

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 20, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, John Brewer, Gary Brown, Ida Fast Wolf, Thomas Hennies, Mike LeMay, Scott Nash, Mel Prairie Chicken and Ethan Schmidt. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Karen Bulman, and Carol Bjornstad.

Nash called the meeting to order at 7:05 p.m.

1. No. 05SR050 - North Rapid Subdivision

A request by Pennington County to consider an application for an **11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property** on Lots 1 through 18, Block 18, North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.

Bulman presented the request for 11-6-19 Review for a secure detention facility submitted by Pennington County. Bulman advised the previous uses of the facility. Bulman advised that the applicant is proposing to house 40 minimum security inmates in addition to the work release facility already in existence on the subject property. Bulman advised that staff recommends that the Planning Commission find that the 11-6-19 Review request is not in compliance with the adopted Comprehensive Plan and current zoning and that it be denied by the Planning Commission.

Elkins stated that the Rapid City City Council approved a motion expressing their opposition to the proposed security detention facility; she also noted that City Council has requested the Planning Commission take testimony and not take action at this time to allow further discussion regarding the proposal.

In response to Nash's question, Green advised that the Planning Commission's action on the 11-6-19 Review is final and would not proceed on to City Council.

Elkins advised the Planning Commission that the City Council had directed that notification be mailed to surrounding property owners within 500 feet of the subject property. She also stated that action would need to be taken on the application within 65 days based on statutory requirements and that deadline is October 28, 2005.

Mitchell Hildebrant, area resident, expressed his concern for the impact on the budget set aside for the jail facilities currently under construction intended to meet the housing needs of inmates. Hildebrant expressed opposition to a detention facility located near schools noting that the detention facility would have a negative effect on the school. Hildebrant expressed concern for reduced property values for properties close to the detention facility.



Jim Albers, area resident, presented a petition in opposition to the proposed secure detention facility. Albers stated that his understanding was that the original use of the subject property was for a work release facility only. Albers expressed his concern with inmates housed in the facility and the potential threat to area residents. Albers requested that the Planning Commission deny approval of the 11-6-19 Review for the detention facility.

Schmidt requested an opportunity to review the tape presented by Mr. Albers. Discussion followed.

Dave Bramblee, Chief Deputy for the Pennington County Sheriff's Office, stated that average stay of inmates housed in the proposed facility. Bramblee advised on other programs available to manage inmates and types of charges for inmates on these programs. Bramblee commented on the cost of housing inmates and the number of inmate's housed in the County facility. Bramblee advised the Planning Commission on other facilities and programs available to manage and incarcerate inmates. Bramblee advised that the County budget allows for completion of the top floor of the Jail Annex. He stated that proposed detention facility would be modified internally with increased security measures and increased personnel to monitor medium security inmates. Bramblee commented on budget figures to house inmates in other counties and the associated costs relating to transporting inmates for court dates. Bramblee expressed his opinion that the issue is a community problem and that Pennington County is willing to work with the community to resolve the matter of housing inmates. Discussion followed.

In response to Schmidt's question, Bramblee advised the Planning Commission of the financial savings for the community of using the work release facility. Discussion followed.

In response to Hennies question, Bramblee advised that both minimum and medium security inmates would be housed in the facility on the subject property. In response to Hennies questions, Bramblee commented that the various charges that inmates have been convicted of are burglary, embezzlement, vehicular homicide, stalking, bad checks, disorderly conduct, driving under the influence, petty theft and sex offenses. Bramblee added that the inmate classification is derived from history of behavior and criminal history and given a point score on those factors.

In response to Nash's comment, Bramblee stated that funding would still be made available to complete modifications to the detention facility and fund the completion of the Jail Annex. He commented that Pennington County houses inmates from surrounding counties. Bramblee added that Pennington County also houses inmates for other agencies and those agencies contribute funding for housing inmates. Discussion followed.

Nash expressed his opinion that inmates from the other agencies and counties should be sent to other communities surrounding Rapid City.

In response to Anderson's questions, Elkins advised that Pennington County has



the authority to override the decision of the Planning Commission. Elkins further commented that Council's direction was that the Planning Commission not take action to allow an opportunity for the City and County to engage in discussion to find resolution.

In response to Schmidt's question, Bramblee clarified the inmate distribution in various facilities. Discussion followed.

In response to Fast Wolf's question, Bramblee stated that the inmates housed in the proposed facility would be incarcerated for misdemeanors, work release and minimum security. Discussion followed.

In response to Hadcock's question, Bramblee advised that security measures of the existing facility would be increased for medium security inmates. Discussion followed.

Anderson moved, Prairie Chicken seconded to continue the 11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property to the October 27, 2005 Planning Commission meeting. Discussion followed

In response to Hennies question, Bramblee stated that he is uncertain of the effect of continuing the application to the October 27, 2005 Planning Commission meeting. Discussion followed.

Andrews stated that he would abstain from voting as he owns property in the area and expressed his opposition to the detention facility.

In response to Schmidt's question, Elkins commented that there has not been an opportunity to allow the City Council and the County Commissioners to discuss the proposed uses of the subject property since the Council action the previous evening. Elkins advised that the area surrounding the existing Pennington County jail facility is zoned General Commercial and Central Business District and she stated that the School was not within 500 feet of the detention facility and were not notified of the 11-6-19 SDCL Review.

In response to Schmidt's question, Elkins advised that a subsequent motion could be made to notify the School District. Discussion followed.

In response to Brewers questions, Elkins advised that the application is a request for an expansion of the current use of the subject property as a work release facility to include a secure detention facility. She stated that the original work release facility use was approved by the Pennington County Planning Commissioners by overriding the decision of the City Planning Commission. Discussion followed.

Schmidt expressed support for the motion to defer action to allow City Council to discuss the proposed use as a detention facility with the County Commission. Discussion followed.



In response to Fast Wolf's question, Elkins advised that if the Planning Commission did not take action within 65 days, the request would be deemed approved.

Ray Hadley, area resident and City Council Member, stated that the City Council seeks an opportunity to allow the City and County to discuss resolution of the proposed uses of the subject property. Hadley expressed his opinion that other options available to the County to house inmates. Hadley stated that the City Council was told by County staff that the facility would be only used as work release. Hadley requested item be continued to October 27, 2005 Planning Commission. Discussion followed.

Hennies expressed his support to continue the application to the October 27, 2005 Planning Commission meeting if it would allow the City Council and County Commission to explore additional options and was not an attempt to stall the County's proposal.

Hadcock expressed her support to continue the application to the October 27, 2005 Planning Commission meeting.

Nash expressed his support to continue the application to the October 27, 2005 Planning Commission meeting. Discussion followed.

Delores Coffing, Pennington County Commissioner, stated that she supports dialog between City and County officials for resolution of the issue of locating the secure detention facility on the subject property. Coffing advised that she understands area residents concerns for safety with the proposed uses of the detention facility. Coffing commented that Pennington County is responsible for housing inmates and the associated costs carry through to the tax-payers.

In response to LeMay's question, Coffing stated that alternatives to the County for housing inmates are limited. She stated that housing inmates in the facility is for a short term – temporary solution. She commented that the responsibility to house and control inmates becomes the financial responsibility of the tax payers.

Andrews read a letter into the record that was submitted by Gudrun E. Hunsley, area resident, who opposes the proposed use of the subject property as a detention facility. Discussion followed.

Bramblee stated that the proposed costs for construction to modify the facility on the subject property would be minimal.

Andrews expressed his opinion that property values could be negatively affected by the type of proposed uses in the facility. Discussion followed.

The Motion to continue the SDCL 11-6-19 Review to allow a secure detention facility in addition to the existing work release facility on public property to the October 27, 2005 Planning Commission meeting was approved with eight votes in favor and one abstention. (8 to 0 to 1 with Anderson, Brewer, Hennies, LeMay, Nash, Prairie Chicken and Schmidt



voting yes and none voting no and Andrews abstaining.)

Bulman requested that items 2, 3, 4 and 5 be taken concurrently.

2. No. 05OA006 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code.**
3. No. 05OA007 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment revising the definition of Microcell Wireless Communication facilities by amending Section 17.04.483 of the Rapid City Municipal Code.**
4. No. 05OA008 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code.**
5. No. 05OA009 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment defining "Microcell" Wireless communication antenna by adding Section 17.04.484 of the Rapid City Municipal Code.**

Bulman presented the Ordinance Amendments. Bulman stated that that minor modifications were made to the Ordinance Amendments as requested by the Planning Commission.

Talbot Wiczorck, attorney for Western Wirelss, stated discussions have taken place with the utility companies for clarification of placement of wireless antennas on existing poles. Wiczork stated that the applicant is in agreement with the staff recommendation.

Ralph Wyngarden, representative for Western Wireless, stated his support for the staff's recommendations and expressed his appreciation for the staff's work on the amendments.

In response to Schmidt's question, Green commented that the City Attorney's Office is in agreement with the Ordinance. Discussion followed.

Motion by Andrews, Seconded by Anderson and unanimously carried to recommend that a request by the City of Rapid City to consider an application for an Ordinance allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030,



17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code; and the request to consider an application for an Ordinance amending the definition of Microcell Wireless Communication facilities by amending Section 17.04.483 of the Rapid City Municipal Code; and the Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code; and the Ordinance Amendment - A request by the City of Rapid City to consider an application for an Ordinance Amendment defining "Microcell" Wireless communication antenna by adding Section 17.04.484 of the Rapid City Municipal Code be approved. (9 to 0 with Anderson, Andrews, Brewer, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

Nash requested that the updated Planning Commissioners data sheet be distributed to all of the Planning Commission members.

There being no further business, Andrews moved, Brewer seconded and unanimously carried to adjourn the meeting at 8:51 p.m. (9 to 0 with Anderson, Andrews, Brewer, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)