

3208 Kirkwood Drive  
Rapid City, SD 57702

City of Rapid City  
Growth Management Department  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

RECEIVED

JUN 05 2008

Rapid City Growth  
Management Department

Subject: Chop House Motel Expansion

Dear Sirs:

Late last month, our home owner's association had our annual meeting at the Meadowbrook School. At that meeting, I officially became one of the home owners association board members and every since the meeting one of the topics continues to disturb me. Here's the reason why.

We have an eyesore in our homeowner area in the form of our old tennis court that we have tried to deal with for years. Very few people ever use the court and even fewer people want to maintain it. At every association meeting the subject comes up and nothing is ever done about it. Just talk – nothing happens.

The reason that nothing happens is tied to the Rapid City's code or regulation that no future building can be done in Chapel Lane area because there is only a single entry and egress point in this part of town for the hundreds, if not thousands, of vehicles moving over the Chapel Lane bridge over Rapid Creek every day. Therefore it is held that nothing can be done to sell the tennis courts to anyone because no development can be allowed on the existing tennis courts. The issue always boils down to more more parking, more cars and more traffic

across the single bridge over Rapid Creek. The tennis court was built in the 70's with virtually no improvement or usage since.

Several years ago, the taxes on these tennis court lots went from \$600.28 per year in 2002 to \$3508.18 per year in 2006. The reason, as discussed at our meeting, is that they are now listed as "buildable lots" however their status has never changed. They just sit there because of the city's code or regulation mentioned earlier.

Along comes well known developer Mike Derby to our home owner's association meeting on May 22<sup>nd</sup>. We appreciate having him join us to update the group on his plans. After our general meeting, he and his architectural person explain their new motel with the Chophouse Restaurant located at the mouth of the only entry and exit to this entire housing development. This is the very same area where the city has insisted on no development where increased traffic is involved over a single entry or exiting route for vehicular traffic. In this case, it's our single bridge over Rapid Creek.

We briefly discussed finding and adding an additional route into the Chapel Lane/Chapel Valley and High Place housing areas. The Mike Derby development, in and of itself will potentially add hundreds of vehicles and people at the very throat of the current bottle neck.

There is a multitude of potential disasters that present themselves when you consider not being able to get people in or out of our communities. I would love to create a list, but the purpose of this paper is to lay out the circumstances that exist. Please note that the intersection at the north reach of the bridge is not just another street but rather it is a state highway and major artery in and out of Rapid City with a full range of vehicle types and speeds. As John Brewer recently described it, our "world class bike trail" crosses Chapel Lane at the north reach of this bridge. Instead of 40 homes and possibly 100+ people living in our beautiful area of Rapid City, we already have hundreds of homes and

thousands of people and vehicles. We are literally surrounded by forests that are on given years more or less fire hazards. The list goes on.

If the city has been correct in not allowing development in Chapel Lane/ Chapel Valley and High Place, then they should certainly not allow this development by Mike Derby at the very center of the bottle neck.

I would also point out that our run-down tennis court is right next to the route that tour buses and the new trolley go by every day as they take visitors to the Stav Kirk Chapel. I would like to see us be able to do something about this too but the over riding concern here is Public Safety for everyone and especially the thousands of persons who reside in our "box canyon".

Thank you.

Sincerely,  
  
Ron Bunnell

P.S. If there are questions or if I can help in any way, please call me at 355-9730 during the day or 718-0356 in the evenings.

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

**From:** [Jeanette Keck](#)

**To:** [councilgroup@rcgov.org](mailto:councilgroup@rcgov.org)

**Sent:** Thursday, July 03, 2008 7:36 PM

**Subject:** Canyon Lake Resort

I am a resident of Chapel Valley, and I am opposed to the development of a resort next to the Chophouse. I went to a meeting held by Mike Derby and I have been talking to my neighbors. We are concerned about many issues. This would be a huge resort with 80 hotel rooms, a 3500 sq. ft. ballroom, a winery, pool, and 250 parking spaces. This is a huge project to put in a small space in a residential neighborhood. We are also concerned about access, since there is only one way in and out of Chapel Valley. We are concerned about the noise and congestion it would bring to our neighborhood. Sound echoes in our Valley. We are also concerned about environmental issues with many more cars and people using such a small space including the nearby lake and park. We plan to have a large group of supporters at the August 7 Planning Commission meeting to oppose this development. Please call me if you would like to discuss this issue.

Jeanette Keck

341-2443

[readtome49@hotmail.com](mailto:readtome49@hotmail.com)

**From:** Daniel & Michelle Ellenbecker [mailto:[danmich@rushmore.com](mailto:danmich@rushmore.com)]  
**Sent:** Tuesday, July 08, 2008 3:41 PM  
**To:** Elkins Marcia  
**Subject:** Canyon Lake Resort Proposal

Dear Marcia,

I am a resident of Chapel Valley in Rapid City and am greatly concerned about the resort that is being proposed by Mike Derby. My most important concerns are about evacuation of the Valley in the situation of a fire. We in Chapel Valley are in a very unique situation in that we have only one way out of our development. Granted we now have a three lane bridge but, currently even this would not be adequate to evacuate home owners in the Valley. Now Mr. Derby has proposed an 80 room resort at the entrance to Chapel Valley. He stated that he could evacuate his guests in 15 minutes!! Any one who has been through an evacuation situation knows that this is a very ill informed estimate. Take a look at West Trails, the Valley and the Wildwood evacuation situations. The Valley and Westberry Trails people had only one way out and only 20 minutes to gather their possessions and leave. Granted these are areas that are not within the Rapid City district, but can we not learn from these examples of evacuating developments with one or two accesses. As it stands very few of us will be able to get over the bridge even without an additional 160 tourists staying at the proposed resort. We need to consider the 500 year flood plan as well. My question is, how can Mr. Derby put tourist's safety above the safety of the families, homes and cars of the individuals who won property in the Valley?! It also concerns me that his proposal for selling these units as condos has not been passed by the realty commission of South Dakota. Please also note that Mike Derby does not live in the Valley and has no obvious understanding of what is at stake to the current home owners here. He may lose a heavily insured structure, we would lose more monetarily than many of us could makeup for in the remainder of our lives. I know that there is a governance against building another single family home in the Valley due to fire and evacuation concerns from the past and that Mike can request an 80 room resort structure because he can maneuver this under the commercial codes. This is not a situation of imminent domain, where we must make decisions based on the best for the majority. This indeed is not the best for the majority of Chapel Valley residents and therefore I stand against Mike Derby's Resort proposal.

Marcia, I entrust you to take my concerns forward to the city commission meeting on August 7, 2008. If you need further clarifications on my stance, please free to call me at 341-6221 or a-mail me at [danmich@rushmore.com](mailto:danmich@rushmore.com)

Sincerely,

Michelle Ellenbecker

**From:** j jackson [mailto:[jjacksonshs@yahoo.com](mailto:jjacksonshs@yahoo.com)]  
**Sent:** Wednesday, July 09, 2008 5:03 PM  
**To:** Elkins Marcia  
**Subject:** proposed hotel on canyon lake

Planning Commission Member,

I am writing in regard to Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, and additional restaurant. This proposed expansion of the existing facility has many Chapel Valley residents concerned.

As you may know, there is only one entrance to Chapel Valley. In case of fire, flooding, or other emergency, there is a strong possibility of a bottleneck at the entrance/exit. Not only will the Chapel Valley residents have difficulty leaving the Valley, but emergency personnel will also have difficulty entering the Valley. Mr. Derby's planned expansion would greatly aggravate an already potentially dangerous situation.

Another concern is the noise factor. By virtue of the fact that Chapel Valley is indeed a valley, sound is greatly amplified and is carried quite some distance. With the possibility of many hundreds of people occupying Mr Derby's facility at any one time, this is a great concern. Mr. Derby indicated at a meeting with the Chapel Valley residents that a group of possible owners of his condo/hotel units would be members of the Harley Owners Group (HOG). Again, the potential for noise pollution from hundreds of motorcycles is not pleasant to consider.

It is the current policy of the City of Rapid City to not allow any additional houses to be built in Chapel Valley because it is considered to be at its maximum capacity due to the one entrance/exit to Chapel Valley. I understand that Mr. Derby's project falls under other constraints/restrictions because supposedly his condos will not be permanent residences. To me this is just sidestepping the intent of the current city policy. The intent of the policy is to protect the current homeowners from possible danger if an emergency were to occur. Certainly adding a winery, restaurant, banquet facility and 80-unit condo/hotel will endanger the homeowners if there were to be an emergency. If there were 500 people at Mr. Derby's facility, I'm sure they would be able to exit Chapel Valley because they will be close to the bridge, but what about the other residents of Chapel Valley?

Many homeowners have settled in Chapel Valley because of the quality of life that is offered here. It is essentially a quiet, peaceful, safe place to live and raise children. That quality of life could be at risk if Mr. Derby's project is allowed to proceed as planned.

For these reasons I am opposed to Mr. Derby's project and would appreciate your consideration of his plan when it is presented to the planning commission. If you have any questions please feel free to contact me. My phone number is 718-5936 and my email address is [jjacksonshs@yahoo.com](mailto:jjacksonshs@yahoo.com).

Thank you.  
Julie Jackson

07PD102

**From:** PB [mailto:plbraun@rushmore.com]  
**Sent:** Friday, July 11, 2008 2:34 PM  
**To:** Elkins Marcia  
**Subject:** chapel lane development

Dear Ms. Elkins,

Thanks for your time.

There is a large development being considered by Mr. Derby at Chapel Lane Chophouse area.

The plan looks gorgeous but..... being a resident of Chapel Valley, I have serious concerns over the area tolerating any more activity over THE ONLY EGRESS for several hundred homes/families. We are in need of another way out of Chapel Valley, we do not need to add to the stress of the area.

Being a resident of Chapel Valley Association, the Association has holdings on pieces of property in the area. The 'tennis courts' (owned by Chapel Valley Assoc.) are an underutilized eyesore, the Association wants to tear it down and sell the property for one, maybe two home sights. We are taxed as if it is useable land but we CANNOT proceed as there is a building restriction for the area--no more residential building is being allowed in Chapel Valley.

Now we come to Mr Derby wishing to develop his property further (as does the Association want to develop it's property). The plan for such a huge project that will accommodate possibly hundreds of people is way beyond what the area and the floodplain can or should tolerate. He has requested 'time share' areas within his resort. Adding time shares, at the very least, should be totally denied as 'time share holders' are "residents" /renters by any definition and should not be allowed. The Chapel Lane Association is denied new "residents", the plan of 'time share' should be denied as well. Look to progress but please consider an egress for Chapel Lane BEFORE allowing any further progression on a project of this magnitude.

Thank-you, again,  
Patricia Braun  
3661 Serendipity Lane  
Rapid City, SD  
718-3817

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

From: Shirley Frederick [<mailto:shirleyf@theriver.com>]

Sent: Tuesday, July 15, 2008 10:52 AM

To: Council Group; [planning.commission@rcgov.org](mailto:planning.commission@rcgov.org); Hanks Alan

Cc: Elkins Marcia

Subject: Proposed resort on Canyon Lake

Dear Mayor Hanks, City Council members, and Planning Commission,

I'm writing to you about Mike Derby's resort on Canyon Lake in the hope of expanding your thinking about this proposal.

I was here during the 1972 flood, and here's my recollection of post-flood activities: Federal disaster relief poured into the city, and much of it was used by the city to buy private property located in the flood plain, create floodway parkland through the city, rebuild Canyon Lake, and rebuild the bridges so they could handle the water and debris of a major flood. There was an agreement between the federal government and the people of Rapid City that the federal dollars would be spent to protect people and property from future floods.

Rapid City has not kept this agreement. One by one structures have been built in the floodplain: Central High School, the Civic Center, the Journey Museum, the City-School Admin building, businesses along Omaha Street. The argument was that it's okay to build structures in the floodplain as long as no one spends the night in any of them. This ignores the facts that flash floods can occur during the day and that it's debris, not water, that does most of the damage.

Now we have a proposal to build a resort in the floodplain. The land occupied by the Chop House can't be more than five feet above the level of Canyon Lake, and that's where the proposed resort will go. And people will be staying overnight. Yet the little church across the street from the Chop House, on land several feet higher, cannot be sold because it is in the floodplain.

Here's my concern. If this resort proposal is approved, I and other city residents will conclude that if you have enough money, know the right people, and understand the system, you can violate past agreements and circumvent city ordinances without penalty. Many people already believe this. And this lack of trust in government leads to a me-first attitude, cynicism, non-cooperation, and crime. It's a slippery slope we need not go down.

When this proposal comes to you for approval later this summer, I urge you act in the longterm best interests of all the people and vote no.

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



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

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

To: <councilgroup@rcgov.org>

Sent: Wednesday, July 16, 2008 9:18 PM

Subject: Derby's Condo Convention Center

> We want to express our strong feelings that Chapel Lane is not a good  
> place for a Condo Convention Center.

> We have lived in Chapel Valley for 30 years and watched the area  
> grow. There is only one access to this large population base, the  
> bridge over Rapid Creek, and adding a large convention center right  
> at the bridge is very dangerous. We lived here during the Westberry  
> fire and it was nearly impossible to get the population out then.  
> The population has increased considerably and in an emergency it will  
> be very difficult to get everyone out let alone firemen or emergency  
> people in. This is just the way things are now without a big  
> convention center at the bottleneck spot.

>

> We strongly resent being told that the meeting scheduled for July  
> 10th (which we had planned to attend) was cancelled and postponed  
> until August 7th. This information was posted on a notice across  
> from the Chop House and distributed through out Chapel Valley  
> causing Chapel Valley residents to miss their opportunity to voice  
> their objections to this development.

>

> Willis C. Sutliff, MD and Pat Sutliff

07PD102

**From:** "Shell O./Pat B." <[faxmam@rushmore.com](mailto:faxmam@rushmore.com)>  
**Date:** July 22, 2008 6:59:36 PM MDT  
**To:** Hanks Alan <[mayor@rcgov.org](mailto:mayor@rcgov.org)>  
**Cc:** [patti.martinson@rcgov.org](mailto:patti.martinson@rcgov.org)  
**Subject:** Extension of Canyon Lake Chop house

To whom it may concern,

I am writing in regards to the proposed addition/extension of the current Canyon Lake Chop House. This expansion is of grave concern to me, as I am a resident of Chapel Valley. I have attended several of the Chapel Valley Association meetings and inevitably the topic of not being granted permission to build anything further and another exit from Chapel Valley are topics each time. Inevitably, nothing is ever done about either. You can imagine my interest when Mr Derby presented his proposal at the last association meeting.

My comment to him at that time, and my biggest concern yet, is another exit from the valley. I feel that the project Mr Derby is proposing is of a magnitude that the second and or third exit out needs to be addressed before anything else can or should be considered.

The issue of condo/time share is of interest also. They would have to be considered residents as well. Whatever hotel,condo,time share renters are called, they are persons who could potentially need to get "over the bridge" in a hurry for whatever reason. There are over 400 homes in Chapel Valley.....For the above mentioned reasons, I am opposed to Mr Derby's project and would appreciate your serious consideration when presented.

Sincerely,  
Michelle K. O'Toole  
3661 Serendipity Lane  
Chapel Valley

07PD102

**From:** K. Boyle [mailto:boysteamboat@rushmore.com]  
**Sent:** Fri 7/18/2008 7:32 PM  
**To:** Waltman Karen  
**Subject:** Hotel at the Chop House Area

Dear Karen,

I am unsure if you received our letter to you asking for your help in voting against the building of a hotel at the chop house area. We have been residents of Chapel Valley for the past 12 years. We are concerned with the safety of our family, friends and neighbors. We have one entrance/exit to this development. By adding additional people and personel to this mix is diseasterous. We will all be at risk for not being able to evacuate.

I do recall a few years ago, someone requested purchasing the tennis courts in Chapel Lane to build possibly (2) houses or a small multi level dwelling and they were declined by the planning committee due to the existing entrance/exit. I am concerned that Mr. Derby is on this committee as well and shows a definite conflict of interest.

As you know we support small business, however not when it affects the safety of the current residents.

Please call me if you have any questions. My home phone number is 388-8249.

Respectfully,

James and Kathy Boyle

**From:** RICHARD [mailto:rtupper@rushmore.com]  
**Sent:** Thu 7/24/2008 7:25 AM  
**To:** Waltman Karen  
**Subject:** CANYON LAKE -- HOTEL PROJECT

I'm writing in regard to Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, additional restaurant, and 250-space parking lot. This proposed expansion on the existing Chophouse has many residents concerned. The following is a recap of some of their/my concerns:

a) Safety..one access to Chapel Valley...the 40 unit rule for the maximum dwelling units with one access was adopted by the City Council in August 2000. The International Fire Code (section D107) recommends a second access with more than 30 dwelling units. Chapel Valley now has over 450 homes. This does not include the homes on Red Rock Canyon Drive beyond Chapel Valley. You do not need to be a "Rocket Engineer" to know we have far exceeded the maximum safety limit and that any additional units...residential or commercial...exceeds the safety limit established by the International Fire Code and the Rapid City Council. Residents of Chapel Valley remember a flood as recently as ten (+/-) years ago that closed all access to the area.

b) The proposed resort complex would be located in the floodplain. Building in a floodplain is admitting to creating a problem for tomorrow and/or sometime in the future.

c) This project is located at the most well-used lake and park in the City. The lake front belongs to all Rapid City citizens not one developer. Currently, the portion of the lake in front of the Chophouse is seldom used by residents who are unsure of its ownership. The entire lake front should be open for use by all citizens and not marketed by one developer as his resort and lake.

d) Many homeowners have settled in Chapel Valley because of the quality of life that is offered here. Chapel Valley is one of the best neighborhoods in Rapid City, home to a large number of teachers and leaders in our community. It is a beautiful place to live and raise children.

It is a shame that one developer is attempting to ruin the safety and quality of life of many, for his own gain.

In the interest of Rapid City, and the safety of Chapel Valley residents, please vote against this project.

RICHARD AND JACKIE TUPPER  
4917 STEAMBOAT CIRCLE  
RAPID CITY, SD 57702

07PD102

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

**From:** [Randall & Heather Benson](#)

**To:** [councilgroup@rcgov.org](mailto:councilgroup@rcgov.org)

**Date:** Thursday, July 31, 2008 3:21 PM

**Subject:** chapel valley neighborhood

Dear City Council,

We are very concerned about the development being considered at the Canyon Lake Resort/Chophouse. Please do not allow any additional housing/hotel development here. In the event an evacuation were necessary there is only the one entrance in and out. We would like to see the area preserved responsibly by the council as the asset it is. More over night accomodations in this area does not appear proper being in the flood plain and would be irresponsible. Could it be that you are also considering a TIF to this developer?! With the school districts having the problems with funding you have to require these developers to pay their own way and help the cash flow to our schools. Our kids have to come first.

Thank you,

Randall and Heather Benson

3304 Snowmass Court

Rapid City, SD 57702

**From:** PB [mailto:plbraun@rushmore.com]  
**Sent:** Tue 7/22/2008 1:11 PM  
**To:** Waltman Karen  
**Subject:** chapel lane development

Dear Ms. Waltman,

Thanks for your time.

There is a large development being considered by Mr. Derby at Chapel Lane Chophouse area.

The plan looks gorgeous but..... being a resident of Chapel Valley, I have serious concerns over the area tolerating any more activity over THE ONLY EGRESS for several hundred homes/families. We are in need of another way out of Chapel Valley, we do not need to add to the stress of the area.

Being a resident of Chapel Valley Association, the Association has holdings on pieces of property in the area. The 'tennis courts' (owned by Chapel Valley Assoc.) are an underutilized eyesore, the Association wants to tear it down and sell the property for one, maybe two home sights. We are taxed as if it is useable land but we CANNOT proceed as there is a building restriction for the area--no more residential building is being allowed in Chapel Valley.

Now we come to Mr Derby wishing to develop his property further (as does the Association want to develop it's property). The plan for such a huge project that will accommodate possibly hundreds of people is way beyond what the area and the floodplain can or should tolerate. He has requested 'time share' areas within his resort. Adding time shares, at the very least, should be totally denied as 'time share holders' are "residents" /renters by any definition and should not be allowed. The Chapel Lane Association is denied new "residents", the plan of 'time share' should be denied as well.

Look to progress but please consider an egress for Chapel Lane BEFORE allowing any further progression on a project of this magnitude.

Thank-you, again,  
Patricia Braun  
3661 Serendipity Lane  
Rapid City, SD  
718-3817

Dear Mayor Hanks, City Council Members, and Planning Commission Members,

I am writing in regard to Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, additional restaurant, and 250-space parking lot. This proposed expansion of the existing Chophouse has many residents concerned.

As you may know, there is only one entrance/exit to Chapel Valley. In case of fire, flooding, or other emergency, there is a strong possibility of traffic congestion at this entrance. Not only will the Chapel Valley residents have difficulty leaving the Valley, but emergency personnel will also have difficulty entering the Valley. This Valley has been evacuated in the past because of fire, and a recent flood approximately 10 years ago closed the bridge when the road was several feet under water. Mr. Derby's planned expansion would greatly aggravate an already dangerous situation.

It is the current policy of the City of Rapid City not to allow any additional houses to be built in Chapel Valley because it is considered to be at its maximum capacity. In fact, recently a proposal to add two more houses on currently undeveloped home sites in the Valley was rejected by the City due to the 40-unit rule. Mr. Derby's condo/hotel may not be considered housing, but it violates the intent of the law which is to protect the current 450 homes and their occupants in the event of an emergency.

Another concern is the fact that this project is located at the most well-used lake and park in the City. The lake front does not belong to Mike Derby; it is provided by the taxpayers. We pay for this lake and should have access to all of it. Currently, the portion of the lake in front of the Chophouse is seldom used by residents who are unsure of its ownership. The entire lakefront should be open for use by the citizens and not marketed by Mr. Derby as his resort on the lake.

This proposed resort would be located in the floodplain. This property is a few feet above Rapid Creek and has flooded many times in the recent past. The argument has been that it is okay to build structures in the floodplain as long as no one spends the night in any of them. Of course people will be spending the night at the condo/hotel. Also, flash floods can occur during the day and it is debris, not water that does most of the damage.

Another concern is the noise factor. By virtue of the fact that Chapel Valley is indeed a valley, sound is greatly amplified and is carried long distances. With the possibility of many hundreds of people occupying Mr. Derby's facility at any one time, this is a great concern to the residents of Chapel Valley as well as citizens using the park and the residents of the homes located above and around the lake. This would be a concern at all times of the year, but would intensify during the weeks of the Sturgis Motorcycle Rally.

Many homeowners have settled in Chapel Valley because of the quality of life that is offered here. Chapel Valley is one of the best neighborhoods in Rapid City, home to a large number of teachers and leaders in our community. It is a beautiful place to live and raise children. It is a shame that one developer is attempting to ruin our quality of life for his own gain. For these reasons I am opposed to Mr. Derby's project and would appreciate your serious consideration of his plan when it is presented.

Sincerely,

*Joan & Frank Lahm*

RECEIVED

AUG 14 2008

Rapid City Growth  
Management Department



07PD102

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

From: <tferdinand@rushmore.com>  
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.weifenbach@rcgov.org>; <deb.hadcock@rcgov.org>;  
<bill.okrepkie@rcgov.org>; <ron.kroeger@rcgov.org>;  
<bob.hurlbut@rcgov.org>; <gary.brown@rcgov.org>;  
<tom.hennies@rcgov.org>; <mike.derby@rcgov.org>;  
<steve.rollinger@rcgov.org>; <andy.scull@rcgov.org>;  
<patti.marchand@rcgov.org>; <dinnis.landguth@rcgov.org>;  
<pete.anderson@rcgov.org>; <john.brewer@rcgov.org>;  
<karen.waltman@rcgov.org>; <julie.gregg@rcgov.org>;  
<frank.etter@rcgov.org>  
Sent: Sunday, August 03, 2008 2:08 PM  
Subject: Chopehouse addition proposal

I as a resident of Chapel Valley for the past 17 years have some concerns regarding the proposed large Convention center/condominiums of the Chophouse. My major concern is one of safety. Having only one entrance and exit what happens when we all need to be evacuated? I am of the understanding that it is the current policy of the City of Rapid City not to allow any additional houses to be built in Chapel Valley because it is considered to be at its maximum capacity. I believe, recently a proposal to add two more houses on currently undeveloped home sites in the Valley was rejected by the City due to the 40-unit rule. Would not this proposal violate the intent of this law?

Is this proposed development in the flood plain?

I love having access to the bike path for walking and biking for myself and my children. I am concerned about the environmental impact of such a large venue on such a small site ie, increased vehicles, utility needs, and people.

I see several red flages regarding the proposed project. I hope that you will give careful consideration to the thoughts and voices of the residents of Chapel Valley. We like where we live and the quality of life we have. I would be happy to visit with you about any questions/concerns you have.  
Please don't hesitate to email or call.

Sincerely,  
Theresa Ferdinand

Dear Mayor Hanks, City Council Members, and Planning Commission Members,

I am writing in regard to Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, additional restaurant, and 250-space parking lot. This proposed expansion of the existing Chophouse has many residents concerned.

As you may know, there is only one entrance/exit to Chapel Valley. In case of fire, flooding, or other emergency, there is a strong possibility of traffic congestion at this entrance. Not only will the Chapel Valley residents have difficulty leaving the Valley, but emergency personnel will also have difficulty entering the Valley. This Valley has been evacuated in the past because of fire, and a recent flood approximately 10 years ago closed the bridge when the road was several feet under water. Mr. Derby's planned expansion would greatly aggravate an already dangerous situation.

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Sincerely,

*Joan & Frank Laahn*

**RECEIVED**

AUG 4 2008

Rapid City Growth  
Management Department

07PD102

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

**From:** [Hladysz, Zbigniew J. \(Ziggy\)](mailto:Hladysz,Zbigniew.J.(Ziggy)@rcgov.org)

**To:** [mayor@rcgov.org](mailto:mayor@rcgov.org)

**Cc:** [patti.martinson@rcgov.org](mailto:patti.martinson@rcgov.org) ; [sam.kooiker@rcgov.org](mailto:sam.kooiker@rcgov.org) ; [karen.olson@rcgov.org](mailto:karen.olson@rcgov.org) ;  
[lloyd.lacroix@rcgov.org](mailto:lloyd.lacroix@rcgov.org) ; [malcom.chapman@rcgov.org](mailto:malcom.chapman@rcgov.org) ; [ron.weifenbach@rcgov.org](mailto:ron.weifenbach@rcgov.org) ;  
[deb.hadcock@rcgov.org](mailto:deb.hadcock@rcgov.org) ; [bill.okrepkie@rcgov.org](mailto:bill.okrepkie@rcgov.org) ; [ron.kroeger@rcgov.org](mailto:ron.kroeger@rcgov.org) ;  
[bob.hurlbut@rcgov.org](mailto:bob.hurlbut@rcgov.org)

**Sent:** Monday, August 04, 2008 3:49 PM

**Subject:** Resort at Canyon Lake

Dear Mr. Hanks and Rapid City Council Members,

I am writing in regard to the expansion project in the Canyon Lake area in Rapid City. I am very concerned about this project. Please see the attached document.

*Zbigniew J. Hladysz, Ph.D.*

*Professor*

.....  
*South Dakota School of Mines and Technology*  
*Department of Mining Engineering and Management*  
.....

*Ph: 605.394.1971*

[Zbigniew.Hladysz@sdsmt.edu](mailto:Zbigniew.Hladysz@sdsmt.edu)

Zbigniew J. Hladysz, Ph.D.

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Professor, South Dakota School of Mines and Technology  
Department of Mining Engineering and Management  
Zbigniew.Hladysz@sdsmt.edu

4801 Powderhorn Dr., Rapid City, SD 57702, (605) 718-5719

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August 4, 2008

Dear Mr. Hanks and Rapid City Council Members,

I am writing in regard to Mr. Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, additional restaurant, and 250-space parking lot. I am very concerned about this proposed expansion of the existing Chophouse facilities.

**This expansion project disregards and violates modern risk management principles and, if implemented, may jeopardize the safety of Chapel Valley residents.**

As you may know, there is only one entrance/exit to Chapel Valley. In case of fire, flooding, or other emergency, there is a strong possibility of traffic congestion at this entrance. Not only will the Chapel Valley residents have difficulty leaving the Valley, but emergency personnel will also have difficulty entering the Valley. This Valley has been evacuated in the past because of fire, and a recent flood approximately 10 years ago closed the bridge when the road was several feet under water. Mr. Derby's planned expansion would greatly aggravate an already dangerous situation.

As far as I know it is the current policy of the City of Rapid City not to allow any additional houses to be built in Chapel Valley because it is considered to be at its maximum capacity. In fact, recently a proposal to add two more houses on currently undeveloped home sites in the Valley was rejected by the City due to the 40-unit rule. The proposed condo/hotel may not be considered housing, but it violates the intent of the law which is to protect the current 450 homes and their occupants in the event of an emergency.

Another concern is the fact that this project is located at the most well-used lake and park in the City. We pay for this lake and should have access to all of it. Currently, the portion of the lake in front of the Chophouse is seldom used by residents who are unsure of its ownership. The entire lakefront should be open for use by the citizens and not designated as a resort on the lake.

This proposed resort would be located in the floodplain. This property is a few feet above Rapid Creek and has flooded many times in the recent past. The argument has been that it is okay to build structures in the floodplain as long as no one spends the night in any of them. Of course people will be spending the night at the condo/hotel. Also, flash floods can occur during the day and it is debris, not water that does most of the damage.

Another concern is the noise factor. By virtue of the fact that Chapel Valley is indeed a valley, sound is greatly amplified and is carried long distances. With the possibility of many hundreds of people occupying the facility at any one time, this is a great concern to the residents of Chapel Valley as well as citizens using the park and the residents of the homes located above and around the lake. This would be a concern at all times of the year, but would intensify during the weeks of the Sturgis Motorcycle Rally.

Many homeowners have settled in Chapel Valley because of the quality of life that is offered here. Chapel Valley is one of the best neighborhoods in Rapid City, home to a large number of teachers and leaders in our community. It is a beautiful place to live and raise children. For these reasons I am opposed to Mr. Derby's project and would appreciate your vote to reject it when it is presented.

Sincerely,

Zbigniew J. Hladysz

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

**From:** Halina Hladysz [mailto:halina@rushmore.com]

**Sent:** Tuesday, August 05, 2008 11:50 AM

**To:** Bulman Karen

**Subject:** Canyon Lake Resort - for Tom Hennies

Dear Tom Hennies,

I am writing in regard to the expansion project in the Canyon Lake area in Rapid City. I am very concerned about this project. Please see the attached document.

Sincerely,

Halina Hladysz, MS  
4801 Powderhorn Dr.  
Rapid City, SD 57702

Halina Hladysz 4801 Powderhorn Dr., Rapid City, SD 57702, (605) 718-5719  
halina@ruhmore.com

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August 4, 2008

Dear Rapid City Mayor and City Council Members,

I am writing in regard to Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, additional restaurant, and 250-space parking lot. I am very concerned about this proposed expansion of the existing Chophouse.

As you may know, there is only one entrance/exit to Chapel Valley. In case of fire, flooding, or other emergency, there is a strong possibility of traffic congestion at this entrance. Not only will the Chapel Valley residents have difficulty leaving the Valley, but emergency personnel will also have difficulty entering the Valley. This Valley has been evacuated in the past because of fire, and a recent flood approximately 10 years ago closed the bridge when the road was several feet under water. Mr. Derby's planned expansion would greatly aggravate an already dangerous situation.

It is the current policy of the City of Rapid City not to allow any additional houses to be built in Chapel Valley because it is considered to be at its maximum capacity. In fact, recently a proposal to add two more houses on currently undeveloped home sites in the Valley was rejected by the City due to the 40-unit rule. Mr. Derby's condo/hotel may not be considered housing, but it violates the intent of the law which is to protect the current 450 homes and their occupants in the event of an emergency.

Another concern is the fact that this project is located at the most well-used lake and park in the City. The lake front does not belong to Mike Derby; it is provided by the taxpayers. We pay for this lake and should have access to all of it. Currently, the portion of the lake in front of the Chophouse is seldom used by residents who are unsure of its ownership. The entire lakefront should be open for use by the citizens and not marketed by Mr. Derby as his resort on the lake.

This proposed resort would be located in the floodplain. This property is a few feet above Rapid Creek and has flooded many times in the recent past. The argument has been that it is okay to build structures in the floodplain as long as no one spends the night in any of them. Of course people will be spending the night at the condo/hotel. Also, flash floods can occur during the day and it is debris, not water that does most of the damage.

Another concern is the noise factor. By virtue of the fact that Chapel Valley is indeed a valley, sound is greatly amplified and is carried long distances. With the possibility of many hundreds of people occupying Mr. Derby's facility at any one time, this is a great concern to the residents of Chapel Valley as well as citizens using the park and the residents of the homes located above and around the lake. This would be a concern at all times of the year, but would intensify during the weeks of the Sturgis Motorcycle Rally.

Many homeowners have settled in Chapel Valley because of the quality of life that is offered here. Chapel Valley is one of the best neighborhoods in Rapid City, home to a large number of teachers and leaders in our community. It is a beautiful place to live and raise children. It is a shame that one developer is attempting to ruin our quality of life for his own gain. For these reasons I am opposed to Mr. Derby's project and would appreciate your vote to reject it when it is presented.

Sincerely,

Halina Hladysz



August 5, 2008

Dear Rapid City Planning Commission Members,

I am writing in regard to Mike Derby's proposed 80-unit condo/hotel on Canyon Lake that will also include a winery, banquet facility, additional restaurant, and 250-space parking lot. I am very concerned about this proposed expansion of the existing Chophouse.

**This expansion project disregards and violates modern risk management principles and, if implemented, may jeopardize the safety of Chapel Valley residents.**

As you may know, there is only one entrance/exit to Chapel Valley. In case of fire, flooding, or other emergency, there is a strong possibility of traffic congestion at this entrance. Not only will the Chapel Valley residents have difficulty leaving the Valley, but emergency personnel will also have difficulty entering the Valley. This Valley has been evacuated in the past because of fire, and a recent flood approximately 10 years ago closed the bridge when the road was several feet under water. Mr. Derby's planned expansion would greatly aggravate an already dangerous situation.

It is the current policy of the City of Rapid City not to allow any additional houses to be built in Chapel Valley because it is considered to be at its maximum capacity. In fact, recently a proposal to add two more houses on currently undeveloped home sites in the Valley was rejected by the City due to the 40-unit rule. Mr. Derby's condo/hotel may not be considered housing, but it violates the intent of the law which is to protect the current 450 homes and their occupants in the event of an emergency.

This proposed resort would be located in the floodplain. This property is a few feet above Rapid Creek and has flooded many times in the recent past. The argument has been that it is okay to build structures in the floodplain as long as no one spends the night in any of them. Of course people will be spending the night at the condo/hotel. Also, flash floods can occur during the day and it is debris, not water that does most of the damage.

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Another concern is the fact that this project is located at the most well-used lake and park in the City. The lake front does not belong to Mike Derby; it is provided by the taxpayers. We pay for this lake and should have access to all of it. Currently, the portion of the lake in front of the

Chophouse is seldom used by residents who are unsure of its ownership. The entire lakefront should be open for use by the citizens and not marketed by Mr. Derby as his resort on the lake.

Many homeowners have settled in Chapel Valley because of the quality of life that is offered here. Chapel Valley is one of the best neighborhoods in Rapid City, home to a large number of teachers and leaders in our community. It is a beautiful place to live and raise children. It is a shame that one developer is attempting to ruin our quality of life for his own gain. For these reasons I am opposed to Mr. Derby's project and would appreciate your vote to reject it when it is presented.

Sincerely,

Halina Hladysz, MS

07PD102

**From:** Bhtrader@aol.com [mailto:Bhtrader@aol.com]  
**Sent:** Thursday, August 07, 2008 12:57 PM  
**To:** Planning Commission  
**Subject:** Chapel Valley Convention Center

I would like all members to know that as a home owner in Chapel Valley, I am opposed to this project. Over the years I have seen too many examples of the Party Crowds that gather there for all sorts of festive occasions, anniversaries and holiday parties. Aside from the noise they bring to a quiet neighborhood, on occasion they tend to drive out onto Chapel Lane under the influence of too much Liquor. This is not something we need in a residential neighborhood where many children are walking to and from Canyon Lake Park, not to mention the continuous flow of people walking their dogs or just strolling down the walkway. One can park by the bridge and any time of day to observe this phenomena. Please give this serious thought.

Larry McDaniels

07PD102

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

From: Bev Peterson [<mailto:quiltingbev@gmail.com>]

Sent: Monday, August 11, 2008 7:57 PM

To: Planning Commission

Subject: Proposed Hotel on Canyon Lake

As a longtime resident of Chapel Valley, I would urge you to vote "no" on the proposed 80 unit hotel on Canyon Lake. The reasons that this hotel is inappropriate in this location include the exit/entrance problem which is of MAJOR concern and a real threat to our safety. I am also concerned that the planned unit is in the flood plain. These are only a few reasons that I hope you will not approve this building. Sincerely, Beverly Peterson, 4828 Powderhorn Dr.

**From:** Father Tom & Jody Williams [mailto:williams1040@rushmore.com]  
**Sent:** Monday, August 11, 2008 3:04 PM  
**To:** Planning Commission  
**Cc:** Fr. Tom & Kh. Jody Williams  
**Subject:** Proposed Chapel Valley development

Dear Planning Commission Members:

The proposed "Resort" planned for the entrance into Chapel Valley is of concern to us for several reasons.

1. **There is only one way in and out of the Chapel Valley area.** We moved to Rapid City in February 2006 and the first thing we did was to get out a huge map of Rapid City to look for various ways to get in and out of the property. The answer is simple: there is no other way but across the bridge off Jackson Blvd. (cross from Blessed Sacrament Church.)

This has not been a huge concern in the two and one half years we've been in Chapel Valley, but it could be catastrophic in the event of a fire or a flood.

2. The sole bridge that we cross to get to and from our property has been rebuilt since we moved here. Here is the due diligence that should be performed regarding that bridge:

**What is the maximum load per vehicle for that bridge? There is no posted weight limit, which is of serious concern to us. We see Sysco, Budweiser, and other vendors' semi trailers go in and out of the Chophouse area on a daily basis. Those trucks are serving only one building right now. What is the weight load that bridge can handle? A thorough engineering study needs to be made about the capabilities of that bridge, projecting not only the vehicles of all Chapel Valley residents but the "planned" activities of the resort: construction vehicles, heavy duty construction vehicles, employees' trucks, delivery vehicles, etc. etc.**

3. Of the planned condominiums, what percentage will be owner occupied? Any figure over 25% is problematic. We have lived in condominium developments in other parts of the United States and when more than 25% of the units are rented, problems exponentially increased.

4. In the building of the "resort" with attendant parking lots and other buildings, how many trees will be cut down? How much open space will remain once the project is completed? The beauty of established trees and even acres of "weeds" is a welcome site as we drive into Chapel Valley.

5. We understood from our realtor when we bought our home in Chapel Valley that **no new construction was to permitted in Chapel Valley.** That makes sense--the density has clearly been reached. The area already exceeds the 40 units per acre guideline. How, then, can the Planning Commission and the City Council even consider a development of

this magnitude? It will have a definite negative effect on the residents already living and paying taxes here.

A resort will not only add unacceptable traffic congestion but also noise. A great selling point for Chapel Valley (for us, at least) is that it is QUIET.

6. From where will the water and sewer services come?

7. Why would you even consider a new development in a flood plain?

Our final concern is this: why would you take a nice open space at the entrance to Chapel Valley and turn it into a commercial enterprise? Kids fish and play in the water, it's a great place to walk and just enjoy Canyon Lake, and the leisurely pace is one of the reasons people want to live in Chapel Valley. The Lake belongs to everyone; in the aftermath of the great flood of the 1970's, all the open spaces are a positive asset in Rapid City.

That someone wants to build a resort is not bad in itself. But this project seems not to have been thought through. Our hope is that the Planning Commission does not okay this project for the reasons listed above, although we realize the lure of potential revenue in a state with no income tax is certainly appealing.

**Don't be short-sighted!**

Father Thomas Williams and Jody Williams  
4718 Copperhill Drive  
Rapid City 57702  
721-7906  
email: [williams1040@rushmore.com](mailto:williams1040@rushmore.com)

07PD102

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

**From:** [dean heintz](mailto:dean.heintz)

**To:** [councilgroup@rcgov.org](mailto:councilgroup@rcgov.org)

**Sent:** Wednesday, August 13, 2008 9:11 AM

**Subject:** Mike Derby's planned Chapel Valley project

Dear Mr. Mayor and City Council Members

Please note that I am strongly opposed to the planned Chapel Valley project proposed by Mr. and Mrs. Derby. I greatly value and enjoy the environment that this area presently affords me. I strongly feel that this valuable environment would be destroyed by such a large project in such a small and historic site as the Canyon Lake and Chapel Valley area. As importantly, I vividly remember the Westberry Fire year and the great concern that we all had about being able to enter and exit the area when evacuation was being threatened. As you know, there is only one small route into and out of this area with 450 homes to service.

Please carefully consider this plea for common sense and shut down this project.

Sincerely,

Dean Heintz  
4819 Telemark Ct.  
Rapid City, SD 57702

07PD102

**From:** Barry Risdall [mailto:barryris@rap.midco.net]  
**Sent:** Wednesday, August 13, 2008 3:11 PM  
**To:** Planning Commission  
**Subject:** Derby Development

Dear Rapid City Planning Commission,

We are totally opposed to any development proposed by Mike Derby, or anyone else, on the shores of Canyon Lake and entrance to Chapel Valley. We live back in Red Rock Canyon with only a narrow road and single exit out of the Canyon. For this and many more reasons, please consider our opposition and help us keep the integrity and safety of our neighborhood in-tact!!!

Sincerely,  
Diana Fode  
Barry Risdall





# a better way to live ...

Chapel Valley Homeowners Association - P. O. Box 9712 - Rapid City, SD 57709-9712

August 14, 2008

To: Members of the City Council and the Planning Commission of Rapid City, SD.

From: Chapel Valley Homeowners Association Board of Directors

Subject: Proposed development at the Chophouse

Members of the Council and Commission:

The Board of Directors of the Chapel Valley Homeowners Association (CVHA) is concerned that additional traffic entering and exiting the proposed enlarged parking area at the Chophouse will create an unsafe situation for the residents of Chapel Valley. Currently there is a single lane in each direction leading past the frontage of the Chophouse which allows a single lane of traffic into or out of all areas of Chapel Valley, including the entrance to the Chophouse and the boat ramp. The bridge was widened to provide a left and right turn exiting Chapel Valley, but all traffic must pass through a single lane to get onto or off the bridge near the entrance to the Chophouse. The additional traffic from the Chophouse would greatly increase the number of cars trying to leave the area and the additional vehicles located at the Chophouse would create a traffic jam trying to get to the bridge.

The CVHA board is concerned about the safe traffic flow out of our area in the case of an emergency since Chapel Valley is already well over the city's limit for units per exit and would currently have difficulty with the additional Chophouse traffic. A secondary concern of the CVHA board is capacity and assumed upgrades required to allow the sanitary sewer system to handle the additional flows. No plan has been presented, that we are aware of, regarding capacity and funding for such a project. We don't feel that the additional pressure on the already strained traffic flow capacity is prudent and the CVHA board stands in opposition to the proposed plan for development and would request that the request be denied.

Sincerely,

Dennis Decker, President

Don Hensley, Secretary/Treasurer

Corey Haeder

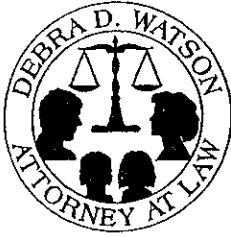
Karyn Dale

Jim Boyle

**RECEIVED**

AUG 15 2008

Rapid City Growth  
Management Department



# *Watson Law Office, P.C.*

Debra D. Watson, Attorney at Law  
 2902 West Main Street, Suite #2, Rapid City, SD 57702  
 Telephone 605-348-8147 Fax 605-348-8767  
 Toll Free 1-866-688-7893

## RECEIVED

August 20, 2008

AUG 21 2008

Mayor Alan Hanks  
 Rapid City Council  
 Rapid City Planning Commission

**Rapid City Growth  
 Management Department**

Re: Development of Kashmir Subdivision

Dear Mayor, City Council and Planning Commission Members:

I had hoped to attend the Planning Commission meeting tomorrow morning but unfortunately I have prior work commitments which make attendance impracticable. However, I wanted to go on the record as opposing the planned commercial development of Kashmir Subdivision.

My husband and I purchased our residence in Chapel Lane over 25 years ago. We love the area because of its natural environment and quiet peaceful neighborhood. It is one of the loveliest settings in the City of Rapid City. Our association covenants require that all homes be earth tones and that there be no commercial businesses or vehicles on the property. We want to keep it a beautiful, quiet residential area.

Canyon Lake is one of Rapid City's "jewels." To allow it to be commercialized would be a shame. Canyon Lake is a favorite park of local residents and tourists with the beautiful setting, ducks and walking paths. To destroy the serenity with a hotel development for commercial gain would be incongruous with the present enjoyment of the park. I look forward at the beginning and end of each day to driving by Canyon Lake and admiring the beauty. That beautiful view would be taken away if a hotel/condo, winery, etc. were allowed to be built between the lake and the road. I can't imagine that any of you would want a hotel and winery built in your quiet residential neighborhood. We have very little crime in the area and cherish the gorgeous greenery of Canyon Lake Park.

In addition to the desire to keep the park in its natural setting without commercial development, my concern about the safety of the residents in the event of a disaster in the area is paramount. We have only one way in and out of Chapel Lane/Chapel Valley by automobile. If there were to be a fire, flood, airplane crash, multi-car crash or other disaster, it would be difficult, if not impossible, for everyone to vacate the area in timely fashion. During the

Mayor Alan Hanks, City Council, Planning Commission  
August 20, 2008  
Page 2

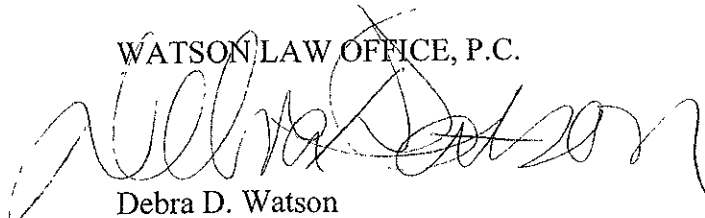
Westberry Trails fire when we were evacuated, my family ended up walking out of the valley with our child, dog and the possessions we could carry because of the backlog of traffic on the bridge. It may be that the hotel could be evacuated quickly but those of us who live towards the back of the development would likely never make it out. My husband and I own a lot in Chapel Lane which we were advised by the City some time ago that we would not be able to sell because there were too many residents already in our area to evacuate in an emergency. The Chapel Lane Association also wanted to sell their tennis court to individuals as building sites and were likewise advised that the City would not allow any further development in our area. If a house or two is not allowed for safety reasons, how can a hotel or condo be allowed? Does commercial development for financial gain trump the local residents safety and enjoyment of the park and their quiet residential developments? Has the city explored how the Chapel Lane/Chapel Valley area would be evacuated in the event of a disaster with its present residents?

To add a winery to the site also increases the concerns about alcohol usage and driving. This is a quiet residential neighborhood where children are playing in the park and riding bike in the streets. We don't need individuals driving in our neighborhood after consuming wine. The addition of a transient population as well as the additional traffic, noise and pollution of a hotel/condo/winery is contrary to the natural environs. I am not sure that we would remain in Chapel Lane if this development is allowed as it is contrary to our reasons for living in the area.

Thank you for your consideration and I urge you to deny the request for a building permit.

Sincerely,

WATSON LAW OFFICE, P.C.

A handwritten signature in black ink, appearing to read "Debra D. Watson", written over the typed name and office information.

Debra D. Watson

DDW/ma