

J. David Sabow, M.D.
P.O. Box 5510
Rapid City, SD 57709
tel. (605) 342-4584
fax (605) 342-4914

November 11, 2002

RE: Hearing for Zoning Request

File Number: 02RZ067

Dear Commission Members,

The Petition for Rezoning from General Agriculture District to General Commercial District by Pine Lawn Memorial Park, Inc. should be denied.

The intention of Pine Lawn Memorial Park, Inc. is to construct a funeral home on the property under consideration. The only access road to the property narrowly accommodates two car widths and is without any road shoulder whatsoever. Furthermore, there is no terrain in the area which would accommodate extra traffic lanes or road shoulders except at an extraordinary expense. Tower Road in that area is not designed for safe ingress and egress especially during the evening hours, for the road is extremely dark at night for it is unlit, added to which there is a dense deer population. In order to accommodate funeral home visitors, many of whom travel there at night, street lights and road improvements would have to be made. Those minimal improvements would be necessary in order to insure the safety of both the visitors and home dwellers, already residing in the immediate area.

As you are aware, the location of that property is at the intersection of Tower Road and Skyline Ranch Road, the latter a private road on which the properties have a Forest-Park zoning designation. This area is served by a portion of Tower Road which is at best of a rural type. Any increase in traffic in this area would not only negatively impact all the homes located on Skyline Ranch Road by changing the residential integrity of the area, but it would prove to be a serious safety hazard.

Even now when there is a burial attended by an unusually large number, parking is a problem and it spills over onto Skyline Ranch Road but especially onto my

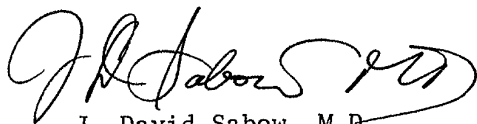
property. The added traffic, especially during the evening hours would create a further inconvenience, an increased safety hazard and be disruptive to the tranquility of the neighborhood, especially when one considers the installation of lights that would be necessary to accommodate this proposed new commercial enterprise.

Furthermore, a careful inspection of the proposed site plan will clearly show the problems that will be encountered. There simply is not enough space to accommodate a funeral home, driveway for the hearse and other funeral vehicles, as well as visitor and staff parking. If a funeral home was to be constructed in this area, it should be designed with the same rural park like qualities that is demanded of the homeowners. However, the land under consideration cannot accommodate this type of site plan.

Even though there is a motel in the adjacent area, that business closes during the dark evening hours of the winter months. Furthermore, traffic to and from this relatively small motel is sporadic and quite different than the traffic congestion that would necessarily occur at the proposed funeral home.

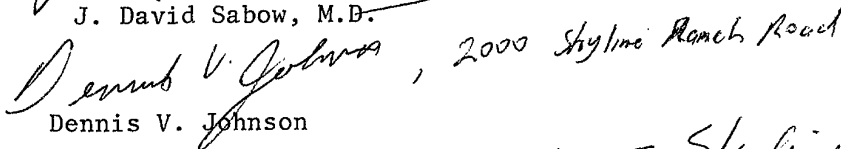
Commissioners, there are too many reasons to outline here that should mitigate against granting this request or even considering it seriously. It is highly unlikely that my neighbors would agree to the proposed zoning change.

Thank you for your attention in this matter.

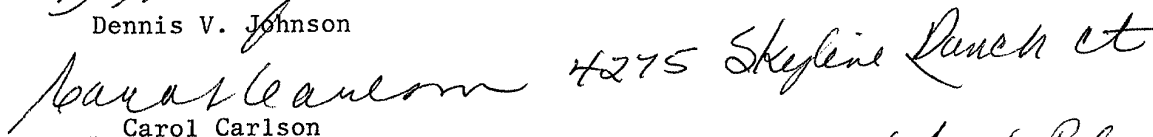


J. David Sabow, M.D.

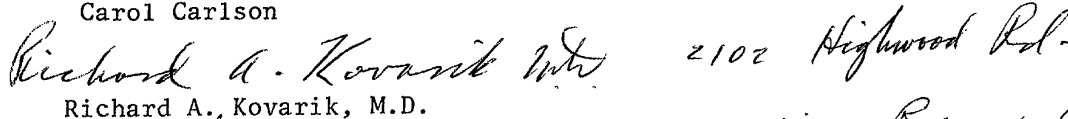
The undersigned residents of the adjacent area concur with Dr. Sabow in this matter.



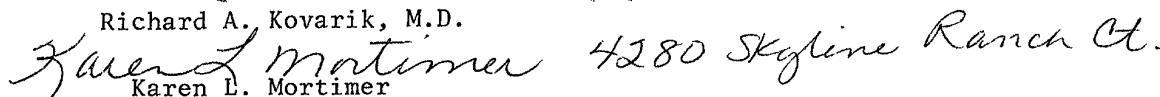
Dennis V. Johnson



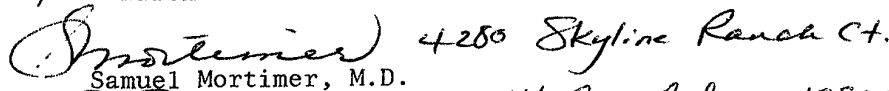
Carol Carlson



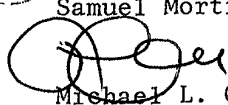
Richard A. Kovarik, M.D.



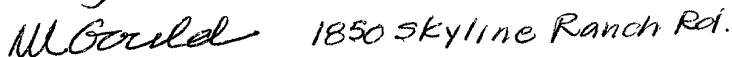
Karen L. Mortimer



Samuel Mortimer, M.D.



Michael L. Gould and Marnie L. Gould



M. Gould 1850 Skyline Ranch Rd.

Margaret A Seljeskog

Margaret A. Seljeskog

2151 Skyline Ranch Drive

Marv & Nicki Truhe

Marv and Nicki Truhe

1780 Skyline Ranch Road

Mary and Kevin Casey

Mary & Kevin Casey

2050 Fox RD

Mary and Michael Statz, M.D.

Mary and Michael Statz, MD

JANUARY 27, 2003

TO: PLANNING Dept
City of Rapid City
Fax # 605-394.6636

RE: PINE LAWN MEMORIAL PARK, INC
File # 03RZ002

Rezoning Request Lot B of Lots A+B, Sect 14, T1N

Please accept this as our objection to the above rezoning request. We are homeowners and the original developers of the residential rural community immediately west of Skyline Drive. Our rural development has 13 homes located on 150 acres. All lots are 5 acres or more. To allow the proposed rezoning would create many problems.

1. The development of a commercial funeral parlor would not be compatible or consistent with the rural residential surrounding property.
2. The service road Hwy - Skyline drive can not handle the increased traffic resulting from the development. Skyline Dr is a minimum service road, no shoulders, no lighting, no turning lane, no curb & gutter, and incompatible with increased traffic.
3. Parking. The cemetery on the west

-2-

Now has insufficient parking for larger funeral homes. Our Skyline Ranch Road is a private road, maintained by our residents. Already funeral guests are parking, trespassing on our roadway, creating traffic problems. Safety does not allow this unauthorized parking on our narrow road.

4. Wildlife: As evidenced by Hwy 16, the native deer, present day and night will create traffic hazards for the proposed increased traffic on Hwy / Skyline Drive.
5. Spot zoning. The proposed small tract will create a non-conforming use in our rural-residential community.

The proposed rezoning request should be rejected. Thank You

Respectfully submitted
FRANKIE + DONALD Shultz
2109 Skyline Ranch Road
P.O. Box 8110
Rapid City, SD 57709

Elaine Sejvar
4600 Skyline Drive
Rapid City, SD
57701

January 27, 2003

City of Rapid City
Planning Dept.
300 Sixth Street
Rapid City, SD
57701

Dear Sirs,

I recently received notice of a public hearing of your counsel on Feb. 3 for the purpose to consider the rezoning of property from general agriculture to general commercial district. This location is at 4301 Tower Road and requested by Pine Lawn Memorial Cemetery. I understand the cemetery plans on putting up a mortuary at said location.

I completely object to the rezoning for one important reason, and that is increased traffic and congestion within a small area that is already becoming a hazard. The traffic entering Highway 16 from three churches from opposite sides of the highway added to the additional traffic created from Catron Blvd. drivers present a potentially dangerous situation. At certain times of the day and all summer it is very difficult to enter the highway from the service road. I believe last summer a woman driver was killed here because of the increased problems. We have noted that there is increased traffic on Tower Road in both directions possibly because it is easier.

Perhaps the commission should consider doing a traffic study with possible installation of traffic lights before giving the go ahead for rezoning. I really believe it is a safety issue that should be carefully evaluated. Also, a devaluation of the homes in this area will result from the rezoning and the residents will be looking for a substantial reduction in their property taxes.

File No 03RZ002

Sincerely,

Elaine Sejvar

Elaine Sejvar
Tel. 343-7327

RECEIVED

JAN 29 2003

Rapid City
Planning Department

RECEIVED

FEB 13 2003

Rapid City
Planning Department

February 5, 2003

MARCIA ELKINS
CITY PLANNING OFFICE
300 6TH STREET
RAPID CITY SD 57701

RE: City Planning Department file #03RZ002-Section 14, T1N, R7E

Dear Ms. Elkins:

We would like to express our strong opposition to the proposed rezoning of the Pine Lawn Cemetery property on the east side of the south end of Tower Road/Highway 16 access road. Construction of a funeral home on that site would severely negatively impact the entire area, especially the Skyline Ranch Road neighborhood/community.

There are many reasons why this rezoning for a funeral home is a bad idea. Tower Road is a narrow underdeveloped road that has no shoulders. There are various locations on the road that pose a significant risk for a car to drop off or break through some of the underdeveloped barriers and this could lead to serious injury. It is a poorly lit road that is not adequate for increased business or commercial traffic. We do not see how parking could be anywhere near adequate for construction of a funeral home there. The road has no immediate areas where double parking would be appropriate. Clearly the increased risk of motor vehicle accidents on this road and on the Highway 16 turnoff would be significant. We certainly question the adequacy of drainage systems and/or sewage systems for a business establishment on this lot.

We feel the negative impact on the quality of our neighborhood from a funeral home in this location would be very significant. Increased traffic, noise, and risk of motor vehicle or personal injury from the increased traffic are serious issues which help support our clear opposition to a funeral home in this location.

We unfortunately will not be able to attend the February 20, 2003 planning committee meeting and therefore we ask that this letter be distributed to the City Planning Commission members prior to that date.

Should you have any questions or if we could be of any further assistance on this issue, please feel free to contact us at our residence at 605-348-4375, business at 348-6767, or my voice beeper at 394-0735 at any time.

Sincerely,

Michael J. Statz M.D.
Mary A. Statz

Michael J. Statz, M.D.
Mary A. Statz
2101 Skyline Ranch Road
Rapid City, SD 57701

cc: Alan Hanks, Ward 1 City Council Representative
Tom Johnson, Ward 1 City Council Representative

Mitchell Sharlene

From: Peg Seljeskog [maskog@direcway.com]
Sent: Tuesday, February 18, 2003 10:06 PM
To: City Planning Office; Planning Commission
Subject: Re-zoning Request File No. 03RZ002

Date: February 18, 2003

From: Ed and Peg Seljeskog

To: City Planning Office
City Planning Commission

**Re: City Planning Dept File No 03RZ002 – Section 14, T1N, R7E
Pine Lawn Memorial Park request to rezone to General Commercial for
purpose of building a mortuary**

We are writing to again express our concerns regarding the above rezoning request, particularly since we may not be able to attend the February 20th Planning Commission meeting and wish our views to be heard.

While recognizing the importance of economic development in Rapid City, we feel that this intent to build a mortuary is not in the best interests of the area proximal to the Memorial Park; reasons being:

- 1) Although the Skyline Ranch neighborhood area is close to Highway 16, it is still a semi-rural residential environment.** A general commercial designation for the property in question is of great concern since that property could conceivably be developed into something else than a mortuary; something that would not enhance the living environment that has been here for quite a while. We do not want increased evening traffic, congestion and the accompanying noise from evening visitations.
- 2) Adequate infrastructure is just not present for a new commercial facility:**
 - a) current road (Tower Rd.) is two lane asphalt road with no shoulders
 - b) traffic and personal safety risk due to increased traffic, no shoulders and inadequately planned parking that, in spite of road conditions, would cause funeral/visitation visitors to attempt on street parking
 - c) minimal street lighting (conducive to a residential neighborhood but not to a commercial area)
 - d) the lack of road shoulders aids in street rain and snow-melt run off; hence restructuring would increase drainage concerns
 - e) short turning lanes (from north and southbound 16) with high speed traffic on 16. If we, the area residents, struggle with nighttime turns even though we know where the turns are located, the risk of traffic accidents increases with drivers attending evening reviews trying to find poorly lighted/marked turns while going 50 - 60 mph.

- f) **Who will pay for infrastructure improvements?** Tower Road improvement is not in the budget for development. The city needs to concentrate its dollars on the 5th St and Elm St extensions to Catron as well as other prime road development areas. This is not a priority for the city.

3) Questionable development plan:

a) Parking:

- 1) Every other funeral home in Rapid City has adequate "overflow" parking with adjacent business or church parking lots, safe on-street parking or the like.
- 2) 35 spaces is not adequate parking; nor is it adequate with the "10 spaces" across Tower Road at the cemetery.
- 3) **Overflow parking from funerals already impinges on some residential property owners, particularly the Sabows.**

b) Drainage and sewage:

- 1) **Is there really enough room on the parcel in question to install a 3000+ sq ft building, 35 parking spaces and an adequate size septic field?** The soil up here is notoriously not good "percolating" soil, necessitating larger fields to compensate for poor drainage quality.
- 2) As mentioned before, the "ditches" at the sides of Tower Road handle the rain and snow melt runoff. **How will drainage be managed if road shoulders are built?** There is no city-built drainage system up here.

- c) **Inadequate facility plan.** If the Kirk Funeral Home (seating of 173) is purportedly already planning an expansion due to standing room only funerals, how can this small facility seating only 100 be an adequate plan? There is no room for expansion and any attempted expansion likely would be aggressively fought by the neighborhood residents. There are larger parcels available for sale in the South Hwy 16 vicinity that would be much more appropriate and adequate for a well thought out funeral home development project.

As you can see, this rezoning request raises multiple issues that must be seriously addressed by the City. We reiterate that we do support growth in Rapid City, but **we wholly oppose this project due to**

- the unwanted traffic and noise burden on the neighborhood,
- traffic safety issues generated by a mortuary being accessed off of Hwy 16 at night,
- what appears to be an inadequate facility plan for this type of business *on this size of parcel* and
- the fiscal burden the city (*aka We, the taxpayers*) would have to assume to enhance the inadequate infrastructure.

Respectfully,

Ed and Peg Seljeskog
2151 Skyline Ranch Road
Rapid City, SD 57701

348-5321

February 14, 2003

City Planning
Rapid City, So Dak

Ross R. Milliken
904 Park Dr.
Belle Fourche, SD 57717

RE: Proposed Funeral Home – Tower Road Area

To Whom It May Concern,

I am writing this letter in support of the proposed funeral home in the Tower Road area. I am a funeral director (non-practicing), former funeral home owner, looking from the outside in. Rapid City currently has four full service funeral homes. Two are locally owned, one of the two locally owned funeral homes does NOT have a licensed funeral director on staff. The other two funeral homes are not locally owned, no matter what they say or advertise. One is owned and operated from the Sioux Falls area and the other is owned and operated from the Pierre area. This means that at least 65% of all funeral home revenues are being diverted to areas outside western South Dakota!

I have known and worked with Dan Snyder and Rick Kiewel for over 15 years. They are both honest, hard working individuals. They will be bringing to your community a true hometown funeral home. They currently both live and work in your community.

Looking at this from a business perspective. The proposed funeral home will be located in the southern part of your city. Not only easy local access for Rapid City's residents, but it will also draw those families that either live or have families in the Hill City/Keystone areas. These families currently don't have "a funeral home of their own". I foresee this funeral home as providing a very needed and valuable service not only to Rapid City, but the areas south of Rapid City, drawing in outside revenue to Rapid City. But more importantly, keeping the revenue in the Rapid City area!

To my knowledge, a funeral home as never caused property values to decrease in an area where they are located. They don't harm the environment or disturb the wildlife. Locally owned funeral homes are an asset to the community.

I urge you to vote in favor of this funeral home.

Sincerely,

A handwritten signature in cursive script that reads "Ross R. Milliken". The signature is written in black ink and is positioned above the printed name.

Ross R. Milliken

**Jack D. & Robin L. Dustman
P.O. Box 31
Caputa, SD 57725-0031**

February 14, 2003

Attn: City Zoning
Rapid City, SD 57701

Dear Friends,

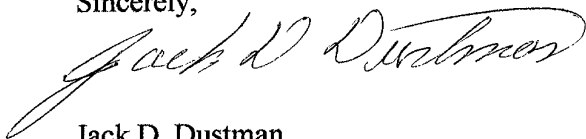
We are delighted to hear of the prospect of a New Funeral Home going in on Tower Road and Highway 16 in Rapid City. We are writing to encourage the change in zoning to make this possible.

Although Rapid City may have several funeral homes, with the exception of one, the others are considered marginal at best. The citizens of Rapid City and the surrounding communities are in desperate need of another good, professional funeral home which will prides itself in outstanding service, healthy competition and has a heart for the needs of the people in Rapid City and it rural neighbors.

A funeral home at the location of Highway 16 and Tower Road would provide a larger facility with easy access, adequate parking and excellent routes to the area cemeteries without interfering with traffic.

We would ask the City Zoning Commission to consider the rezoning of this property to enable the building of this greatly needed business for our community.

Sincerely,



Jack D. Dustman



Robin L. Dustman

City Planning and Zoning,

To Whom It May Concern,

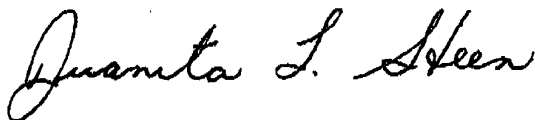
I am writing this letter to let you people know that another good funeral home is needed in this city.

I feel that where the funeral home is to be located on South Highway 16 will be a great asset to the surrounding area. They are currently four funeral homes in Rapid City. Two of them are not fully owned locally. Therefore, a good 70 % of the revenue that is made at these 2 funeral homes are going elsewhere in this state. As you may know, that one of the funeral homes has had four different owners in the last four years. Therefore, who will be the next owner of that funeral home?

I hope that the Planning and Zoning board will grant that the changes can be made on South Highway 16, because I know that I will be using this new funeral home when it opens.

I thank you for your time in this matter and I hope you will let this happen.

Sincerely your

A handwritten signature in cursive script that reads "Juanita L. Steen". The signature is written in black ink and is positioned below the typed name.

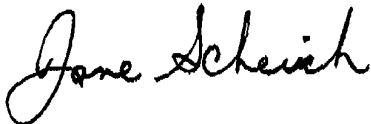
Juanita L. Steen

City Planning and Zoning,

To Whom It May Concern,

I would like to address the City Planning and Zoning board would approve the changes that what to be done on South Highway 16. I feel that there is a need to have a funeral home on Highway 16 with the people that live out in the Keystone, Hill City, and Rockerville area. This would be easier for the family to get off Highway 16, then have to drive through town. I hope that the City Planning and Zoning will look favorable at the changes that need to be done.

Sincerely your,

A handwritten signature in cursive script that reads "Jane Scherich".

Jane Scherich



Family Memorials by Gibson

Three Generations Of Memories In Stone



Ed Gallup

To whom it may concern,

We, as a community, can be very proud to have Pine Lawn Memorial Park be one of our cemeteries. Pine Lawn has an outstanding reputation and this spotless image will carry right over to their new Funeral Home.

By the way, two leaders in the funeral industry will be in charge. Dan Snyder and Dick Kiesel have over 30 years experience and people love them because they really care about everything. They make things happen the right way.

Along with two great leaders, the funeral home will be in a perfect location with easy access. It will be the closest home for Hill City, Rockerville, and Keystone plus our own city that is expanding to the south.

Another big thing to keep in mind, is that this funeral home will be locally owned unlike two other funeral homes that claim to be.

In conclusion, competition makes for a healthy environment, one that keeps Rapid City on the leading edge. I am so pleased that Rapid City will be getting a new funeral home.

Over 100 Years Of Memorial Experience

5000 West 12th Street • Sioux Falls, South Dakota 57107 • (605) 335-0980
Toll Free 1-800-658-2294

Sincerely
Ed Gallup

Mitchell Sharlene

From: Marnie L. Gould [marnie@mlgould.com]
Sent: Wednesday, February 19, 2003 3:27 PM
To: City Planning Office
Cc: Mike Gould
Subject: Re-zoning request of Pine Lawn Memorial Park on the strip of land known as Section 14, T1N, R7E.

Please distribute to all the Planning Commission Members for meeting of Feb. 20, 2003. Thank you.

From: Marnie L. Gould
 1850 Skyline Ranch Road
 Rapid City, SD 57701

Feb. 19, 2003

Dear Planning Commission Members,

I am writing on behalf of myself, and my husband, Michael L. Gould, to reiterate our opposition to the re-zoning request of Pine Lawn Memorial Park and Mausoleum on the strip of land known as Section 14, T1N, R7E. We do not oppose the Cemetery's use of the land for cemetery-type operations, which only requires a general ag zoning. However, we do not feel a commercial mortuary, requiring a commercial zoning, is suitable use for the property. We are under the impression that Pine Lawn Memorial Park is a community-based, not-for-profit, organization. Can a non-profit operate a commercial, for-profit venture? Regardless, we seek to prevent further commercial encroachment on our residential, rural neighborhood.

The following reasons support our firm feeling that this property should not be re-zoned:

1) Facility Plan:

We do not feel the property is large enough to support a mortuary and the necessary parking required for visitation services. Overflow parking on the road would result in dangerous situations. The Highway 16 Service Road and Tower Road presently are barely adequate for the use they receive. They are often traveled by bicyclists, joggers, and walkers who have no shoulder to retreat to when motorized traffic approaches. Added congestion from funeral visitations would worsen this situation. The proposed 35 parking spaces seem inadequate for services that may be attended by hundreds of people. Many mortuaries in Rapid City have more parking than this and still feel them to be inadequate. We have been told by a funeral director that a rule of thumb for mortuary parking is one parking space for every 2 seats in the chapel. Certainly this property site cannot accommodate that much parking.

2) Infrastructure:

Although this property is now located within the city limits, much of the usual city infrastructure is absent in this neighborhood, which enhances the rural quality desired by all the neighborhood residents:

- a) Absence of curb and gutter on the Service Road and Tower Road.
- b) Narrow and deteriorating condition of the two roads, and the lack of road shoulders.
- c) Absence of street lighting.
- d) Absence of proper drainage mechanisms.

- e) Absence of sewage service. Are there toxic chemicals from embalming which need to be disposed? Can these chemicals safely be deposited in a septic system and drain field? Does the EPA monitor this activity?
- f) Remedying these issues will detract from our rural environment and result in a more urban setting, which no one wants.

3) Property Valuation:

It is our understanding that residential property next to a funeral home is difficult to sell. One realtor has said that "nobody wants to buy a home next to a mortuary." By allowing the commercial use of this land as a mortuary, the neighboring residential property owners are adversely affected, making the property worth less, and harder to sell.

4) Highway 16 and Service Road Issues:

To get to the Service Road from Highway 16, one must use short turning lanes at a permitted speed of 60 miles per hour. This is a dark and unsafe intersection, even for those of us familiar with the road. Evening traffic at this dangerous intersection will substantially increase if the mortuary is permitted, resulting in more traffic accidents. At a minimum, the service road would need to be widened to 3 or 4 lanes, with a turning lane to avoid unsafe conditions.

In summary, we request that the City deny the rezoning request of Pine Lawn Memorial Park for the following reasons:

- 1) Unwanted traffic, noise, and light pollution within the neighborhood,.
- 2) Traffic safety issues generated by a mortuary being accessed off of Hwy 16.
- 3) Questionable appropriate usage of this type of business on this small lot.
- 4) Who will end up paying for the cost of bringing the necessary (yet undesired) infrastructure to this property?

Sincerely,

Marnie and Michael Gould
1850 Skyline Ranch Road
Rapid City, SD 57701
341-1221