

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

06PD057

-----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
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RobertGusinsky@clsglawoffice.com

06PD057

September 5, 2006

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

RE: CASE NO. 06PD057 - FAIRWAY HILLS SUBDIVISION

Commission Members:

After the August 24, 2006 Planning Commission meeting, I met with Janelle of Fisk Land Surveying. At the August 24th meeting, I was led to believe that the height variance was for one building only, however in my meeting with Janelle, I was told that it was for all 4 buildings.

It seems to me that since this project was approved over 1 1/2 years ago, the developer and his Architect should have had plenty of time to work within the height regulations of the City. Just changing from apartments to condominiums should not affect the height by 6 feet. Maybe they could have looked at lowering the buildings instead in order to comply with regulations. In this particular case you would be allowing this development to enhance his tenants views at the expense of others, some within Fairway Hills and others outside.

If you grant this variance, then another developer within the City will ask for a variance of more than 6 feet, with the reasoning that you did it for Fairway Hills, then you should do it for him.

It seems to me that the Planning Commission and City Council tends to grant too many variances to the regulations. It appears that the Planning Commission and City Council is simply ignoring the amount of staff time and volunteer time that was spent to make the regulations workable in all situations. I believe that it is time that the Planning Commission and City Council enforce the regulations/ordinances and stop granting variances.

So, I would ask that you deny the **Major Amendment to a Planned Residential Development** case No. **06PD057** and require the developer to design within the regulations.

Sincerely,



Springbrook Acres Water Users Assoc.
Fred Weishaupl, President
2602 Springbrook Rd.
Rapid City, SD 57702
(605) 342-1928

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SEP 05 2006

Rapid City Growth
Management Department

September 3, 2006
4031 Pinehurst Drive
Rapid City, SD 57702

City of Rapid City
Growth Management Department
300 Sixth Street
Rapid City, SD 57701-2724

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SEP 06 2006

Rapid City Growth
Management Department

RE: File Number 06PD057

Dear Sir,

I am the owner of a townhouse located in the Fairway Hills Subdivision, Lot 1 of Block of Fairway Hills PRD. I have known since before I purchased my home the land across Fairway Hills Drive from my home was owned by Dlorah Corporation and was undoubtedly going to be developed into multi-family units. I firmly believe that as the owners of that property Dlorah should be entitled to develop the property for financial gain.

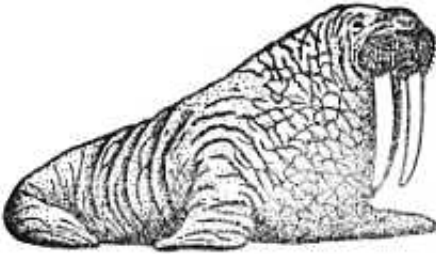
However, I do object to issuing a height variance. The proposed buildings will certainly limit the visibility from all the townhouses even if no variance is issued. The existing restrictions allow for enough development without further impacting the neighborhood by allowing a higher building. I believe this in only the first of four proposed buildings and therefore granting this variance will establish a precedence.

I will be unable to attend the meeting scheduled for September 7th but wish to register my opinion on the matter.

Sincerely,



Coral Etta Stevens



Watson Parker
4215 Fairway Hills Dr.
Apt. #306
Rapid City, SD 57702

6 September 2006

Rapid City Planning Commission
City Hall
Rapid City SD

Dear Folks:

RE: More apartments on
Fairway Hills Drive

Yesterday evening we attended a meeting of all of the various people who pay into the Fairway Hills (Delorah?) facilities. Mike Buckingham spoke about proposed additional apartments, eventually 96 units, that he proposes to build. The meeting was amicable, and his talk informative.

But one item bothered me. He said, more than once, that whether the City improved our water supply or not, he was going to build these additional water-using apartments.

Currently (we live on the third floor of our building) the water is at times insufficient to take a shower, and I suppose is thus insufficient to operate the fire sprinklers effectively. If more apartments are built, and Rapid City does not improve this water supply we will all, in Fairway Hills, have a serious fire safety problem.

Questioned more than once on this point, Mr Buckingham reiterated that the water supply was the city's problem, and that he proposed to build whether anything was done about it or not.

I think you folks ought to know about this position, and look into it further before you give permission for this further demand on our already meager water supply.

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SEP 06 2006

Rapid City Growth
Management Department

Watson Parker