



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Community Planning & Development Services

300 Sixth Street

Community Planning & Development Services
Current Planning Division
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: cpweb@rcgov.org

NOTICE OF HEARING FOR APPEAL OF PLANNING COMMISSION DECISION **PLANNED DEVELOPMENT APPLICATION**

This letter notifies you that the Planning Commission's decision concerning the following petition for a Planned Development has been appealed to the Rapid City Council. Appeal of the Planning Commission's decision will be heard by the Rapid City Council on **May 16, 2016 at 6:30 p.m. in the Council Chambers, 300 6th Street, Rapid City, South Dakota.** The Rapid City Council's action on this item is final.

A report and other information related to the application will be available on the City website at www.rcgov.org at the end of the work day on Friday prior to the meeting.

FILE NUMBER:

16PD017

APPLICANT:

Muth Holdings LLC

PREMISES AFFECTED:

Lot 1 of Block 1 of Kateland Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

LOCATION:

In the northwest corner of Haines and Country Road

PURPOSE OF PETITION:

Final Planned Development Overlay to allow an apartment complex

PRESENT ZONING OF PROPERTY:

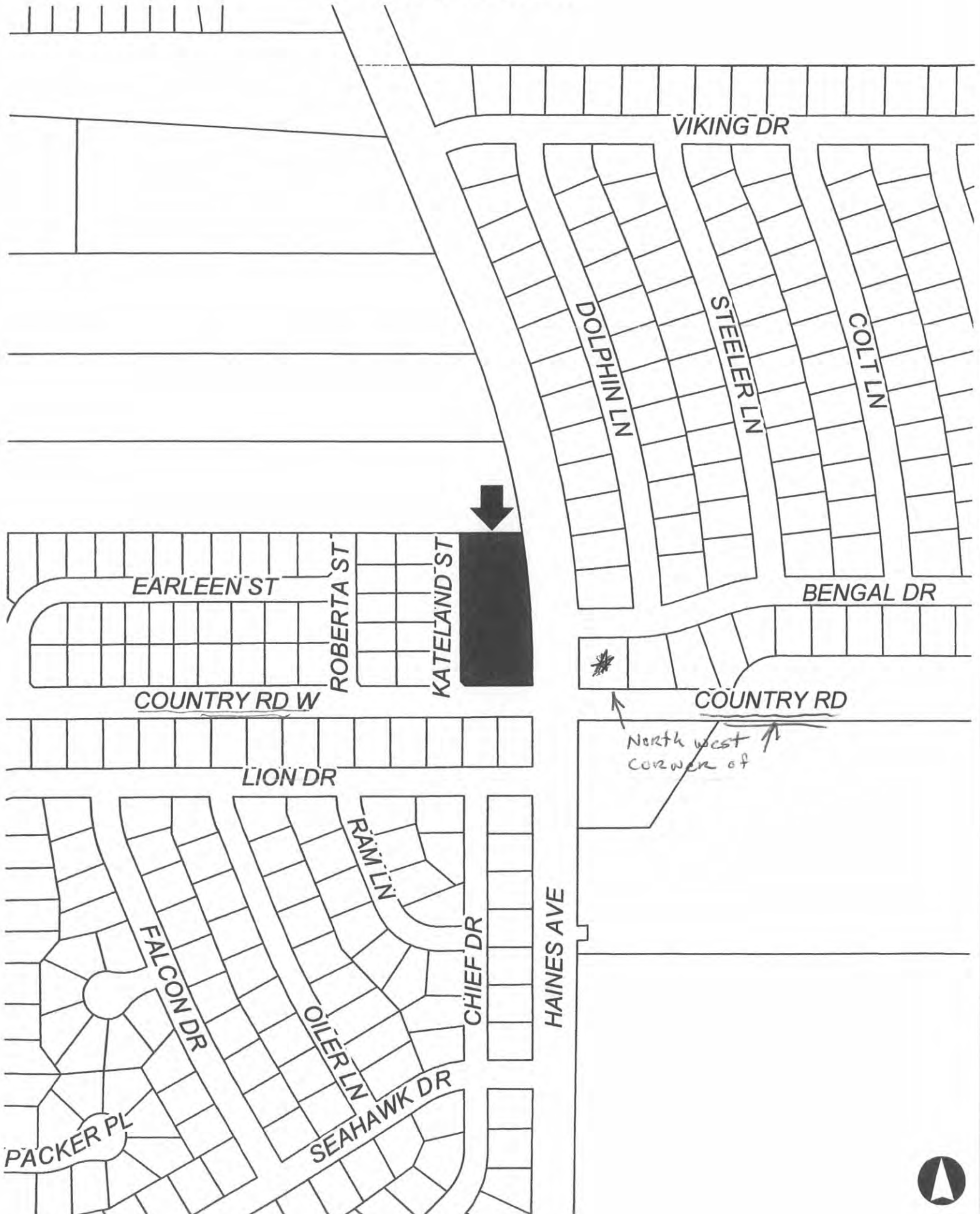
medium Density Residential District

PLANNING COMMISSION DECISION:

Approved w/stips: 4/21/2016



EQUAL OPPORTUNITY EMPLOYER



Rapid City
Agenda Item Summary Home Owner, Resident and Voters Signatures

Agenda Item Ref #: 16PD017 – Kateland Subdivision

Agenda Item Title: 16PD017 – Final Planned Development overlay to allow an apartment complex

Petitioning Group against this Agenda Project: Local Home Owners, Residents and Voters

Mayor of Rapid City & Rapid City Council the following is a list of Local Home Owners, Residents and Voters that are against Agenda Item Title: 16PD017 – Final Planned Development overlay to allow an apartment complex

39

Street & Signature

Street & Signature

Street & Signature

4340 Dolphin Lane 2
 Adam Jensen
 Dolphin St. Juanita Penn
 4405 Dolphin Ln M. Thompson
 Dolphin Ln. [Signature]
 4515 Dolphin Lane [Signature]
 Dolphin Ln. [Signature]
 4530 Viking Drive [Signature]
 Viking [Signature]
 Dolphin Rapid City
 4440 Dolphin Ln. Carter St
 [Signature]
 4312 Kateland St.
 Kateland St. [Signature]
 Kateland - [Signature]
 Kateland - Jason Vandyke
 Kateland - Jake Elsass
 4325 Dolphin Lane Lisa Carsten
 4351 Dolphin Lane Esther [Signature]
 440 Bengal Dr [Signature]
 435 Bengal Dr. [Signature]
 Linda Vermundson [Signature]
 345 Bengal Drive
 Gary Vermundson
 345 Bengal Dr.
 Diane Peterson
 440 Bengal Dr.
 [Signature]
 4410 Dolphin Ln.
 [Signature]
 4425 Dolphin Ln.
 Marsha Sealbait
 4435 Dolphin Lane

Adam Osborn
 4305 Dolphin Ln
 Tim Hardy
 4415 Dolphin.
 Lion Dr [Signature]
 312 Lion Dr [Signature]



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NOTICE OF HEARING FOR A PLANNED DEVELOPMENT APPLICATION

You are notified by this letter that the following petition for a Planned Development will be heard by the Rapid City Planning Commission on **April 21, 2016 at 7:00 a.m. in Council Chambers, 300 6th Street, Rapid City, South Dakota**. The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Community Planning & Development Services Department by close of business on the seventh full calendar day following action by the Planning Commission.

APPLICANT:	Muth Holdings LLC
PREMISES AFFECTED:	Lot 1 of Block 1 of Kateland Subdivision, located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION:	In the northwest corner of Haines and Country Road
PURPOSE OF PETITION:	Final Planned Development Overlay to allow an apartment complex
PRESENT ZONING OF PROPERTY:	medium Density Residential District
FILE NUMBER:	16PD017

Planned Development applications are considered for specific kinds of development at public hearings where questions and concerns by those affected can be heard. To ensure that those in the immediate area of the proposed change are aware of the request, this notice is sent by mail to all adjoining property owners within 250 feet of the property under consideration, inclusive of public right-of-way. While anyone may offer a comment or raise a question at the scheduled public hearing, only those who own adjoining property within 250 feet, inclusive of public right-of-way are sent an official notice of the hearing.

Copies of the plan may be reviewed in the Community Planning & Development Services Department, 300 Sixth Street, Rapid City, South Dakota. A report and other information related to the application will be available on the City website at www.rcgov.org at the end of the work day on Friday prior to the meeting.



EQUAL OPPORTUNITY EMPLOYER

If it is inconvenient for you to appear at the meeting, you may file your comments by letter or by email. Comments should be submitted by noon the day prior to the meeting. In the correspondence give the street address and legal description of your property, and the purpose for which it is now used, and any comments on the Planned Development application. Email may be sent to cpweb@rcgov.org. Letters may be mailed to the Community Planning & Development Services Department, 300 6th Street, Rapid City, SD 57701. You may call 394-4120 if you have questions.

Rapid City
Agenda Item Summary

Agenda Item Ref #: **16PD017 – Kateland Subdivision**

Agenda Item Title:

16PD017 – Final Planned Development Overlay to allow an apartment complex

Origination Group:

Planning Commission

Origination Meeting Date:

04/21/2016

Note: Homeowners within 250 feet of this project were not properly or sufficiently informed of this meeting until 2 days before it was scheduled @ 07:30 am at the Planning Commissions Office VIA letter only a few residents showed and were ignored.

Petitioner:

Muth Holdings LLC

Staff Contact:

Fletcher Lacock, Current Planner III

Location:

In the northwest corner of Haines and Country Road

Note: There is a single residential home located on the corner of Country Road and Bengal and on the South side of Country Road is a corner lot and a pasture.

Location is actually northwest corner of Haines and West Country Road

Agenda Item Summary:

The applicant has submitted a Final Planned Development Overlay to construct an apartment complex consisting of two apartment buildings. In particular, the applicant is proposing to construct 2 three-story apartment structures with a total of 24 rental apartment units. The applicant is also proposing to construct a detached storage structure with 20 storage rooms. The applicant is not requesting any Exceptions from the Zoning Ordinance.

Rapid City
Agenda Item Summary

Agenda Item Ref #: **16PD017 – Kateland Subdivision**

Agenda Item Title: **16PD017 – Final Planned Development overlay to allow an apartment complex**

Petitioning Group against this Agenda Project: **Local Home Owners, Residents and Registered Voters**

Agenda Item Summary of Problems:

Problem 1 – No One is in Charge of, or Managing the city offices of Zoning, Property Tax, Building Permit or Planning Commission offices: The registered voters of our community just discovered that no one is in charge of, or managing city offices such as the Zoning, Property Tax, Building Permit or Planning Commission offices. Apparently they are independent functioning offices that do not speak to, or interact with each other and lack management oversight. This lack of management and non-interaction has created a horrific traffic problem on Haines Avenue from Viking Drive to Seahawk Drive.

Poor Community Planning.
Problem 2 - The everyday drive on Haines Avenue from Viking Drive to Seahawk Drive from 06:00 to 08:00 am & 04:00 to 06:00 pm: This is an extremely challenging, dangerous commute for residents and children both to/from work/school everyday due to traffic congestion.

- a. The everyday drive on Haines Avenue from Viking Drive to Seahawk Drive at the times mentioned above is an extremely challenging, dangerous commute for residents and children both to/from work/school everyday due to traffic congestion.
- b. It is also extremely challenging and dangerous regarding the Rapid City School Busses getting into and out of these residential locations and side-streets to pick up and drop off School Children and for the young adults driving to and from school. The Rapid City offices that approved, allowed to be built the road and street layouts within our neighborhoods did a horrific design layout.

Problem 3 - The proposed Kateland Street Commercial Apartment Complex will have two entry/exit points onto Kateland Street, then into Country Road West directly connecting to the intersection of Haines Avenue & Country Road:

- a. Haines Avenue running North to South encounters in/out access complications at the German Lutheran Church and 30 feet south on Viking Drive then Bengal Drive, then 30 feet South Encounters in/out access to both Country Road and Country Road West then proceeding 30 feet more South you encounter Lion Drive on the West side of Haines Ave. This is the North Haines Avenue Spaghetti Bowl.
- b. When brought up to the Planning Commission the Muth Holding LLC representative and Ward City Council members they proposed a traffic light at Haines, Country Road & Country Road West, stating that this would alleviate the traffic congestion problem. Ladies and Gentlemen this will not resolve any of the problems only further aggravate and agitate the current traffic problems.

Problem 4 - The Community Planning & Development Services & Muth Holdings LLC File Number 16PD017 Location is invalid on the documentation provided to the homeowners located within the proposed Commercial Apartment Complex: The Location states construction location will be **"In the Northwest corner of Haines and Country Road."** Ladies and gentlemen on that North West Corner is a Single Dwelling Residential Home with Bengal Drive in the front, Haines Avenue on the West side and Country Road on the Northwest corner backside? Has the Planning Commission served notice to the residence that their home is soon to be leveled? I have spoken with the homeowner and they are beyond livid and wondering when the Contractor that is currently tearing up Country Road behind and to the South will divert and begin tearing down their home located on the Northwest Corner of Haines and Country Road?

Problem 5 - \$50,000.00 Rapid City paid for a Planning Commission: Apparently the Rapid City Council paid \$50,000.00 for some out of state planning commission 10 years ago to come to Rapid City to study the zoning and building within our neighborhood, this was done without consulting with the residents within this area for any input.

- a. Strange as that may seem the Rapid City Council spent \$50,000.00 for a special commission 10 years ago to come to Rapid City SD and make decisions without having any community involvement and when it did come time to have community involvement the Community Planning & Development Services could not afford commercial letter head or postage of a few hundred dollars to deliver a notice to all the residence within a 4 block radius to inform them of the proposed meeting on 04/21/16 @ 07:00 am. Instead they sent notice just 2 days before it was scheduled to only a handful of homeowners so that everyone missed it due to work and only a handful of people showed.
- b. It was also decided that the Planning Commission and none of the Rapid City Offices would consult with the residence pertaining to the residential development of their neighborhood. We were informed that the Commission decisions that were made over 10 years ago cannot be changed, amended or challenged by any of the voting residents unless we have money to hire a lawyer to challenge the "Good Ole Boys Group" with deep pockets that would outspend us to make money and ruin our neighborhoods.
- c. It was also decided that any commercial apartment complexes, of any height would be built anywhere within the Residential Area from Viking Drive to the North to Haines Avenue to the South where there is nothing but single Family/Residential Homes, of which none are over one and one-half story tall. Note: This is contradictory of what the Rapid City Council paid \$50,000.00 in that Planning Commission Survey.
- d. We were informed that the Good Ole Boy Development Group Muth Holdings LLC wants to build an "Eyesore Commercial Apartment Complex for 24 Commercial Apartment Units, in a one block area, three stories tall smack in the middle of Single Family/Residential Homes."
- e. There are dozens of "Designated Commercial Building Sites/Zones" all over Rapid City but Muth Holdings LLC wants to purchase a Low dollar Single Family Residential Property due to the High dollar designated Commercial sites and build two unsightly three story tall Commercial Apartment Complex buildings in a Single Family Residential Property area to turn a profit. This Commercial Property will be run by an independent Commercial Apartment Rental Agency.
- f. None of the registered voting home owners/residence in our neighborhood asked the Zoning Commission to turn our quiet single family dwelling neighborhood into a Commercial Apartment Complex to turn a profit and we were never informed or consulted when the Rapid City Council paid \$50,000.00, 10 years ago and hired a Commission to look into this zoning and construction.
- g. Most interesting of all is that no one on the Rapid City Council bothered to look at that \$50,000.00 Commissioned Report, or they would have noticed some glaring points of interest. The Commission reported that Rapid City is too busy building helter-skelter and throwing Commercial Buildings into Residential Neighborhoods and not developing in the Inner City vacant lots/holes within and not building or developing Commercial properties or the vacant lots within the Rapid City Limits, which are either designated Family or Commercial zoned.

Problem 6: We were informed that our concerns are invalid and that the Rapid City Council is going to approve the construction of this travesty of an eyesore Commercial Apartment Complex in the middle of our Single Family Residential Property area without regard to us the voting residents and citizens of Rapid City and Pennington County as we do not have the money to fight the "Good Ole Boys Development Club," which builds whenever and where ever they want too.

Problem 7: We were informed that this travesty of a Good Old Boys Development Club Apartment Complex is going to be built and there is nothing any of the registered voters or citizens of Rapid City can do because neither the registered voters/citizens or Rapid City Council have is the money to fight the "Good Ole Boys Development Club."

We were also given the line that this abhorrent construction project will not affect our property or home resale values. Here are our concerns:

- a. The Property Tax Assessment teams will sit in their little offices and automatically raise all the adjacent property taxes because our property tax status will go from a Single Family Residential Dwelling and we are now within Commercial Property Tax Zone.
- b. The resale value and privacy of our Residential Homes will drastically drop and single family home will become valueless due to the unsightly walls of 3story Apartment complexes surrounding us and peering down into our privacy.
- c. As stated before, no one is ensuring that the Zoning Commission is doing their job and keeping Commercial Endeavors out of Residential Zones.
- d. None of the City Council will have to worry because it is not in your backyard and it will not affect your property values or taxes and Rapid City does not have the funds to fight with the "Good Ole Boys Development Club."

Summary: We the Homeowners, Registered Voters and Citizens of North Rapid City do not want any Commercial Apartment Complexes thrown within our Single Family Housing Neighborhood, but we were told that Money Talks and we the citizens walk. When it comes to building, someone needs to take control of the Rapid City Community Offices and make them function, speak/meet with one another and ensure that Rapid City is going in the right direction in accordance with their \$50,000.00 Zoning Commission survey done 10 year ago without citizens input pertaining to residential and commercial development and construction. That report told Rapid City Council to look at all the proposed commercial, residential sites, proposed development sites, and Open holes within Rapid City Limits that are just not being developed. It also stated that Residential is Residential and Commercial is Commercial. Rapid City needs to build within the zones appropriately and fix the empty lot inner-city infrastructure and someone take control and get the building priorities straight.

To the Community Planning & Development Services Department

RECEIVED

MAY 13 2016

Petition to Appeal Planned Development 16PD017

MAYOR'S OFFICE

Petition summary and background	As homeowners in the Kateland Subdivision, we are concerned about the recently approved planned development 16PD017. With only one road leading in and out of the subdivision, we will ALL be affected by the traffic congestion that will be caused by the addition of 24 dwellings all feeding into Kateland Street at the entrance of our subdivision. We are also concerned about the effect this development will have on property values. First impressions of a neighborhood DO MATTER, when it comes to the sale of properties within that neighborhood. Placing this many dwellings and creating this kind of traffic congestion at the very entrance of a neighborhood with only one entrance and outlet, WILL create a negative first impression. These concerns affect more than just the homes within 250 feet of the development. It will affect every home in the subdivision. We stand together AGAINST Planned Development 16PD017.
Action petitioned for	To APPEAL the approval of Planned Development 16PD017

Printed Name	Signature	Address	Comment	Date
James P. Sautter	<i>James P. Sautter</i>	4220 Roberta St,		4/26/16
Peggy Jo Bushilla	<i>Peggy Jo Bushilla</i>	715 Earleen St	traffic, Property Value	5/1/16
Keith Heimericks	<i>Keith Heimericks</i>	732 Earleen St	See Statement above	5/1/16
Natie Boya	<i>Natie Boya</i>	720 Earleen St.	See Statement above	5/1/16
Kenny Dahlberg	<i>Kenny Dahlberg</i>	720 Earleen St	See Statement above	5/1/16
Boya Wick	<i>Boya Wick</i>	708 Earleen St	See Above	5/1/16
Leanne Reindl	<i>Leanne Reindl</i>	657 Earleen St	traffic prop value	5/1/16
Donald Orel	<i>Donald Orel</i>	648 Earleen St	Same as Paragraph above	5/1/16
Keith & Alberta Schulte	<i>Alberta Schulte</i>	713 Earleen St	Property Values Traffic Problems	5/1/16

Printed Name	Signature	Address	Comment	Date
Leslie Töpke	<i>Leslie Töpke</i>	672 Earleen St		5/2/16
Tina Stuen	<i>Tina Stuen</i>	660 Earleen St	and statement added traffic getting on Hains	5/2/16
Carri Redmond	<i>Carri Redmond</i>	624 Earleen St.		5/2/16
Jay B Redmond	<i>Jay B Redmond</i>	628 Earleen		5/2/16
Jenny Adkins	<i>Jenny Adkins</i>	612 Earleen St	devalue of homes!	5/2/16
Seth Adkins	<i>Seth Adkins</i>	612 Earleen St	traffic, child safety	5/2/16
Maynard Flinn	<i>Maynard Flinn</i>	671 Earleen ST	Traffic & devalue	5/2/16
Barbara M Schare	<i>Barbara M Schare</i>	700 Earleen St Unit C	added traffic devalue of homes	5/2/14
PRATT ANSPACH	<i>PRATT ANSPACH</i>	728 Country Rd West	Aginst this Plan	5/2/16
WANDA HANSEN	<i>Wanda Hansen</i>	772 Earleen St Unit D	Traffic, values of home	5/3/16
Jenna Schrock	<i>Jenna Schrock</i>	772 Earleen St Unit F	De Value Homes	5/3/16
Sara Armstrong	<i>Sara Armstrong</i>	772 Earleen St Unit E	traffic, devalue homes	5/3/16
Linda Rosen	<i>Linda Rosen</i>	670 Country Rd W.	Traffic	5-3-16
Kodi Odeary-Curtin	<i>Kodi L. Odeary-Curtin</i>	622 Country Rd. W.	Traffic, devalue of homes	5/3/16
Scott Cook	<i>Scott Cook</i>	4209 Roberta St	Devalue of Homes	5/3/16
Merissa Cook	<i>Merissa Cook</i>	4209 Roberta St	Devalue of Homes	5/3/16

[illegible]

April 25,2016

To: Community Planning and Development Services Department

Re: **Appealing File Number 16PD017/ Kateland Subdivision**

The following is an appeal of the approval by the Planning Commision on April 21, 2016 which would allow 2 apartment complexes to be constructed on the corner of Country Road W. and Haines Avenue.

The existing community consists of single family homes and this proposed plan would not compliment the area in any way. This design consisting of two three-story buildings with a total of 24 units placed in front of the single family homes existing on Kateland St. would be an eyesore by overshadowing the immediate residents, and the neighboring area as well. Also, those of us who have lived here for a number of years do feel as though our sense of security and privacy to which we have been accustomed to would be compromised.

As for the impact this would have regarding traffic, we feel as though by adding that many new occupants to that location, more problems will be created. Trying to get on Haines Avenue from Bengal Drive and Country Road (East) would become more difficult than it already is. As it stands now, drivers are trying to get onto Haines Ave. by way of Bengal Drive, Country Road (E.), Country Road (W.) and Lion Drive all at the same time. These four roads are within feet of each other and there are always near misses as far as accidents are concerned. The morning rush traffic for school and work makes it more difficult for those of us on the east side of Haines. In order to get to places on time, we have to leave a lot earlier than necessary in order to avoid the long line of cars which begins to form from Auburn Hills . School buses have a hard time getting onto Haines whether they are heading north or south. And when wintry weather occurs, trying to get on Haines is a lot riskier. (The traffic concern was also addressed by Steve Rolinger at the meeting held on April 21st .)

As for property values, it was stated that there would be no impact on the assessment value of the immediate existing properties as a result of this project. In regards to the effect on the value of our homes regarding property taxes, I believe that could be true. However, as to resale value there would be a huge impact. Prospective home buyers are looking at certain criteria when choosing a home. The number of bedrooms, bathrooms, size of the kitchen, a garage, yard size, and surrounding area are all factors when looking for a home. No one is looking for a home with an apartment complex as a neighbor. Having these three-story buildings right in front or behind our existing homes will drastically change their resale value. I believe that the current residents, especially those on Kateland Street, would face major losses if and when they should decide to sell their properties.

Several of us in the community have discussed this entire matter with our neighbors, even the ones who did not receive a notice in the mail because of the 250 foot stipulation. I have not found anyone who is in support of this project. We all figured that something would probably be built there some day, but a project of this magnitude and the impact it would have on us is objectionable.

However, we would be more receptive to a project consisting of a row of single family homes similar to the ones that are already on Kateland St. There would be uniformity and it wouldn't take away from the attractiveness that currently exists there.

Thank you in advance for your consideration.

Gene and Lisa Carsten (Homeowners)

4325 Dolphin Lane

Rapid City, SD 57701

Re: No. 16PD017-Kateland Subdivision

April 28, 2016

Dear Community,

There are numerous objections and concerns that many of us have about the possibility of apartments being built.

Many of the streets in our community have already begun to have problems with speeders in and out of our neighborhoods. A large increase of traffic that an apartment complex would bring raises serious safety issues. There simply is not enough room to safely add 24 families daily commute. The congestion on Kateland Street, West Old Country Road, and other small streets in our area will be phenomenal, not to mention very dangerous.

Then there is also a serious safety concern for Kateland Street itself. It is only 5 houses long, and is a dead end street. Again, the addition of 24 families and their vehicles will likely cause many hazards. Street parking will be atrocious, and many people will not be familiar with the fact that Kateland Street is a dead end street. This could result in overcrowded street parking, and accidents caused by people unfamiliar with the neighborhood. And none of the homeowners on Kateland Street want to see their driveway become a turnaround for a large traffic flow.

Most of the residents of our neighborhood have children and grandchildren. We count ourselves lucky that our young ones can roam the area, play together, and not be in undue danger from any overcrowding in such a small area, and the traffic that it will bring. Also, introducing that many more children to the area begs the question of where they will play. The streets surely are not an option, and the influx of a large number of children with nowhere to expel their extra energy is a huge issue in the making. I am sure that we are all able to list many negative outcomes of a problem like that.

I am not willing to lose the beautiful scenery that I enjoy daily to the view of two 3 floor apartment buildings. My neighbors feel the same way. The loss of property value is astonishing, and we will almost certainly see an increase in property taxes. Would anyone on this committee feel positive with a 34% - 48% loss in your property value? Especially a decrease that will be directly linked to someone else's decisions and actions?

The immense increase in trash is also a concern. Where are the trash receptacles going to be placed? How often are they going to be serviced? Our neighborhood is subject to high winds at times. To who will the responsibility of clean up fall?

The initial information that we were given is that these apartments would not be low income housing. Everyone deserves affordable and attractive housing, but I, my husband, and many neighbors did not purchase our homes so that we could be neighbors to apartment buildings.

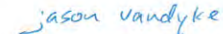
We respectfully request that these issues are taken seriously and another use for the property in question be found.

Here is a list of names that don't agree with the apartment complex



*Diane Kemp

4219 Kateland Street

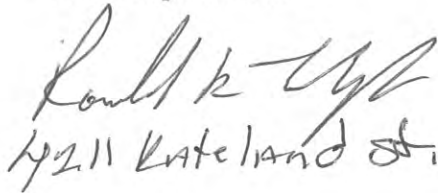


*Jason Vandyke

4303 Kateland Street

*Gene and Lisa Carsten

4325 Dolphin Lane



4211 Kateland St.