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OCT 27 2004

Rapid City Growth
Management Department

October 27, 2004

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

Response of Charlie Rooks to Opposition of Michael and Roxanne Kirkeby

Re: Major Amendment to a Planned Residential Development (the "Major Amendment"), Lot 5 Revised, Sandstone Ridge Subdivision, Section 15, U1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sheridan Lake Road and Holiday Lane (the "Commercial Property").

Dear Planning Commission Members,

The October 20, 2001 (sic)(really 2004) letter from Michael and Roxanne Kirkeby (the "Kirkebys") in opposition to the Major Amendment, raises a number of questionable objections to use of the Commercial Property as a funeral home. As discussed below, their primary objection is emotional/philosophical, namely the "sad," "disburbing," "sicken[ing]," and "preposterous" thought of having a funeral home/services located on the Commercial Property.

The Kirkebys admit that they acquired their residential property with full knowledge that the Commercial Property was zoned for commercial uses (the "Other Commercial Uses"), including use as an office complex or [insert short list of other uses permitted by the current PRD]. The Major Amendment merely changes the permitted use to include funeral home/services. As shown below such use is not physically, esthetically or environmentally more burdensome or objectionable to residential neighbors than Other Commercial Uses.

With respect to traffic, I note that (1) Sheridan Lake Road is a major artery that has a present traffic count of well over 14,000 vehicles per day, (2) all Other Commercial Uses would involve traffic to and from the Commercial Property, and (3) the Kirkebys have not shown that use of the Commercial Property for a funeral home will result in a higher traffic activity than Other Commercial Uses.

With respect to the esthetic and environmental impact, the Kirkebys have not shown that the proposed funeral home will be esthetically or environmentally less desirable than Other Commercial Uses. Indeed, the proposed funeral home will incorporate striking and beautiful architectural elements and pleasant park-like landscaping, all of which are designed to have a favorable impact on the neighborhood. Funeral service activities will be conducted in the building or on the side of the building opposite from Kirkebys' residence (e.g., entry and exit of traffic). Funeral services are designed to be consoling, quiet, unrushed, calm, beautiful and serene (unlike, for example, hospitals, nursing homes and emergency service providers, where noisy ambulance activity occurs on a regular basis).

The Kirkebys' claim of diminished property market value is entirely speculative and wholly unsupported by evidence. Admittedly, any commercial use of the Commercial Property could adversely affect the value of the Kirkebys' residential property. The Kirkebys freely accepted that risk when they acquired their property. However, the Kirkebys have failed to show by any

credible evidence that use of the Commercial Property as a funeral home will decrease the value of their property more than any Other Commercial Use.

It appears the primary objection of the Kirkebys is not the physical, commercial, esthetic, or environmental elements of the funeral home, but rather some fear, aversion to or misunderstanding of funeral services themselves. Funeral services are an essential service in modern society and most funeral homes are located in or near residential areas, including existing funeral homes in Rapid City.¹ Other community essential services relating to the removal and care of the deceased are also generally located in or near residential areas.²

Funerals are for the living. They are designed to comfort the surviving family and friends as well as to honor and respect the deceased. Funeral services have a deep spiritual and sacred religious meaning to mainstream Christian/European and traditional Native American cultures alike, both of which communities will be served by the proposed funeral home. While approximately half of funeral memorial services are conducted in churches, the balance of services are generally held in the funeral home or "funeral chapel." In the Native American community, deceased persons are honored by special customs that involve gathering and eating in a church hall or community center and "waking" with their deceased loved one. Far from being distasteful, the ceremonial wake serves as a great honor to the dead and a reassuring comfort for the living. Additionally, in funeral settings involving the general community of Rapid City, families occasionally gather together in church halls for light lunches (with closed caskets in view) prior to leaving for the cemetery committal. A wholesome and integrated view of life and death supports the principle that "funerals are for the living." The Kirkebys position, though heartfelt and sincere, does not lend itself to this essential fact of life.

In conclusion, the objection of the Kirkebys is primarily emotional/philosophical in nature and is not supported by factual evidence or reasonable arguments. Therefore, their opposition should not be allowed to prevent adoption of the proposed Major Amendment.

Respectfully yours,



Charlie Rooks

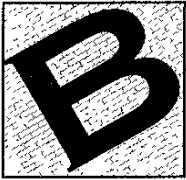
¹ E.g., Kirk Funeral Home is located adjacent to a subdivision, Osheim Funeral Home is located directly across the street from residences, and Behrens Funeral Home is in a mixed business/residential area. In fact, a residential neighbor of the Rooks-Kirk Funeral home on Minnesota Ave raised an objection to that facility that was similar in nature and tone to the objection raised by the Kirkebys to this project. However, Rapid City wisely did not allow the objection to unreasonably interfere with the location of a tastefully-designed funeral home in that predominantly residential area, which continues to experience positive residential growth.

² It should be noted that (1) funeral services include removal of deceased persons from the place of death--generally a home, hospital, nursing home, assisted living center that is also located in a residential neighborhood, (b) approximately half of funeral memorial services in the Rapid City area are conducted in churches, often located in residential neighborhoods, and (c) deceased persons are generally laid to rest in cemeteries, which are often located in residential neighborhoods.

Behrens Design and Development, Inc.

1070 Sunwood Park Lane • Waite Park, MN 56387

320-253-5374



Architectural and Construction Services

Friday, October 22, 2004

Charlie Rooks
Rooks Funeral Chapel
RR. 1
P.O.Box 198
Wind Cave Road
Hot Springs, SD 57747

Dear Charlie:

At your request I would like to share what our experience has been with locating funeral home in and around residential neighborhoods. As you know Behrens Design & Development has been involved in over 250 funeral home projects across the nation. A large percentage of new funeral home projects are developed in residential zoning. Many municipalities don't list funeral homes specifically in any zone and are subject to conditional use permitting. In almost every case, we are successful in receiving conditional use permits. It has been our experience that funeral homes fit very well in residential neighborhoods. Funeral Homes are generally a very low impact business and the architecture is generally very compatible with single family homes. There are very few cases in our history where funeral homes have been rejected in residential zoning. We do, however, design the site so as to minimize traffic issues and headlight intrusion from the parking lot. We have used screening when necessary to accomplish this. In your case, the natural terrain lends itself very well to making your funeral home project very unobtrusive.

Sincerely,


Brent A. Behrens
President

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