

STAFF REPORT

January 8, 2004

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**No. 03SR049 - 11-6-19 SDCL Review to allow a detention facility**

**ITEM 27**

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for the State of South Dakota Department of Corrections
REQUEST	<b>No. 03SR049 - 11-6-19 SDCL Review to allow a detention facility</b>
EXISTING LEGAL DESCRIPTION	Lot 1, Block 1, South Creek Industrial Park, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.64 acres
LOCATION	Southwest of the intersection of E. Tallent Street and Creek Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Medium Density Residential District/Light Industrial District
South:	Heavy Industrial District
East:	Light Industrial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/12/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow a detention facility be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to occupying the site or issuance of a Building Permit, whichever occurs first, a Flood Plain Development Permit must be obtained for improvements subject to the provisions of Section 15.32 of the Rapid City Municipal Code;
2. Prior to Planning Commission approval, a revised site plan shall be submitted showing any connection by the facility to the sewer main;

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Fire Department Recommendations:

3. Prior to Planning Commission approval, building plans shall be submitted showing the sprinkler system and fire alarm system;

Building Inspection Division Recommendations:

4. Prior to Planning Commission approval, a revised site plan shall be submitted showing all walls constructed to one hour fire protection;
5. Prior to issuance of a Building Permit, all plans submitted shall be stamped by a licensed architect;
6. Prior to Planning Commission approval, a revised site plan showing a roof top air changer shall be provided;

Urban Planning Division Recommendations:

7. Prior to Planning Commission approval, a revised site plan shall be submitted showing all off-street parking areas and access being paved with an impervious surface. All off-street parking areas and access areas shall be paved prior to occupancy or surety acceptable to the City Attorney shall be posted and the improvements completed within the next construction season;
8. Prior to Planning Commission approval, a revised site plan shall be submitted showing 12 off-street parking stalls with a minimum of one being handicapped van accessible;
9. Prior to Planning Commission approval, a revised site plan showing outdoor lighting arranged to provide security and to reflect light toward the parking area shall be provided;
10. Prior to Planning Commission approval, a landscape plan shall be submitted, and;
11. Prior to Planning Commission approval, a revised site plan showing the outdoor recreation area shall be submitted.

GENERAL COMMENTS:

The South Dakota Department of Corrections is proposing to use an existing structure as a temporary housing location for a Trusty Unit. The applicant has indicated that the structure will house approximately 85 to 105 Trusty Unit inmates, with no less than three employees on duty at all times. The Department of Corrections staff has indicated that this facility will be used for eight to ten months only; however, they will be entering into a one year lease for this site.

The proposed structure was constructed as a warehouse. Staff indicated in a review of the site in 1987 that all parking and circulation must be paved as per ordinance. Access to the parking stalls has not been paved to date in violation of City Ordinance. Additionally, information in the building permit file indicates that the required construction inspections were never completed and the required landscaping was never installed.

The dimensions of the structure are 50 feet by 100 feet incorporating a gross square footage of 5000 square feet. To date, no floor plans or construction plans have been submitted.

The subject property is located in the Light Industrial Zoning District. Community corrections facilities are allowed in the Light Industrial Zoning District as a Conditional Use. The proposed

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facility will be operated by the South Dakota Department of Corrections on private property. As such the application is processed as an 11-6-19 SDCL Review rather than a Conditional Use Permit.

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". As previously indicated, the use of the building is public but located on privately owned property requiring that the Planning Commission review and approve of the proposed use by a publicly funded organization.

### STAFF REVIEW:

Staff has reviewed the proposed 11-6-19 SDCL Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

### Flood Plain:

The Engineering Division staff has noted that at least a portion of the property is located in the Zone A flood plain. The Engineering staff has indicated that prior to occupying the site or issuance of a Building Permit, whichever occurs first, a Flood Plain Development Permit must be obtained for any improvements subject to the provisions of Section 15.32 of the Rapid City Municipal Code.

### Utilities:

The site plan submitted by the applicant does not identify the location of the sewer service line to the property. The Engineering Division staff has noted that the sanitary sewer main stops at the Lombardy Drive right-of-way. The applicant has indicated that a four inch sewer line extends from the Lombardy Drive right-of-way to the facility. Prior to Planning Commission approval, a revised site plan shall be submitted delineating the location of the sewer connection to the structure.

### Fire Protection:

The Fire Department noted that the use of the structure will be classified as an I-3 occupancy. An I, or Institutional classification means the personal liberties of those housed are restricted. The Fire and Building Code both require the building to be fully fire sprinkled and to be fully fire alarmed. The applicant indicated that by law the Fire Marshall inspects all state facilities at least once yearly, and that a fire alarm system will be installed in the facility. The applicant has expressed concern with the expense of installing a fire sprinkler system for the temporary use of the structure. Because of the safety issues associated with the use and the Code requirements, staff is recommending that a fire sprinkler system be installed as required by Code. Staff recommends that prior to Planning Commission approval, building plans shall be submitted showing the sprinkler system and fire alarm system.

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The Fire Department also noted that the Fire Code requires that if any portion of the structure is more than 150 feet from the water supply, on site hydrants must be provided.

Building Plans:

The Building Inspection Division staff noted that the proposed use will be a change in use from a warehouse to an institutional use and all walls must be constructed to one hour fire protection. The applicant has indicated concern about the ability of the existing wall studs to handle any additional loads. The applicant is proposing to sheet rock the existing walls to a height of eight feet. To date, a floor plan and construction plans have not been submitted. Staff has noted that all building plans must be submitted for review and approval and must comply with the Uniform Building Code and must be stamped by a licensed architect as required by State law.

Air Changer:

The Building Inspection Division noted that due to the proposed occupancy load of the structure (85 to 105) a roof top air changer must be provided. The applicant indicated that the facility will be equipped with a roof top air changer to comply with the requirements of the American Correctional Association. (Prior to Planning Commission approval a revised site plan noting the installation of the air changer must be provided.)

Parking:

Staff noted that the site plan submitted indicates eight paved off street parking stalls are provided; however, the access to the parking stalls has a gravel surface. Prior to Planning Commission approval, a revised site plan must be submitted showing parking area access being paved with an impervious surface. City Ordinance allows that surety may be posted for this requirement if occupancy is to occur prior to the completion of the improvements. However, the improvements must be completed within the next construction season.

The applicant has indicated that the facility will have one vehicle on site to provide transportation for the inmates. Food will be prepared off site and brought to the facility three times a day by a panel truck. Visitors are allowed on site and the applicant has indicated an estimate of zero to ten visitors per day. The applicant estimates that no more than 12 vehicles will be on site at one time. Staff is recommending that prior to Planning Commission approval, a revised site plan be submitted showing a minimum of 12 off-street parking stalls with one being handicapped van accessible in accordance with Section 17.50.270 of the Rapid City Municipal Code.

Outdoor Lighting:

No parking lot lighting has been identified on the site plan. The Rapid City Municipal Code requires that all parking areas except those serving single-family residential uses must have lighting when evening usage is anticipated. A revised site plan showing outdoor lighting arranged so as to provide security and to reflect light toward the parking area and away from surrounding properties shall be submitted prior to Planning Commission approval.

Landscaping:

Staff noted that Section 17.22.070 of the Rapid City Municipal Code requires that landscaping

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be provided when a Light Industrial Zoning District is located adjacent to a residential zoning district. This property is located adjacent to residential districts to the north and to the west as such a landscaping plan must be submitted prior to Planning Commission approval.

Outdoor Recreation:

The applicant has indicated that an outdoor recreation area is proposed. The recreation area will not have lights provided for evening use. Prior to Planning Commission approval, a revised site plan showing the outdoor recreation area shall be submitted.

Comprehensive Plan:

The adopted Comprehensive Plan identifies the property as being appropriate for Light Industrial uses. As the proposed use as a detention facility is allowed as a Conditional Use in the Light Industrial Zoning District, the use would appear appropriate for the proposed location.

Based on compliance with the above stated stipulations, staff recommends approval of the 11-6-19 SDCL Review as the proposed use will be in compliance with the applicable provisions of the adopted Comprehensive Plan and zoning regulations.