

STAFF REPORT  
October 27, 2005

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**No. 05SR050 - SDCL 11-6-19 Review to allow a secure detention facility in addition to the existing work release facility on public property**

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**ITEM 43**

GENERAL INFORMATION:

PETITIONER	Pennington County
REQUEST	<b>No. 05SR050 - SDCL 11-6-19 Review to allow a secure detention facility in addition to the existing work release facility on public property</b>
EXISTING LEGAL DESCRIPTION	Lots 1 through 18, Block 18, North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.73 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 sewer and water
DATE OF APPLICATION	8/26/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a secure detention facility in addition to the existing work release facility on public property be denied.

GENERAL COMMENTS: **This staff report has been revised as of October 21, 2005. All revised and/or added text is shown in bold print. This application was continued to the September 20, 2005 Special Planning Commission in order to hear additional testimony from the surrounding neighbors and from the applicant. At the September 20, 2005 Planning Commission meeting, the application was continued to the October 27, 2005 meeting at the City Council's request. The Council had requested the continuation to allow additional discussions between the City and County on possible alternative locations. On October 12, 2005, the County Commission held an informational meeting attended by City Council members, Planning Commission members, staff and the public. Additionally, representatives from the City and County**

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**met on October 14, 2005 and October 21, 2005 to continue discussions on this issue. No other portion of this staff report has been revised. (Revised 10-21-05)** The subject property is located north of North Street, south of Adams Street and adjacent to North Seventh Street. Currently, the property is the location of the Pennington County Detention Work Release Facility.

The subject property has had several uses over the years including: a Catholic grade school, Pennington County Juvenile Detention Center, Juvenile Court, Adult and Juvenile Probation offices, and an alternative school in the Rapid City School District. In 2001, Pennington County requested approval of an 11-6-19 SDCL Review for a work release facility. This request was denied by the Rapid City Planning Commission on January 10, 2002 and denied by the City Council on appeal on January 21, 2002 as the proposed use was not consistent with the adopted Comprehensive Plan or the adopted zoning. The Pennington County Commission subsequently overturned this ruling.

Pennington County has approximately 100 work release individuals at this site. Pennington County is now requesting that in addition to the work release program, a secure detention program be allowed on the subject property. Pennington County has indicated that with some interior modification, the building could accommodate an additional 40 medium security inmates. One additional staff member will be added to the site. The current outside fenced yard on the east side of the building will be utilized as an outdoor recreation area for the inmates.

The subject property is zoned Medium Density Residential District. The properties located north, east and west of the subject property are zoned Medium Density Residential District. The property located south of the subject property is zoned Public District.

The North Rapid Neighborhood Area Future Land Use Plan designated the property as appropriate for Medium Density Residential land uses. The applicant is proposing to add a detention component for medium security prisoners to the subject property in addition to the work release facility.

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 subject property is owned by Pennington County requiring that the Rapid City Planning Commission review the proposed change in use.

**STAFF REVIEW:** Staff has reviewed the proposed SDCL 11-6-19 Review request and has noted the following issues:

**Future Land Use Plan:** As noted, the North Rapid Neighborhood Area Future Land Use

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Plan identifies the property as appropriate for Medium Density Residential land uses. Additionally, the property is zoned Medium Density Residential District. Residential neighborhoods are located north, east and west of the subject property. The uses are not allowed as a permitted use or a conditional use in the Medium Density Residential zoning district. The use of the property for a detention facility and the current work release facility does not appear to be appropriate and is not consistent with the adopted Comprehensive Plan – Future Land Use Plan or adopted zoning.

Fire Codes: The structure is fully fire alarmed and fire sprinklered as required by the Fire Code. However, the fire alarm system is an older system and new additions to the system are recommended.

Storm drainage: The existing storm sewer pipe located at the southwest corner of the property is inadequate per the Morningside Drainage Basin Design Plan. The pipe should be replaced with a larger pipe or augmented.

Site damage: A site inspection noted that the fence along Adams Street is damaged and the slope along 7<sup>th</sup> Street needs to be stabilized as it is undermining the sidewalk. The sidewalk along Adams Street should be reconstructed to eliminate the steps in the sidewalk. The property must comply with all life safety codes. Any additional structural improvements will require an additional 11-6-19 SDCL Review.

Parking: The site plan indicates a total of 39 parking spaces including one handicapped space. This handicapped stall needs to be striped for a van accessible stall and identified as a handicap space. The south parking lot is partially paved. The lot needs to be paved entirely or the portion not used for parking should be landscaped.

Landscaping: The site plan indicates a total of 50,130 landscaping points. The landscaping regulations indicate a total of 57,553 points are required.

Notification: The City Council has requested that notices be sent to surrounding property owners within 500 feet of the proposed request. During the past applications in 2001, significant concerns had been expressed by residents of the area concerning the impact of the proposed use on public safety and on property values. Significant concerns have also been expressed by residents of the area with this current application.

Staff recommends that the Planning Commission deny the request to allow a secure detention facility in addition to the existing work release facility on the subject property as it is not in compliance with the adopted Comprehensive Plan – Future Land Use Plan or the adopted zoning.