

STAFF REPORT  
January 10, 2008

---

**No. 07SR060 - 11-6-19 SDCL Review to allow a work release facility and a secure detention facility to continue to be located on public property**

---

GENERAL INFORMATION:

APPLICANT	Pennington County
AGENT	Ron Buskerud for Pennington County
PROPERTY OWNER	Pennington County
REQUEST	<b>No. 07SR060 - 11-6-19 SDCL Review to allow a work release facility and a secure detention facility to continue to be located on public property</b>
EXISTING LEGAL DESCRIPTION	Lots 1 thru 21 of Block 18 of 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	11/14/2007
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow a work release facility and a secure detention facility to be located on public property on a permanent basis be denied.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the existing work release facility and a secure detention facility to remain on the property on a permanent basis.

In 2001, Pennington County requested approval of a SDCL 11-6-19 Review to allow a work release facility on the property. 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 Future Land Use Plan or in

STAFF REPORT  
January 10, 2008

---

**No. 07SR060 - 11-6-19 SDCL Review to allow a work release facility and a ITEM 56 secure detention facility to continue to be located on public property**

---

compliance with the adopted zoning. The Pennington County Commission subsequently overturned that decision as provided for in State Statute and approved the use on the property.

On October 27, 2005, the Planning Commission approved a SDCL 11-6-19 Review (#05SR050) to allow a secure detention facility in addition to the existing work release facility on the property for one year. On December 7, 2006 the Planning Commission approved a SDCL 11-6-19 Review (#06SR073) to extend the use for five years, or December 7, 2011. The applicant is now requesting a SDCL 11-6-19 Review to eliminate the five year time frame previously placed on the use of the property.

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.

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:

**Use:** The property has been used as 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. Pennington County currently houses approximately 80 work release inmates and provides secure detention for approximately 40 inmates classified as minimum or medium security on the property. The secure detention inmates may include pretrial inmates, trustees, or transitional inmates who are potential candidates for work release.

The Pennington County Sheriff's Office has indicated that in addition to Pennington County inmates, the County may contract with Federal, State and other Counties to house work release or transitional inmates. The Sheriff's Office has also indicated that other classes or programs may be operated at the site as an alternative to hard lock up as a way to deal with individuals who have committed a crime and need to serve their sentence.

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

STAFF REPORT  
January 10, 2008

---

**No. 07SR060 - 11-6-19 SDCL Review to allow a work release facility and a ITEM 56 secure detention facility to continue to be located on public property**

---

Neighborhood Area Future Land Use Plan designated the property as appropriate for Medium Density Residential land uses. The existing 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 work release facility and a secure detention facility does not appear to be appropriate and is not consistent with the adopted 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 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 and to repair portions of the sidewalk. In addition, there is an existing sewer maintenance issue with roots in the sewer line along the alley which may require that the sewer line be reconstructed. The site also drains to the southwest corner of the property into an existing storm drainage pipe. Observations identify that drainage backs onto the property. It appears that the existing pipe is too small and should be replaced with a larger pipe or an additional pipe should be installed. A drainage report should be submitted for review and approval addressing the issue. 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.

Time Waiver: South Dakota Codified Law requires that a SDCL 11-6-19 Review be acted on within 65 days of receipt unless a time waiver is signed by the applicant. This application was submitted on November 14, 2007 requiring a final action be taken on or before January 16, 2008. The applicant has indicated that it is the County's desire that a Final action be

STAFF REPORT  
January 10, 2008

---

**No. 07SR060 - 11-6-19 SDCL Review to allow a work release facility and a ITEM 56 secure detention facility to continue to be located on public property**

---

determined by the Planning Commission at the January 10, 2008 Planning Commission meeting and, as such, has not signed the time waiver to extend the review time beyond 65 days.

Notification: The City Council has previously requested that notices be sent to surrounding property owners within 500 feet of the proposed request. As such, on December 28, 2007, staff sent notification letters to property owners within 500 feet of the site. During the past applications in 2001, 2005 and 2006 significant concerns had been expressed by residents of the area concerning the impact of the proposed use on public safety and on property values. In particular, the concerns included the safety of citizens, safety of children in the area, potential for property and personal crime within the area, property values of the residences, and the appropriateness of a work release facility and a secure detention facility located within a residential area.

The work release facility and the secure detention facility on the property are not in compliance with the adopted Future Land Use Plan or the adopted zoning and is not an appropriate use at this location. The previously approved SDCL 11-6-19 Review allowed the use on the property until the year 2011. The Planning Commission approved the use on a temporary basis to allow the County to explore alternative locations. The County has 3 ½ years left to relocate the use. This request is inconsistent with the compromise reached by Pennington County and the neighbors last year. As such, staff is recommending that the SDCL 11-6-19 Review to allow the existing work release facility and a secure detention facility to remain on the property on a permanent basis be denied.