



CITY OF RAPID CITY

Growth Management Department

300 Sixth Street
Rapid City, South Dakota 57701-5035

RECEIVED

SEP 8 2008

Growth Management Department: 605-394-4120
Community Planning: 605-394-4120
Development Service Center: 605-394-4157

Rapid City Growth
Management Department

fax: 605-394-6636
city web: www.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 **September 15, 2008 at 7:00 p.m. in the Council Chambers, 300 6th Street, Rapid City, South Dakota.** The Rapid City Council's action on this item is final.

FILE NUMBER: 07PD102

APPLICANT: Michael Derby

PREMISES AFFECTED: Lots B thru M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

LOCATION: 2720 Chapel Lane.

PURPOSE OF PETITION: **Planned Commercial Development - Initial Development Plan**

PRESENT ZONING OF PROPERTY: General Commercial District

PLANNING COMMISSION DECISION: Denied the **Planned Commercial Development - Initial Development Plan** at the August 21, 2008 Planning Commission Meeting.

I owned the Canyon Lake Guest Ranch with the flood come thru. - I stood on the road and watched housing float by when the lightning flashed, and wondered how many people were in the floating masses of debris. - Helped evacuate the campground occupants + suffered flood damage in my own units. Much damage came from Red Rock Canyon. - A little reported from I would not want to see any oceanite occupancy in any part of this area. - Can you imagine a 600# propane tank coming thru a bedroom wall or 50 mph?

Jimmy Johnson
9/3/8



07PD102

----- Original message -----

From: [Father Tom & Jody Williams](#)

To: councilgroup@rcgov.org

Date: Saturday, August 30, 2008 2:23 PM

Subject: The Chapel Valley "Resort" Appeal

Dear Mayor Hanks and City Council Members:

The weekly "Rapid City Journal" article published on August 28 reports that our city's fire department head sees no problem in the Chapel Valley "Resort" project rejected by the Planning Commission.

The developer also says that the police department and another emergency department find nothing problematic about the project. The reporter apparently did not see fit to verify what the developer said.

We find those comments irresponsible.

If indeed there are more than 450 residences in Chapel Valley how would everyone ever get out of the area over a single, 3-lane bridge? I looked up and down my street, Copperhill Drive, at noon today. The average number of vehicles per household (cars NOT in garages) is 3. One house has 7 cars parked in the street today AND 2 in the driveway and 2 more in the garage. Given it is not the usual situation to find so many automobiles and trucks per household, we are talking about between 600 and 1,000 vehicles that could be attempting to exit during an emergency of some sort.

Chapel Valley does not need any more construction, whether it's a resort or a condominium or a restaurant or winery. The proposed "resort" is in a flood plain. We find it very interesting that the people paid with our tax dollars (law enforcement, fire and emergency services) are justifying a 3-lane bridge as sufficient to handle a huge number of vehicles in an emergency situation. Even more ludicrous is the comment that not all areas of the proposed "resort" are in the flood plain. Having ANY in a flood plain is a risk!

We reiterate the fact that the lone bridge in and out of Chapel Valley has no weight limit posted. The trucks that would be using that bridge during excavation and construction and maintaining and servicing the "resort" would put a great strain on that bridge structure. And then what happens?

It's sad that the developer has decided to appeal the planning group's decision. He obviously doesn't understand the meaning of "no" that the Chapel Valley residents have voiced quite loudly. And he hasn't heard the reasons for the commission's denial.

We sincerely hope the City Council sees the folly -- and the danger -- in these plans.

Sincerely,
Jody and Tom Williams
4718 Copperhill Drive
Rapid City 57702

07PD102

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

From: "Shirley Frederick" <shirleyf@theriver.com>

To: "Karen Gunderson Olson" <karengo@rap.midco.net>; "Bill OKrepke" <bokrepkie@rap.midco.net>; "Sam Kooiker" <sam.kooiker@rcgov.org>; "Deb Hadcock" <deb.hadcock@rcgov.org>; "Alan Hanks" <hanks@rapidnet.com>; "Malcom Chapman" <malcom@malcomchapman.com>

Sent: Sunday, August 31, 2008 5:46 PM

Subject: Please vote NO

> Dear Mayor Hanks and Council Members,

>

> Mike Derby's proposal to build a resort next to Canyon Lake in Chapel Valley failed on an 8-0 vote in the Planning Commission and has been referred to the City Council for Sept. 15. I urge you to vote no. Here in the Valley we already have major concerns about wildfire and flooding with hundreds of homes and only one exit.

>

> Mr. Derby has suggested there be a second exit, which he does not volunteer to pay for. I've looked into this possibility, and here's what I've learned by hiking every possible route out. Red Rock Canyon Road could connect to Sheridan Lake Road in the Countryside area. This would be a multimillion dollar project. To be floodproof such a road would have to be built on the side of a very deep rugged canyon with a narrow mouth, and much private property would have to be condemned.

>

> There is a road from the Valley to our water tanks just southeast of High Place. This would take people part way out. From the tanks to Canyon Drive is very steep terrain--not even a four wheeler could do it without constructed switchbacks across private property.

>

> There is an old road behind the homes closest to the the southwest part of Canyon Lake. It crosses private property and has been blocked with dirt and debris, presumably to keep four-wheelers out.

>

> There is a driveway from Red Rock Canyon Road to the Loftus residence, which is high above the canyon. A few cars could park on that property, but only Jeep-type four-wheelers could navigate the old road to the west.

>

> The problem with these possible routes is they are all heavily forested.

> None would work if wildfire was approaching from the south or west.

>

> Given the fact that construction of a second exit from Chapel Valley is extremely unlikely, please consider our situation and vote no on Sept. 15.

>

> Shirley Frederick
> 3411 Idlewild Court
> Rapid City SD 57702
> 605-348-0208

07PD102

From: PB [<mailto:plbraun@rushmore.com>]
Sent: Saturday, September 06, 2008 10:23 AM
To: Elkins Marcia
Subject: Chapel Valley

>>>

>>> Greetings, Ms. Elkins,

>>> Once again, please deny Mr. Derby his plan for the massive
>>> Chophouse development. You have heard more than enough of why it is
>>> not a good plan. His lawyer's argument that the area is zoned
>>> commercial and that the RC Fire department give the 'go-ahead'
>>> are lame and irrational. As we watched a hurricane again bear down
>>> on New Orleans, I believe that is a glaring example of why building
>>> should not occur in some areas even if 'modern-day'
>>> departments give their approval. Chapel Valley has one egress.
>>> Chapel Valley should not have such a huge complex.
>>> Thank-you for your time.
>>> Patricia Braun
>>> 3661 Serendipity Lane
>>> Rapid City,SD
>>> 718-3817

07PD102

From: wrasmusson@aol.com

To: CouncilGroup@rcgov.org ; chipandsharon@rushmore.com

Sent: Sunday, September 07, 2008 2:40 PM

Subject: Mike Derby Appeal

September 7, 2008

Dear City Council Member for Rapid City,

We will be out of town on September 15, 2008 therefore we will be unable to attend the City Council meeting. We would very much like to join with those who oppose the development proposed by Mike Derby on Canyon Lake. Chip was able to speak in opposition at the Planning Commission meeting. We have previously committed to travel plans so cannot be part of the group of concerned citizens who live on the other side of the bridge.

Our primary concern is the chaos and gridlock that would result in an emergency evacuation. The potential for loss of life outweighs any financial gains that could be achieved by additional development on Canyon Lake.

Our other concerns are the environmental costs both in regards to the increase in vehicles and the noise level. We have already experienced the traffic congestion due to the increase use of the camping area. This most certainly is a problem for us who live here and drive on this road on a daily basis. The valley has a unique characteristic of voices and motor cycles sounds echoing and carrying throughout the valley. We can hear the train whistles on a quiet night. We cannot imagine what our quality of life will be with the project that Mike Derby is proposing.

We totally agree with the concerns of Chief Hennies for endangering Rapid City Emergency personnel in the future when members of that group paid the ultimate price in the flood of 1972 trying to aid residents of the neighborhood. Please turn down the appeal submitted by Mike Derby.

Thank you

William (Chip) and Sharon Rasmusson

4826 Steamboat Circle, RapidCity, SD 57702

07PD102

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

From: [Bryan Iverson](#)

To: councilgroup@rcgov.org

Sent: Monday, September 08, 2008 4:40 PM

Subject: Resort at the Chophouse

Dear Mayor Hanks & City Council Members,

This is concerning the appeal Mr. Derby is bring before you on Monday, September 15th, 2008. As a resident of Chapel Valley I am opposed to the development of this resort Mr. Derby is planning for many reasons, some of them are as follows:

1. Traffic in and out of Chapel Valley – only a one lane bridge.
2. Safety factor because of only one entrance/exit point. Not only vehicle traffic, but people walking, running & biking enjoying the park & bike path.
3. Canyon Lake Park and the total amount of taxpayer dollars that have been spent to improve this beautiful park to what it is today. Mr. Derby wants to build this monstrosity of a resort on the edge of the park for personal gain.
4. In the past City Leaders have ruled not to support any development that would create additional density in the Chapel Valley area. Mr. Derby's plan calls for 75 units in this resort.
5. The development is in the flood plain.

I attended the Planning Commission meeting were they voted unanimously to not allow this resort, I hope you will do the same on September 15. I appreciate your time.

Thank you,

Bryan Iverson

(605)484-9422 (cell)

bryani@rushmore.com (e-mail)

07PD102

----- Original message -----

From: [Margaret Kean](mailto:Margaret.Kean@rcgov.org)

To: Mayor@rcgov.org; patti.martinson@rcgov.org; sam.kooiker@rcgov.org; karen.olson@rcgov.org; lloyd.lacroix@rcgov.org; malcom.chapman@rcgov.org; ron.weifenback@rcgov.org; deb.hadcock@rcgov.org; bill.okrepkie@rcgov.org; ron.kroeger@rcgov.org

Date: Tuesday, September 09, 2008 8:33 AM

Subject: Canyon Lake Resort

Dear Mayor Hanks and City Council Members,

As a home owner and resident of Chapel Valley for the last 22+ years, I take offense to Mr. Mike Derby's inability to listen to the unanimous decision of the Planning Commission not to allow his Canyon Lake Resort proposal to be built on the shore of Canyon Lake.

The people of Chapel Valley have stated safety, environmental and census reasons not to allow his project to go forward. I moved to and have stayed in Chapel Valley due to limited traffic access, noise control, decreased crime and safety.

I am all for economic development, but not in an already congested area. If Mr. Derby is so set on building a resort, let him do it in his own back yard, not mine.

Margaret "Rosie" Kean
3413 Powderhorn Drive

07PD102

----- Original message -----

From: [Lori Teets](#)

To: councilgroup@rcgov.org

Date: Tuesday, September 09, 2008 10:18 AM

Subject: Resort at the Chophouse

Dear Mayor Hanks & City Council Members:

I am writing to you concerning the appeal Mr. Derby will be bringing before you on Monday, September 15, 2008. As a resident of Chapel Valley, I am opposed to the development of this resort Mr. Derby is planning for many reasons, some of them are as follows:

1. Increased traffic/congestion in and out of Chapel Valley.
2. Safety issues (only one entrance/exit point and increased hazard to people walking, running, and biking the park and bike path).
3. Maintaining the beauty of Canyon Lake Park to which taxpayer dollars have been spent to make the park what it is today.
4. Upholding past City leaders rulings not to support any development that would create additional density in the Chapel Valley area.
5. The development is in a flood plain.

As I'm sure you are aware, the Planning Commission voted unanimously to not allow this resort. I sincerely hope you will do the same on September 15th for the good of the Chapel Valley residents and the people of Rapid City.

Thank you,

Lori Teets

(605) 484-4310 (cell)

lteets@commoncentsstores.com (e-mail)

07PD102

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

From: Father Tom & Jody Williams

To: councilgroup@rcgov.org

Sent: Saturday, August 30, 2008 2:23 PM

Subject: The Chapel Valley "Resort" Appeal

Dear Mayor Hanks and City Council Members:

The weekly "Rapid City Journal" article published on August 28 reports that our city's fire department head sees no problem in the Chapel Valley "Resort" project rejected by the Planning Commission.

The developer also says that the police department and another emergency department find nothing problematic about the project. The reporter apparently did not see fit to verify what the developer said.

We find those comments irresponsible.

If indeed there are more than 450 residences in Chapel Valley how would everyone ever get out of the area over a single, 3-lane bridge? I looked up and down my street, Copperhill Drive, at noon today. The average number of vehicles per household (cars NOT in garages) is 3. One house has 7 cars parked in the street today AND 2 in the driveway and 2 more in the garage. Given it is not the usual situation to find so many automobiles and trucks per household, we are talking about between 600 and 1,000 vehicles that could be attempting to exit during an emergency of some sort.

Chapel Valley does not need any more construction, whether it's a resort or a condominium or a restaurant or winery. The proposed "resort" is in a flood plain. We find it very interesting that the people paid with our tax dollars (law enforcement, fire and emergency services) are justifying a 3-lane bridge as sufficient to handle a huge number of vehicles in an emergency situation. Even more ludicrous is the comment that not all areas of the proposed "resort" are in the flood plain. Having ANY in a flood plain is a risk!

We reiterate the fact that the lone bridge in and out of Chapel Valley has no weight limit posted. The trucks that would be using that bridge during excavation and construction and maintaining and servicing the "resort" would put a great strain on that bridge structure. And then what happens?

It's sad that the developer has decided to appeal the planning group's decision. He obviously doesn't understand the meaning of "no" that the Chapel Valley residents have voiced quite loudly. And he hasn't heard the reasons for the commission's denial.

We sincerely hope the City Council sees the folly -- and the danger -- in these plans.

Sincerely,
Jody and Tom Williams
4718 Copperhill Drive
Rapid City 57702

07PD102

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

From: [Lori Teets](#)

To: councilgroup@rcgov.org

Sent: Tuesday, September 09, 2008 10:20 AM

Subject: Resort at the Chophouse

Dear Mayor Hanks & City Council Members:

I am writing to you concerning the appeal Mr. Derby will be bringing before you on Monday, September 15, 2008. As a resident of Chapel Valley, I am opposed to the development of this resort Mr. Derby is planning for many reasons, some of them are as follows:

1. Increased traffic/congestion in and out of Chapel Valley.
2. Safety issues (only one entrance/exit point and increased hazard to people walking, running, and biking the park and bike path).
3. Maintaining the beauty of Canyon Lake Park to which taxpayer dollars have been spent to make the park what it is today.
4. Upholding past City leaders rulings not to support any development that would create additional density in the Chapel Valley area.
5. The development is in a flood plain.

As I'm sure you are aware, the Planning Commission voted unanimously to not allow this resort. I sincerely hope you will do the same on September 15th for the good of the Chapel Valley residents and the people of Rapid City.

Thank you,

Lori Teets

(605) 484-4310 (cell)

lteets@commoncentsstores.com (e-mail)

07PD102

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

From: "Patricia" <sutliff@rushmore.com>

To: <councilgroup@rcgov.org>

Sent: Tuesday, September 09, 2008 9:08 AM

Subject: Derby Resort Plan

> We have lived in Chapel Valley for 30 years and have VERY strong
> feelings that we SHOULD NOT have a resort constructed at the entrance
> to Chapel Lane at Canyon Lake. There is already a traffic congestion
> problem in this area.

>

> We were here during the Westberry Trails fire. We could not get out
> and many people with children and pets in the valley could not get in
> to rescue them. The fire did not even reach us, imagine the panic
> and pandemonium if it had gotten here. In other words we do not have
> an adequate way for the current residents to leave in an emergency
> let alone a way for emergency personnel to come in and help.

>

> In 1995 there was a large hail storm in this area which blocked the
> bridge leaving residents again stranded in the valley and others
> stranded outside. Needless to say there was a very large traffic jam
> on both sides of the bridge making it difficult if not impossible for
> emergency personnel to gain access.

>

> The bicycle path crosses Chapel Lane in that area and there are
> bikers and hikers of all ages crossing the road.
> With the current situation this is often very dangerous but imagine
> adding resort traffic to the mix. We at least know to watch and be
> careful there, newcomers will not have that knowledge.

>

> Derby's resort sounds like it would be a nice addition to our economy
> but the entrance to Chapel Valley is NOT
> a good place to build it.

>

> Dr. Willis and Pat Sutliff
> 4819 Steamboat Circle
> Rapid City, SD 57702

07PD102

> ----- Original Message -----

> From: lahmj@rush

> more.com>To: pat

> ti.martinson@rcgov.org>Cc: sam.koo

> iker@rcgov.org>Sent: Tuesday, September 09, 2008 8:01 PM

> Subject: The proposed development in Chapel Valley

>

>

> The proposed resort development on Chapel Lane needs to be disapproved.

> This resort is proposed to be constructed in the flood plain. Haven't we already

> lost enough citizens to floods in Rapid City? Why jeopardize the citizens
> of Chapel Valley by adding several hundred other people to that area--not
> to

> mention additional cars, motorhomes and other vehicles? Currently, there
> is only one entrance/exit for Chapel Valley. The Mike Derby Resort is a

> four story impediment in the event of other floods in our area! This

> developemtn needs to be defeated. Thank you for your concern. Joan

> Lahm, resident of Chapel Valley.

07PD102

----- Original message -----

From: Bhtrader@aol.com

To: councilgroup@rcgov.org

Date: Wednesday, September 10, 2008 8:13 AM

Subject: Chapel Valley Resort

Please visit this area and see the foot traffic, children especially. Canyon Lake is a magnet for all citizens of the City. There is always much to see and hear, people relaxing and in the fun mode are not always the most alert state of mind and will not be prepared for the added Car flow. Especially when tourists are watching for street signs and are not familiar with the area, not too mention the fact that Licquor will be a big factor for Drivers leaving the area. Parents let there children run free thinking a Park is a Safe

Environment.

Big Safety Factor . . .(city has already paid damages)

Concerned Citizen Larry McDaniels

07PD102

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

From: [Jane Killinger](#)

To: CouncilGroup@rcgov.org

Cc: mayor@rcgov.org

Sent: Wednesday, September 10, 2008 7:23 PM

Subject: Mike Derby appeal scheduled for 9/15/08

To all City Council Members,

I have been a resident of Chapel Valley for more than 32 years and I am emailing you to express my concern over Mike Derby's proposal to build a large Condo/Convention Center at the entrance to Chapel Valley. This proposed development is in the flood plain and breaks several laws created to protect the people of Rapid City against another tragedy like the one in 1972. In addition there is only one way in and out of Chapel Valley and it is used to capacity during peak hours. In the event of an emergency, this could be catastrophic with the huge addition to traffic Mike Derby's proposal would create.

I am asking you to support the decision of the Planning Commission reached last month and also the decision City leaders ruled several years ago to prevent any additional development that would create additional density in the Chapel Valley area.

Canyon Lake and the surrounding park belong to the citizens of Rapid City and is greatly used. It should not be monopolized for the personal gain of Mike Derby or any other individual since this would greatly decrease the enjoyment of Rapid City residents. There are also environmental issues in addition to water and sewer needs that have not been adequately addressed.

These are just a few of my grave concerns. I am asking you to decide in favor of the best interests of the people of Rapid City and the safety of the people of Chapel Valley.

Thank you for your time.

Sincerely,

E. Jane Killinger

07PD102

From: [Janet Hall](#)

To: mayor@rcgov.org ; patti.martinson@rcgov.org ; ron.weifenbach@rcgov.org ; sam.kooiker@rcgov.org ; deb.hadcock@rcgov.org ; karen.olson@rcgov.org ; bill.okrepkie@rcgov.org ; lloyd.lacroix@rcgov.org ; malcom.chapman@rcgov.org

Sent: Thursday, September 11, 2008 8:09 PM

Subject: Proposed Chapel Valley Hotel/Condo

Dear Mr. Mayor and Council Members:

At the September 15 meeting, Mr. Derby is going to ask you to overrule the decision of the Planning Commission concerning his proposed Hotel/Condo located in Chapel Valley.

As a resident of Chapel Valley for 20 years I am asking you not to overturn this decision.

At the Planning Commission meeting Mr. Hennies talked about his experiences with emergencies in Chapel Valley and the inadvisability of any further development in this area where there is only 1 access road. He mentioned that Mr. Derby did have an evacuation plan approved by the fire department, but it is a minimum plan and it ONLY is for his property. He did not figure in that there would be the residents from over 400 homes also trying to leave by one road taking multiple cars filled with family, pets and possessions.

This single access point can already be crowded on a weekday morning with people driving to school and work. Think how overtaxed the road would be with just the emergency vehicles and fleeing residents. And Mr. Derby wants to add another 80 hotel guests into the equation.

There is talk about a second access point to the valley that could alleviate the congestion. First this access point isn't even on the drawing board. Second the talk is it would be located somewhere in Red Rock Canyon. I ask that you take a drive down Red Rock Canyon which in good weather is a beautiful narrow road lined with high rock walls and trees. Would this be the escape route you would want to take in an emergency? Would you take the chance that the flooding or fire isn't funneling down that canyon. Not to mention that there are residents on this road that will also be trying to escape these disasters.

There is also the concern with the traffic this development would bring. Our children ride their bikes along this area going to the park and school. Families walk along the sidewalks and bike paths. I've seen someone get hit by a car as they were crossing this one access point. If we add more unfamiliar drivers to this area, I'm afraid the bike path crossing and sidewalks will become a more dangerous place and more accidents will occur.

Canyon Lake Park is a jewel for Rapid City residents. Many people enjoy it on a daily basis. It's not that we don't want to share it with visitors but this large development is not keeping with the tranquility of the present park.

Mr. Derby reasoned that many years ago there were plans to build a resort in the same area he wants to develop. If you take a ride on the Rapid City Trolley, the recording talks about this proposed resort back in the early 1900's. It also said that after the lake flooded any talk of development was halted (something that Mr. Derby didn't mention). Flooding has happen before and whether this property is in a 100 or 500 year flood plain doesn't change the fact that floods can happen and this is a low laying area. In 1972 Chapel Valley did have flooding and lives were lost. That's 2 examples of flooding in less than 100 years...who can say when it might happen again. We don't need to add more concrete for the water to rush over, more people to evacuate and more buildings that could be swept downstream endangering more lives.

Mr. Derby has grand ideas and has proposed a beautiful building. But like the Planning Commission decided, this is not the right location for this project. Please let their decision stand and do not overrule it.

The people of Chapel Valley are counting on you to make the right decision and prevent Mr. Derby's project from moving forward.

Thank you,
Janet and Steve Hall