

-----Original Message-----

**From:** trogers@bh-corp.com [mailto:trogers@bh-corp.com]

**Sent:** Tuesday, September 19, 2006 8:40 AM

**To:** Elkins Marcia

**Cc:** Council Group; Green Jason; Rippentrop Kay; Elkins Marcia; mayorinfo@rcgov.org; Johnson Tom

**Subject:** RE: Zoning change

Marcia,

I received your message about a setting a meeting with our association next week at the fire hall. Monday evening would work fine for me.

I would request that the Planning Commission delay or postpone the items of concern for the Thursday morning meeting until all concerned citizens can be notified. I am trying to find out if this is a Walmart project. If it is, people need to be informed and not after City action (Council or Planning Commission) has taken place on a rezoning issue that would pave the way for a store like Walmart to proceed.

I am not against Walmart constructing in Rapid City, but I am against a company constructing in a neighborhood that will devalue property. If this is Walmart and they build at this location, it will devalue property in this neighborhood - there is no question about that. I would request your assistance in finding out if this is a Walmart project prior to the meeting on Thursday morning.

Thanks

Tim Rogers

Dear Sirs,

I am writing to express my concern for the planned rezoning of the land on highway 16. When the zoning was initially done, for limited development, that directed the business operations that are present. They expected and relied on the climate in which to run their operations. To change that now is unfair to the people who make their living on highway 16.

The highway 16 area is also a major residential development region, changing the zoning will hurt this home building future.

We need "store" development in south Rapid City, but to let the major stores determine where that development should be is to pass a responsibility on to those that do not know our community like those of us who live here. You on the council and we who live and work here have a responsibility to develop our community in a positive way and one that will lead to further our excellent home environment. I am proud of our home, but feel this rezoning idea is not the best for our community.

Sincerely,

Gerald Butz phone 341-2252

4844 Enchanted Pines Drive,

Rapid City, S.D. 57701-9235

To: Rapid City Planning Commission

From: Tim Rogers, Resident of Enchanted Hills Subdivision

Subject: (# 06CA025 and 06CA026) Amendment to Comprehensive Plan and Rezoning Request (#06RZ029 and #06RZ030).

Date: September 20, 2006

Dear Commissioners:

I am submitting the following comments for the above mentioned Amendments to the Comprehensive Plan and Rezoning Request Applications. These requests are being submitted on my behalf as a resident of the Enchanted Hills Subdivision.

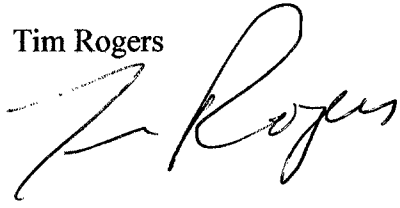
I am requesting that you not consider action on this request, submitted by Site Work Specialist, based upon the following reasons.

1. In the "Description of Request" for 06CA025 and 06CA026 Amendment to Comprehensive Plans, the wording is crossed out and the wording placed in the document is not legible. This is not acceptable because it does not provide the general public the opportunity to figure out what the applicant is requesting.
2. In the Property Owner Section in all four applications, there is incomplete information.
  - a. The property owner is not identified in the applications. The general public was not given the opportunity to know who the landowner is nor given the opportunity to contact the owner to ask their intentions.
  - b. The person signing the document did not print their name as required by the application.
  - c. The person signing the document did not identify their position for Corporations, Partnerships, etc. You cannot determine if this is the landowner or designee. This section has a "\*" stating this is required for a Partnership. The owner of the property is identified as a partnership on the city mapping system.
3. There are four criteria that must be met in order for an amendment (rezoning) to be processed under City Code 17.54.040. There is no discussion in the application on how the proposed zoning changes meet these requirements. City Staff made these assumptions in their staff review based upon information in the application. The application is too vague to reach an assumption or conclusions.
4. Notification: In the Staff review, the applicant had not posted the sign informing the public of the proposed changes. It is questioned on whether the applicant met the notification requirement to post the sign seven days prior to the meeting.

I would request that you deny the applications based upon any or all of these deficiencies.

Sincerely,

Tim Rogers

A handwritten signature in black ink, appearing to read "Tim Rogers". The signature is written in a cursive style with a large, prominent initial "T" and "R".

To: Rapid City Planning Commission

From: Tim Rogers, Resident of Enchanted Hills Subdivision

Subject: (# 06CA025 and 06CA026) Amendment to Comprehensive Plan and Rezoning Request (#06RZ029 and #06RZ030).

Date: September 20, 2006

Dear Commissioners:

I am submitting the following comments regarding the above mentioned Amendments to the Comprehensive Plan and Rezoning Request Applications. These comments are being submitted on my behalf as a resident of the Enchanted Hills Subdivision, which I believe would be negatively impacted by the proposed changes.

According to City Code 17.54.040(D)(1)(a-d ), there are four criteria that need to be met to consider amending zoned areas. I contend that these four criteria are not being met and have outlined my reasoning below.

1. **City code states: “The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in General.”** The staff review indicates that there is not a situation in this area where conditions have substantially changed or will change. I concur. This is the first reason these requests should be denied.
2. **City code mandates: “The proposed zoning is consistent with the intent and purposes of this ordinance.”** The areas in question are currently ravines zoned for office commercial. The ravines are directly adjacent to an area zoned for park/forest. Adjacent to the park/forest land lies a 53-acre forested area containing a stock pond that is owned by the Enchanted Hills subdivision. In order to develop the area in question, much of the ravine would need to be back-filled, causing significant change to the park area. I don’t believe this fits the intent of the Comprehensive plan identified in this ordinance. It appears the intent of the landowner is to increase the total acreage area of land closer to Highway 16 that is already zoned general commercial and sell all the lots as one piece to a large retail business. This would not be acceptable for this area and another reason to deny the application.
3. **City code states: “The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect effects result from such amendment”.** Staff suggests that the 70-foot forest/park area between the Enchanted Hills neighborhood and the area in question serves as an adequate separation between nearby residents and any potential General Commercial business. I disagree. There would be nothing but air and a distance shorter than a

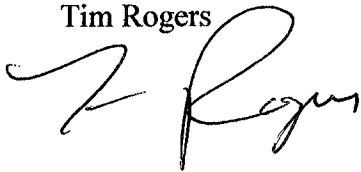
football field separating a General Commercial business and a residential area that has been in existence since 1980. The view of a large commercial development less than 300 feet from many of those homes – with the 24-hour lighting and traffic that goes along with it – would certainly negatively impact the values of those homes and also the quiet quality of life the residents of this area have come to expect. So long as the land in question is zoned Commercial Office, the residents of this area are provided protection against a large General Commercial business locating at this site. This is another reason to deny the request.

4. ***City code states: "The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community plan, and others."*** I do not agree with the staff's assessment that this change would not conflict with elements of the City's development plan, major road plan, and others. If this area is rezoned General Commercial, there will be significant changes to the City's road plan. If the ravine areas are backfilled to accommodate a commercial development, there will be significant sedimentation, storm water and runoff problems in the adjacent 53-acre park/pond area owned by the Enchanted Hills subdivision.

I would request that you deny the applications based upon these reasons.

Sincerely,

Tim Rogers

A handwritten signature in black ink, appearing to read 'Tim Rogers', written in a cursive style.