

**FISK LAND SURVEYING & CONSULTING ENGINEERS, INC.**

1030 Main Street • P.O. Box 8154 • Rapid City, SD 57709

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April 19, 2001

Pam Lang
c/o City of Rapid City - Planning Commission
300 Sixth Street
Rapid City, South Dakota 57701

Dear Commissioner Lang:

I am writing to you today on behalf of our client, John Skulborstad. We have been working diligently with John during the past several months to create a development plan for his property which is located on Highway 44, south and west of Blessed Sacrament Church. We apologize that the following items may have appeared to be "languishing" on your calendar, however, we have been working towards meeting the requirements established during staff review and still maintaining a feasible development for Mr. Skulborstad.

Due to previous commitments out of town, I will be unable to attend the Planning Commission meeting on Thursday, April 26, 2001 and I would like to take this opportunity to address you personally on the following items.

ITEM 32 Rezoning from Park Forest to Office Commercial

In 1999, Mr. Skulborstad acquired the subject property with the intent of relocating his photography studio to the northeast corner of this site. Under advisement of the Planning Commission, Mr. Skulborstad sought to amend the Office Commercial zoning designation to include photographic studios as a Use on Review. The request before you today is for a Planned Development Designation (in lieu of the Use-On-Review) and the proposed change to Office Commercial.

We understand that there have been some concerns expressed by Blessed Sacrament church which owns the adjoining property to the north. To our knowledge, however, the church has been the only adjoiner to express concerns. While it is understandable to have reservations or questions about how the changes of use will affect neighbors, we believe that Office Commercial zoning is appropriate for this area. This particular site is ideally suited for low impact commercial development. The site itself is physically separated from the rest of the property (to the west) by a large drainage channel and dense vegetation. Canyon Lake is located to the south of the property, so there is no residential property to be impacted by the proposed zoning and use change. Blessed

Sacrament church (to the north of the site) is still physically separated several hundred feet from Mr. Skulborstad's building site by their large parking area. In addition, Mr. Skulborstad has agreed to provide landscape screening along his northern property line. The uses permitted in Office Commercial (including the proposed photography studio) should have minimal impact on the surrounding area and will provide the area with an attractive and productive addition to our community.

At the present time, Mr. Skulborstad proposes to remodel the existing building on site for his photography studio and build a new facility at a future date. Mr. Skulborstad has received the Chamber of Commerce Beautification Award on two separate occasions for his current studio on Mt. Rushmore Road. The nature of his business mandates that he establish and maintain an attractive and pleasant atmosphere and he is looking forward to making a positive contribution to this area.

In the current condition, you have an abandoned building which will only fall into a state of disrepair if the property is not allowed to develop. You have before you a landowner willing to invest time and money to make a positive aesthetic and financial contribution to our community by developing this site. In addition, the proposed and permitted uses of the Office Commercial Zoning will ensure that the neighboring properties are affected to the least extent possible.

ITEM 33

Variance to the Subdivision Regulations to waive the requirements for sewer, water, sidewalk and street light conduit.

Sewer & Water - The existing building is served by City water and a private septic system. Mr. Skulborstad wishes to extend central water and sewer services to this proposed lot and the balance of his property at the time of development of Lots 2 through 8. He wishes to proceed as soon as possible with development of the balance of the property, however, the financing for the improvements which will be required is tied to his being able to plat and acquire individual ownership of Lot 1. *The master plan specifies that central services will be provided to all lots* and this variance request is merely to afford Mr. Skulborstad the opportunity to plat and acquire Lot 1 prior to extension of those services.

Sidewalk - Mr. Skulborstad is also requesting a variance to the requirement to install sidewalk along Lot 1. There is currently no sidewalk along the north side of Jackson Boulevard from the easterly approach of Blessed Sacrament west to our property. The terrain west of the Skulborstad property along Jackson Boulevard/Highway 44 also makes it very improbable that sidewalk could or would ever be extended further west. Since there is no sidewalk which connects to this property it does not seem logical to require Mr. Skulborstad to install and maintain a sidewalk. The public use in the area is obviously the park which is located to the south of Mr. Skulborstad and provides ample walkways and bike paths for public use.

Street Light Conduit - Mr. Skulborstad also requests a variance for street light conduit. He proposes to provide on-site lighting for his building and the Chapel Lane intersection is currently lighted, negating the need to extend conduit.

Preliminary and Final Plat of Lot 1 of Lot F-1 of Fish Hatchery Subdivision

During the past several months, we have been working diligently to reach agreement between Mr. Skulborstad's development concept and what the City is willing to accept in the way of development. We have significantly revised the master plan concept twice and submitted it for review and comment, only to be flatly denied in any areas of compromise. What may appear to you as a Planning Commission member as "feet dragging" on the part of the applicant, has in reality been serious endeavors on the part of Mr. Skulborstad and ourselves to find some areas of "common ground" on which to proceed.

Engineering and Planning staff have tied the platting of Lot 1 to the development concept for the balance of the 26 acre parcel. Mr. Skulborstad and our office has complied with staff requests to the best of our ability, short of providing the final plat and design for the balance of this property. The stipulations and our comments are as follows:

Layout Plat:

Topographic Information - complete topographic for Lot 1 was provided at the original submittal in January. Additional detailed topographic information for the road and proposed building sites on Lots 2 - 8 was provided four weeks ago.

Detailed Grading and Drainage Plans - since Mr. Skulborstad proposes to utilize the existing building at this time, there is no proposed grading or drainage plan for Lot 1. At the time of application for his building permit, he will provide plans for paving of the parking area.

Major Drainage Easements - copies of the plat which reflect a major drainage easement along the westerly line of proposed Lot 1 were provided over four weeks ago. Drainage analysis for the easement along with minor modifications in the easement configuration have been submitted.

Geotechnical Site Evaluation - Lot 1 itself does not present any issues of geological stability and does not warrant geotechnical consideration. Requesting geotechnical information on the remaining property at the time of "master planning" seems a bit premature in our estimation, however, Mr. Skulborstad has commissioned the work and the results should be in hands of the engineering staff prior to the Planning Commission meeting.

Master Plan: (see attachment)

Density - For the balance of the property (25.2 acres) Mr. Skulborstad has agreed to reduce the number of lots to seven (Lots 2 - 8), ranging in size from 0.6 to 8.6 acres, with an average development of 3.0 acres or greater, which does not increase the overall density of the Park Forest Zoning.

Access - There are currently two existing approaches in place along Jackson Boulevard. The first approach serves the existing building and the second approach serves the undeveloped portion. Based on conversations with Planning Staff, it is our understanding that Engineering would like to see only one approach for the entire 26 acre parcel, preferring a common point of ingress and egress with Blessed Sacrament. Mr. Skulborstad has spoken with representatives of the church and written to the church to inquire of that possibility. They have indicated that they are not interested in joint access (see attachment). In the absence of a joint approach, we understand that Engineering would still like to see a single means of access from the north-westerly corner of the lot, through the current building, and over the major drainage easement. There are several reasons why this is not acceptable to Mr. Skulborstad. The primary reason being that development of an adequate road would require the removal of the existing building and completely eliminate any additional use of this area. Secondly, significant and expensive construction would be required to provide adequate crossing of the existing drainage. Thirdly, there are already two existing approaches which can be utilized and which will provide and maintain a separation from the commercial and residential development.

The two existing approaches meet the minimum separation requirements along the north side of the road and there is approximately 375 feet of separation from the southerly entrance to Blessed Sacrament parking. The center of the existing approach is approximately 225 feet from the center of the Chapel Lane intersection on the south side of Jackson Boulevard. Site distance information for the westerly approach along Highway 44 has been provided to Engineering staff and with some modifications along the right-of-way, Mr. Skulborstad can meet the site distance requirements of the Department of Transportation. *NOTE: The approach separation for the southerly approach to the church parking to Chapel Lane is approximately 150 feet. If the City determined that 150 feet of separation was sufficient for such a high volume of traffic as is presented by such a large facility, surely the 225 feet that we propose with a small volume business should be sufficient.*

Fire Department: The topography of the area presents some unique challenges and concerns, however, we have worked with the applicant to address those concerns. The number of residential lots has been reduced to seven, which provided minimal density for an area of this size. The lot configurations have been revised in order to cluster the building sites and eliminate the possibility of homes located more than two hundred feet from a paved road. An intermediate cul-de-sac has been proposed at approximately 600 feet, which is the first opportunity which affords an area to establish such a turn-around. Only three of the proposed lots can feasibly access in the first 600 feet of road and the remaining four lots will access from an extension from the cul-de-sac which will extend approximately 250 feet westerly. While the overall length does exceed recommendations, the reduced number of lots, the clustering of building sites, and the intermediate turn-around all provide extra measures of safety for fire protection. In addition, no wood shake shingles will be permitted and at the time of application for building permits, all homes shall coordinate fire hazard mitigation plans with the Fire Department. *NOTE: The single access which is recommended by Engineering staff would add an extra 100 feet to the overall length of the road itself. If the road length is a concern then their recommendation does not improve that condition.*

Grade: The topography also presents unique considerations in terms of the road grade. The proposed plan can provide for a grade of less than 7% on approximately the first 325 feet of road. The remaining 275 feet of road to the cul-de-sac will be less than 12%. While this is in excess of the recommended 10%, we can restrict points of access, provide curb and gutter and guard rail and super-elevate the road to mitigate the safety issues. The remaining 250 feet of road will be less than 15% grade, again, less than general recommendations, but a relatively short distance to the cul-de-sac which will provide an area to reduce speed. *Note: The single access which is recommended by Engineering staff would have a grade in excess of 8% for the first 425 feet of road. If grade is a consideration, then our proposal of less than 7% in the initial 325 feet would be preferable.*

ITEM 35 **Planned Development Designation**

To help ensure that the property is used and maintained in an appropriate manner and to comply with the requirements for uses permitted by review under the Office Commercial designation, Mr. Skulborstad has submitted a request for Planned Development Designation. The specifics of the PDD have been outlined under Phase I of the master plan which accompanies this submittal. The specifications address the issues of parking, landscaping, lighting and signage and Mr. Skulborstad is including a letter to you and a drawing which gives you his concept for the building remodel.

My apologies for the length and detail of this letter, however, I believe that all of this information is pertinent to your decision on the 26th.

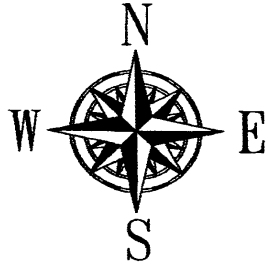
During the past several weeks, we have made significant alterations and compromises in the development concept, including: reducing the total number of lots to meet an average zoning density; altering the size and configuration of the lots to cluster the building sites and improve emergency access to any structures; reducing the length of the road to improve road grade and emergency access; and changing the location of the proposed approach in order to reduce the road grade and meet the approach separation requirements. Due to the topography of the property, there are certain areas that require some compromise in order to allow for development.

The unique and beautiful area that we live in does not always conform itself to ideal development standards. This is the reason that we have a process to allow for "variance" or compromise. This is a beautiful site which should be developed and utilized to the benefit of our community. John Skulborstad has the vision to see development that will provide an attractive area for his photography studio and seven stunning residential lots, all of which will be constructive additions to this area. I respectfully ask that you support these requests and help John to move forward with his plans.

Sincerely,



Warren L. Fisk, P.E., L.S.



1" = 100'
(UNREDUCED)



PHASE III

1. The balance of the property (3.45 acres +/-) to be consolidated into the adjoining Lot 13 of Cleghorn Canyon Subdivision.
2. Utilities - no extension of sewer or water services shall be required.
3. No access shall be permitted onto US Highway 44.

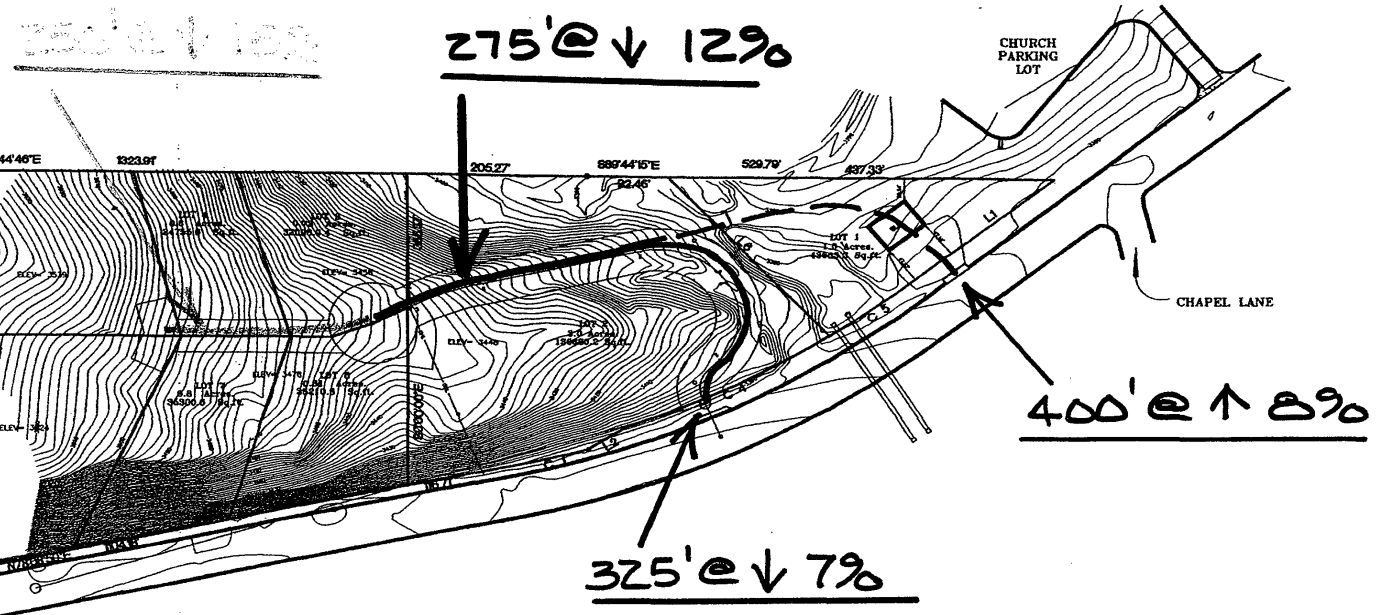
PHASE II

1. Lots 2 through 8 - seven residential lots to be zoned Park Forest with an average development density of 3.0 acres per lot. The developer reserves the right to subdivide Lot 2 into not more than two residential lots at a later date.
2. Proposed Use - residential or any permitted use in Park Forest designation.
3. Structures - shall be residential or accessory residential.
4. Utilities - water and sewer services shall be extended to all lots, including Lot 1. Any homes established above elevation 3520 may require individual water pressure boosters.
5. Parking - no on-street parking. At the time of lot development, two hard surfaced parking spaces shall be provided on each lot.
6. Sidewalk - due to topography considerations, no sidewalk shall be required.
7. Access - to be provided by a 52' wide private access & utility easement to an intermediate cul-de-sac which shall be approximately 600 feet in length. An additional 40' wide private access & utility easement shall extend approximately 275 feet in length and shall have a modified "T" turnaround. A road maintenance agreement shall be executed to ensure proper maintenance of easements. Due to topography, the finished road grade to the intermediate cul-de-sac will be approximately 12% and the finished road grade to the easement terminus will be approximately 15%. Existing curb cut will be utilized and modifications will be made within the right-of-way to ensure sight distance requirements per ASHTO guidelines. No other access shall be allowed onto US Highway 44/Jackson Boulevard.
8. Curb & Gutter - shall be provided on both sides of the road up to and including the intermediate cul-de-sac. Curb and gutter will not be provided from the cul-de-sac to the modified "T" turnaround.
9. Fire Hazard Mitigation - at the time of application for building permit, all proposed residences shall coordinate a fire hazard mitigation plan with the Rapid City Fire Department. No wood shake shingles shall be permitted.

PHASE I

1. Lot 1 - a single one acre lot, zoned Office Commercial.
2. Current use - photography studio, including outdoor photography sets.
3. Future use - four units of office commercial development, which may include a photography studio.
4. Structures - renovation and use of existing building. Future construction to include an 8,500 square foot office building with four total units. New construction shall meet all building and zoning requirements. New construction should be residential in character.
5. Landscaping - shall meet or exceed Ordinance requirements. A landscaping buffer shall be installed along the north lot line.
6. Utilities - existing building is served by city water and a private septic system. The developer proposes to utilize the existing services for Phase I (Lot 1) and will extend services at Phase II (Lots 2 - 8).
7. Parking & Lighting - parking shall be provided to meet the minimum requirement for the building size and use. Outdoor lighting shall not be directed to the adjoining property to the north, but may be permitted along the building and parking areas.
8. Signs - signs will be limited to one placed on the building and one on-site sign. The on-site sign shall not exceed five feet in height, and may be two directional. Lighting shall be permitted for both signs. There shall be no other on-site signage permitted.
9. Sidewalk - no sidewalk shall be required.
10. Access - utilize existing curb cut and approach. No other access shall be allowed onto US Highway 44/Jackson Boulevard.

LOT F-1
26.2 Acres.
1142285.6 Sq.ft.



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	4°52'24"	94.32'	1108.92'	N76°17'45"E	94.29'
C2	37°46'31"	564.04'	855.51'	S59°53'46"W	553.88'
C3	3°49'58"	58.10'	868.51'	S30°48'51"W	58.09'
C4	13°25'44"	256.86'	1095.92'	N63°59'52"E	256.28'
C5	5°47'30"	110.78'	1095.92'	N54°23'15"E	110.73'

NUM	DISTANCE	BEARING
L1	210.39'	S51°31'28"W
L2	52.33'	S57°39'15"W
L3	107.57'	S44°30'24"W
L4	20.50'	S29°16'20"W
L5	53.46'	S89°35'12"W
L6	268.89'	S42°46'16"E

REVISIONS: 3/30/01
DRAWN BY: RF
CHECKED BY: WF

PROJECT No. 01-01-02
1030 MAIN STREET, P.O. BOX 8154
RAPID CITY, SOUTH DAKOTA 57709
(605) 348-1538 FAX (605) 341-1112

BOUNDARY SURVEY AND TOPOGRAPHICAL MAP
LOT F-1 OF FISH HATCHERY SUBDIVISION
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA
FOR JOHN SKULBORSTAD

FISK LAND SURVEYING,
AND CONSULTING ENGINEERS

Heritage - O'Neill Studio

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Planning Commission
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

Dear Commissioner:

April 20, 2001

Over the past several months I along with Fisk Engineering have worked with the Planning and Zoning department to come to terms with various issues regarding the property I purchased with Mr. Pete Torino back in 1999.


My intent was to relocate my photography studio to this location; which I was informed I was unable to do so until at such time I had an amendment to the Office Commercial zoning designation to include photography studio within those guidelines. In the fall of 1999, the Ordinance Amendment allowing photography studios as identified was approved.

At such time I was informed by the Planning and Zoning department personal that I was not able to continue with the process of having such parcel platted and rezoned until such time that a master plan for the remaining acres was submitted and the process of such finalized before any decision were to be taken concerning the lot in which I wished to move my business into.

Initially my partner; Mr. Pete Torino and myself were not in a position or chose to be in one in which development of the remaining acres was even being considered. We purchased the property as an investment to someday build our homes on such and in our own timeframe. Unfortunately Engineering and Planning staff have tied the platting of Lot One to the development of the remaining acres. With all due respect, I have felt pressure from the staff at Engineering and Planning regarding what they feel is their decision to implement the concept of development.

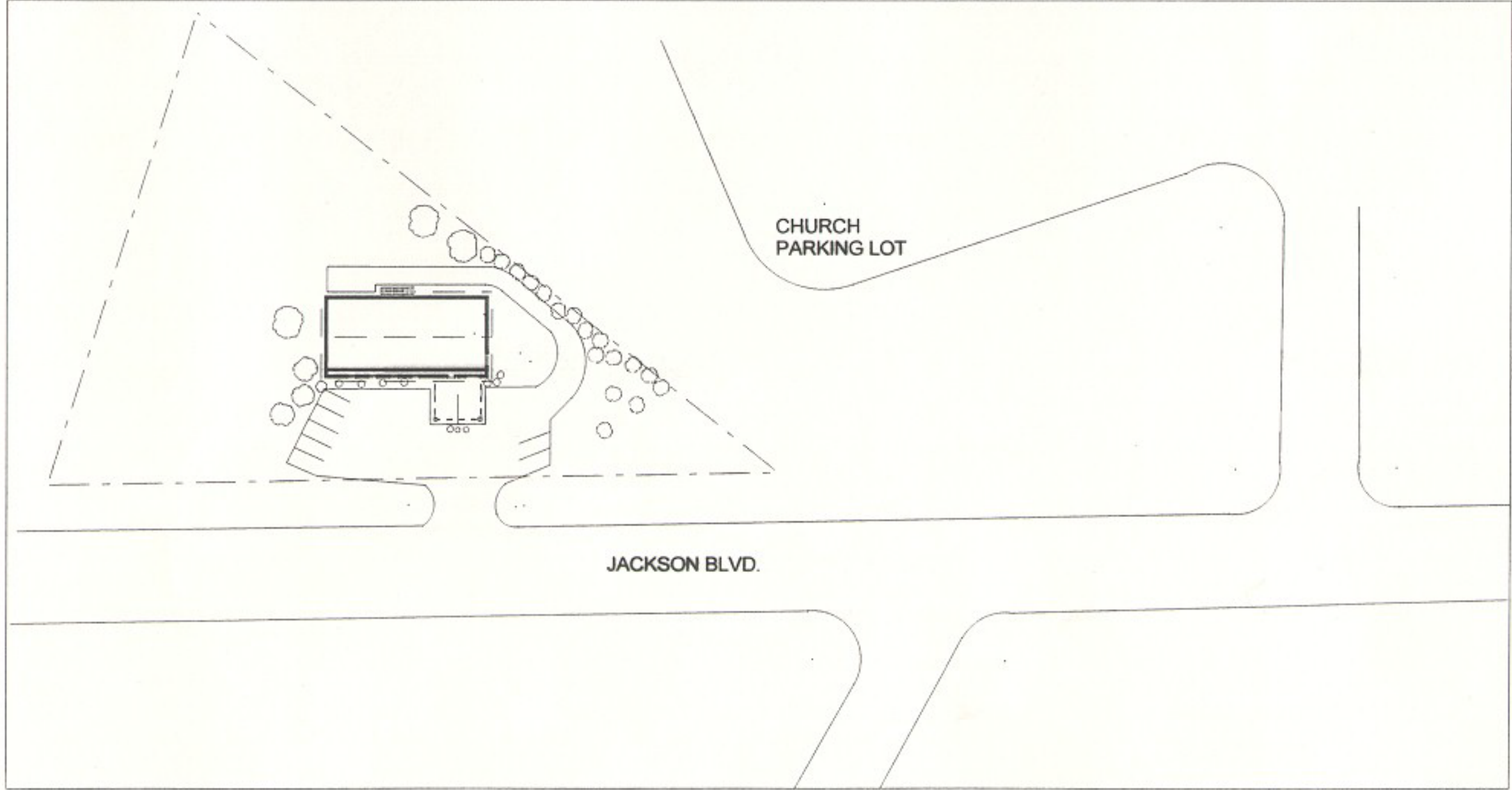
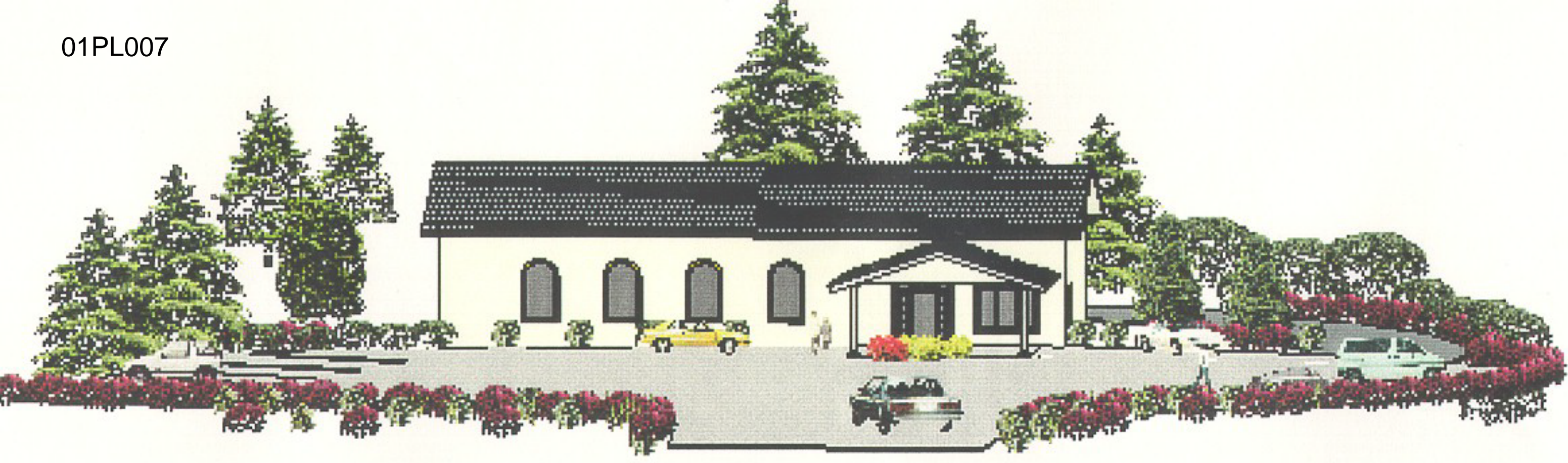
Now after several months and revisions to the development design as requested by Engineering and Planning; still there is no agreement to any of our revisions to the issues at hand. No compromise whatsoever from the staff at Engineering and Planning after our attempts to in some way accomodate their concerns. I believe our attempts are in some way falling short of serious consideration by those who are reviewing our revisions. Mr. Fisk I believe states appropriately that which I am referring to and I hope and pray that some form compromise can be attained concerning these issues.

Respectively:


John Skulborstad

1508 Mt. Rushmore Rd. - Rapid City, SD 57701

(605) 348-7000 - Toll Free 1-888-605-7001



<p>JOB / CLIENT: John Skulborstad</p>	<p>JOB LOCATION: 4600 Jackson Blvd., Rapid City, SD 57702</p>	<p>DRAWING: Plat and 3-D overview of improved property for the future home of Heritage O'Neill Photography Studio</p>	<p>DRAWN BY: R.A. Long</p>	<p>DATE: February 4,</p>
<p>LONG CONSTRUCTION & DESIGN 1270 Duffer Drive, Rapid City, SD 57702 399-9766 or 391-5664 (FAX 348-2656)</p>		<p>Randy A. Long *Industrial Engineer *Licensed Contractor</p>	<p>SCALE: NONE</p>	<p>SHEET: 1 OF 10</p>
<p>DISCLAIMER: Drawing accuracy and information are of the highest consideration when creating working plans. This is not a guarantee that there are no mistakes. It is the builder's responsibility to (1) review the plans thoroughly before ordering materials, (2) correct any errors in dimensions or materials to satisfy construction integrity, and (3) adhere to Uniform Building Codes.</p>				