

STAFF REPORT  
June 10, 2010

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**No. 10SR024 - SDCL 11-6-19 Review to construct a street in the public right-of-way** **ITEM 24**

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GENERAL INFORMATION:

APPLICANT	Ernest C. Barton
PROPERTY OWNER	Ernest C. Barton
REQUEST	<b>No. 10SR024 - SDCL 11-6-19 Review to construct a street in the public right-of-way</b>
EXISTING LEGAL DESCRIPTION	The Fairmont Boulevard right-of-way located adjacent to Lot E less the west 17 feet and less Lot H2, Platted, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.9 Acres
LOCATION	3276 Cambell Street
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	Heavy Industrial District
East:	Heavy Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/18/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct a street in the public right-of-way be continued to the June 24, 2010 Planning Commission meeting.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a 26 foot wide graveled street approximately 195 feet within the Fairmont Boulevard right-of-way located directly east of the Cambell Street intersection. The applicant has indicated that the street is being constructed in order to provide access to the property located north of the right-of-way. In particular, the applicant is proposing to operate an equipment sales and display business on the adjacent property.

This portion of Fairmont Boulevard is located within a section line highway. In 1952, an 80 foot wide right-of-way for this portion of Fairmont Boulevard was platted. The property was

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annexed into the City limits in 2002. To date, the right-of-way has been improved with a dirt and/or gravel surface.

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". The proposed street is located within a section line highway and a public right-of-way requiring that the Planning Commission review and approve the proposed construction of the street.

**STAFF REVIEW:**

The applicant has requested that this item be continued to the June 24, 2010 Planning Commission meeting. As such, staff recommends that the SDCL 1-6-19 Review be continued to the June 24, 2010 Planning Commission meeting as requested by the applicant.