

CITY OF RAPID CITY

PLANNING DEPARTMENT

300 Sixth Street, Rapid City, SD 57701-2724
Phone: (605) 394-4120 Fax: (605) 394-6636
http://www.ci.rapid-city.sd.us

**APPLICATION FOR
DEVELOPMENT
REVIEW**

REQUEST (please check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Plat - Layout | <input type="checkbox"/> Subdivision Variances |
| <input checked="" type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Plat - Preliminary | <input checked="" type="checkbox"/> Use on Review |
| <input type="checkbox"/> Planned Development | <input type="checkbox"/> Plat - Final | <input type="checkbox"/> U.O.R. Major Amendment |
| <input type="checkbox"/> Initial-Final Plan <input type="checkbox"/> Major Amendment | <input type="checkbox"/> Plat - Lot Split | <input type="checkbox"/> Vacation of Easement |
| <input type="checkbox"/> Planned Development Designation | <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Vacation of R.O.W. |
| <input type="checkbox"/> OTHER (specify) | <input type="checkbox"/> Road Name Change | <input checked="" type="checkbox"/> 11-6-9 SDCL Review |

PROJECT LOCATION 703 Adams Street, Rapid City, South Dakota

LEGAL DESCRIPTION

Lot (s) 1 through 18 Section 36

Block (s) 18 Township 2N

Subdivision North Rapid Subdivision Range 7E

Size of Site-Acres 1.73 (approx.) SF 75,505 (approx) Proposed Zoning Public

DESCRIPTION OF REQUEST

Current zoning is Medium Density Residential. Request is for rezone to Public, amendment to current Comprehensive Plan, and Use on Review for detention work release facility.

APPLICANT

Name Pennington County Phone 394-2171

Address 315 St. Joseph Fax 394-6833

City, State, Zip Rapid City, SD 57701

Applicant's Signature [Signature] (Agent) Date December 13, 2001

PROJECT PLANNER - AGENT

Name N/A Phone _____

Address _____ Fax _____

City, State, Zip _____

OWNER OF RECORD (if different from applicant)

Name _____ Phone _____

Address _____ Fax _____

City, State, Zip _____

FOR STAFF USE ONLY

Current Zoning MDR

North NIDE

South PUBLIC

East MDR

West MDR

Planner ME File No. 01DU004

Pin No. 20-36-159-008

- Engineering
- Fire Dept
- Traffic Eng
- Transportation
- Building Insp
- Air Quality
- Drainage
- ESCC
- Rural Planning
- County Fire

- County Highway
- Rv Sanitary District
- Auditor (annex)
- SDDOT
- Police
- City Attorney
- Code Enf. City
- Code Enf. County
- Register Of Deeds
- Future Land Use

SPECIAL ROUTING INSTRUCTIONS:

RECEIVED

DEC 13 2001

Rapid City Planning Department

Rezone and Use On Review Supplement

The current facility is owned by Pennington County. It was used as a Juvenile Detention Center, Juvenile Court, and an office building for Adult and Juvenile Probation officers. In 1990, the courts and probation officers were moved to the Courthouse. Juvenile Detention was moved from the building in 1995.

In 1996, Rapid City Area Schools leased the building from Pennington County and is currently using it as a detention school and alternative school. The school will be moving at the end of this school year (June 2001).

The current facility, with some minor renovation, would accommodate up to 100 work release and community service-sentenced individuals. Minimum remodeling is anticipated for this project, with all remodeling taking place inside the building. Renovations planned include some additional bathroom facilities, smoke and fire alarms, fire sprinkler systems, minor electrical and alarm changes.

Work Release and Community Service inmates would be restricted to the property except when authorized to go to and from their place of work, to community work projects with approved supervision staff, or to authorized furloughs to a designated location (home, family events). Inmates approved for Work Release are screened and approved by staff for suitability to the program. Most Work Release inmates have served a portion of their time in jail before going to Work Release. The average length of stay in Work Release is approximately sixty days.

There are approximately fifteen parking spaces on the northwest side of the building and twenty-four parking spaces on the south end. Staffing would be twenty-four hours per day, seven days per week, with a maximum number of staff on at any one time of five employees. Work release inmates generally do not drive, but a review of our existing operation indicates that approximately 10% do commute from the work release center to their jobs, with their own transportation.

Pennington County has run a Work Release Program for the past eighteen years. In the mid 1980s, it was located in an annex building the parking lot of the Courthouse. From 1989 to 1997, it was located in the existing jail at 602 Second Street. Currently, the facility is located behind the Courthouse and next door to the Public Safety Building. The current facility is limited to allow thirty-five Work Release inmates. Community and judicial needs require additional space. Presently, there is a six to eight week waiting list to assign an inmate to the Work Release Center.

STAFF REPORT

January 10, 2002

No. 01DU004 - 11-6-19 SDCL

ITEM 39

GENERAL INFORMATION:

PETITIONER	Pennington County
REQUEST	No. 01DU004 - 11-6-19 SDCL Review
DESCRIPTION	Request for review for compliance with the adopted Comprehensive Plan in accordance with 11-6-19 and 11-6-22 SDCL to allow the change in use to allow a detention work release facility at 703 Adams Street and legally decribed as Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.60 acres
LOCATION	703 Adams Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Public District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	12/13/2001
REPORT BY	Marcia Elkins

RECOMMENDATION:

Staff recommends that the Planning Commission find that the proposed use of 703 Adams Street for a Work Release Detention center shall not be approved as it is not consistant with the adopted Comprehensive Plan or the adopted Zoning Ordinance.

GENERAL COMMENTS: The property in question is located north of North Street, south of Adams Street, between the alley and North Seventh Street. The property is developed with existing structures, including classrooms, office space and a gymnasium as well as detention cells. Parking areas are located northwest of the structure along the alley and south of the structure.

Information provided to the staff indicates that the property was originally a Catholic grade school. It appears from the deeds that the property was transferred to Pennington County in 1975. It was subsequently used as the Pennington County Juvenile Detention Center until a

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new facility opened on Campbell Street (S.Highway 79) in 1995. In addition, the site was the location of the Juvenile Court and was used as offices for Adult and Juvenile Probation officers. In 1990, the court and probation offices were moved off site. In 1996, the County entered into a lease with the Rapid City School District and they used the facility as an alternative school. The School District lease was terminated in 2001.

The property was zoned Class "D" Multiple Dwelling District in 1950 and rezoned to Medium Density Residential in 1968. Schools were a permitted use in the Class "D" Multiple Dwelling District in 1950, and were a Use Permitted on Review in the Medium Density Residential Zoning District in the 1968 Ordinance. Staff cannot find any evidence that a detention facility or County offices were ever allowed in the Medium Density Residential zoning district as a permitted use or a use on review. Additionally, staff cannot find any record of a use on review application having been submitted when the School District began using the building in 1996. It appears that neither the use of the property as a detention facility nor the use of the site as a school were in compliance with the zoning regulations.

The 1974 Long Range Comprehensive Plan identified this property as appropriate for residential land uses. The North Rapid Neighborhood Area Future Land Use Plan designated the property as appropriate for Medium Density Residential land uses. The applicant is now proposing that the property be used for a Work Release detention center.

Section 11-6-19 – 11-6-22 SDCL requires that any change in use in a public building or structure must be submitted to the City Planning Commission for approval if it is located in an area covered by an adopted Comprehensive Plan. As the applicant is proposing to change the use from a school to a Work Release detention center, they have submitted the request to the City Planning Commission for approval.

STAFF REVIEW: As noted, the Future Land Use Plan identifies the property in question as appropriate for Medium Density Residential land uses. Additionally, the property is currently identified as a Medium Density Residential zoning district. The use of the property for a Work Release detention facility is not consistent with the adopted Comprehensive Plan – Future Land Use Plan. The use is not allowed as a permitted use or a use on review/conditional use in the Medium Density Residential zoning district.

The staff recommends that the Planning Commission disapprove the proposed plan to change the use at 703 Adams Street from a school to a Work Release detention center as it is not in compliance with the adopted Comprehensive Plan – Future Land Use Plan or the adopted zoning.

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 10, 2002

MEMBERS PRESENT: Ida M. Fast Wolf, Sam Kooiker, Jeff Hoffmann, Dawn Mashek, Mel Prairie Chicken, Robert Scull, Jeff Stone, Paul Swedlund, Bob Wall, and Stuart Wevik. Ron Kroeger, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Lisa Seaman, Bill Knight, Randy Nelson, Dave Johnson, Dave LaFrance and Risè Ficken

Chairperson Wevik called the meeting to order at 7:00 a.m.

Elkins requested that items 39-42 be considered concurrently.

39. No. 01DU004 - North Rapid Addition
A request by Pennington County to consider an application for a request for review for compliance with the adopted Comprehensive Plan in accordance with 11-6-19 and 11-6-22 SDCL to allow the change in use to allow a detention work release facility at 703 Adams Street and legally described as Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.
40. No. 01UR057 - North Rapid Addition
A request by Pennington County to consider an application for a **Use On Review to allow a detention work release facility in the Public Zoning District** on Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.
41. No. 01RZ070 - North Rapid Addition
A request by Pennington County to consider an application for a **Rezoning from Medium Density Residential District to Public District** on Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.
42. No. 01CA038 - North Rapid Addition
A request by Pennington County to consider an application for an **Amendment to the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.60 acre parcel of property from Medium Density to Public** on Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.

Elkins presented the request, reviewed the slides and identified adjacent land uses. She explained that the residential neighborhood is separated from the existing public uses located to the south by a collector street along with a

substantial grade differential. She identified previous uses of and access to the subject property. Elkins expressed staff's concerns with the impact of the encroachment of the proposed activity into the residential neighborhood and reviewed staff's recommendations for denial of each of the requests.

Ron Buskerud, Administrative Assistant to the Pennington County Commission, emphasized that the property has been used in the past as a juvenile detention facility and a school. He noted that the proposed use will not increase noise or traffic and will likely be less intrusive to the neighborhood than the previous uses. He explained that approximately 100 work release inmates could be housed at the facility with 10% to 15% of the inmates driving vehicles to and from the site. He indicated that employees would add an additional five vehicles on site for a total of approximately 20 cars per day. Buskerud noted that the Sheriff's Department has provided information identifying that in the past year only one work release inmate did not return to the facility from work. He clarified that the program does not permit inmates to leave the facility after work noting that outdoor activities primarily consist of landscaping maintenance. He added that all Pennington County residents will benefit from the facility while only a small portion of the residents will be directly impacted. Buskerud indicated that Pennington County does not believe that the rezoning request would result in spot zoning as the property is located immediately adjacent to Civic Center Zoning district. He added that public activities have taken place on the subject property for the last 40 years.

Jolene Smith, area resident, advised that she attended hearings conducted by Pennington County concerning this issue in April. She noted that a petition rejecting the proposed detention facility was submitted at that time containing signatures of over 300 neighborhood residents. She expressed concern regarding safety issues, the proximity of the facility to the high school, and reviewed statistics for violations by inmates of facility rules. Smith stated that she believes the requested rezoning would create spot zoning and a use that is not appropriate in a medium density residential neighborhood noting that the facility will have an extreme negative impact on their neighborhood.

Karling Abernathy, area resident, stated her opposition to the proposed detention facility in their residential neighborhood. She expressed concern that property values would be reduced noting that she feels the location would be an invitation for the inmates to commit crime. She distributed articles about similar situations in other communities to the Planning Commission.

Jim Albers, area property owner, advised that he owns three houses within six blocks of the proposed facility. He expressed concern regarding a decrease in property values as a result of the placement of the detention facility at this location. He stated that he feels North Street should remain the buffer for the neighborhood from the commercial activities in the area. He stated that he does not feel their neighborhood should be forced to house a criminal detention facility serving all of Pennington County.

Cathy Coates, area resident, expressed concern that Pennington County ignored the petitions previously submitted by the area residents. She advised that she

has five children that live in this neighborhood noting that positioning the detention facility so close to a high school is a major concern. She acknowledged the financial issues facing Pennington County and suggested that a different site be selected that is correctly zoned for a detention facility. She stated that she wants to maintain the existing cohesive neighborhood.

Smith presented letters of opposition to the proposals from Diana Winkle to the Planning Commission.

Randy Eide, Allen Street property owner, expressed opposition to a change in zoning and the proposed detention facility noting that he feels residential zoning is appropriate in this neighborhood.

Swedlund stated that he would abstain from voting on the items.

In response to a question from Kooiker, Elkins advised that she is unaware of any information indicating that any of the uses that have occurred in this facility were ever in compliance with the Zoning Ordinance. She noted that a school is allowed as a Use On Review in the Medium Density Residential Zoning District although a Use On Review was not obtained for this property. She stated that the proposed detention facility is a change in use and would not be grandfathered.

In response to a question from Kooiker, Sheriff Holloway indicated that Pennington County will continue to operate the main jail. He advised that the detention facility will house inmates who have been sentenced to the Pennington County jail, primarily for misdemeanor offenses and some felony offenses such as theft and assault. He explained that many of the people entered into the work release program are first time offenders and meet specific classifications that indicate a reduced risk. He noted that the work release program offers these inmates an opportunity to continue employment and support their families.

Hoffmann moved and Wall seconded to deny the request to use 703 Adams Street for a Work Release Detention center as it is not consistent with the adopted Comprehensive Plan or the adopted Zoning Ordinance, and to recommend that the Use On Review to allow a Work Release detention center be denied, that the Rezoning from Medium Density Residential District to Public District be denied, and that the Amendment to the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.60 acre parcel of property from Medium Density to Public be denied.

In response to a question from Stone, Holloway reviewed procedures for monitoring work release inmates, including on-the-job spot checks and written cooperation from employers.

Wall spoke in opposition to the proposed requests stating that the proposed use is not consistent with the adopted master plan or the surrounding zoning, it is not a grandfathered use and he stated that he does not believe it is in the best

interest of the people living in that area. Wall emphasized that he feels the neighborhood opposition to the request should be taken seriously and he suggested that alternative sites be identified.

Discussion followed concerning locating the facility in a light industrial area, the need for detention facilities, and the need to balance sensitivity to residential concerns with funding issues when selecting a location for this type of use.

Mashek stated that she feels the existing Medium Density Residential zoning is appropriate for this area.

Prairie Chicken advised that he has lived in the North Rapid area for 18 years. He stated that this is a diverse neighborhood with a strong sense of community. He acknowledged the community's responsibility to address social problems; however he noted that the Zoning Regulations do not support this use at this location.

Buskerud requested that the Planning Commission identify the reasons for disapproval of the 11-6-19 as required pursuant to the state statute.

Stone spoke in support of staff's recommendation to deny the requested detention work release facility.

The motion unanimously carried to deny the request to use 703 Adams Street for a Work Release Detention center as it is not consistent with the adopted Comprehensive Plan or the adopted Zoning Ordinance, and to recommend that the Use On Review to allow a Work Release detention center be denied, that the Rezoning from Medium Density Residential District to Public District be denied, and that the Amendment to the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 1.60 acre parcel of property from Medium Density to Public be denied. (9 to 0 with Swedlund abstaining)