

STAFF REPORT  
February 5, 2009

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**No. 08SR078 - SDCL 11-6-19 Review to allow structures on public property**

**ITEM 12**

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GENERAL INFORMATION:

APPLICANT	Dale Aviation, Inc.
AGENT	Hengel Associates, P.C.
REQUEST	<b>No. 08SR078 - SDCL 11-6-19 Review to allow structures on public property</b>
EXISTING LEGAL DESCRIPTION	Located in the unplatted portion of Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	3900 Airport Road
EXISTING ZONING	Airport
SURROUNDING ZONING	
North:	Airport District
South:	Airport District
East:	Airport District
West:	Airport District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	9/3/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the **February 19, 2009** Planning Commission meeting.

GENERAL COMMENTS: (Updated January 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the January 22, 2009 Planning Commission meeting because a copy of the executed lease agreement between the applicant and the Rapid City Regional Airport had not been signed. As of this writing, a copy of the executed lease agreement between the applicant and the Rapid City Regional Airport has not been submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the February 19, 2009 Planning Commission meeting.

(Updated January 13, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 18, 2008 Planning Commission meeting because a copy of the executed lease agreement between the applicant and the Rapid City Regional Airport

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had not been signed. As of this writing, a copy of the executed lease agreement between the applicant and the Rapid City Regional Airport has not been submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the February 5, 2009 Planning Commission meeting.

(Updated December 8, 2008. All revised and/or added text is shown in bold print.) This item was continued at the December 4, 2008 Planning Commission meeting because a copy of the executed lease agreement between the applicant and the Rapid City Regional Airport had not been signed. Staff contacted the Rapid City Regional Airport staff on December 10, 2008 to gather information on the status of the required lease agreement between the applicant and the Rapid City Regional Airport. On December 12, 2008 staff made another call to the staff at the Rapid City Regional Airport. As of this writing, the staff at the Rapid City Regional Airport has not responded. In addition, a copy of the signed executed lease agreement has not been submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the January 22, 2009 Planning Commission meeting.

(Updated November 24, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting because the required site plan and the required grading plan had not been submitted. In addition, a copy of the executed lease agreement had not been signed.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet.

(Update: October 27, 2008. All revised and/or added text is shown in bold.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional required information. As of this writing, no additional information has been submitted.

The property is located at 3900 Airport Road. The property is currently zoned Airport District. The adjacent properties to the north, south, east, and west are currently zoned Airport District. The applicant is proposing to construct a fuel tank containment structure that will hold three fuel tanks. Two of the fuel tanks will hold approximately 1,000 gallons of jet fuel and aviation gasoline. The third tank will hold approximately 12,000 gallons of jet fuel and aviation gasoline.

Staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the December 4, 2008 Planning Commission meeting to allow the applicant to submit a complete site plan, sign a lease agreement with the Rapid City Regional Airport, submit grading information for review and approval, and to obtain approvals from the State Fire Marshal, the South Dakota Department of Environmental and Natural Resources, and the Federal Aviation Administration.

South Dakota Codified Law 11-6-19 states that “whenever any such Municipal Council shall have adopted the comprehensive plan of the municipality or any part thereof, then and

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thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed location for the fuel tank container is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Site Plan: A complete site plan was not submitted with this application. In order for staff to make a complete review of the application, a complete site plan must be submitted. The site plan must include all structures located on the property. In addition, the Site Plan must identify all existing utilities.

(Updated November 24, 2008.) On November 13, 2008 the applicant submitted a complete site plan for review and approval. The site plan that was submitted for review and approval is in compliance with the City requirements.

Parking Plan: A parking plan for the Rapid City Regional Airport was approved by the Planning Commission on June 5, 2008 documenting that adequate parking was being provided for the airport. The fuel tanks will be serviced and refilled as necessary, but will not require any additional off-street parking. As such, the proposed use is in compliance with the City's off-street parking requirements.

Landscaping Plan: A landscaping plan for the Rapid City Regional Airport was approved by the Planning Commission on June 5, 2008 documenting that adequate landscaping was being provided for the airport. As such, the proposed use is in compliance with the City's landscaping requirements.

Lease Agreement: Prior to Planning Commission approval, the applicant must sign a lease agreement with the Rapid City Regional Airport. As such, staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to allow the applicant to obtain the necessary approvals from the Airport Board.

**(Updated January 23, 2009.) As of this writing, the applicant has not submitted a copy of the executed lease agreement with the Rapid City Regional Airport.**

(Updated January 13, 2009.) As of this writing, the applicant has not submitted a copy of the executed lease agreement with the Rapid City Regional Airport.

(Updated December 8, 2008.) As of this writing, the applicant has not submitted a copy of the executed lease agreement with the Rapid City Regional Airport.

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(Updated November 24, 2008.) As of this writing, the applicant has not submitted a copy of the executed lease agreement with the Rapid City Regional Airport.

Plans: South Dakota State Law requires that all plans be signed and sealed by a Registered Professional Engineer. The construction plans that were submitted for this project were signed and sealed by a Registered Professional Engineer.

Approvals: The use of above ground fuel tanks at the Rapid City Regional Airport requires that the local Fire Marshal at the direction of the State Fire Marshal review the site for all fire safety issues. The State Department of Environmental and Natural Resources review the site to ensure that the site complies with all environmental regulations and the Federal Aviation Administration review the site to ensure compliance with all FFA regulations. Prior to issuance of a Building Permit, approvals for all agencies shall be submitted to the Growth Management Department. As of this date, staff has not received copies of the approvals from the Federal Aviation Administration, State Department of Environmental and Natural Resources, or the Fire Marshal.

(Updated January 13, 2009.) On January 12, 2009 the applicant submitted information indicating that the proposed structures will not require approval from the FFA. The Airport Director is reviewing the information. The applicant should be aware, that prior to the issuance of a building permit, copies of approvals from the State Department of Environment and Natural Resources and the Fire marshal must be submitted.

Grading: The applicant has not submitted any grading information. Prior to Planning Commission approval, the applicant must submit grading plans for review and approval.

(Updated November 24, 2008.) On November 13, 2008 the applicant submitted a grading plan for review and approval. The grading plan was reviewed and approved and is in compliance with City requirements.

Building Permit: Prior to initiation of construction, the applicant must obtain a Building Permit.

Staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the December 4, 2008 Planning Commission meeting to allow the applicant to provide the additional information outlined above.

(Updated November 24, 2008.) As of this writing, the applicant has not submitted a copy of the executed lease agreement between the applicant and the Rapid City Regional Airport. As such, staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the December 18, 2008 Planning Commission meeting.

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