

-----Original Message-----

From: bkulpaca@tampabay.rr.com [<mailto:bkulpaca@tampabay.rr.com>]
Sent: Friday, February 17, 2006 12:16 PM
To: tom.johnson@rcgov.org
Subject: Bruce Kulpaca Prelim Plat

February 17, 2006

Re: Request by Bruce Kulpaca for Approval of a Preliminary Plat within the Park Hill Subdivision

Dear Councilman Johnson:

In reference to the above request for Preliminary Plat Approval, I am the developer of the project. The request for Preliminary Plat Approval is scheduled for Monday's Council Meeting on February 20. I will attend and be available to answer any questions. In anticipation of that meeting, I wanted to present a brief overview of the project.

The project is a 1.8 acre parcel off Merlot Drive within the Park Hill Subdivision. This project is an infill development within the City, having been incorporated more than 40 years ago, and satisfies an important development strategy of "growing the City from within".

The project proposes five (5) single family lots. Currently, the parcel is zoned Low Density Single Family Residential; the project satisfies the zoning size requirements with all lots larger than the zoning requirement. There is a variance request for Lot 9; the variance request relates to lot dimensions and not size. Because the Municipal Code requires a variance due to the Lot 9's ratio of width to length, the project has made an appropriate request for such variance. The street design element incorporates a "hammer head" end; this design was chosen because it maximizes the lot sizes while satisfying the street criteria of the City's Engineering Department and the City's Fire Department. From a design and engineering stand point, this project has been reviewed by the City's Growth Management Department, Engineering Department and Fire Department; these departments have approved the project.

On January 26, 2006, the City Planning Commission reviewed this project.

The Planning Commission voted unanimously in favor with stipulations.

All stipulations have been satisfied; consequently, the project has been forwarded to City Council for review and vote on the Preliminary Plat.

At this time, a number of neighbors have signed a petition against this project. The basis of the petition has no foundation in terms of engineering standards nor zoning requirements. The project satisfies City approved engineering standard (which includes safety design criteria) and current zoning standards. Indeed, as Vicki Fisher from the City's Growth Management noted at the Planning Commission meeting, this project meets the "minimum requirements for Low Density Residential lot size" and "proposed lot sizes are comparable to the existing surrounding development." (see Planning Commission Minutes,

Page 11, Item 12.) Moreover, with regard to the variance request for Lot 9, the request is standard for this type of project and such variance has been granted within this neighborhood for prior plat proceedings. In particular, this type of variances has been granted within this neighborhood for lots within a cul-de-sac.

At the Planning Commission meeting, a few homeowners expressed concern regarding the safety of the road given the road slope and the speeding of autos. Regarding the first concern, the road design meets all City design criteria for safety and capacity. In fact, the amount of traffic to be generated by this project will not significantly impact the current road system as that road system has underutilized capacity. With regard to the danger presented by speeding autos, this is a police matter and should have no bearing on this plat review. Whether citizens choose to violate the law is not an issue this project can foresee nor should this project be accountable given the speculative nature of such assertions.

At the Planning Commission, a homeowner expressed concern regarding access of the development. It was suggested that the parcel's access would worsen with the development. This assertion is simply not true. The access would actually improve because none of the lots have direct access to Merlot Drive. Rather, all lots have driveways fronting on the proposed Shamrock Court's dead end. From Shamrock Court, the vehicles would then be subject to a stop sign prior to entering Merlot Drive.

This is a superior design to what the neighbor would have; that is, one single lot with a driveway access directly onto Merlot Drive.

Finally, it was suggested at the Planning Commission that this development had made representation to the neighborhood that this parcel would only be built as a single family residence. This seems to be the heart of the matter for the opposition. That is, a desire to limit a property owner's use to one dwelling unit at standards that far exceed any the other homeowners have been subjected. First, there has never been any assertions by me or anyone involved with this project regarding the future limitations on this parcel. This project has never been part of the overall development scheme from which the homeowners have

purchased. There is simply no record of any agreed limitation nor have

I ever made such representations.

My sole purpose is to develop this project within the development and zoning standards as promulgated by the City. I have asked for no special consideration regarding this project and have received no special consideration from the City. Indeed, this project has been scrutinized by the City's planning and engineering staff and has met all concerns. My sole intent is to develop this project in conformity with all regulations and in conformity with the neighborhood.

Finally, this project had previously been approved as a Preliminary Plat for five(5) single family units in 2005. I have undertaken additional personal expense in delaying this project and resubmitting because I wanted to improve the plan. This plan not only improves the access but also the street layouts and slopes. I have made these improvements not because I was forced to but because I felt the project

could be improved and because I believe it is incumbent upon developers to improve projects when reasonable. A vote against this project will force me to construction based on the originally approved design.

I thank you for your consideration on this matter and ask that you approve the Preliminary Plat on Monday night. If you have any questions, please do not hesitate to contact me at (813) 546-6193.

Best regards,

Bruce Kulpaca

Cc: Council Members

Mayor Jim Shaw

Marcia Elkins, Rapid City Growth Management

-----Original Message-----

From: bkulpaca@tampabay.rr.com [<mailto:bkulpaca@tampabay.rr.com>]

Sent: Saturday, February 18, 2006 12:45 PM

To: mayor@rcgov.org

Subject: Correction Notice Bruce Kulpaca Preliminary Plat

February 18, 2006

Re: Preliminary Plat Request Approval Bruce Kulpaca Correction Notice

Dear Mayor Shaw:

In reference to the above Preliminary Plat Approval and my email to you dated February 17, 2005, I wanted to make two clarifications.

Firstly, I was informed late yesterday (Friday, February 17th) by my engineer that my request for Preliminary Plat Approval was not posted to the City Council Agenda for February 20. According to my engineer, all written stipulations from the Planning Commission had been met prior to the Growth Management's deadline of 4 pm on February 15. However, an additional oral stipulation was added by Growth Management. Unfortunately, the changes to the Preliminary Plat could not be made in time to meet the 4 pm deadline. As a consequence, the Preliminary Plat Request was deemed late and would not be added to the February 20 Council meeting. Please note that at this time the Preliminary Plat Request complies with all stipulations, both written and oral, and has been approved by the City Staff for submittal to City Council for a vote. Unfortunately, a deadline technicality is preventing this issue to be placed on Monday night's agenda.

The City Council has discretionary authority to add agenda items. I will be asking the City Council to exercise its discretion and add my request for Preliminary Plat Approval to the agenda and to vote on the item. My request is based on two factors. First, but for the added oral stipulation, our plans would have been received in a timely manner by the City. Second, I have been in Rapid City for almost 3 weeks with the intent of getting this item placed on the agenda. I cannot remain in Rapid City another two weeks as I have other family obligations. Because of the neighborhood questions regarding this issue, I want to attend the meeting to address any questions from the Council. If this item is not placed on the agenda for Monday, I will not be able to attend the following Council meeting and will not have an opportunity to present my case.

The second clarification I wish to make is in reference to the previous Preliminary Plat submission. In my email to you, I had noted that I could move forward with construction based on a previously approved Preliminary Plat. This understanding was based on a conversation I had with Vicki Fisher from the City's Growth Management department. That is after consulting with Vicki Fisher, I understood that the project could move forward with construction based on the previous Plat application.

However, this understanding may not be true. After reviewing the minutes from last year's Council meetings, I can only verify that City Council on September 6th approved the plat layout. That is, City

Council approved in principal the layout design of the streets and lots. The stipulations to that layout approval pertained to engineering and variance issues prior to submittal to the City Council for Preliminary

Plat Approval. Unfortunately, Ms. Fisher is not available to consult with

until next week to clarify this issue. What is clear is that City Council has approved the overall concept of the project via the previous plat layout which included the same number of lots and hammer head street design. The Preliminary Plat currently before the Council represents an improvement to that originally approved layout design.

Regardless of what had or had not been approved through previous applications, the Preliminary Plat request currently with the City stands on its own for the reasons I stated in my email to you from yesterday. The application has met all zoning requirements and has been reviewed and approved by City staff.

Again, I ask the Council to exercise its discretion to allow my Preliminary Plat application to be placed on the City Agenda for Monday February 20 and to vote in favor of approving this Preliminary Plat.

Thank you again for your consideration.

Best regards,

Bruce Kulpaca