

STAFF REPORT  
June 24, 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 will recommend that the SDCL 11-6-19 Review to construct a street in the public right-of-way **be approved if the following issue is addressed prior to Planning Commission approval:**

- 1. Construction plans shall be submitted for review and approval showing Fairmont Boulevard constructed with a minimum 20 foot wide paved surface. In addition, the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Fairmont Boulevard is hereby waived**

GENERAL COMMENTS:

**(Update: June 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 10, 2010 Planning Commission meeting at the applicant's request.**

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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 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.

**Staff has reviewed the SDCL 11-6-19 Review to construct a street in the public right-of-way and has noted the following considerations:**

**Fairmont Boulevard:** Fairmont Boulevard is identified on the City's Major Street Plan as a minor arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, this portion of Fairmont Boulevard is located within an 80 foot wide right-of-way and constructed with a dirt surface and areas of light gravel and with an 8 inch water main. The applicant is proposing to construct a 26 foot wide graveled road with four inches of compacted gravel on the existing road.

Staff has reviewed the request and noted that the future extension of Fairmont Boulevard to the east will require an above grade elevated crossing over the adjacent DM&E Railroad property and an elevated approach along this section of Fairmont Boulevard. The future above grade elevated street will not allow access to the adjacent properties as currently proposed. As such, any at grade street

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improvements will eventually be removed.

Currently, an 8 inch sanitary sewer main is located along the center of the Fairmont Boulevard right-of-way to provide service to the adjacent properties. Since any street improvements installed at this time will eventually be removed to accommodate the elevated street and since City sewer currently exists to provide service to the adjacent properties, staff recommends that Fairmont Boulevard be constructed with a minimum 20 foot wide paved surface in lieu of a 36 foot side paved surface, with curb, gutter and sewer. Please note that the Fire Department has indicated that a minimum 20 foot wide paved surface allows adequate fire apparatus access to the adjacent properties. Staff also recommends that the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Fairmont Boulevard be waived.

The location and extent of the proposed street improvement is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if construction plans are submitted for review and approval prior to Planning Commission approval showing Fairmont Boulevard constructed with a minimum 20 foot wide paved surface. In addition, the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Fairmont Boulevard is hereby waived.