

06PD057

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

From: Jack Kendley [mailto:guip@imt.net]

Sent: Monday, August 21, 2006 3:32 PM

To: Travis.Tegethoff@rcgov.org

Cc: guip@imt.net

Subject: Planned Development Application #06PD057

August 21, 2006

To: Growth Management Department:

I own the house at 4237 Foothills Drive, on Block 1, Lot 11 of Springbrook Acres.

When the original application for a height variance was proposed last year (I think it was) I did review the zoning regulations extensively and did submit comments regarding that Planned Development Application. I do ask that you incorporate those comments from your records into these comments.

Some history on this development. While the original three story apartments were under construction it was discovered they were not in compliance with a zoning requirement that would have limited buildings to two stories in height. Rather than require the building be modified in height, a variance (or zoning change) was allowed so the construction could continue without modification. Now I understand new construction is proposed that would again violate zoning height requirements. I would say that two wrongs do not make it right. The original zoning was designed to protect adjacent property owners, so they could design homes that would be least impacted by adjacent developments. I feel the current planned development application will result in a degradation of the viewshed from my home and will adversely affect my property values (but I would doubt it will reduce property taxes). Zoning requirements are just that, they are designed to protect adjacent property owners, they should not be a series of loopholes that allow changes in zoning to benefit new developments that are proposed in direct violation of current zoning requirements. New developments should be in compliance with existing zoning, period.

As I recall another issue with the new proposed development was a lack of adequate parking within the proposed structures. I was told today that a new parking lot will be constructed that will allow 2 extra parking spaces, I am not sure if this means per building, apartment or for the development. Adequate parking is necessary to insure a quality development. Cars parked on lawns, or in the street do not improve property values or the lifestyles of the area's residents. If there is not adequate parking available then the development should be scaled back to conform to parking requirement needs. Bigger isn't always better, and once more zoning requirements are meant to protect the integrity of a neighborhood. Nuff said there.

Lastly, should this Planned Development Application be allowed, and since the 16 foot glass wall in my living room will face "head on" the new parking lot, I would ask that you mitigate effects to adjacent property owners as much as possible, Landscaping to reduce the visual impacts should be considered. Low intensity lighting, I think it is called down lighting, would reduce light pollution.

I appreciate the opportunity to comment and ask that I be kept in the loop with your decisions.

Thank you,

John Kendley, 2005 Hauser Blvd., Helena, Montana, 59601 -- Jack "Guip" Kendley

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

From: Robert Gusinsky [mailto:robertgusinsky@clsglawoffice.com]

Sent: Tuesday, August 22, 2006 9:04 AM

To: Travis.Tegethoff@RCGOV.org

Subject:

Dear Travis:

Thank you for the time you took to explain the development to me. I would like to raise some of the concerns that I have. Please note that this e-mail is from me personally and not as a member of the law firm. I am simply writing as a resident of 4325 Fairway Hills Dr. I also want to make sure that these comments are not construed as opposing the construction of the condominium units. In fact, I applaud the developer for finding a suitable use for the property. My sole concern is with traffic along Fairway Hills Dr. and the lack of sidewalks. Presently, many of the residents use Fairway Hills Dr. to walk in the mornings as well as in the evenings. There are no sidewalks, and traffic has increased substantially since Fairway Hills opened up to provide access to Sheridan Lake Road through the Carmel Point Development. Adding 96 units will only worsen the traffic situation. Not only will it add more people who will walk along Fairway Hills Dr, but it will also substantially increase the traffic flow. This is especially a problem as the winter months approach due to the lack of daylight. Quite frankly, I believe that the traffic situation along Fairway Hills Dr. as it stands now is simply an accident waiting to happen. The risks of injury to pedestrians will only increase with the construction of the condominium buildings. I anticipate that the developer will argue that there are already sidewalks for traversing the development. However, those sidewalks are not along Fairway Hills Dr., nor are they maintained in the winter. I respectfully urge that the planning and zoning commission require the construction of sidewalks along the entirety of Fairway Hills Dr. as a pre-requisite to the approval of the planned development.

Thank You.

PLEASE NOTE NEW E-MAIL ADDRESS: RobertGusinsky@clsglawoffice.com

Robert Gusinsky
Clayborne, Loos, Strommen & Gusinsky, L.L.P.
4020 Jackson Boulevard
P.O. Box 9129
Rapid City, SD 57709 (PO Box Zip Code)
Tel. 605-721-1517
Fax 605-721-1518
RobertGusinsky@clsglawoffice.com