

STAFF REPORT  
February 19, 2015

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**No. 14PD044 - Final Planned Development Overlay to allow a mini storage facility and an on-sale liquor establishment in conjunction with a casino**

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**ITEM 4**

GENERAL INFORMATION:

APPLICANT	Wyngard Pot-o-Gold Casino, Inc. d/b/a Lucky D's Casino
AGENT	Lyle Henriksen - Henriksen, Inc.
PROPERTY OWNER	Wyngard Investments LLC
REQUEST	<b>No. 14PD044 - Final Planned Development Overlay to allow a mini storage facility and an on-sale liquor establishment in conjunction with a casino</b>
EXISTING LEGAL DESCRIPTION	Lot 7 of Cambell Square Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.68 acres
LOCATION	530 Cambell Street
EXISTING ZONING	General Commercial District
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 23, 2014
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

If the Planning Commission determines that the proposed LED sign is appropriate for the character of the neighborhood, staff recommends that the Final Planned Development Overlay to allow a mini storage facility and an on-sale liquor establishment in conjunction with a casino be approved with the following stipulations:

1. The request to allow a three foot tall by six foot wide, Light Emitting Diode (LED) reader board as a part of the approved sign package for the property is hereby granted. All signage shall comply with the submitted sign package and the requirements of the Rapid

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- City Sign Ordinance. Any expansion of the approved LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
2. An Exception is hereby granted to waive the screening and fencing requirement for a mini-storage facility provided that an evergreen landscape buffer be provided and maintained where the mini-warehousing abuts Centre Street and that lighting and cameras are installed for security;
  3. An Exception is hereby granted to waive the materials requirement for a mini-storage facility and to allow vertical steel panels provided that an evergreen landscape buffer is provided and maintained where the mini-warehousing abuts Centre Street;
  4. An Exception is hereby granted to allow a 25 foot wide circulation aisle on the north and south sides of the mini-storage buildings in lieu of the minimum 30 foot wide circulation aisle required as per Chapter 17.50.270(D) of the Rapid City Municipal Code;
  5. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  6. Upon submittal of a Building Permit, the site plan shall be revised to indicate that the proposed fire hydrant shall be installed as per Rapid City Standard Specifications;
  7. Upon submittal of a Building Permit, the site plan shall be revised to show sidewalk along Centre Street or a Variance must be obtained;
  8. Upon submittal of a Building Permit, the owner shall enter into a utility access easement with the City to allow access to the water shut-off valve;
  9. Upon submittal of a Building Permit, the applicant shall identify if there are any existing service stubs on the property that will be abandoned. In addition, the existing water service from the water main located in Centre Street shall be abandoned per City Standards;
  10. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
  11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
  12. A minimum of 48 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
  13. A minimum of 51,781 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  14. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  15. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
  16. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
  17. All applicable provisions of the adopted International Fire Code shall continually be met; and,
  18. The Final Planned Development Overlay shall allow for an 87 unit mini-storage facility

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and an on-sale liquor establishment in conjunction with a 2,012.5 square feet casino to be located on the property. Any expansion to the on-sale liquor use or the mini-storage facility shall require a Major Amendment to the Planned Development. Any change in use that is a permitted use in the General Commercial District and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. All conditional uses in the General Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:**

The applicant has submitted a Final Planned Development Overlay to allow a mini-storage facility and to allow an on-sale liquor establishment in conjunction with a casino. In particular, the applicant is proposing to construct a 7,980 square foot commercial building with 2,012.5 square feet as an on-sale liquor establishment in conjunction with a casino and three mini-storage buildings with a total of 87 units. The letter of intent states that the hours of operation for the casino will be from 8:00 a.m. to 11:00 p.m. Monday through Saturday and from 10:00 a.m. to 9:00 p.m. on Sunday. In addition, the applicant is requesting the following Exceptions:

- An Exception to waive the fencing and screening requirement for a mini-storage facility;
- An Exception to allow a circulation aisle of 25 feet on the north and south sides of the mini-storage buildings in lieu of the minimum required 30 feet; and,
- An Exception to waive the materials requirement for the proposed mini-storage buildings and to allow vertical steel panels.

The submitted sign package shows that one Light Emitting Diode (LED) sign is being proposed as a part of this Final Planned Development. An LED sign is typically a permitted use in the General Commercial District. However, the Planning Commission has directed staff to present all LED signage located within a Planned Development to the Planning Commission for their consideration.

The property is located on the northeast corner of the intersection of Cambell Street and Centre Street. Currently, the property is void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is approximately 73,170 square feet in size and is located on the northeast corner of the intersection of Cambell Street and Centre Street. Currently, the property is void of any structural development.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

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Chapter 17.18.030 of the Rapid City Municipal Code identifies an on-sale liquor establishment and a mini-warehousing facility as conditional uses in the General Commercial District. The applicant is requesting Exceptions to the minimum design and parking requirements for a mini-warehousing facility. In particular, the applicant is requesting an Exception to waive the fencing and screening requirement. In lieu of fully fencing the facility, the applicant is proposing to install lighting and cameras for security and a landscape buffer along Centre Street for screening. The proposed 7,980 square foot commercial building to be located on the west side of the subject property will provide a buffer to Cambell Street. In addition, Chapter 17.50.270 of the Rapid City Municipal Code requires that a 30 foot wide circulation aisle be provided for mini-warehousing facilities in order to allow vehicles to park next to storage units without blocking circulation. The site plan shows a 30 foot wide aisle between the proposed structures. However, on the north and south sides of the facility the applicant is requesting an Exception to allow a 25 foot wide circulation aisle. The end units on the north and south sides are smaller units. The site plan demonstrates that turning movements can still be provided. The applicant is also requesting an Exception to waive the materials requirement for a mini-warehouse and to allow vertical steel siding. The siding matches the mini-warehousing located on the lot to the east and will be buffered from Centre Street by an evergreen landscape screen. Staff recommends that the requested Exceptions be granted provided that the proposed security lighting and cameras and an evergreen landscape buffer are installed and continually maintained.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

As noted above, the applicant is requesting three Exceptions to the design requirements and parking requirement for a mini-warehousing facility. Staff recommends that the Exceptions be granted provided that lighting and cameras are provided for security and that an evergreen landscape buffer be provided along Centre Street adjacent to the facility.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

As noted above, the applicant is requesting three Exceptions to the design and parking requirements for a mini-warehousing facility. The proposed evergreen landscape buffer, lighting, and cameras will provide the security and screening intended by the Zoning Ordinance. As such, staff recommends that the Exceptions be granted.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to*

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*be modified:*

The proposed lighting and cameras will provide the security and the evergreen landscape buffer will provide the screening. In addition, the proposed vertical steel siding for the mini-warehousing building matches existing facilities to the east. The applicant is providing the security, screening, and circulation required for a mini-warehousing facility. As such, staff recommends that the Exceptions be granted as noted above.

Staff has also reviewed the Final Planned Development Overlay with respect to Chapter 17.50.185 and has noted the following considerations:

1. *The request will not “adversely affect” the use of any place used for religious worship, school, park, playground, or similar use within (500) foot radius.*

There are no schools, playgrounds or places of worship located within a 500 foot radius of the subject property. The property is located in a commercial corridor that abuts Cambell Street. The City’s Major Street Plan identifies Cambell Street as a principal arterial street. The request is not anticipated to have any “adverse affect” on any place used for religious worship, school, park or playground.

2. *The requested use is “sufficiently buffered” with respect to residential areas so as not to “adversely affect” such areas.*

Cambell Street is identified as a Principal Arterial Street on the City’s Major Street Plan. The properties to the north, south, and east are zoned General Commercial District and developed with commercial uses. In addition, the property to the west is zoned Light Industrial District and is the location of an auto parts store. The closest property zoned Residential is located approximately 750 feet to the northeast on the north side of East Highway 44. It appears the requested use is sufficiently buffered with respect to residential areas.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause “blight, deterioration, or substantially diminish or impair property values.”*

The “Pot-O-Gold Casino” is currently located on the property to the east. The applicant intends to move the “Pot-O-Gold” casino into the proposed commercial building on the subject property. The applicant has indicated that the liquor license will be moved into the proposed casino on the subject property as well. There are no other on-sale liquor establishments located within 500 feet. Cambell Street is a commercial corridor and is identified as an arterial street on the City’s Major Street Plan.

4. *The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.*

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

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*1. The location, character and natural features of the property:*

Currently, the property is void of any structural development. The property is approximately 73,170 square feet in size and is located on the northeast corner of the intersection of Cambell Street and Centre Street.

*2. The location, character and design of adjacent buildings:*

The properties to the north, south, and east are zoned General Commercial District and developed with commercial uses. The property to the east is also owned by the applicant and is developed with a mini-storage facility and a casino. In addition, the property to the west is zoned Light Industrial District and is the location of an auto parts store.

*3. Proposed fencing, screening and landscaping:*

The applicant is proposing to construct a six foot high opaque screening fence along the north lot line adjacent to the mini-storage facility. The applicant is requesting an Exception to waive the requirement to provide a security and screening fence for the remainder of the mini-warehouse facility. To address the security concerns, the applicant has stated that security lighting and cameras will be installed. The proposed commercial building will provide a screening buffer from Cambell Street. In addition, the applicant is proposing a landscape buffer along the south side of the property adjacent to the mini-storage facility. Staff recommends that the Exception to waive the security and screening fence be granted provided that the landscape buffer be installed and maintained on the south side of the property adjacent to Centre Street.

A minimum of 51,781 landscaping points must be provided for the proposed development. The applicant has submitted a landscape plan showing a total of 51,972 landscape points. The proposed landscape plan is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code.

*4. Proposed vegetation, topography and natural drainage:*

The applicant has submitted an erosion and sediment control plan and a grading plan with the application. The submitted drainage report addresses stormwater quality and quantity measures.

*5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

The site plan shows sidewalk along Cambell Street providing pedestrian access. The applicant should be aware that upon submittal of a Building Permit, property line sidewalk must be shown along Centre Street or a Variance must be obtained. The site plan also identifies vehicular being taken from Cambell Street and Centre Street.

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As noted above, the applicant is requesting an Exception to reduce the minimum required circulation aisle from 30 feet to 25 feet on the north and south sides of the mini-storage buildings. The site plan demonstrates that the proposed 25 foot circulation aisle will serve smaller storage units and that there is sufficient area for turning movements. In addition, the applicant is providing a 30 foot wide circulation aisle between the buildings. Based on this design, staff recommends that the Exception be granted.

The proposed commercial building with a 2,012.5 square foot on-sale liquor establishment requires that a minimum of 48 parking spaces be provided. The remainder of the structure has been calculated using a retail use parking calculation of five parking spaces per 1,000 square feet. The site plan identifies 48 parking spaces with two of the parking spaces being handicap accessible. The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

6. *Existing traffic and traffic to be generated by the proposed use:*

Currently, the property is void of any structural development. The proposed commercial building and mini-storage facility should generate approximately 72 trips per peak hour.

7. *Proposed signs and lighting:*

The applicant has submitted a sign package identifying wall sign space on the west side of the commercial building and a proposed pole sign on the west side of the property adjacent to Cambell Street. The proposed pole sign is 30 feet tall. The proposed LED sign measures three feet tall by six feet wide, totaling approximately 18 square feet of signage. It appears all proposed signage, including the proposed LED message center, complies with the requirements of the Rapid City Sign Code. Cambell Street is identified as an arterial street on the City's Major Street Plan and is an established commercial corridor. An LED message center is also a permitted use in the General Commercial District. However, in the past the Planning Commission has requested that all LED signage located within a Planned Development be presented to the Planning Commission for their consideration. All signage must comply with the requirements of the Rapid City Sign Code.

The site plan identifies the location of wall mounted security lighting within the mini-storage facility and on the proposed commercial building. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

8. *The availability of public utilities and services.*

The property is currently served by public utilities including Rapid City sewer and water. The site plan shows that services will be taken from Cambell Street. As such, upon submittal of a Building Permit, the applicant must identify all existing service stubs that will be abandoned. The applicant should be aware that the location of the water service

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requires a utility access easement to the water shut-off valve. In addition, plans must be submitted showing that the proposed fire hydrant will be installed as per Rapid City Design Specifications.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The property is intended to be used for commercial uses. The proposed on-sale liquor establishment and mini-storage facility are conditional uses in the General Commercial District. The objective of the adopted Comprehensive Plan is to encourage retail establishments and businesses that are convenient to neighborhood residents, yet compatible with but not intrusive upon residential neighborhoods. Additionally, the objective of the adopted Comprehensive Plan is to ensure that there is sufficient separation of conflicting uses. To ensure this objective, the Comprehensive Plan encourages commercial development along major streets and that a sufficient separation and buffering be provided between residential areas. This site meets both of these objectives.

The proposed on-sale liquor establishment is located in a commercial corridor located adjacent to Cambell Street which is identified as a Principal Arterial Street on the City's Major Street Plan. Cambell Street is an established commercial corridor and the closest residential property is located approximately 750 feet to the northeast. It appears that the proposed uses meet the objectives of the adopted comprehensive plan.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The proposed commercial development is in compliance with the minimum required area regulations of Chapter 17.18 of the Rapid City Municipal Code. As noted above, the applicant is requesting three Exceptions from the design and parking requirements for a mini-storage facility. Staff recommends that the Exceptions be granted provided that the evergreen landscape buffer is installed and that lighting and cameras are provided for security.

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:*

It does not appear that the proposed on-sale liquor use or mini-storage facility will have a negative effect on the surrounding area by causing noise, odor, smoke, dust, air or water pollution.

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 of the Final Planned Development Overlay will serve as a tool to ensure that the proposed on-sale liquor use is operated in compliance with the



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International Fire Code and the City's Sign Code. In addition, the stipulations will ensure that the applicant provides security and buffering through lighting and landscaping in lieu of fencing.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the February 19, 2015 Planning Commission meeting if this requirement has not been met.