

STAFF REPORT  
June 26, 2008

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**No. 08SR036 - SDCL 11-6-19 Review to allow the expansion of a ITEM 65 detention facility**

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GENERAL INFORMATION:

APPLICANT/AGENT	Donovan Broberg for ARC International
PROPERTY OWNER	Francis Charles McGuire, Living Trust and Alice Laverne McGuire Living Trust
REQUEST	<b>No. 08SR036 - SDCL 11-6-19 Review to allow the expansion of a detention facility</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of South Creek Industrial Park, located in the SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.64 acres
LOCATION	2317 Creek Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District - Medium Density Residential District
South:	Heavy Industrial District
East:	Light Industrial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/25/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

**Staff will recommend that the SDCL 11-6-19 Review to allow the expansion of a detention facility be approved if the following additional information is submitted prior to Planning Commission approval:**

- 1. A building permit shall be obtained for the previous alterations.**

GENERAL COMMENTS: (Update: June 17, 2008. All revised and/or added text is shown in bold.) This item was continued to the June 26, 2008 Planning Commission meeting to allow the applicant to submit the required information. On May 30, 2008 and June 11, 2008 the applicant submitted the required information that was reviewed and approved by staff. However, a building permit has not been obtained for previous alterations. As such, staff recommends that this item be approved if a building permit

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**for the previous alterations is obtained prior to the June 26, 2008 Planning Commission meeting.**

The property is located at 2317 South Creek Drive, east of Cambell Street. The property is currently zoned Light Industrial District. The properties located north of the subject property are zoned Medium Density Residential District and Light Industrial District. The property located west of the property is zoned Medium Density Residential District. The property located south of the property is zoned Heavy Industrial District. The property located east of the subject property is zoned Light Industrial District.

The property is currently the location of temporary housing for a Trustee Unit to house 85 to 105 Trustee Unit inmates, with no less than three employees on duty at all times. Community corrections facilities are allowed in the Light Industrial Zoning District as a Conditional Use.

On January 8, 2004, the Planning Commission approved an 11-6-19 Review (#03SR049) to allow a detention facility on the property with stipulations.

On December 8, 2005, the Planning Commission approved an 11-6-19 Review for a 600 square foot addition on the property with the following stipulations:

1. Prior to Planning Commission approval, a Flood Plain Development Permit must be obtained for improvements and for the previously constructed improvements subject to the provisions of Section 15.32 of the Rapid City Municipal Code;
2. Prior to Planning Commission approval, all building plans including previously constructed improvements shall be stamped by a licensed architect as required by State statute;
3. Prior to Planning Commission approval, a revised site plan indicating the correct spacing for the parking stalls shall be submitted for review and approval;
4. The 600 square foot addition shall be fully fire sprinklered. All other requirements of the 2003 International Uniform Fire Code shall be continually met;
5. A Building Permit shall be obtained prior to construction and an Occupancy Permit obtained prior to occupying the structure to include the previously constructed storage area;
6. All provisions of Section 17.50.270, the Parking Regulations of the Rapid City Municipal Code shall be continually met;
7. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and be maintained in a live vegetative state and replaced as necessary; and,
8. All other requirements of the Rapid City Municipal Code shall be continually met.

The applicant has now submitted an 11-6-19 SDCL Review proposing to construct a 1,012 square foot addition to the existing structure for offices.

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

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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". The use of the property is public but it is located on privately owned property requiring that the Planning Commission review and approve the proposed expansion.

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

Building Permits: Staff noted that a building permit must be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy. In addition, staff indicated that a building permit is required for previous alterations that were constructed without a permit. As such, staff recommends that prior to approval by the Planning Commission, a building permit must be obtained for the previous alterations.

**As of June 17, 2008 a building permit has not been obtained for previous alterations. Staff recommends that prior to approval by the Planning Commission, a building permit must be obtained for the previous alterations.**

Site Plan: Staff noted that a complete site plan indicating all property lines, easements and setbacks was not submitted as part of the application. Staff recommends that prior to Planning Commission approval, a complete site plan be submitted for review and approval.

**On May 30, 2008 the applicant submitted a complete site plan indicating all property lines, easements and setbacks. However, the proposed addition did not comply with the minimum 25 foot required setback in the Light Industrial Zoning District.**

**On June 11, 2008 the applicant submitted a revised site plan providing the minimum required 25 foot setback in the Light Industrial Zoning District.**

Building Height: Staff noted that the applicant's plans meet all the building height requirements found in Section 17.10.060 and Section 17.50.260 (C) of the Rapid City Municipal Code.

Parking: The required number of off-street parking spaces for the Trustee Unit is 12 parking spaces. The proposed addition will require six additional off-street parking spaces for a total of 18 parking stalls. However, the site plan indicates 17 parking spaces will be provided including one van accessible handicapped space. In addition, two of the parking stalls appear to be blocking an existing door to the structure. As such, staff recommends that prior to approval by the Planning Commission, a revised site plan meeting the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code be submitted for review and approval.

**On May 20, 2008 the applicant submitted a revised parking plan meeting the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.**

Landscaping: Landscaping in the Light Industrial Zoning District is required when the property

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is located adjacent to a residential zoning district. This property is located adjacent to residential districts to the north and to the west. A landscaping plan was submitted with the 11-6-19 Review of January 2004. A revised landscaping plan has been submitted with the current 11-6-19 Review request and continues to meet the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

Elevations: A one story addition is proposed to be constructed on the site. The addition will be used for administrative offices. The siding and roofing materials will be the same sheet metal materials used on the original building as per the submitted elevations.

Fire Safety: The structure, including the 1,012 square foot addition, shall be fully fire sprinklered. In addition, the existing fire hydrant and PIV must be relocated to allow fire department access to the implements. Staff is recommending, that prior to Planning Commission approval, a revised plan be submitted relocating the fire hydrant and PIV for review and approval.

**On May 30, 2008 the applicant submitted a revised plan relocating the fire hydrant and Post Indicator Valve that was reviewed and approved by the Rapid City Fire Department staff.**

Drainage and Grading: Staff noted that drainage and grading plans for the proposed improvements were not submitted as part of the 11-6-19 SDCL Review application. Staff recommends that prior to Planning Commission approval, grading and drainage plans prepared by a Registered Professional Engineer be submitted for review and approval as identified.

**On May 30, 2008 the applicant submitted drainage and grading information addressing the issues as outlined above.**

Floodplain Development Permit: Staff noted that the proposed addition appears to be located within the 100 year federally designated floodplain. Staff recommends that prior to Planning Commission approval, a Floodplain Development Permit must be obtained.

**On May 30, 2008 the applicant submitted documentation demonstrating that the proposed addition was located outside of the 100 year federally designated floodplain.**

**Staff recommends that this item be approved if a building permit for the previous alterations is obtained prior to the June 26, 2008 Planning Commission meeting.**