

To Whom It May Concern:

We write this to express our outrage, disbelief, anger and disappointment regarding the building project that is in progress on the south side of Winterset Drive between Bendt Dr. and Sheridan Lake Road. This development extends from Catron to Winterset Drive. The plot facing Winterset Dr. is our primary concern as it faces our home at 5261 Winterset Dr.

This plot was originally drawn as a 1 level 3 plex townhome. We felt this was overdone considering the make up of this residential neighborhood.

As we viewed the color photographs on file at C/SAC, our concerns did diminish a bit. A single story would be fine. We still had concerns over the amount of traffic this would create to our single dwelling homes.

When work began we became concerned as it appeared to have 4 double garages and would become a 2 story complex, not the original plan that Yellow Jersey Construction had submitted to the City of Rapid City. We were quite shocked at this development. When we started to investigate we were assured by Travis, that the specifications on the development would allow for the planned one level building. Yet, it is now a 4 plex unit and the total units planned had increased since last checked. No notice had been sent to the area residents of this large change made by the developer Paula Lewis and the Yellow Jersey Construction Company.

When we asked how this would be possible considering four solid garages appeared to fill the lot, Travis was kind enough to do some inquiring for us. He did discover that the plans on file showed a two story building despite the developer having no permission for this type of building. There was a bit of a panic by a group of city workers as the problem had been discovered. We were then told that more investigating would be done and we would be contacted. The following week Travis did call back and said that the developer, Paula Lewis, would be required to redo the process of notifying adjunct landowners to seek major changes to the initial approved plan by planning and zoning.

In trying to understand how the process works, or fails to, we contacted several people and organizations with questions, Most surprisingly when we told people of the identities of the developer and

the construction company the response was, "Oh yea they do that, maybe this time they will have to be held accountable." The feelings we ended up with is that the developer wants to cram as much into the land as possible, regardless of the approved plans. This is truly unacceptable.

A two story 4 plex townhome has never been approved or even considered in the original presentations that we as a neighborhood were given for approval. We can not imagine opening our door every morning to this. We can only imagine the effect it will have on our property value. What other rules, dimensions, set backs, right of way , ect, have been or will be ignored or manipulated to complete the goals of Paula Lewis and the Yellow Jersey Construction Company?

We would like to ask that you as our city leaders change the course of this building project. It is not to late for this to be torn down and done the way it has been approved! We are also urging each of you to please drive by our home to see this development for yourselves. Is this something you would like across the street from your home? We take pride in our home, yard and neighborhood. Please just sit in our driveway and try to imagine how the traffic will flow with the addition of one more unit. We were not sure it would flow well with three units and now there are four.

Thank you for your prompt consideration on this matter. We would greatly appreciate it if you would do the right thing and have this project started over. Started over so it will become a single level 3 plex that had been approved!

Sincerely,
August and Nancy Bakeberg
5261 Winterset Dr.
Rapid City SD
57702

Tegethoff Travis

From: T A Carr [ta_carr@yahoo.com]
Sent: Thursday, August 03, 2006 10:42 AM
To: travis.tegethoff@rcgov.org; Barbara Carr
Subject: 06PD056 major amendment application

Travis,

I just wanted to follow up with a note regarding our phone conversation. Thank you again for taking the time to discuss this matter.

I would like to ask that you count our conversation and this e-mail in your report and recommendation that you have received comments regarding this major amendment application. To reiterate, I am opposed to the two story structures being build (on Winterset) and proposed (next to Princeton Ct.). These were not contemplated on the January 26th approved Final Development Plan. Moving the two story structures (which are going to look awfully small) directly across the street is not in agreement with this final plan nor is it something I want to see directly across from me on Princeton Ct. I was hoping to see the single story townhomes promised in the development plan that was approved as final in January.

Again, thank you for your time and consideration of my thoughts. I hope that you can help find a recommendation that strikes a balance between the builders and existing neighbors. As such, I wouldn't be opposed to locating the two proposed two story structures on the far west end of the property away from the existing residential neighborhood.

Sincerely,

Aaron Carr
2940 Princeton Ct.
Rapid City, SD 57702
721-5789

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Tegethoff Travis

From: kwarrick@blackhillscorp.com
Sent: Thursday, August 03, 2006 11:47 AM
To: travis.tegethoff@rcgov.org; Barbara Carr
Subject: Fw: Neighborhood Issue----Fw: 06PD056 major amendment application

Travis,

I would like to ask that you count this e-mail in your report and recommendation that you have received comments regarding this major amendment application. I am opposed the the two story structures being build (on Winterset) and proposed (next to Princeton Ct.). These were not contemplated on the January 26th approved Final Development Plan. Moving the two story structures (which are going to look awfully small) directly across the street is not in agreement with this final plan nor is it something I want to see directly across from me on Princeton Ct. I was hoping to see the single story townhomes promised in the development plan that was approved as final in January.

Again, thank you for your time and consideration of my thoughts. I hope that you can help find a recomendation that strikes a balance between the builders and existing neighbors. As such, I wouldn't be opposed to locating the two proposed two story structures on the far west end of the property away from the existing residential neighborhood.

Sincerely,

Kreg Warrick

5252 Winterset Dr

Rapid City, SD 57702

06PD056
06PD056

Tegethoff Travis

From: MARK COAD [MARK.COAD@WSFP.US]
Sent: Thursday, August 03, 2006 2:52 PM
To: travis.tegethoff@rcgov.org
Subject: new construction on Winterset Dr., near Princeton Ct. Rapid City.

City of Rapid City planning and Zoning.

Attn: Travis,

We have not meet yet, I am a home owner near the new construction on Winterset Drive in Rapid City. My home address is 2941 Princeton Ct. I am writing to you to express my opposition to the two story four-plex being built near my home. This project was not approved in the January 26th public meeting and should not be proceeding without approval. Why does the City hold public meetings to approve construction projects of this nature and then arbitrarily change what is discussed and agreed to after the public meeting? Please answer this question in an email or in person. I will be happy to meet with you in your office at your convince.

I would further like to point out that the use of this property was the subject of a law suit, settled last year, and subsequently bound by a court order and agreement accepted by the land owners and the city. Please consider carefully the implications for violating the courts direction regarding the use of this land.

This project should not be under construction until all provisions of our neighborhood covenants are meet and city approval is obtained.

Please feel free to call or email back anytime.

I look forward to meeting you,

Mark Coad, &
Sheila Coad
2941 princeton Ct.
Rapid City, SD

H: 605-716-881
W:605-787-6755
C: 605-391-0177

CC: George Nelson, Attorney at law

8/3/2006

Sent: Sunday, August 06, 2006 2:04 PM
Subject: Rezoning of Stoney Creek Subdivision

06PD056

We have recently been informed of the plan to change the zoning for the Stoney Creek Subdivision for the plot of land that is very near our home. We are outraged to hear that this is even being considered. When we purchased our home, it was with the understanding that this space would not have structures such as is now being proposed.

Our neighborhood is filled with single-family dwellings and is one of the nicest neighborhoods in all of Rapid. To allow them to put in structures that are two-story four-plexes does not fit with the “feel” of the neighborhood. We are very worried that they are turning this into something commercial which should remain residential. The original plan does not allow anything bigger than single-level three-plexes.

These developers are thumbing their noses at the City by already erecting a structure that has not been approved to reside on this lot. They are assuming that this is going to go through without even having the approval. Again, this is outrageous. They should be made to start over and build what was approved.

We implore you to teach these people a lesson by denying their request to change the zoning. Do not let these developers dictate what is being put there. Stop them now. Do what is best for the people who already reside in the neighborhood. There is a meeting at 7:00 am with the Planning Commission on August 10, 2006 where the petition to change the zoning will be decided. **Please make sure this does not get approved.** Every person in our neighborhood that we spoke with is vehemently against this.

John and Dawn Huntley
2921 Princeton Ct.
Rapid City, SD 57702
Single-family dwelling
Stoney Creek Subdivision, Lot 10, Block 3

06PDO56

Item #48

Tegethoff Travis

From: Theel [coldou@rap.midco.net]
Sent: Wednesday, August 09, 2006 9:38 PM
To: travis.tegethoff@rcgov.org
Subject: Autumn Hills hearing Thursday AM

I am sending this in regards to the hearing being held by the planning commission tomorrow morning regarding a proposed change in the planned development plan to allow two story townhouses in the new development north and east of the corner of Sheridan Lake Road and Catron blvd.

I am opposed to this change for several reasons:

- 1) The original development plan called for no curb cuts along Winterset Drive which appear to now be added. If you add two story townhomes there we will see twice as many people backing out of driveways onto a busy street.
- 2) The original agreement with the Developer was that the first street south of Winterset on the west side of Catron Blvd would only allow right turns onto Bendt Drive. (There is not a street sign on it yet so I'm not sure what it will be called. Someone indicated Knowledge Lane but it is directly across from Princeton Street). This was agreed upon when the homeowners of Autumn Hills met with Dr Bendt and his Engineers along with Jerry Munson from the City Council and Mel Dryer. this was part of the compromise on establishing the layout for Bendt Drive.
- 3) The traffic cutting through Autumn Hills has really picked up since Bendt Drive was opened. I would like to remind the City that Autumn Hills was designed with narrow streets with no sidewalks or streetlights. Now that there is a lot of traffic cutting through Autumn Hills it is becoming a safety concern for our children.
- 4) Many of the new homeowners surrounding this development bought there homes with the existing palm in place calling for single level construction and now after construction has started the builders want to go up higher. It is also noted that the builders have built the first level without the proper approval to change the approved development plan.
- 5) Please remind the contractors working in this subdivision that it was also agreed upon that the heavy construction equipment including trucks were to enter from Catron Blvd. We have numerous trucks cutting through Autumn Hills yet today and have seen several close calls with small children near the streets as well as the concern that our streets, especially Stoney Creek Drive will be in need of repair soon from all of the heavy equipment traffic.

I apologize for not being able to be in attendance for the Planning Commission hearing tomorrow, but I was called out of town early tomorrow AM.

Respectfully,

Doug Theel
5117 Stoney Creek Drive
Rapid City, SD 57702
348-1409
381-5329 cell

8/10/2006

**TIMELINE OF EVENTS FOR THE STONEY CREEK TOWNHOME
DEVELOPMENT**

Dear Mr. Mayor and Council members:

I am writing today to explain the situation pertaining to the Stoney Creek Town homes. I hope this will illustrate the great effort my partners and I have gone to in order to comply with the city and to build these units within all the required guidelines and codes. It is sad it has to come down to name calling and libel and can't just be a dispute between parties, but unfortunately, that is the way it is. I would welcome any questions anyone has about this situation and thank you all for your time.

July 2005: The neighborhood settles their dispute with Dr Bendt over the use of the land in question and signs an agreement to approve the covenants and forfeit their rights to any further protest. In the judgment, it clearly states that everyone named in the suit who has not spoken has past their time to do so.

Fall of 2005---Lind Exco tears up Winterset Dr and installs new services for a four unit town home as part of the underground work on all the development. The road is closed for a week or so and Simons Contractor's patches the street.

My mother (Paula Lewis) and I go the city prior to the planning commission meeting and talk to Brad and Curt at Building about the fire walls to make sure we don't need to install sprinklers in these units and therefore don't have to add dedicated lines to each unit prior to paving . Holly Brenneise is present at the time and we make sure she overhears them telling us that if we build it as they tell us, then we don't need the lines installed and sprinklers won't be required.

January 26, Planning commission approves PDR with 4-plex on Winterset.

Spring of 2006: City issues permits to add one new water and one new sewer service on Princeton near Bendt Drive and to cap and abandon one of each at the end of Princeton—behind the strip mall on Catron and Sheridan Lake Road. City inspects and then performs the “hot tap” the charged line for the new water themselves as I and my employees watch.

Spring of 2006: My architect , Bob Westlake and I go the city together and show them our plans for the four plex to be built on Winterset to make sure about the fire walls again and their design and once again, talk to Brad and Curt to make sure we are building them to code. They agree we are and we leave.

March or beginning of April 2006: I go in for a building permit and I am told I don't have enough room on this land for a four-plex by Mike Maxwell, former city planner. Mr. Maxwell seemed to not understand that town homes are surveyed after construction and therefore their lot lines could not be exact until that time. After much discussion through Marcia and my mom(Paula) and Bob D. from Growth Management, I have my architect re-draw the site plan showing future lots lines.

I return about a week later and apply for the building permit for the 4-plex on Winterset Dr. only to be told I will need a minor amendment to the PRD to allow a variance from 50ft setback for the first driveway from the radius of the corner to a 40 ft setback. The staff assures me this will be recommended and I can go ahead and install at least a foundation until it is formalized by the planning commission. Instead, I wait until I have the approval from planning (item #7, May 4, 2006, No. 06SE004 Phase 1) before I even begin to dig.

Upon approval, I receive the building permit from the City of Rapid City finally and about the second week of May, I begin digging the 4-plex unit on Winterset Dr..

The city has all the plans of the building and they approved the permit. If you look at all the steps I went through to get the building started, I was hardly hiding what I was building. I fully believed I had and received permission from the city. Furthermore, this project is in full compliance with the Court Order and the Covenants or the fore-mentioned lawsuit. It should also be noted for the record that neither Paula Lewis as an individual or Yellow Jersey Construction are the developers. JCP Land Company is the developer. Paula Lewis will be the Realtor selling the units and Yellow Jersey Construction is building them. Also, I actually live in this neighborhood as does my mother and I have built seven houses in this neighborhood. It is with this background I can assure you the town homes being constructed will be or equal or greater quality than the surrounding homes. Their approximate selling price will be \$195,000 to \$235,000 or more depending interior finish. The split-foyer units are 1166 sq. ft. on there upper level with a total finished square footage of 1816 with two-car garages. The ranch units will exceed 1400 sq. ft. on the main level with unfinished basements of approximate size. These are not low income units but if you look at the area, they are a more affordable alternative for those people who are either downsizing or just don't want the yard work. It should also be noted they will all have sprinkler systems in the front and side yards with rock edges skirting the buildings.

If you have any questions, please call me.

Chad Lewis
605-391-0420
2612 Harvard Ave,

Thank you for your time.