

STAFF REPORT  
September 22, 2005

---

**No. 05SR051 - SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights**

---

**ITEM 19**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 05SR051 - SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights</b>
EXISTING LEGAL DESCRIPTION	Tract 31, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.5 acres
LOCATION	At the southwest corner of the intersection of East Main Street North and Steele Avenue
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District - Park Forest District
East:	Flood Hazard District - Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/26/2005
REVIEWED BY	Linda Foster / David L. Johnson

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights be approved with the following stipulations:

1. Prior to initiation of construction, a building permit shall be obtained;
2. Prior to Planning Commission approval, each sheet of site development or structure drawings shall be signed and sealed by the design engineer per state statute;
3. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;
4. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
5. Any additional construction on the subject property will require additional

STAFF REPORT  
September 22, 2005

---

**No. 05SR051 - SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights**

---

**ITEM 19**

review and approval through the SDCL 11-6-19 Review process;

GENERAL COMMENTS: The subject property is located at the southwest corner of East Main Street and Steele Avenue. Currently the City of Rapid City's Public Works Department operates facilities on the subject property. On August 5, 1991, the City Council approved a Conditional Use Permit, with stipulations, to allow structures in the Floodway Zoning District on the subject property. The name of the zoning district was subsequently revised to Flood Hazard Zoning District. The stipulations approved in 1991 are as follows:

1. That the requirements of the Floodplain Development Ordinance be continually met;
2. That all areas used for traffic circulation or parking be paved;
3. That landscaping shall be installed in accordance with the approved landscaping plan;

On September 18, 1995, the City Council approved a Conditional Use Permit to allow a salt and sand storage building on the subject property with the stipulation that all circulation areas around the storage building be paved.

On June 24, 2005, Planning Commission approved an SDCL 11-6-19 Review, with stipulations, to allow construction of a sand/salt storage building and associated paving and lighting in a public place. The stipulations approved in 2005 are as follows:

1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
2. The proposed on-site hydrant shall conform with all applicable provisions of the Uniform Fire Code, and be in place prior to initiation of construction;
3. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;
4. If any water or sewer service will be provided to the proposed structure, a revised site plan shall be submitted showing the location of the service lines;
5. The existing southern most driveway approach on Steele Street shall be eliminated;
6. Prior to Planning Commission approval, scaled elevation drawings of the proposed structure shall be submitted for review and approval;
7. The maximum height of the structure shall be 48 feet;
8. The proposed structure shall have a minimum setback from East Main Street of 25 feet;
9. Prior to Planning Commission approval, a site plan showing compliance with all applicable landscape regulations shall be submitted including any proposed changes in location of the landscaping;
10. Prior to issuance of a Certificate of Occupancy, all required landscaping shall be installed. The landscaping shall be irrigated or a plan for providing water shall be submitted for review and approval prior to issuance of a Certificate of Occupancy. All landscaping shall be maintained in a live condition at all times;

STAFF REPORT  
September 22, 2005

---

**No. 05SR051 - SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights** **ITEM 19**

---

11. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040; and,
12. Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.

The applicant is now seeking and SDCL 11-6-19 Review approval to construct a magnesium chloride and containment dispensing station and five additional yard lights.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the proposed construction is on publicly owned land requiring that the Planning Commission review and approve the proposed construction.

**STAFF REVIEW:** Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

**Building Permit:** Staff noted that a Building Permit must be obtained prior to any construction.

**Floodplain Development Permit:** The applicant's site plan indicates that the proposed structure is not located within the hydraulic floodway. However, it is located within the 100-year floodplain. The applicant has obtained a Floodplain Development Permit for this project.

**Landscaping:** As previously indicated, past reviews of this site have stipulated that landscaping be installed in accordance with the approved landscape plan. It appears that the landscaping stipulations have been met.

**Future Construction:** The applicant's site plan shows additional structures to be constructed in the future. Staff noted that this SDCL 11-6-19 Review is only for the magnesium chloride containment and dispensing station and five additional yard lights. Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.

Staff is recommending that the SDCL 11-6-19 Review request be approved with the previously stated stipulations.