

STAFF REPORT
May 26, 2011

No. 11UR012 - Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District **ITEM 10**

GENERAL INFORMATION:

APPLICANT	Mark E. Avkamp - SBC Archway VII LLC
PROPERTY OWNER	SBC Archway VII LLC
REQUEST	No. 11UR012 - Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District
EXISTING LEGAL DESCRIPTION	Lots 1, 2, 3 and 4 of Block 2 of Commerce Park Subdivision located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.1 acres
LOCATION	2320, 2340 and 2350 Sophia Court
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/26/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;
3. Prior to issuance of a building permit, a Developmental Lot Agreement shall be secured and the existing 8 foot wide minor drainage and utility easements located along the common lot lines shall be vacated or a Final Plat shall be recorded;

STAFF REPORT
May 26, 2011

No. 11UR012 - Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District **ITEM 10**

4. Prior to issuance of a building permit, the site plan shall be revised to show all fencing in compliance with Chapter 15.40 of the Rapid City Municipal Code or a Fence Height Exception shall be obtained;
5. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
6. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained for construction activities disturbing one acre or more of surface area;
7. Prior to issuance of a building permit, the landscape plan shall be revised to show the landscaping extending a distance of 75 feet into the property at the southeast corner of the property along Sophia Court and at the northwest corner of the property along Fountain Plaza Drive in order to meet the requirements of a non-irrigated lateral landscape design. In addition, all landscaping must be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;
8. A Permit to Work in the Right-of-way shall be obtained prior to any construction within the right-of-way;
9. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Conditional Use Permit. Revisions to the design of the structure that the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Conditional Use Permit;
10. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
11. A minimum of 35 parking spaces with two of the spaces being handicap accessible shall be provided. In addition, one of the handicap spaces shall be "van" accessible;
12. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
13. The currently adopted International Fire Code shall be continually met. In addition, the applicant shall coordinate any expansion or alterations of the project with the Fire Department;
14. The Conditional Use Permit shall allow for a community corrections facility to be located on the property and operated in compliance with the applicant's operational plan. Other uses permitted within the Light Industrial District shall be allowed as a Minimal Amendment to the Conditional Use Permit requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the Light Industrial District shall require a Major Amendment to the Conditional Use Permit;
15. All provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment to the Conditional Use Permit; and,
16. The Conditional Use Permit shall expire if the use is not undertaken and completed

STAFF REPORT
May 26, 2011

No. 11UR012 - Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District **ITEM 10**

within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow the construction of a 28,900 square foot community corrections facility to house Immigration and Customs Enforcement (ICE) detainees for the United States Department of Homeland Security on the property. In addition, the applicant has submitted a Fence Height Exception (File #11FV004) to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback. The proposed fence is shown to be located around the perimeter of the proposed community corrections facility.

The applicant has also submitted a Preliminary Plat (11PL026) to replat four lots into two lots. The lots are to be known as Lot 1R and Lot 4R of Block 2, Commerce Park Subdivision. The proposed community corrections facility is to be located on proposed Lot 1R.

The property is located in the northeast corner of Sophia Court and Fountain Plaza Drive. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit and has noted the following considerations:

Community Corrections Facility: As previously indicated, the applicant is proposing to construct a 28,900 square foot community corrections facility to house Immigration and Customs Enforcement (ICE) detainees for the United States Department of Homeland Security on the property. The facility will include a maximum of 12 detainees and 23 employees on the property at any one time. A sally port will be used to load and unload the detainees. In addition, no detainees will be held overnight at the facility. The proposed building consists primarily of office space, support space, alien processing and 23 in-door vehicle parking spaces for employees.

Staff recommends that the Conditional Use Permit allow a community corrections facility to be located on the property and operated in compliance with the applicant's operational plan. Other uses permitted within the Light Industrial District may be allowed as a Minimal Amendment to the Conditional Use Permit requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the Light Industrial District will require a Major Amendment to the Conditional Use Permit.

Structural Design: The applicant has indicated that the structure will be a one story building with a flat roof. The structure will be constructed of brick, metal paneling, concrete masonite units and wainscot accents. In addition, the color of the structure will be shades of brown and tan.

STAFF REPORT
May 26, 2011

No. 11UR012 - Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District **ITEM 10**

Staff recommends that the proposed structure conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Conditional Use Permit. Revisions to the design of the structure that the Growth Management Director determines to be consistent with the original approved elevations, may be allowed as a Minimal Amendment to the Conditional Use Permit.

Fencing: The applicant is proposing to construct a security fence around a perimeter of the community corrections facility. In particular, the applicant is proposing to construct an 8 foot high chain link fence with three strands of barb wire along the top of the chain link fence for a total height of 9.5 feet. Chapter 15.40 of the Rapid City Municipal Code states that a maximum fence height of 8 feet is allowed in the Light Industrial District. In addition, a fence may not exceed 4 feet in height when located in the front yard setback. The applicant has subsequently submitted a Fence Height Exception request to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback.

Staff recommends that prior to issuance of a building permit, a Fence Height Exception be obtained to allow the proposed fence or the site plan must be revised to show all fencing in compliance with Chapter 15.40 of the Rapid City Municipal Code.

Parking: The proposed use(s) require that a minimum of 35 parking spaces with two of the spaces being handicap accessible be provided. In addition, one of the handicap accessible spaces must be "van" accessible. The applicant has submitted a parking plan identifying that 50 parking spaces are being provided with two "van" handicap accessible space. The proposed parking plan meets the requirements of the City's Parking Regulations.

Landscaping: The applicant has submitted a landscape plan showing a non-irrigated lateral landscape design along Sophia Court and Fountain Plaza Drive. However, the Landscape Ordinance requires that the landscaping be extended a distance of 75 feet into the property from the adjacent right-of-way. As such, staff recommends that prior to issuance of a building permit, the landscape plan be revised to show the landscaping extended a distance of 75 feet into the property at the southeast corner of the property along Sophia Court and at the northwest corner of the property along Fountain Plaza Drive in order to meet the requirements of a non-irrigated lateral landscape design. In addition, all landscaping must be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance.

Fire Code: Fire Department staff has indicated that the project appears to meet the requirements as established by the International Fire Code. The Fire Department staff has indicated that the applicant must continue to coordinate with the Fire Department if any alterations to the project occur.

Staff recommends that all currently adopted International Fire Codes be continually met. In addition, the applicant must coordinate any expansion or alterations of the project with the Fire Department.

STAFF REPORT
May 26, 2011

No. 11UR012 - Conditional Use Permit to allow a Community Corrections Facility in the Light Industrial Zoning District **ITEM 10**

Platting/Developmental Lot Agreement: As previously noted, the applicant is proposing to replat four lots into two lots. As a part of the plat, the applicant is also proposing to vacate existing 8 foot wide minor drainage and utility easement(s) located along the common lot lines of the four lots. The community corrections facility is proposed to be located on proposed Lot 1R which is currently Lots 1, 2 and a portion of Lot 3. Staff recommends that prior to issuance of a building permit, a Final Plat be recorded creating proposed Lot 1R and vacating the easement(s) as identified or a Developmental Lot Agreement must be secured for the existing lots and the 8 foot wide minor drainage and utility easements located along the common lot lines must be vacated.

Notification Requirement: As of this writing, the certified mailing receipts have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the May 26, 2011 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Conditional Use Permit be approved with the stipulations as outlined above.