned and this license holder is requesting to move the license as is allowed by City Ordinance.

Ottenbacher asked about the drive-up window shown in the site plan, Harrington confirmed the window will be removed. In response to Ottenbacher’s question on distance from residential area, Harrington clarified it is approximately 450 feet but still within the 500 foot buffer from a residential zoning district.

In response to questions from Heikes on differences between Medical and Recreational Cannabis Facilities, Fisher stated the Ordinance is currently only for
Medical and Recreational would be managed through a separate Ordinance but there will be a review if associated.

Caesar asked about drive-up windows for liquor, Fisher confirmed that currently they are allowed for liquor, not for Medical Cannabis and any future change would be addressed separately.

Emmitt Reistroffer, Genesis Farms, 9205 4th Avenue, Sioux Falls, spoke to the initial process and that he would like to transfer this license as allowed by the City to find the best location and to allow separation noting that this location is commercial and allows for an easy access for out of city customers. Reistroffer spoke to their security plan including no loitering and no consumption on site.

In response to a question from Ottenbacher on security, Reistroffer addressed their plan including signage, on-site patrol, staffing and security cameras.

Ottenbacher asked about expected length of visits, Reistroffer reviewed expected timing from first time to follow-up visits with options for pre-order.

In response to a question from Vidal if any public comment was received, Harrington stated staff did not received any public comment. Vidal asked which approved location is being transferred, Reistroffer stated the existing locations are 2205 N. LaCrosse Street and 609 Mt. View Road.

Bulman moved and Vidal seconded and the Planning Commission approved the Conditional Use Permit with the following stipulation(s):

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. (7 to 0 to 1 with Bulman, Caesar, Golliher, Heikes, Herr, Ottenbacher, and Vidal voting yes and none voting no and Stuck abstaining)

*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.*

*8. No. 22UR008 - Schnasse Addition*

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 at 230 East North Street.

Harrington presented the application and reviewed the associated slides noting that it is located adjacent to a residential zoning district which is why it is being reviewed for a Conditional Use Permit. Harrington reviewed the signage, parking and landscaping plans, noting this location had also been approved previously and was overturned by City Council. Harrington stated that staff is recommending approval of the Conditional Use Permit to allow a Medical Cannabis Dispensary with stipulations.

Ottenbacher spoke to his concerns with this location considering the improvement in the E. North area and worried this would be a potential issue if recreational use is allowed in the future. Otenbacher asked if there are plans for buffering the residential use to the rear. Reistroffer stated there is currently a 6 ft slatted fence in place, which will be repaired, reviewed parking and spoke to the aesthetic improvement that will be done.

After numerous references to recreational cannabis, Fisher spoke to keeping Medical separate from Recreation stating there will be separate requirements and considering one with the other is inappropriate.

Bulman spoke to the history of this property over the years and that she believes
this would be an improvement to the current use.

In response to a question from Vidal on the process to obtain a Medical Cannabis card, Reistroffer referenced the South Dakota Health website to obtain the accurate process, but summarized that it requires a physician consultation for recommendation, registration with a South Dakota Department of Health doctor, the patient then registers, must qualify and receive their card. Reistroffer stated that if you do not have a card you would not be granted access to the facility. Fisher noted that there are limited conditions that qualify for a card and Reistroffer also stated South Dakota requires a South Dakota doctor for a South Dakota patient, with no tele-health allowed.

Golliher asked if any public comment was received on this application and Harrington confirmed none was received.

Heikes moved and Vidal seconded and the Planning Commission approved the Conditional Use Permit with the following stipulation(s):

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. (6 to 1 to 1 with Bulman, Caesar, Golliher, Heikes, Herr, and Vidal voting yes and Ottenbacher voting no and Stuck abstaining)

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.

No. 22UR009 - Baken Park 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 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 (also known as 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, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 771 Mountain View Road.

Harrington presented the application and reviewed the associated slides noting there was no public comment received on this request. Harrington noted that a different location within the Baken Park property had been approved previously and was overturned by Council. The applicant has shown in their layout and site plan that the operation is contained within a single structure with secured access. Harrington stated that staff recommends approval of the Conditional Use Permit to allow a Medical Cannabis Dispensary with stipulations.

Heikes spoke to the ingenuity of this use.

Harrington noted that this location requires a Conditional Use Permit as it is within 500 feet from a park to the west noting, however, that the use of the majority of the park adjacent to the property is drainage and gardens and the playground area is located a distance away.

In response Ottenbacher’s question on waste management, Reistroffer reviewed the disposal plan noting that as a dispensary there is rarely waste, but noted an example of such and the plan to dispose. Ottenbacher also asked about the amount of product anticipated to be held on site due to its small size, Reistroffer noted he would like to operate as lean as possible and product amount will be based on number of licensed patients, further noting that their nearby warehouse location helps.

Vidal liked that this is a low pedestrian area and a medical care facility is located within the Baken Park Shopping Center.

Vidal moved and Heikes seconded and the Planning Commission approved
the Conditional Use Permit with the following stipulation(s):

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. (7 to 0 to 1 with Bulman, Caesar, Golliher, Heikes, Herr, Ottenbacher, and Vidal voting yes and none voting no and Stuck abstaining

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. 22UR010 - Northstar Subdivision
A request by 1889 Farms LLC to consider an application for a **Conditional Use Permit to allow a medical cannabis cultivation and manufacturing facility** for Lot 2 of Block 2 of Northstar Subdivision, located in Section 24, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Seger Drive and Emerson Lane.

Harrington presented the application noting, it is a cultivation facility not a dispensary use and as such the requirements are different. Harrington reviewed the operations plan and surrounding zoning which is mainly industrial. Harrington noted that the site plan shows a second building that would be built for expansion stating to do so would require a Major Amendment to the Conditional Use Permit. Harrington noted that any cultivation or manufacturing facilities requires a Conditional Use Permit and are not allowed if they do not meet the distance requirement. Harrington noted staff recommends approval of the Conditional Use Permit to allow a medical cannabis cultivation and manufacturing facility with stipulations.

Fisher reviewed the approval process for cannabis cultivation and manufacturing noting this is the zoning area that is required for these types of uses, noting the restrictions for these actives are stricter by plan.

Kittrick Jefferies, 1889 Farms, thanked all of the staff and all those involved in reaching this point stating he appreciates all the work everyone put into this process.

**Bulman moved and Heikes seconded and the Planning Commission approved the Conditional Use Permit with the following stipulation(s):**

1. Prior to issuance of a certificate of occupancy, a medical cannabis cultivation and manufacturing facility 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 facility as a permitted use and shall be sufficient cause for revocation of the 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 and manufacturing facility 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;

7. The Conditional Use Permit shall allow a medical cannabis cultivation and manufacturing facility at the location proposed. The medical cannabis cultivation and manufacturing facility 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 and manufacturing facility 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. (7 to 0 to 1 with Bulman, Caesar, Golliher, Heikes, Herr, Ottenbacher, and Vidal voting yes and none voting no and Stuck abstaining

11. Staff and Planning Commission Discussion Items

A. City Council’s Overturn of the Planning Commission’s Approval of 22PD047 – Initial Planned Development Overlay to allow the expansion of an existing mobile home park.

Fisher reviewed that the City Council overturned the Planning Commission's approval stating that staff’s intent is to keep Planning Commission informed actions related to applications.

Fisher noted that past Planning Commissioner Kim Schmidt passed recently after her battle with cancer.

Stuck stated that sitting out in the audience impressed on him the importance of using the microphones as many comments were not audible. Fisher thanked him for the comment and encouraged everyone to consider this when speaking.

There being no further business, Golliher moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (8 to 0 with Bulman, Caesar, Golliher, Heikes, Herr, Ottenbacher, Stuck and Vidal voting yes and none voting no)