

**Kenneth J. Erickson, P.E.**  
4605 Chalkstone Drive Apt. 1  
Rapid City SD 57701-6548

October 6, 2014

City of Rapid City  
Community Planning & Development Services  
Current Planning Division  
300 Sixth Street  
Rapid City SD 57701-5035

Attn: Fletcher Lacock/Nicole Lecy

cc: Mayor Sam Kooiker, Councilmember Amanda Scott, Councilmember John Roberts

Dear Mr. Lacock and Ms. Lecy:

I am submitting comments pertaining to:  
Applicant: Joe and Jeremy Muth  
Premises Affected: Lot 6 of Block 5 of Auburn Hills Subdivision  
Location: 4660 Coal Bank Drive  
File Number: 14PD028  
Intended as a site for a 3-story 12-unit apartment building

My property: 4605 Chalkstone Drive  
Legal description from Pennington County Treasurer tax notice:  
Auburn Hills Subdivision Block 5 Lot 1  
Site of 7-unit apartment building

**URGENT** — There are serious adverse aspects of applicants' plan that have been overlooked to date. I strongly urge the Planning Commission to **REMOVE THIS HEARING FROM THE AGENDA FOR THE OCTOBER 9 MEETING** and defer final determination until my concerns and objections may be considered and evaluated by Staff and addressed by applicants. No other property owner is affected more than I. The Current Planning Division and applicants have had months to consider this matter. Other than observing that the lot was surveyed and staked in mid-August, I was totally unaware of the extreme nature of the proposed building and, having just received the hearing notice on October 2, have been afforded little time to review available documents and submit my concerns and objections. Considerations of governmental openness and fairness of the planned development application process to nearby property owners and residents should dictate this postponement.

It is inconvenient for me to appear at the Planning Commission meeting at 7:00 a.m. on Thursday, October 9, 2014. However, as a licensed Professional Engineer of more than 40 years experience, I believe I can satisfactorily convey in writing my concerns about and objections to applicants' proposed building.

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1) Even though applicants failed to mail the notice to my complete and correct address, Postal Service delivered it in a timely manner.

Please advise applicants of my complete address:

Kenneth J. Erickson, P.E., 4605 Chalkstone Drive Apt. 1, Rapid City SD 57701-6548

2) I am owner of — and resident in my apartment building on — the lot abutting the east side of the lot on which applicants' proposed apartment building is intended to be built. Other than the building on the lot abutting the north side — which I understand is owned by one of the applicants, so don't expect any objections from that direction — I am THE property owner most affected by applicants' proposed apartment building.

3) I am alarmed that the proposed apartment building is intended to be 3 stories. I live here. I view a building of this height as gargantuan, disruptive to the fundamental suburban nature of the neighborhood, and more suited for a dense urban or combined residential-commercial locale; this is a suburban Rapid City neighborhood, not "apartment row" in Denver or Minneapolis. There are at least eight apartment buildings in the immediate neighborhood, including my own, that are 2 stories; NONE is 3 stories. One must travel far outside the neighborhood — 2 miles to the I-90 commercial corridor — to encounter buildings of this height. Whereas the Staff Report concludes that the applicants' proposed building may be permitted within the technical parameters of Medium Density Residential District, I believe it is within the purview of the Planning Commission to represent the best interests of the people who live nearby and direct applicants to scale back the proposed building to no more than 2 stories so as to be in keeping with the suburban nature of the neighborhood. I hereby make this request of the Planning Commission.

4) I am extremely concerned that applicants' proposed building with 12 apartments encompassing 24 bedrooms is an unreasonable step-up in current resident-density and -load inconsistent with the suburban nature of the neighborhood and exhibits an absentee landlord's fundamental disregard for those of us who actually live here. I cite my own owner-occupied apartment building as an example. It is 7 units encompassing 10 bedrooms situated on a 0.470-acre lot (or approximately 20,473 sq ft). This is a ratio of 2,047 sq ft of lot space per bedroom. The applicants' proposed building would be on a lot of 31,363 sq ft which corresponds to a ratio of 1,307 sq ft of lot space per bedroom. This is more than 50% denser and represents a significant departure from extant resident-density and -load. If the Planning Commission directs applicants' to scale back the proposed building to 2 stories with 8 apartments encompassing 16 bedrooms, the ratio would be 1,960 sq ft of lot space per bedroom which is comparable to my building and, I imagine, comparable to other apartment buildings in the immediate neighborhood.

[Note: If I had been afforded a more reasonable amount of time to review the matter and prepare my concerns and objections, I would have been able to research this issue and present actual ratios for other nearby apartment buildings. However, Staff should readily have access to the requisite information.]

5) Staff Report, "Staff Review" section, Item 5 refers to a drainage plan; this plan was not made available on rcgov.org. Stormwater runoff from applicants' lot is of immense concern to me. I have resided in my own building for 9 years. Multiple times stormwater runoff — from what is currently the vacant lot on which applicants' planned building would be built — has spilled over the decorative-rock-covered embankment on the west edge of my property rather than draining, as it should, from their lot to the arroyo (dry creek bed or wash) that runs along the south side of our properties. This spillover has happened even though the vacant lot has not been truly bare ground but has been covered in uncontrolled vegetation. Each time this has happened it has resulted in flooding of my rear lawn and patio areas and erosion of rocks and soil from the embankment. I request the Planning Commission to direct applicants to slope grade from their east property line steeply away from my property — perhaps to a north-south stormwater runoff concrete box trench along the east face of their building — but in any case to assure that no stormwater runoff from applicants' building, parking areas, or paved or unpaved portions of the lot may ever flow from their property over the embankment onto my property.

6) I request the Planning Commission to direct applicants to engage an appropriate licensed professional to perform an assessment of wind currents and snow drift patterns that are likely to result from their mammoth proposed building and grant me opportunity to review and comment and, if necessary, to object if such assessment reveals adverse effects on my property or to my tenants' safety and convenience.

7) The base of my building is approximately 6 feet to 8 feet below the present level of applicants' lot. Applicants' proposed building "left elevation" — the east face that would overlook my building — depicts 2 windows on each floor. Inasmuch as the three floor plans for applicant's proposed building do not bear a "North" arrow, I can only assume, as a Professional Engineer and as is the standard in my 40+ years experience, that "up" on the drawing is north. If so, the floor plan for each level shows the east face windows as 4'x4' nominal. For 9 years we and our tenants have been accustomed to visual privacy on the rear patio and deck areas of our building and we do not relish having this privacy unnecessarily sacrificed without substantial thought and justification. Ideally this privacy could be preserved with a "left elevation" of applicants' proposed building that is absent any windows at all. This is not such an unreasonable request considering that the building on the lot abutting the north side — the very building owned by one of the applicants — has no windows in its east end-unit wall. Some other apartment buildings in the immediate neighborhood bear no windows in their end-unit walls.

A) I request the Planning Commission to direct applicants to consider alternative design for their building such that the east face overlooking my property not have windows; windows that would constitute undue invasion of the privacy of our decks and patios.

B) If this cannot be accommodated, I request the Planning Commission to direct that windows in the east face of applicant's building be wide and shallow and located above resident eye level so their tenants may have light and ventilation and may look out and up but not readily have a view down onto our decks and patios or into our bedroom windows.

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8) Landscape Plan. The landscape plan is not accompanied by sections that would reveal the intended final profiles and slopes of grading. It seems to depict lawn grass extending southward all the way to the south property line which, if so, would encompass the entire 20-foot "Major Drainage Easement" (the arroyo). If my interpretation is correct, this is contrary to what I did when I developed my building in 2005. On the south side of my property, slightly-sloped grading and lawn grass extend 10 feet from the south face of my building. From that point a much steeper slope extends to the nearby bottom of one of the arroyo flow channels; the slope and the remainder to the south property line was seeded with wild grasses. The arroyo has proved to be important wildlife habitat as well as performing its function as a channel for stormwater runoff from the several hundreds of acres extending from the top of the ridge. The arroyo and its wild dry-land vegetation, wetland cattails, our own maple and ash trees, and the volunteer Russian olives, willows, and cottonwoods are used by an abundance of birds for feeding and some nesting. I've observed robins, blue jays, red-wing blackbirds, meadowlarks, sparrows, various swallows, killdeer, crows, mountain bluebirds, house finches, goldfinches, woodpeckers, flickers, chickadees, grackles, starlings, turkeys, grouse, partridges, hawks, and sometimes ducks, geese, and turkey vultures. The arroyo is a significant passageway for whitetail deer transiting from and to the ridge. There are rabbits, abundant frogs and butterflies, and occasional foxes, blue racer snakes, garter snakes, and voles. For the building proposed by applicants I prefer to see substantive similarity of landscaping features and maximal preservation of wildlife habitat in the arroyo. Thus, I request the following of the Planning Commission:

A) I prefer that the portion graded flat for their lawn grass extend 10 feet or less from the south face of the building and allow the remainder of the arroyo to the south property line to be left natural.

This may require a retaining wall. Although the arroyo had to have been altered significantly in the past by original developmental grading of the southern portion of the Auburn Hills Subdivision, it has since taken on many natural features worth preserving. At the head end are culverts. From there the water flow channel splits into two natural-like channels. After the split, one channel runs along the north edge of the arroyo through applicants' property and mine and one runs along the south edge through Edgewood Estates property. The one that runs along the north edge has a 15- to 20-foot meander offset — a dogleg toward the south — as it transits applicants' lot to where it enters my property at the southwest corner. The only way I can see to preserve this flow channel is with a retaining wall 10 feet or less south of the south face of applicants' proposed building.

**I DO NOT WANT** development of applicants' building to interfere with or change the nature of the now natural-like north channel that flows through their property and mine and provides wetland cattails and significant wildlife habitat where it exits through my culvert under Chalkstone Drive at the southeast corner of my property.

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B) Since our owner's apartment is at the south end of our building, we are able to observe and control our own tenants and prevent disturbance of the arroyo. My expectation is that applicants' building will not be controlled on premises to anywhere near this degree. I prefer they install a chain link fence from west to east through the entire lot 10 feet or less from the plane of the south face of the building — likely on top of the retaining wall — for safety and to aid in controlling access by their tenants and preventing undue disturbance of the arroyo habitat and wildlife.

C) I prefer at least four substantial trees (such as maple) be planted in a line and equidistant from one another somewhere between the retaining wall and the south property line to provide roosting opportunity, protective cover, and nesting habitat for birds and to compensate for loss of habitat resulting from development of the lot.

9) There was no exterior lighting plan available on rcgov.org. If applicants have expectations of installing perimeter lighting on the east, south, or north faces of the proposed building or area lighting in the uncovered parking area on the north side, I request the Planning Commission to direct applicants to provide lighting fixtures that will be directed downward, motion-detecting, and motion-following so there will not be lights glaring all night through the windows and doors on the west face of my building.

10) I request the Planning Commission to grant me the right to receive and to review and comment upon all versions of and revisions to plot, plan, elevation, landscape, exterior lighting, and drainage drawings and/or schedules prepared during the detailed design phase.

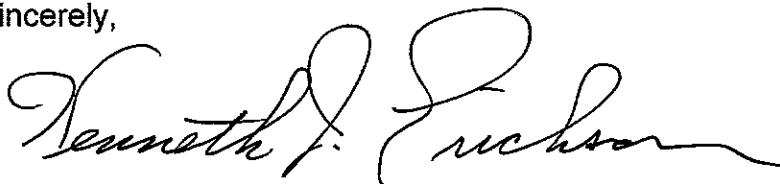
11) Construction.

A) Due to the close proximity of applicants' lot and as all bedrooms of the apartments in my building are on the west side facing applicants' proposed building, I request the Planning Commission to direct applicants to limit construction activities to no earlier than 8:00 a.m. and no later than 5:00 p.m.

B) As the prevailing wind direction places applicants' proposed building upwind from my building, I request the Planning Commission to direct applicants to employ maximum measures for dust and odor control and containment of trash and to police the arroyo and my property twice weekly for any trash or detritus that does escape the construction site.

Mr. Lacock and Ms. Lecy — If you require further discussion or explanations, I will be happy to exchange e-mails or meet with you. It would, however, be unprofessional and inappropriate for me to have direct exchanges or conversations with either of the applicants.

Sincerely,



Kenneth J. Erickson, P.E.  
e-mail: Kenneth\_J\_Erickson@msn.com