

STAFF REPORT

January 10, 2002

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**No. 01UR057 - Use On Review to allow a detention work release facility in the Public Zoning District**      **ITEM 40**

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GENERAL INFORMATION:

PETITIONER	Pennington County
REQUEST	<b>No. 01UR057 - Use On Review to allow a detention work release facility in the Public Zoning District</b>
EXISTING LEGAL DESCRIPTION	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 Use On Review to allow a Work Release detention center be denied.

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 new facility opened on Campbell Street 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,

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---

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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. The applicant has submitted this use on review/conditional use permit application requesting approval of a Work Release detention center at this location.

#### STAFF REVIEW:

The area north of North Street was found to be a cohesive residential neighborhood providing moderate priced housing opportunities including both single family and multi-family dwelling units. It was noted during the development of the North Rapid Neighborhood Area Future Land Use Plan that the property lying south of North Street was more appropriate for public and commercial uses. The area north of North Street is located on the hill above the area identified as appropriate for commercial and public uses. The topography of the area as well as the location of the collector street provides a significant buffer between these land use areas. The location of a Work Release detention center in a cohesive residential neighborhood does not appear to be appropriate. Significant concerns have been expressed by residents of the area relative to the impact of the use on the public safety as well as on the property values in the neighborhood.

As noted by the comments provided by the City Attorney's staff, the proposed introduction of Public zoning at this location "appears to be spot zoning." They noted that the property is surrounded by Medium Density Residential zoning on three sides with the collector road providing a buffer from the public uses south of the site. The location of a Work Release detention center at this location would not appear to be appropriate as adequate buffers can not be provided.

The Fire Department has indicated that a fire sprinkler system must be provided to the entire building. Fire alarms must also be provided throughout the building. The fire sprinkler system and the alarm system must be monitored. A knox box must also be provided. The

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access to the property and the applicable turning radii must comply with the applicable requirements of the City Street Design Criteria Manual. If access exceeds 150 feet in length, an emergency vehicle turnaround shall be provided.

The Engineering Division has indicated that the parking lot approach location on North Street must be closed prior to the issuance of any building permit. Access may be taken from the paved alley or from 7<sup>th</sup> Street; however, plans for the construction of those improvements must be submitted for review and approval prior to construction. All plans must comply with the Street Design Criteria Manual. The Engineering Division has noted that if the parking lot is enlarged, grading and drainage plans will need to be submitted for review and approval. Also, if any of the public utilities must be extended or enlarged, or if a private fire protection system is required, plans stamped by a Professional Engineer must be submitted to the Engineering Division for review and approval prior to construction.

Based on the incompatibility of the proposed use with the existing residential neighborhood, staff recommends that the request for approval of a Use on Review/Conditional Use Permit to allow a Work Release detention facility be denied.