

## Village of Rapids City

April 22nd, 2021

### Planning & Zoning Commission Public Hearing

Commission Head Dan Murphy called this Public Hearing to order at 6:00pm.

#### Roll Call:

**Physically Present:** Dan Murphy, Scott Reed, Eric McLaughlin, Julie Wildermuth

**Absent:** Chuck McCoy

#### Others:

**Physically Present:** Kathy Mosley, Greg Mosley, Debra Fulton, Corey Fulton, Bill Mathahs, Caroline Byrne, Jeff McFarland, Diane Raabe, Kathy Sattizahn, Gary Bohms, Mary Beth Eggers, Arthur Eggers, Patty Tillman, Craig Tillman, Chris Tinsman, Claire Bird, Jan Spier, Steve Bird, Scott Tinsman, Dan Adamowich, Kevin Kadlec, Jim Dowsett, Beth Tinsman, Adrian Smith, President Harold Mire Jr., Clerk Housenga

**Virtually Present:** Andrea Anders, Nick Mason, Don & Vickie Pruter, Beth Tinsman, Randy Helms

President Mire thanked everyone in attendance for their interest and for attending the hearing. Clerk Housenga swore in new Commission members Scott Reed and Eric McLaughlin.

Murphy first took up the request from Gary Bohms to build a stand-alone garage on his parcel located at 6 Deer Trail Court. The way Bohms' parcel is situated the proposed garage would not sit on the land within the ordinance designated setbacks. Wildermuth recommended and Reed seconded the recommendation to allowed Bohms to build his garage as designated in the plans presented for this hearing. All Commission members agreed to recommend the Village Board of Trustees to allow the building of Bohms' garage.

Murphy moved the hearing on to introduced Kathy Sattizahn. Sattizahn has requested to rezone her property located at 1814 1<sup>st</sup> Avenue for the purpose of offering a portion of her home as a short-term rental unit. The home is Sattizahn's permanent residence, rentals would not be conducted without her being present. Sattizahn verbally reviewed her intentions for her plans and request to the Commission and attendees. Sattizahn pointed out positives of our community and the offerings of her sharing her property so others can see the value in our town. Sattizahn also noted the added exposure to Rapids City businesses and services. Sattizahn states she had talked to her neighbors and local business of her intention prior to her requesting this hearing and none of them had an issue with her plans. Sattizahn will be calling her rental

Many residents in physical attendance opposed the rezoning request. Some of the residents expressed concerns of added foot and vehicle traffic; vehicle and trailer parking; if additional noise; neighboring property damage; legal and illegal drug and alcohol use; Health Department standards; lowered property values; privacy; spot zoning; unrespectful behavior by tenants; criminal history of renters; future owners of the property not using the same rental standards as Sattizahn. Public safety issues of emergency services ability to respond to an emergency in the proposed area were expressed as emergency vehicles may not be able to pass as additional vehicles maybe parking along the roadside. Greg Mosely explained approached neighbors and other residents within the vicinity of Sattizahn's property seeking their thoughts on her project. Mosely states he submitted a total of 19 written opposition letters to the Village Office. Mosely quoted from the Rapids City Code of Ordinances, "In cases of a written protest to a proposed change in the boundaries of a district signed and acknowledged by the owners of twenty percent (20%) or more of the frontage proposed to be altered or of the frontage immediately adjoining or across an alley or street therefrom or directly opposite the frontage proposed to be altered is filed with the Planning and Zoning Commission, such amendment shall not be passed or become effective except by the favorable vote of two-thirds (2/3) of all the members of the Village Board."

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Legal opinions will be sought and addressed on all concerns mentioned at tonight's hearing will be handled at the Regular Board Meeting to be held on May 11<sup>th</sup>, 2021 when the Village Board will be voting on the matter.

Many residents stated they are not opposed to businesses coming to Rapids City just not in a residential neighborhood.

Mire asked Sattizahn, now that she knows about the opposition to her request if she would want to withdraw her request, in which she did not at this time. Sattizahn invited all in attendance to visit her home so they could see her vision. Sattizahn wants to get along with her neighbors.

Residents in favor of Sattizahn's plan attended the meeting and spoke in favor of the project. Spier noted she thought it was an added plus that Sattizahn will be living at her home while a rental takes place.

Committee Members discussed the plans and clarified ordinances took place between themselves. Reed recommended the Village Board of Trustees deny Sattizahn's request. Wildermuth seconded. All Commission members occurred to deny Sattizahn's request.

With no further matters to conduct by consensus of the Planning and Zoning Committee this April 21<sup>st</sup>, 2021 Public Hearing is adjourn at 7:30pm.

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Village Clerk