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

MEMBERS ABSENT: Eirik Heikes. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Kip Harrington, Tanner Halonen, Todd Peckosh, Justin Williams and Andrea Wolff.

Braun called the meeting to order at 7:00 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 Item 5 be removed from the Consent Agenda for separate consideration.

Ottenbacher requested that Item 4 be removed from the Consent Agenda for separate consideration.

Motion by Vidal seconded by Kaufman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Items 4 and 5. (9 to 0 with Arguello, Braun, Bulman, Golliher, Kaufman, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---


2. No. 22PL087 - Village on the Green No.3
   A request by Dale Funderburk for Flatirons Design to consider an application for a Preliminary Subdivision Plan for proposed Lot 2A and 2B of Block 2 of Village on the Green No. 3 Subdivision, legally described as Lot 2 of Block 2 of Village on the Green No. 3 Subdivision, located in Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Anna Court and Saddle Hill Drive.

   Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulation:
   1. Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document.

3. No. 22PL090 - Kateland Subdivision
   A request by Renner Associates, LLC for Bill Freytag to consider an application for a Preliminary Subdivision Plan for proposed lots 15 thru 16 of Block 5, Lot 1
of Block 8 of Kateland Subdivision, legally described as Restricted Lot A of Kateland Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Country Road West.

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

1. Upon submittal of a Development Engineering Plan application, construction plans for Petros Drive and Chalkstone Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street 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;

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

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

4. 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;

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

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

7. 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;

8. 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,

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

*6. No. 22UR020 - Rapid City Greenway Tract
A request by Eirik Heikes for Special Olympics South Dakota - Rapid City Flame to consider an application for a Conditional Use Permit to allow a structure in
the Flood Hazard District for Tract 19 Less Lot H1 (also in Section 35, T2N, R7E), Rapid City Greenway Tract, located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mt. Rushmore Road and Omaha Street.

Planning Commission recommended that the Conditional Use Permit to allow a structure in the Flood Hazard District be approved with the following stipulation(s):
1. Prior to issuance of a building permit, a Floodplain Development Permit shall be obtained; and,
2. Prior to issuance of a building permit, plans showing all utilities in the area and all proposed structural development shall be submitted for review and approval.

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.

7. 22TP020 – 2023-2026 Rapid City Area Transportation Improvement Program – Final Report

Planning Commission recommended approval of the 2023-2026 Rapid City Area Transportation Improvement Program – Final Report.

---END OF CONSENT CALENDAR---

4. No. 22PL092 - Rushmore Crossing II
A request by Renner Associates, LLC for CPP Rushmore II LLC to consider an application for a Preliminary Subdivision Plan for proposed Lot 1 and Lot 2 of Rushmore Crossing II, legally described as a portion of the N1/2 of the SE1/4 lying south of Interstate 90, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Eglin Street and Luna Avenue.

Ottenbacher commented on traffic congestion in the Eglin Street and Luna Drive area. Fisher discussed the Master Plan of Rushmore Crossing noting the anticipated growth and plans to manage. Ottenbacher additionally asked about the easement located on the property and whether this issue had been addressed, Fisher reviewed noting that no structural development is proposed that impedes the easement.

Bulman moved, Golliher seconded and the Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:
1. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall
meet criteria for obtaining an Exception. The plans shall include a public turnaround 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 documents shall be submitted with the Development Engineering Plan application;

2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show all necessary and/or proposed easements on the subject property;

3. Upon submittal of a Development Engineering Plan application, the Master Plan and Phasing Plan shall be revised to reflect the same lot numbering as proposed on the plat document;

4. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable;

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

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

7. 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 Registered Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual;

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

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

10. 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;

11. 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,

12. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)
*5. No. 22PD042 - Orchard Meadows No. 2
A request by KTM Design Solutions, Inc for Creekside Heights Apartments LLC to consider an application for a Final Planned Development Overlay to allow an apartment development for a portion of Lot 1 and Lot 2 of Orchard Meadows No 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the current terminus of Jim Street.

Halonen presented the application and reviewed the associated slides noting that no Exceptions are being requested with this application, but that an Exception to height was granted on the Initial Planned Development that is acknowledged regarding this phase. Halonen explained that this is Phase II of a four phase development. This phase will include three 59-unit apartment buildings, each of which will have 19 garage spaces at the front of the building. The apartment buildings will be 21,008 square feet in size and three stories or 39.75 feet in height. The building exterior will be finished with horizontal hardboard lap siding with earth tone hues. Halonen stated that staff recommends approval of the Final Planned Development Overlay to allow an apartment development with stipulations.

Fisher reviewed the approved Initial Planned Development stating that the overall development is for 600 plus apartment units with this being Phase II. Fisher also noted that although there is 100 year floodplain in Orchard Meadows none is in the development area.

Linda Rogers, area resident, spoke to traffic and access issues and suggested a second access road.

Lori Monroe, area resident, spoke to issues with construction and the single access road.

Shelly Quackenbush, area resident, spoke to issues with the single road access and the growth stating it will only get worse.

Fisher reviewed options to address issues with construction. Fisher further stated that the Initial Planned Development provided a Traffic Impact Study showed how the increased traffic would be addressed noting that Phase IV includes the construction of a connection to Jaffa Garden Way. Fisher noted that a stipulation could be added requiring that a driveway be constructed on the subject property providing a second access with this phase of the project. Harrington reviewed the street plan and showed how Pioneer Drive provides a second egress.

Options to address the traffic issues such as signal timing, additional signal lights, impact of development on the roads in the area, options for other ingress - egress and possibly adding a stipulation to change the construction of a connection to Jaffa Garden Way to be required as part of Phase II rather than Phase IV were discussed.

Vidal moved and Bulman seconded Planning Commission recommended approval of the Final Planned Development Overlay to allow an apartment development with the following stipulations:
1. Acknowledge the previously granted Exception to allow a 39.75-foot building height in lieu of the 35-foot maximum;
2. A minimum of 266 parking spaces shall be provided. A minimum of four ADA-accessible spaces shall be provided per apartment building one of which shall be van accessible. Parking shall be designed in compliance with the City’s Parking Regulations;
3. A minimum of 171,754 landscaping points shall be provided. Landscaping shall be designed in compliance City’s Landscaping Regulations;
4. A minimum of 143,600 square feet of combined open space shall be provided for Phases One and Two;
5. All signage shall continually conform to the Sign Code. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each sign;
6. The Final Planned Development Overlay shall allow for Phase Two of a four-phase apartment development and includes three 59-unit apartment buildings. Future phases shall require the review and approval of a Major Amendment to the Planned Development Overlay. Any change in use or expansion of use to Phase Two that is permitted in the Medium Density Residential District and is in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change in use or expansion of use to Phase Two that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay; and,
7. Prior to issuance of Certificate of Occupancy for Phase II, a driveway shall be constructed on the subject property providing a connection to Jaffa Garden. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*8. No. 22PD033 - Shepherd Hills South Subdivision
A request by TJ Olson for Signature Companies LLC to consider an application for a Final Planned Development Overlay to allow a multi-family development for portions of the S1/2 of the SE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Commencing at the Easterly 1/16th corner on the south line of Section 32, T2N, R8E and on the north line of Section 5, T1N, R8E, being monumented by a 3/4 inch rebar, and being the point of beginning; Thence (1) with the south line of said Section 32, North 87°55'24" West, 663.59 feet to a 5/8 inch rebar; Thence (2) continuing with said south line, North 87°57'32" West, 562.67 feet; Thence (3) leaving said south line, North 1°55'53" East, 8.03 feet; Thence (4) northerly on a curve turning to the right with an arc length of 338.44
feet, with a radius of 460.00 feet, with a chord bearing of North 23°00'33" East, with a chord length of 330.86 feet; Thence (5) North 44°05'13" East, 566.83 feet; Thence (6) North 88°10'02" East, 14.37 feet; Thence (7) southeasterly on a non-tangent curve turning to the left with an arc length of 427.45 feet, with a radius of 1562.00 feet, with a chord bearing of South 55°46'52" East, with a chord length of 426.11 feet; Thence (8) South 63°37'15" East, 1,059.60 feet; Thence (9) southeasterly on a curve turning to the left with an arc length of 220.22 feet, with a radius of 1562.00 feet, with a chord bearing of South 67°39'35" East, with a chord length of 220.03 feet to a point on the aforementioned south line of Section 32; Thence (10) with said south line, North 87°54'50" West, 818.54 feet to the point of beginning and portions of the S1/2of the SE1/4, Section 32, T2N, R8E, BHM, City Of Rapid City, Pennington County, South Dakota, Commencing at the Easterly 1/16th corner on the south line of Section 32, T2N, R8E and on the north line of Section 5, T1N, R8E, being monumented by a 3/4 inch rebar, thence North 77°07'43" East, 665.79 feet to the point of beginning; Thence (1) North 63°37'15" West, 786.47 feet; Thence (2) North 26°22'45" East, 556.12 feet; Thence (3) South 25°44'40" East, 300.62 feet; Thence (4) South 62°59'20" East, 329.91 feet; Thence (5) North 64°15'20" East, 9.11 feet; Thence (6) South 68°31'38" East, 180.83 feet; Thence (7) South 21°28'22" West, 392.01 feet to the point of beginning, all located in Sections 32 and 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of E. Anamosa Street and E. Philadelphia Street.

Halonen presented the application and reviewed the associated slides reviewing the proposed phases of development with Phase I being comprised of 20 townhome apartment buildings, 2 apartment buildings, 4 detached garages and a club house creating 271 dwelling units. The applicant is requesting an Exception to allow for the clubhouse to be 22.9 feet in height in lieu of the 15-foot maximum for an accessory structure and staff supports this as it does not create issues to density or sight lines, and an Exception to Landscaping allow for 448,835 landscaping points in lieu of the 573,339 landscaping points required contingent upon the landscaping being planted in conformance with the submitted plan which staff also supports due to the size of the parcel and location of provided landscaping. Staff recommends approval of the Final Planned Development Overlay to allow a multi-family development with stipulations.

Height of the apartment buildings and the completion of access roads was discussed.

Bulman moved and Vidal seconded and the Planning Commission recommended approval of the Final Planned Development Overlay to allow an apartment development with the following stipulations:

1. An Exception is hereby granted to allow for the clubhouse to be 22.9 feet in height in lieu of the 15-foot maximum for an accessory structure;

2. An Exception is hereby granted to allow for 448,835 landscaping points in lieu of the 573,339 landscaping points required contingent upon the landscaping being planted in conformance with the submitted plan;

3. Upon submittal of a Building Permit, the plans shall be revised to show
the proposed storm sewer outlet from the detention pond north of East Anamosa Street and the water main layout shall be revised to maintain a 20-foot separation from the storm sewer pipe;

4. Upon submittal of a Building Permit, the water main layout shall be revised to only include a single connection to the public water main with a master meter in the closest building to the connection;

5. Upon submittal of a Building Permit, the applicant shall identify the certified operator for the private water distribution system;

6. Upon submittal of a Building Permit, the applicant shall provide positive drainage around all buildings as per Building Code Regulations;

7. Upon submittal of a Building Permit, the site plan shall show the installation of the sidewalk along all right-of-way;

8. Upon submittal of a Building Permit, a drainage report shall be submitted that addresses water quality and detention requirements including an analysis of specific discharge locations considering that this layout will discharge runoff at locations not consistent with the previous East Anamosa report;

9. A minimum of 407 parking spaces shall be provided. Each apartment building shall provide three ADA-accessible spaces, one of which shall be van accessible. Parking shall be designed in compliance with the City’s Parking Regulations;

10. A minimum of 108,400 square feet of usable open space shall be provided;

11. All signage shall continually conform to the Sign Code. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each sign; and,

12. The Final Planned Development Overlay shall allow for a multi-family development on the property which includes 20 townhome apartment buildings, two typical apartment buildings, four detached garages, and a clubhouse. Any change in use or expansion of use that is permitted in the Medium Density Residential District and is in compliance with area regulations and Exceptions as stated shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. A Major Amendment to the Final Planned Development Overlay shall be submitted for review and approval for Phase Two prior to initiating any construction for this phase of the development. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, 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.
No. 22PD043 - Big Sky Business Park

A request by Indigo Design, LLC for DTH, LLC to consider an application for a Final Planned Development to allow an apartment development for a portion of Lot 2R, Block 3, Big Sky Business Park, located in Section 04, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more accurately described as: Commencing at the northwest corner of Lot 1, Block 21, Big Sky Subdivision, being monumented by a rebar iron pin, which is also the Point of Beginning; 1) North 87°49'04" West a distance of 200.00 feet along the southerly line of the Berniece Street Right-of-Way, to the northeast corner of Lot 1, Block 3, Big Sky Business Park; 2) South 02°09'21" West a distance of 274.00 feet along the east line of Lot 1, Block 3, Big Sky Business Park to the southeast corner of said lot; 3) South 02°09'21" West a distance of 10.00 feet; 4) South 87°48'15" East a distance of 200.33 feet to a point intersecting with the west line of Lot 4, Block 21, Big Sky Subdivision; 5) North 02°09'21" East a distance of 284.02 feet along the west boundary of Block 21, Big Sky Subdivision, to the Point of Beginning, more generally described as being located southeast of the intersection of Berniece Street and Neal Street.

Halonen presented the application and reviewed the associated slides explaining the proposed development would subdivide a portion of the lot with two 12-unit apartment buildings and a detached seven-stall garage on the southern section and the accessory building on the northeast section. The applicant is requesting an Exception to allow a 39.5-foot building height in lieu of the 35-foot maximum which staff supports as it does not detract from the character or have an impact on the sightlines. Staff recommends approval of the Final Planned Development to allow an apartment development with stipulations.

Leigh Belgarde and Thomas Guittar, home owners in the area, disagreed to the impact to the sight line and privacy of their backyard as well as the traffic issues that will increase with additional development and request that the Exception to height not be granted.

Greg Jensen, home owner in the area, spoke to the impact on the privacy of his back yard, the traffic impact and lights from the parking lot onto their property.

Discussion followed regarding options for line of sight including using landscaping trees to provide privacy, requirements that need to be met and future development.

Daene Boomsma, contractor for the development, noted that the property would allow for 35 units per ordinance, but they decided to go with fewer units, further noting that the units are higher end construction rather than workforce units. Boomsma spoke to the general low usage of balconies and stated that they would be open to working on screening options.

Options for enhancing separation and screening were discussed.

Quasney moved to approve with stipulation to provide landscaping trees to the east lot line as space permits.
Quasney moved and Kaufman seconded and the Planning Commission recommended approval of the Final Planned Development Overlay to allow an apartment development with the following stipulations:

1. An Exception is hereby granted to allow a 39.5-foot building height in lieu of the 35-foot maximum;
2. Upon submittal of a Building Permit, the applicant shall submit a drainage report and plans for the stormwater conveyance to Detention Element No.2 and provide an easement for the conveyance;
3. A minimum of 36 parking spaces shall be provided. For 56 provided parking spaces, three ADA-accessible spaces are required, one of which shall be van accessible. Parking shall be designed in compliance with the City’s Parking Regulations;
4. A minimum of 44,388 landscaping points shall be provided. Landscaping shall be designed in compliance City’s Landscaping Regulations;
5. A minimum of 9,600 square feet of open space shall be provided;
6. All signage shall continually conform to the Sign Code. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each sign;
7. The Final Planned Development Overlay shall allow for an apartment development on the property which includes two 12-unit apartment buildings. Any change in use or expansion of use that is permitted in the Office Commercial District and is in compliance with the Parking Regulations shall require the review and approval of a Building Permit. Any change in use or expansion of use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development Overlay; and,
8. That trees provided along the east lot line as space permits to create a landscape buffer. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, 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.

*10. No. 22UR022 - Section 27, T2N, R7E
A request by Micheal Graham for Rapid City Cannabis, Inc to consider an application for a Conditional Use Permit to allow Medical Cannabis Cultivation for Lot A of Lot 2 of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 less Lot H2 and less right-of-way, located in Section 27, T2N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 2090 Deadwood Avenue.

Braun stated that Stuck will be abstaining due to a conflict of interest.

Harrington presented the application and reviewed the associated slides noting that the overall site is very large with multiple industrial type buildings and the
proposed location cultivation facility is to the back of this lot and is buffered by other structures and elevation difference. Harrington noted that the lot is located in an industrial use area and that the site also holds a Medical Cannabis dispensary that meets all requirements and therefore did not require review as a Conditional Use Permit whereas Cultivation is always a Conditional Use Permit.

Security plan, shared building use and potential expansion were discussed with it being clarified that as long as security and separation are provided cultivation can be in a building with other uses and that any expansion would require an Amendment to the Conditional Use Permit.

Vidal moved and Bulman seconded and the Planning Commission recommended that the Conditional Use Permit to allow Medical Cannabis Cultivation be approved with the following stipulation(s):

1. Prior to issuance of a certificate of occupancy, a medical cannabis cultivation 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 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. 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;

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
facility at the location proposed. The medical cannabis cultivation 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 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. (8 to 0 to 1 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, Quasney Stuck 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.

11. Staff and Planning Commission Discussion Items
Fisher informed the Planning Commission that Marlo Kapsa has resigned her position as of September 21, 2022 to take a position with Spearfish as their Planning Director. Fisher commented on Kapsa’s excellent service to Rapid City during her time of employment with the Community Development Department.

Ottenbacher asked about anticipated large volume development in association with infrastructure issues. Peckosh stated that Public Works is aware of the potential growth and are working to prepare for it. Fisher reviewed the Tax Increment Financing tool that is available and often used. Harrington reviewed that the Public Works Department is nearing finalization of the Water and Sewer Master Plans that looks to address growth well into the future. Discussion followed noting that this and other tools are being used to assist in preparing for future development.

There being no further business, Golliher moved, Vidal seconded and unanimously carried to adjourn the meeting at 8:46 a.m. (9 to 0 with Arguello, Braun, Bulman, Golliher, Herr, Kaufman, Quasney Stuck and Vidal voting yes and none voting no)