

STAFF REPORT
July 8, 2004

No. 04PD035 - Major Amendment to a Planned Commercial Development **ITEM 22**

GENERAL INFORMATION:

PETITIONER	Sturgis Motorcycles Inc. dba B.H. Harley Davidson
REQUEST	No. 04PD035 - Major Amendment to a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	Lots 1 thru 3 less Lot H1 of Lot 1, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.83 acres
LOCATION	3030 Lange Road
EXISTING ZONING	General Commercial w/Planned Commercial Development
SURROUNDING ZONING	
North:	No Use District
South:	No Use District
East:	No Use District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	06/12/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. A Temporary Use Permit shall be obtained prior to each event held on the subject property;
2. The Fire Department shall approve all set up and tent inspection checklists and tent inspection plans prior to each event;
3. Access to the Fire Department connection on the west side of the building shall be maintained at all times;
4. A 20 foot un-obscured access along the front of the structure to allow emergency access shall be maintained;
5. All applicable provisions of the Uniform Fire Code shall be continually met;
6. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with the events held on the subject property;
7. The area serving on-sale liquor shall be double-fenced with a minimum of eight feet between the fences;

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8. Two exits with security shall be provided for the fenced area;
9. Portable toilets shall be provided within the fenced area;
10. The Temporary On-sale Liquor Establishment use shall be approved for the dates of the Sturgis Rally and Races and 12 additional dates throughout the year; and,
11. The events shall begin no earlier than 11:00am and cease no later than 11:00pm.

GENERAL COMMENTS: The subject property is located north of U.S. Interstate 90 and east of Deadwood Avenue at 3030 Lange Road. In June 2002, a Planned Commercial Development-Initial and Final Development Plan was approved by City Council with 14 stipulations. The Planned Commercial Development approved in 2002 allowed an on-sale liquor establishment on the subject property during the Sturgis Motorcycle Rally and Races. The stipulations of approval for that Planned Commercial Development are as follows:

Engineering Division Recommendations:

1. Access or inspection ports for the septic system shall be structurally capable of holding any anticipated traffic load;

Fire Department Recommendations:

2. Fire Department must approve Tent Inspection Checklists and Tent Inspection Plan Reviews prior to the event;
3. All current fire codes must be continually met;

Building Inspection Division Recommendations:

4. A Temporary Use Permit shall be obtained prior to the initiation of the event each year;
5. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event;

Police Department Recommendations:

6. The area serving on-sale liquor must be double-fenced with a minimum of eight feet between the fences;
7. Two exits with security must be provided for the fenced area;
8. Portable toilets must be provided within the fenced area;
9. A revised site plan showing the requested double-fenced area, secured exits, and portable toilets must be provided prior to Planning Commission;

Urban Planning Division Recommendations:

10. The Temporary On-sale Liquor Establishment use shall be approved for July 25, 2002 to August 15, 2002 to coincide with the Sturgis Rally and Races;
11. A site plan indicating the location of signs to be posted in conjunction with the event must be provided prior to Planning Commission;
12. The event shall begin at 11am and cease at 11pm;
13. The Temporary Use Permit with the Planned Commercial Development request shall be subject to review in one year; and,
14. The Planned Commercial Development will be in effect in conjunction with the companion rezoning request and Comprehensive Plan Amendment request.

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In July 2003 a Major Amendment to a Planned Commercial Development to allow an On-Sale Liquor Establishment was approved by the Planning Commission with 12 stipulations. The Major Amendment to a Planned Commercial Development allowed an additional Temporary On-sale Liquor Establishment use in September 2003, to allow the Rapid City Chamber of Commerce to hold a mixer on the subject property. The stipulations of approval for the 2003 Major Amendment to a Planned Commercial Development were as follows:

Fire Department Recommendations:

1. Fire Department shall approve Tent Inspection Checklists and Tent Inspection Plan Reviews prior to the event;
2. All current fire codes shall be continually met;

Building Inspection Division Recommendations:

3. A Temporary Use Permit shall be obtained prior to the initiation of the event each year;
4. The applicant shall obtain a Sign Permit for any advertising signs or any directional signs over five square feet in size, posted in conjunction with this event;

Police Department Recommendations:

5. All individuals served alcoholic beverages shall be carded and shall wear a wristband. No alcohol sales shall occur after dark;
6. Adequate security shall be provided at all times including monitoring of incoming and outgoing vehicular traffic while alcohol is being sold on the premises;
7. Staff shall attend the alcohol sales classes presented by the Rapid City Police Department prior to the event;
8. There shall be no organized concerts or other entertainment;

Urban Planning Division Recommendations:

9. The Temporary On-sale Liquor Establishment use shall be approved to coincide with the Sturgis Rally and Races each year;
10. The event shall begin no earlier than 11:00 a.m. and cease on or before 11:00 p.m.;
11. The Temporary Use Permit with the Planned Commercial Development request shall be subject to review in three years; and,
12. A Temporary On-sale Liquor Establishment use shall also be approved for one day only in September 2003. The event shall begin no earlier than 11:00 a.m. and cease on or before 11:00 p.m.

The applicant is now requesting a Major Amendment to a Planned Commercial Development to allow an On-sale Liquor Establishment for an additional 12 special events during the year.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Commercial Development and has noted the following issues:

Temporary Use Permits: Staff noted that a Temporary Use Permit shall be obtained prior to each event held on the subject property.

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Fire Safety: Staff noted that the Fire Department shall approve all set up and tent inspection checklists and tent inspection plans prior to each event. Staff noted that access to the Fire Department connection on the west side of building must be maintained at all times. Staff also noted that a 20 foot access to along the front of the structure to allow emergency access must be maintained.

Additional Pavement: The applicant's site plan shows an additional pavement area along the north property line. The new pavement area is in compliance with the Rapid City Municipal Code.

Notification Requirement: The receipts from the required certified mailings have not been returned; however, the required sign has been posted on the property. Staff will notify the Planning Commission at the July 8, 2004 Planning Commission meeting if the receipts from the required certified mailings have not been returned.

Staff recommends approval of the Major Amendment to a Planned Commercial Development be approved with the previously stated stipulations.