

00PD066

Elkins Marcia

From: Rick Emerson [emersric@rapidnet.com]
Sent: Friday, December 29, 2000 12:13 AM
To: marcia.elkins@ci.rapid-city.sd.us
Subject: File Number 00PD066 Response and Questions

Importance: High

29 December 2000

Ms. Marcia Elkins:

I received the Notice of Hearing for a Planned Development Application for File Number 00PD066. Upon researching the Planning Commission Minutes dated 09 November 2000, the Rapid City Municipal Code, and the Official Proceeding of the City Council dated 20 November 2000, I am confused with the sequence of steps for the petition.

Reviewing the Planning Commission minutes referenced above, the motion that carried (5 to 4) was "recommend that Rezoning from Low Density Residential District to Low Density Residential II District be approved contingent that a Planned Development Designation or Planned Residential Development Designation is approved prior to the City Council approve of the second reading of the Rezoning Request".

Upon review of the Official Proceeding of the City Council mentioned above, a motion to continue the hearing of the Ordinance 3615 (No. 00RZ042) an application by Walgar Development Corp. for rezoning from Low Density Residential District to Low Density Residential II District the above mentioned property until 15 January 2001 was passed.

Reading the Rapid City Municipal Code Title 17 Zoning, Chapter 17.50, 17.50.080 A states "No PRD or PDD may be less than one acre in size unless it is determined by the city council that a smaller PRD is appropriate."

Now that I have provided that background, my questions are basically procedural. Is the hearing referenced in the notice I received the first step in seeing if the proposed property can be considered for a Planned Development Designation? Or is the Planning Commission hearing for your recommendation for or against a Planned Development Designation? This is important, as the city council must determine if a PRD or PDD less than one acre in is appropriate. Does this mean the City Council must first decide that point before considering the designation issue?

My second procedural issue is the Notice of Hearing for a Planned Development Application for File Number 00PD066 states "The Rapid City Council will take final action on the Planned Development application" on 15 January 2001. I read this to mean the applicant has completed and the Planning Commission has reviewed the Application for Development Review. May I review that Application for Development Review and the supporting documents to understand what is proposed by Walgar Development Corp.?

I am concerned by the proposed rezoning to Low Density Residential II District and the Planned Development Designation. According to your Notice, the Said Parcel contains 0.765 acres more or less. This parcel is bisected by Maple Avenue, so each piece of the parcel is probably less than 0.320 acres each - not what might usually be considered for PRD or PDD.

Another concern is compatibility with existing dwellings in the

neighborhood. Reviewing my title insurance papers, I have covenants that require a building setback of 25 feet in front, easements of 8 feet on all side and rear lot lines for drainage and utilities, and numerous restrictions to reserve the residential character of the subdivision. I quote the property uses section that states "All lots and building sites in the subdivision shall be erected exclusively for private residential purposes." Even garbage cans are to be out of public view at all times except during refuse collection. I mention these issues for a few reasons:

- * The proposed changes directly impact the neighboring properties.
- * Dorothy Rasmusson was the declarant on my covenants, conditions and restrictions.
- * Gary Rasmusson was the Notary Public on the documents
- * Bill Chase and Gary Rasmusson built my house.

The rezoning and PDD seem to be in direct conflict with neighboring covenants and restrictions. It also seems a bit hypocritical that the person supporting the proposed changes is the person that initially helped develop the character of the neighborhood.

I was in favor of the Primrose development when that rezoning was proposed. If that issue arose again, I would be opposed to the rezoning. Those developers promised a specific building height, motion sensor lights, and minimal impact. I cannot see directly east any longer because of the height of that development. I have a good deal of light pollution - so much that even opaque pleated shades do not block enough light to prevent me from walking around in the dark without being able to see. I have workers parking in the lot behind my house daily and, on occasion, motor homes will also stored on the lot.

The Maple Avenue area is single-family dwelling residential area. While the Primrose development has encroached, two wrongs do not make a right. Please consider all I have presented here and do not recommend a planned development designation and, if possible, retract your recommendation for rezoning to Low Density Residential II District. The parcel is only 0.765 acres, but the lots will be well less than half that size. Duplexes or the like will not fit the character, nor are they welcome by the members of the neighborhood.

Thank you in advance for your consideration.

Sincerely,
Richard W. Emerson Jr.

4012 Maple Avenue
Rapid City, South Dakota 57701
(605) 343-3974

Alumni, Leadership Rapid City, Class of 1994