

STAFF REPORT  
April 24, 2014

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**No. 14PD002 - Major Amendment to a Planned Development to expand the existing commercial business**      **ITEM 3**

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GENERAL INFORMATION:

APPLICANT	Hog Wild, Inc.
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Hog Wild LLC
REQUEST	<b>No. 14PD002 - Major Amendment to a Planned Development to expand the existing commercial business</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of Harley-Davidson Subdivision, located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12 acres
LOCATION	2820 Harley Drive
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Light Industrial District (Planned Development) - General Agricultural District - General Commercial District
South:	General Commercial District (Planned Development Designation) - Light Industrial District - General Commercial District
East:	General Agricultural District
West:	General Commercial District - Light Industrial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	January 24, 2014
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to expand the existing commercial business be approved with the following stipulations:

1. A minimum of 541,728 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be

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- continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
2. A minimum of 234 parking spaces shall be provided. Seven 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;
  3. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  4. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
  5. Upon submittal of a Building Permit, a revised site plan shall be submitted showing sidewalks on all street frontages or a Variance shall be obtained from the City Council;
  6. Upon submittal of a Building Permit, the Erosion and Sediment Control Plan shall be signed by the property owner;
  7. Upon submittal of a Building Permit, the proposed irrigation system shall be revised to connect to the existing water meter or a separate irrigation meter shall be obtained;
  8. Prior to issuance of a Certificate of Occupancy for the proposed addition, all outstanding Building Permits shall be completed;
  9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
  10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
  11. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for all signs;
  12. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
  13. All applicable provisions of the adopted International Fire Code shall continually be met;
  14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,
  15. The Major Amendment to a Planned Development Overlay shall allow for the expansion of the "Harley Davidson" dealership, an accessory motorcycle training course and to continue to allow an on-sale liquor establishment/retail for temporary special events. The training course shall not be used as a racetrack. Any expansion to the on-sale liquor use 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. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Development to expand the "Harley Davidson" motorcycle dealership. The expansion will increase the total floor area of the dealership to 90,983 square feet including sales and display, storage and offices. In

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addition, the applicant has indicated that a motorcycle training course is located on the south end of the property that is an accessory use to the dealership.

On June 6, 2002, the Planning Commission approved an Initial and Final Planned Development (File #02PD022) to allow an on-sale liquor establishment on the subject property during the Sturgis Motorcycle Rally and Races.

On July 24, 2003, the Planning Commission approved a Major Amendment to a Planned Development (File #03PD034) to allow 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.

On July 8, 2004, the Planning Commission approved a Major Amendment to a Planned Development (File #04PD035) to allow an On-sale Liquor Establishment for an additional 12 special events during the year 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;
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.

The property is located on the north side of Interstate 90 and east of Deadwood Avenue. More specifically, the property is located on the southeast corner of the intersection of Tatanka Road and Harley Drive. There is an existing commercial structure and a storage building located on the property.

STAFF REVIEW:

Staff has reviewed the request for a Final Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code 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:*

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The property is comprised of approximately 36 acres of land zoned General Commercial District with a Planned Development. Currently, the “Harley Davidson” motorcycle dealership and a detached storage building are located on the property. The north portion of the property is currently undeveloped. There are some steep slopes along the east property line.

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

The applicant is proposing to construct an addition onto the existing “Harley Davidson” motorcycle dealership. The proposed development is in compliance with the minimum requirements of the Zoning Ordinance.

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:*

The applicant is not requesting any deviations from the Zoning Ordinance.

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

The Major Amendment to a Planned Development Overlay will allow for the expansion of the “Harley Davidson” dealership, an accessory motorcycle training course and continue to allow an on-sale liquor establishment/retail for temporary special events. The applicant should be aware that the training course must not be used as a racetrack. Any expansion to the on-sale liquor use will 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 will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Commercial District will require the review and approval of a Major Amendment. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment.

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

The stipulations of approval will ensure that the proposed expansion complies with the Building Code, International Fire Code and the minimum requirements of Chapter 17 of the Rapid City Municipal Code.

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 be modified:*

The applicant is not requesting any deviations from the Zoning Ordinance.

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Public Works: Public Works staff has identified a number of issues that must be addressed upon submittal of a Building Permit. The site plan identifies sidewalk being provided only along the extent of the streets abutting the developed area. A revised site plan must be submitted showing sidewalks on all street frontages or a Variance must be obtained from the Infrastructure Design Criteria Manual. In addition, the Erosion and Sediment Control Plan must be signed by the property owner and the proposed irrigation system must be revised to come off the existing water meter or a separate irrigation meter must be obtained. Currently, there are open Building Permits for previously approved site work. At this time, those permits have not been closed. The applicant should be aware that prior to issuance of a Certificate of Occupancy for the proposed addition, all outstanding Building Permits must be completed.

Fire Department: All applicable provisions of the International Fire Code must be maintained.

Landscaping: A minimum of 541,728 landscaping points must be provided for the existing structure. The applicant has submitted a landscaping plan that shows a total of 545,990 landscaping points. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Parking: The “Harley Davidson” motorcycle dealership expansion will require that a minimum of 234 parking spaces be provided. In addition, seven of the parking spaces must be handicap accessible and one of the handicap accessible spaces must be “van accessible”. The applicant has submitted a parking plan that identifies 234 parking spaces with twelve parking spaces being handicap accessible and two being “van accessible”. The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

Building Permit: A Building Permit must be obtained prior to any structural construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a Building Permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Air Quality: The applicant should be aware that surface disturbance of one acre or more will require an Air Quality Construction Permit.

Signage and Lighting: The applicant has submitted building elevations that identify the location of existing signage and proposed building mounted lighting. All outdoor lighting must be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind. In addition, the applicant is proposing to construct a ground sign along the west side of the property that will read “Welcome to Harley Davidson” and will be approximately 128 square feet in size. The proposed signage is in compliance with the Sign Code.

Notification Requirements: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on

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the property. Staff will notify the Planning Commission at the April 24, 2014 Planning Commission meeting if this requirement has been met.