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Comments vis-a-vis rezoning file number 16RZ005

This rezoning represents a taking of property value, of peace of mind, and of quality of life without even a mention of any compensation for those losses.

The last construction phase at Presbyterian Retirement Village of Rapid City, Inc hereinafter referred to as Winc, took the better part of two years, with heavy equipment starting early in the morning with back-up beepers and other chaos all day long. Adding the removal of eight houses, their foundations and underground utilities before the building project can even begin does not seem to bode well for getting this project done faster. I checked out my longevity, and two years comprises 11% of my remaining life span. Instead of living in a quiet, peaceful court off a low-traffic dead end street, we will be living 108 feet from the mayhem of a major commercial construction for those two years.

Ordinary construction projects in established single family neighborhoods usually last a day or two, a week or two, or at most a month or two. A year or two project is beyond the scope of what we should be asked to endure.

I've tried to illustrate how the massive scale of this structure will dominate our ranch style house with two scaled drawings in your packets. I sure hope you can imagine how this will lower the property value of our house and others near this humongous building.

The facts are these:

Overall structure footprint (area inside outer dimensions): nearly FIFTY times our home

Height: three to five times our house, depending on the roof pitch they choose

Length (W to E): merely ONE football field long, 5 times the length of our house
(100 YARDS, in case you're not a football fan)

Depth (S to N): "only" 85% of one football field, not quite TEN times the depth of our home

Elevation of roof peak: our house 3345 feet above sea level, Winc's structure 3372 if 4/12 pitch, 3390 if 8/12 pitch, 3408 if 12/12 pitch

At best Winc's roof structure will tower above the TOP of our house 27 feet (4/12), 45 feet (8/12), or 63 feet 12/12

In a letter from Winc this week we were told this building will have a "residential look and feel." I'm sorry, but no matter how much overtime the architect puts in, you don't get a building this big to look 'residential'. Residences that big are called palaces, and they're as rare as hen's teeth in Robbinsdale.

In another attempt to show the contrast between our modest ranch style home and Winc's immense 'Proposed Assisted Care,' I have included a picture of our next door neighbor's house next to ours. Their house's roof line is only nine feet higher than ours. At BEST Winc's roofline will be another eighteen feet higher yet. Just imagine stacking another house on top of my neighbor's to get a sense what that will look like. Additionally, be aware that Winc's new structure juts out to the south to almost exactly where the south edge of the current house at 3723 Freedom Court sits. At about 23 feet higher than that house, and sprawled across the entire west side of the court, Winc's building is literally going to cause an earlier and gloomier twilight to come to our house and neighbors' on Arizona and Texas Streets.

In my opinion this rezoning is illegal. See appendix one for why. I'm sure you'd get different opinions from Winc's lawyer, the city's lawyer, or my lawyer about that. In the end, only the courts would be able to settle that difference of opinion, or more accurately interpretation.

I do know this action is at least immoral. This rezoning will take property value permanently; peace and quiet and quality of life at least for the construction period; with 106 cars and 59 to 73 dwelling units thrown in permanently. All this is to be accomplished with our "good neighbor" Winc offering zero compensation. Their gain of the use of this land for purposes it cannot currently be used for is just our loss. Too bad for us.

If Winc tries to convince you that there is no loss to homeowners; the ONLY way to be sure of that is to leave things as they are now, a single family dwelling neighborhood. The burden of proof lies with the applicant to PROVE we are not losing anything. Too late, I've personally already lost many hours of sleep and peace of mind over this, as I'm sure have some others. In fact, besides losing sleep and peace of mind now, we are going to lose the normal tranquillity and quality of life of this setting during a lengthy construction phase. How can we possibly not also lose property value with this massive structure sitting on the hill dwarfing our homes and cutting off the very sunlight late

in the day?

We have lived in our home for 39 years, since 1977. We signed a purchase agreement before the house was built. We bought here specifically for the quiet place we knew this would be, a court off a dead-end street, all being built single family dwelling.

Since then, Winc got their first foot in the door using a duplex that sits south of their complex facing 5th Street as a model. Initially they "intended" to have a certain number of duplexes on the property. I wish I could remember for sure...sticks in my mind it was thirty-some, but I can't recall exactly.

Instead they filled the property with very large structures. Instead they filled our view of the hillsides with three story buildings, recently building ever closer to Freedom Court. Now that they have exhausted the land they had, they aspire to invade right in among what have always been single family dwellings since initial development nearly forty years ago. Now they think we should be thrilled to have one of their monstrosities right next door, and they intend to accomplish that by tearing out single family dwellings that buffered us from them. They want to use special treatment by the city to enable them to undermine the pre-existing property rights of adjacent homeowners.

Please, please, we beg you! Please do not do this thing. Even if some think it doesn't quite rise to being illegal, it is most certainly wrong. It takes from the several homeowners to benefit the corporation whose net assets increased \$4.5 million year-over-year from 2011 to 2012. It is not even close to a similar use as the surrounding single family dwellings with its 59 to 73 living units and 106 parking spaces. I don't believe you would tolerate this in your neighborhood. I do not believe the CEO nor board of directors of Winc would tolerate it in their respective neighborhoods. I don't imagine a possible way to justify voting for it in ours. The good people of the Presbyterian Retirement Village of Rapid City, Inc have every right to purchase single family dwellings to be used as single family dwellings. That is the right they bought with the dwelling, the pre-existing property right that we all bought with ours. The only way they achieve the right to do else with it is if you hand them that right at the expense of others. Please exercise your fiduciary responsibility to the nearby homeowners to protect their pre-existing property rights. Please vote against this rezoning request.

Appendix One

Spot zoning

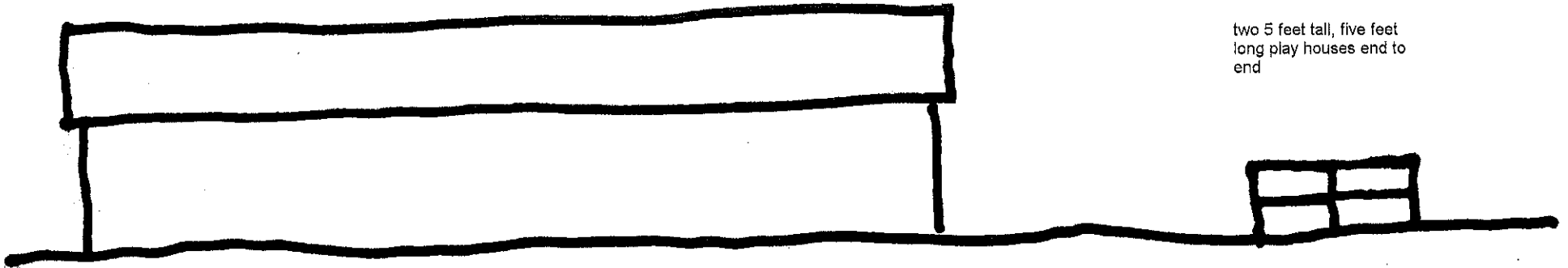
The small size of a parcel is not the sole defining characteristic of a spot zone. Rather, the defining characteristic is the narrowness and unjustified nature of the benefit to a particular owner, to the detriment of a general use plan, or public goals. The rezoning may provide unjustified special treatment that benefits a particular owner, while undermining the pre-existing rights and uses of adjacent property owners. This would be called an instance of spot zoning.

Contract zoning

Contract zoning occurs when a local zoning authority accomodates a private interest by rezoning a district or a parcel of land within a district. Then the private interest may be allowed to develop the land where before the zoning regulations prohibited such a use. Contract zoning is usually illegal, in contrast with permissible conditional use (also known as special use) zoning.

our house, 3718 Freedom Ct shown to scale
with two small playhouses as a comparison.

Freaky how this resembles the comparison
between Winc's 'Proposed Assisted Living'
and our house, huh? Think making a modest
but adequate 5 bedroom 2 bath house look
like a playhouse doesn't affect its value?



two 5 feet tall, five feet
long play houses end to
end

Westhills Proposed Structure

Southerly face of building, elevation view as seen coming northerly on Freedom Court. Buildings foreshortened as accurately as I could from their respective angles to the street. Done to scale including space between buildings. Winc roof pitch shown 8/12.

Our house
3718 Freedom Ct

