

STAFF REPORT
December 7, 2006

No. 06SR073 - 11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property

ITEM 48

GENERAL INFORMATION:

PETITIONER	Pennington County
REQUEST	No. 06SR073 - 11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property
EXISTING LEGAL DESCRIPTION	Lots 1 thru 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	10/19/2006
REVIEWED BY	Karen Bulman / Bob Dominicak

RECOMMENDATION: Staff recommends that the 11-6-19 SDCL 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 November 27, 2006. All revised and/or added text is shown in bold print. This application was continued at the November 22, 2006 Planning Commission at the applicant's request. No other portion of the staff report has been revised.** 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 operated by the Rapid City School District. In 2001, Pennington County requested approval of an 11-6-19 SDCL Review for a work

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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 that decision as provided for in State Statute.

On October 27, 2005, the Planning Commission approved an 11-6-19 SDCL Review for one year to allow a secure detention facility in addition to the existing work release facility on public property. As the year has expired, the secure detention facility no longer has the approval through the SDCL 11-6-19 Review process. Subsequently, Pennington County is requesting that a secure detention facility be allowed in addition to the existing work release facility.

Pennington County currently houses approximately 100 work release individuals at this site. Pennington County received approval on October 27, 2005, through the 11-6-19 SDCL Review, to house a maximum of 40 medium security prisoners at the site for one year. From November 2005 until May 17, 2006, when the jail annex building was completed, medium security prisoners were housed at this location. Pennington County is now requesting that the additional secure detention program be allowed to continue on the subject property in addition to the work release facility. Currently, there are no medium security prisoners at the site. However, the County has indicated that as the population of the jail continues to increase, it is anticipated that sometime in the future, Pennington County may have to use the facility for secure detention for limited periods of time. The building has an outside fenced yard on the east side of the building 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 land use on property surrounding the facility north, east and west of the subject property are single family structures. The land use south of the facility is the Rushmore Plaza Civic Center. Central High School is located south and west of the facility. The North Rapid Neighborhood Area Future Land Use Plan designated the property as appropriate for Medium Density Residential land uses.

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:

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

Location: The existing facility is located within a residential area. The Civic Center and Central High School are located south and west of the subject property. Several discussions have taken place over the years on the appropriateness of the work release facility and the request for a secure detention facility within this area. Citizens continue to express their concerns over safety, especially with children in the area, and property values of their homes by the location of this facility.

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.

Site damage: Previous reviews have indicated that the slope along 7th 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 and to repair portions of 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: Previous reviews have also addressed parking at this location. 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. The subject property is not in compliance with the Parking Regulations, Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: The site plan indicates a total of 50,130 landscaping points. The landscaping regulations indicate a total of 57,553 points are required. The subject property is not in compliance with the Landscaping Regulations, Section 17.50.300 of the Rapid City Municipal Code.

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 and 2005, 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. The concerns include; safety of citizens, safety of children in the area, potential for property and

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personal crime within the area, property values of the residences, and the appropriateness of a secure detention facility located within a residential area.

The use of the structure for a secure detention facility is not an appropriate location adjacent to single family homes. 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 and is not an appropriate use at this location.