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MAYOR'S OFFICE

November 10, 2003

Mr. Jim Shaw
300 6th Street
Rapid City, SD 57701

Dear Mr. Shaw:

My name is Chris Connelly and I own the property located at 1920/1930 Monte Vista Drive where I am building 2 eight unit apartment buildings. I respectfully ask that you take a few moments to read my stance on an issue you will be addressing at the December 1st City Council Meeting regarding my property.

My lot is zoned Medium Density Residential and is .83 acres, thereby permitting me to build up to 24 apartment units in a three-story building. Although the entire neighborhood is zoned MDR, most of the area is comprised of single-family dwellings. For this reason it has been my desire to design an apartment complex that would not stand out as such, but blend in and complement the surrounding homes. In April I set out to build two smaller mansion-like buildings, which is not in accord with a zoning law permitting only one primary use building per lot. I opted to apply for a Planned Residential Development which ordinance 17.50.050 says is meant to "provide deviation from conventional zoning in order to allow a mix of land uses which are compatible and well-integrated but would otherwise be discouraged by conventional zoning regulations." I submitted the application, notified the neighbors, posted a sign and followed all other necessary procedures. The request was granted without incident.

Please note that the only feature of this property that necessitated a PRD was the desire to build 2 smaller buildings instead of 1 larger. Setbacks were not made larger, elevations were not made higher and the intensity of use was actually decreased by 30%. No exception to any ordinance or law was made save the one that would aesthetically and architecturally benefit the surrounding neighborhood.

It was my intention from the beginning to install four sitting terraces off the sides of each building. Although they were inadvertently missing from the original plans, three gentlemen in Building Inspection can attest that we had several discussions on my intention for these balconies before the PRD was even finalized. Four of these terraces would occupy area 5 feet into the setback, still maintaining a 7 foot buffer from the edge of the balconies and the edge of my lot. This is once again less than the maximum permitted by ordinance 17.50.250 which allows terraces and porches to occupy building setbacks by up to 6 feet.

By all accounts, I understood that I was in full compliance with zoning regulations. Apparently, however, the PRD designation on my land nullifies all other pertinent

ordinances, laws and zoning regulations. In September I was notified by the Planning Department that, regardless of ordinance 17.50.250 permitting balconies in setbacks, if I intended to build balconies I would have to request a Major Amendment to the PRD and begin the process all over. I followed the procedures, notified the neighbors, posted a sign and the Amendment was recommended for approval. It was then approved at the November 6 Planning Meeting, only to be appealed by two neighbors who have single-family homes adjoining my property. Thus, you will be asked to decide the matter on December 1.

When considering this decision, please be aware of the mindfulness I have taken of the neighbors' best interests from the moment I began designing this property. From the decreased number of units to the color choices, I have made every effort possible to create structures that would be well-received in the community. I have added tens of thousands of dollars in façade dormers, stone columns and the highest grade windows and siding, features that are unheard of with apartment buildings but that serve to aesthetically enhance my property and the entire area. Additionally, please take note of the inordinate number of mature trees and shrubs that we have taken care to preserve.


As my neighbors speak of my efforts as a "violation of our rights," an "en(c)roachment into the lives of people in our neighborhood" and an attempt to "pull the wool over the current adjoining property owners and the City's eyes," I invite you, as I have invited my neighbors, to drive by my buildings, come inside, tour them so you may see first hand whether "Mr. Connelly does not care what this looks like." Or please call me directly; allow me to meet you personally because this is not an issue of balconies, but an argument against apartments.

Not only have I upheld every legal tenet, I have taken extraordinary measures to ensure that the quality and aesthetics of my buildings would increase those of the existing neighborhood. For those measures to now be used against me by the very people that they benefited is unconscionable.

Above all else, please consider the ordinances set forth for MDR land. This is what has been deemed by the forefathers of this city to be acceptable and positive uses of one's own property. This is not an appeal for an exception to the law. This is an appeal for the application of the law to my property as it was written and intended as MDR land.

Thank you for your time and consideration. I hope to hear from you and I ask for your full support at the December 1st City Council Meeting.

Sincerely,



Chris Connelly
703 4th Street
Rapid City, SD 57701
(605) 390-6373