

October 29, 2007

Rapid City Planning Commission  
Attn: Vicki Fisher, Growth management Dept.  
300 6<sup>th</sup> St.  
Rapid City, SD 57701

RE: Eagle Ridge Apartments – Phase II

Dear: Ms. Fisher

Penny and I are submitting this letter to voice our concern regarding the proposed Phase II construction at Eagle Ridge Apartments. We are homeowners on the corner of Enchantment Road and Stumer Street (more specifically referred to as Lot 6 on the Phase II site plans). Our backyard faces directly into the current apartment complex (Phase I).

When we purchased our lot we were given the impression that the plans for the Eagle Ridge development included a "park" area that would act as a buffer between our backyard and the apartment complex. We now realize that is not the case, and in fact, Phase II calls for additional multifamily apartment buildings to be constructed even closer to our home. This is particularly troubling for us given that our lot is situated at the bottom of the hill placing us at nearly grade level with the new development. It appears to us that the proximity of Phase II development in relation to the "line of sight" with our home will impact our residence more than any other homeowner on Enchantment Rd.

We are concerned about phase II both from an aesthetic standpoint and due to issues we are currently experiencing with Phase I:

1. We have received information that certain residents in the apartment complex are using binoculars to watch homeowners in their own homes. We have been forced to keep all our SE facing windows closed to avoid being spied upon;
2. The current location of apartment buildings affords little privacy in our backyard. We can't imagine what it will be like with the completion of Phase II resulting in apartment buildings located even closer to our property line;
3. Certain residents of the apartment complex routinely screech tires and speed up and down Stumer Street. This occurs at all hours of the early morning without

regard to people sleeping or speed limits. We realize this is more of a law enforcement issue, however, we bring this up to illustrate what we continue to experience;

4. My wife has been flipped off and yelled curse words at with our children in her presence. Residents from the apartment complex have yelled obscenities at our kids when they are playing in the yard – not something you expect from your neighbors;
5. The lights that are being used to illuminate the entrance sign to the property are extremely bright. A gap exists at the bottom of the sign that allows the light facing our house to shine directly into our windows at night;
6. At our request, the developer placed a silt fence along our SE property line running down the hill toward Stumer Street. However, runoff continues to be a problem on both sides of the fence during rain events. We are concerned about the amount of erosion along the edge of our grass if landscaping is not completed soon. In the meantime, there continues to be accumulated runoff onto the sidewalk and Stumer St.

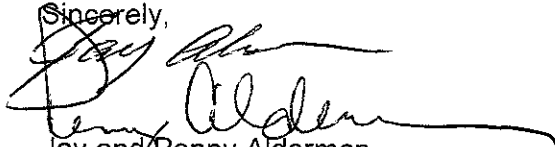
From our perspective, it is disappointing as current homeowners in this family neighborhood to lose a sense of privacy and value in your home because of this development. However, in an effort to be reasonable, we would like to see the following occur:

1. Eagle Ridge landscaping should be required to be completed and run-off addressed and resolved before any future construction occurs;
2. The developer should be required to build a privacy fence in conjunction with landscaping that borders the adjacent properties and takes into account the change in elevation (line of sight issues) as you move down the hill toward Stumer St. This may well require more dramatic efforts in landscaping and fencing as you progress down the hill. At a minimum, a six (6) foot privacy fence should be required to run along the full length of the adjacent properties all the way down to Stumer St., even if this requires the developer to apply for an exception to fence height along the property boundary of Lot 6 near the bottom of the hill. Given the close proximity of new construction and line of sight issue with our backyard, we would also request that taller trees (20ft minimum) be placed along the edge of our property to add additional privacy;
3. More appropriate directional lighting should be installed on the entrance sign to the property to eliminate unwanted glare. In addition, it is our understanding that some or all of the new buildings will be facing our home. Lighting on the front of the current apartment buildings is very bright and situated high up on the building. If that design is continued in Phase II it will likely become an issue with homeowners. We request that lighting on the front of all new buildings be designed to eliminate unreasonable glare onto adjacent property of homeowners along Enchantment Rd.

We understand that Phase II plans have already been approved. However, we also understand that landscaping/privacy related issues are still open for discussion. We believe it is reasonable, even at this late stage, to address the legitimate concerns of homeowners who frankly represent a more permanent investment in the area and whose lives and property are directly impacted by this development.

We are free to discuss this matter at any time and appreciate your consideration.

Sincerely,



Jay and Penny Alderman  
303 Enchantment Road  
Rapid City, SD 57701  
(605) 348-2920

07PD081

**From:** Mark Stulken [mailto:stulkem@yahoo.com]  
**Sent:** Sunday, November 04, 2007 8:42 PM  
**To:** planning.commission@rcgov.org  
**Subject:** RE: 07PD081

Dear Planning Commission,

I am writing in regards to Request No. 07PD081. My wife and I live at 307 Enchantment Rd. which borders the property described in the proposed amendment 07PD081. We, along with our neighbors, will be meeting with the developers on Monday, November 5th to discuss their plans for Phase II of this development.

We have concerns regarding the overall landscaping and privacy fence the has been proposed between the single family homes along Enchantment Rd. and the Eagle Ridge Apartments. The landscaping plan has yet to be outlined by the developers and that will be a main point of our meeting with them on Nov 5th. We, of course, are also concerned with the proposed addition of another story to the already approved Phase II apartments.

Our neighborhood will be notifying the Planning Commission of our concerns in writing prior to the public meeting on November 8th.

Sincerely  
Mark and Alexa Stulken  
307 Enchantment Rd.  
Rapid City, SD 57701  
(605) 341-1481

07PD081

**From:** Kandi [mailto:kandi@rushmore.com]  
**Sent:** Sunday, November 04, 2007 8:40 PM  
**To:** planning.commission@rcgov.org  
**Subject:** Eagle Ridge Apartments Phase II (07PD081)

November 4, 2007

City of Rapid City  
Attention Planning Commission

Dear Planning Commission,

This brief letter is to let you know about our concerns with the Eagle Ridge apartment complex being built near our residence. We are homeowners at 317 Enchantment Road (more specifically lot 3 on the Phase II site plans).

It has been brought to our attention that Phase II is currently wanting to put in 5 additional 3 story 12-plex apartments behind our residence. It has also been brought to our attention that these apartments will be between 3 to 4 feet higher than allowed as zoned.

We understand the phase has already been approved and we will be sending a detailed letter of concern to Vicki Fisher (Growth management Dept.) in the next few days. We are hoping we can come to a compromising solution between both homeowners and Rich Evans and the Eagle Ridge Development.

We are willing to discuss this matter and appreciate your time & consideration.

Sincerely,

Scott and Kandace Wauer  
317 Enchantment Road  
Rapid City, SD 57701  
(605) 716-6591

November 3, 2007

City of Rapid City, Planning Commission  
Attn: Vicki Fisher  
300 6<sup>th</sup> Street  
Rapid City SD 57701

RE: Eagle Ridge Apartments Phase II (07PD081)

Dear Ms. Fisher,

We respectfully submit this letter in regards to the proposed major amendment to Phase II of the Eagle Ridge Properties located on Stumer Rd. in south Rapid City. My wife and I purchased a lot and built a home on 321 Enchantment Rd in 2005. When purchasing this lot, we knew there would be some type of development occurring on the property directly behind us, as most all homes do. When we found out that the development was going to be done by Mr. Rich Evans, we scheduled a meeting with him to see the proposed development. At that time Mr. Evans showed us a picture of attractive "Colorado Style" apartment complexes. We were satisfied with the appearance of the apartments when we left Mr. Evans' office. Mr. Evans also ensured us that the complex would be a beautiful set up and great for the City of Rapid City. It is very obvious that the current structures are not that of what was proposed. The apartments are not that of a "Colorado Style". Vicki Fisher, with Growth Management has stated that she is wanting more done to the current Phase I to bring it up to the standards that the City of Rapid City is upholding. It is our concern that as Mr. Evans approaches the 2<sup>nd</sup> Phase of Eagle Ridge, which is closer to our homes on Enchantment, there will be other issues that are missed. One being the height of these complexes, which if approved will be 4 – 7 feet higher than previously approved, and 3 feet higher than allowed as zoned. Mr. Evans states that because he has taken out more dirt from the land that he should be able to add another level to the already approved 2 story apartments. We have asked him nicely to please understand that we do not care to have 12 families looking into our back yard and home. His remark back to us was "Fine, if the City does not approve the amendment then I will bring every bit of dirt back onto the property and build the 2 story complex." We highly doubt that he would do this but the point is that he doesn't understand the issue. We currently are looking into these people's homes and they into ours and it is not pleasant.

We have spoken to Mr. Evans about ideas in which to make this better for everyone. One idea that we have come up with is a 6 ft., maintenance free, brown tone, and privacy fence running from Catron Blvd to Stumer Road. He was open to this idea and has told me that he has had the Fence Connection come out to the site and give him a quote. He stated that this is the most expensive fence available. We have also discussed planting more trees and bushes in the berms. He stated that he was willing to let the landowners pick what trees they wanted and where they wanted them planted. So in this way he has listened to our ideas. However, none of this is in writing. One of our main concerns about this is that according to him these retaining walls, fence and trees will not be put in until Phase II is complete. We are not happy with this. We feel that it is important to make this a priority prior to starting the construction of Phase II apartments. Some of us on the topside of Enchantment have drop offs up to 20 feet in our back yard. We would like to have this land stabilized with retaining walls as soon as possible. Another issue that we have talked to Mr. Evans about is the issue of the outside lighting. These lights are extremely bright. Phase II's proposal shows that the front sides of the apartments will be facing our back yards. We do not care to have these bright lights shining in our windows. He has reassured us that they will get different lights but again it is not in writing.

Now, as Mr. Evans moves into Phase II of the properties we are cautious that changes may be made to the complexes to the displeasure of ourselves and other neighbors. We would like to see everything in writing and would like to make this the best situation for everyone. We hope that you will take into consideration all of our concerns and realize that there needs to be some major changes to the Proposed Amendment to Phase II of the Eagle Ridge Apartments.

Sincerely,

Gregg and Jena McNabb  
321 Enchantment Road  
Rapid City SD 57701  
(605) 721-6837

07PD081

City of Rapid City, Planning Commission  
Attn: Vicki Fisher, Growth Management Dept.  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

RE: Eagle Ridge Apartments Phase II (07PD081)

Dear Ms. Fisher,

I'm writing in regards to the proposed major amendment to the "Eagle Ridge Apartments", No. 07PD081, Item 34.

My wife, Alexa, and I live at 307 Enchantment Road. Our property borders the property that will be Phase II of the Eagle Ridge Apartments. We have some concerns regarding the changes proposed in the amendment.

The amendment calls for adding a third story to two of the buildings that are currently designated as two story buildings. The addition of these additional levels will put the building 4 to 7 feet higher than previously approved and 3 feet 9 3/8 inches higher than allowed as zoned.

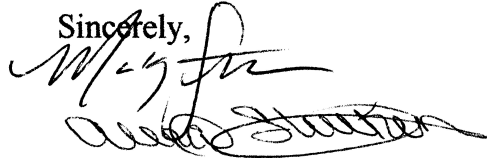
We feel that the two story buildings should be kept at the height as previously approved. The Phase I apartment building are already looming to the single family homes that border the complex. Phase II will have the buildings a few hundred feet closer and now they are asking to make the buildings larger and more intrusive. The amended plans will put the buildings over the maximum allowed as the height allowed as zoned. We do not think exceptions should be made. Height restrictions were made for a reason and should be enforced.

Remedies to add privacy and buffers between Phase II and our property don't appear to be a priority to the builders of this development. We were told by the realtor involved in this development, Rich Evans, that money for landscaping, retaining walls and a privacy fence will not be available until late summer of 2008. This is too long to wait. We are afraid that these things will be put off and the ones that will be inconvenienced will be the home-owners along Enchantment Road. We have dozens of families that appear to be looking into our living room every night and with the new building being built hundreds of feet closer, the urgency to get the berms and privacy fences built are a top concern to us. Approval of the proposed amendment without all of the issues laid out in black and white would be irresponsible of the city. We trust the city will require the landscaping plans to be complete before any approval of the amendment is put to a vote.

A quick look around this complex raises many concerns after less than a year that Phase I was completed. For example, there are already cars that appear to have been abandoned in the parking lot. The landscaping material looks unkempt; the lawn has been poorly installed and looks shoddy. I am afraid some of these things will not be taken as

precedence when it comes to maintenance and we will be looking at a run-down eyesore in a matter of only a few years.

Just as the owners of the apartment complex hope that their investment will continue to be profitable, we hope that our home will continue to appreciate in value and be a positive asset in the future. We expect the developers will complete their project to ensure both. The city inspectors need to ensure on their part that the integrity and workmanship of this complex meets all standards not only at completion of the project, but years to come.

Sincerely,  


Mark and Alexa Stulken  
307 Enchantment Road  
Rapid City, SD 57701  
(605) 341-1481



07PD081

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

**From:** Sue Kilpatrick [mailto:suek@rushmore.com]

**Sent:** Monday, November 05, 2007 10:42 AM

**To:** Vicki.Fisher@rcgov.org

**Cc:** Jena McNabb

**Subject:** 07PD081-Eagle Ridge Phase II

Dear Ms. Fisher,

I have attached a letter voicing our concerns re: Eagle Ridge Phase II development. I understand that there is a Planning Commission meeting on Thursday, November 8 regarding this issue. You have had contact with our neighborhood spokeswoman, Jena McNabb on this. Thank you for your assistance with this matter.

I have another concern regarding development in this part of town. It was my understanding that the land across from Eagle Ridge Apartments on Stumer Road behind the townhouses was proposed to be assisted living. I heard something over the last few days that this will be changing. Do you know anything of this? I hope it is not another proposed apartment complex or a change to commercial development.

Thank you for your attention to above matters.

Sincerely,

Sue Kilpatrick

November 5, 2007

Planning Commission with the City of Rapid City  
Attention: Vicki Fisher, Growth Management Department  
300 6<sup>th</sup> Street  
Rapid City, SD 57701

RE: 07PD081 – Phase II Eagle Ridge Apartments

Dear Ms. Fisher,

This letter is written in regards to the proposed Major Amendment to a Planned Residential Development for Phase Two of Eagle Ridge Properties located at 121 Stumer Road. Our home is located at 304 Enchantment Road which faces this development. As citizens and property owners, we have some concerns about the current proposal and the failure to follow through with some of the requirements listed in Phase I.

When we purchased our home in November 2005, we knew that this area was to be developed. It was told to us, that it would consist of multiple apartment complexes with an “upper class” appearance along with a park and paved walking paths. It was understood that the landscaping would complement the style and value of the apartment complexes and surrounding family homes/properties. However, this is not what happened or what is proposed.

From our front door and side patio, we are able to see the top one to two floors of 5 of the eight three-story plexes from Phase I. If Phase II is approved with the addition of 5 buildings all being three-story plexes with the proposed positioning, our privacy will be infringed upon more than it currently is. In addition, outside lighting will illuminate our front yard and house. With the proposed amendment changes, the height of these additional complexes will exceed the maximum height of 35 feet allowed for MDR. Again, privacy for us and our neighbors will be significantly hampered.

With the current development and additional complexes, noise pollution is an issue. There is a significant increase in traffic and speeding. During nighttime hours, there are squealing tires and revving of engines. Often times, there are a lot of cars parked on both sides of Stumer Road of people living or visiting tenants at the current complexes. This is hazardous. Parking needs to be addressed.

Lastly, landscaping will be critical. Currently, there are berms along the south and west sides of this property consisting of exposed rock and dirt allowing for significant erosion and runoff which directly affects the finished landscaped yards of the adjoining properties and Stumer Road. For Phase II, proper landscaping will assist in providing privacy and decrease noise pollution, as well as, prevent erosion and runoff. Retaining walls, use of

mature trees (minimum of 20 feet) such as coniferous trees planted along the property line in a staggered fashion, and a privacy fence would be reasonable solutions.

We and our neighbors take pride in our neighborhood. We all bought our homes as long-term investments in the City of Rapid City. We understand development was and is going to occur in this part of the city. We ask that consideration be given regarding privacy, noise pollution, increase traffic, and ground erosion. With the current proposed changes in Phase II, the privacy in our neighborhood and value of our family homes will be lost.

We would like to invite any members of the Planning Commission to visit our neighborhood and tour our properties or call us to better understand our concerns. We appreciate your attention to this matter.

Sincerely,

Chris and Sue Kilpatrick  
304 Enchantment Road  
Rapid City, SD 57701  
721-4492

07PD081

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

**From:** Barbara Van Ekeren [mailto:barbarave57@yahoo.com]

**Sent:** Wednesday, November 07, 2007 5:47 PM

**To:** Fisher Vicki; 'Jena'

**Cc:** barbarave57@yahoo.com; Bryan Carlson; Tony Marshall; Kandi; CHIRS & SUE KILPATRICK; CHRIS & TANYA BANNWARTH; Cody Work; JAMES & SHERRY WEIMER; JAY & PENNY ALDERMAN; MARK & ALEXA STULKEN; Butch Linster; Dominicak Bob; Bosworth Mary

**Subject:** Landscaping

Vicki,

I would like phase one landscaping to be completed also. If you look at their plan, the landscaping is not complete now. We talked about this also at our Meeting on Monday. Even though my lot is not attached to the Eagle Ridge, I am most affected on the west and north by lack of landscaping. I am also the highest house facing (back side of house) the complex. Our lot attaches to lot 1 of the new phase. We are in phase 4 (old phase)

We appreciate your attention to detail.

As always, you are the best in your field,

Barbara Lengkeek Van Ekeren

*Fisher Vicki* <[Vicki.Fisher@rcgov.org](mailto:Vicki.Fisher@rcgov.org)> wrote:

Jena,

Rich indicated that the neighborhood would like to have the landscaping on their property in lieu of the Eagle Ridge property. However, it must be on the Eagle Ridge property to count towards their landscaping points. In addition, the City would have no way of requiring a future property owner, on the adjacent property, to maintain the landscaping...and Eagle Ridge can not be required by the City to maintain landscaping on privately owned property which is not their own. If Rich proposes to place landscaping on the west side of the fence, on his property, and the landscaping is irrigated, then a revised landscaping plan with a revised "line of site" showing the end result must be submitted for review and approval. After reviewing the information, staff will provide a recommendation.

I do not recall that Rich and I discussed placing the fence on the retaining wall. Rich must submit a site plan and profile showing the fence on the retaining wall and staff will review the proposal. Please note that if the retaining wall is over four feet in height then the design must be sealed and signed by a professional engineer.

I have included Rich in this e-mail so that he might respond to these issues.

Thanks to all for your efforts,  
Vicki

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

From: Jena [mailto:mcnabb@rushmore.com]

Sent: Wednesday, November 07, 2007 8:56 AM

To: Vicki.Fisher@rcgov.org

Cc: Bryan Carlson; Tony Marshall; Kandi; BARB VAN EHEREN; CHIRS & SUE KILPATRICK; CHRIS & TANYA BANNWARTH; Cody Work; JAMES & SHERRY WEIMER; JAY &

PENNY ALDERMAN; MARK & ALEXA STULKEN; Mcnabb@Rushmore.Com;

Butch Linster

Subject:

Vicki

Attached are the notes from Monday nights meeting. I just got off of the phone with Rich and he stated that some of the ideas that we came up with the City will not go with. He said that the fence could not be placed out on the retaining wall and that the trees could not be on the west side of the fence. Is this correct? I guess none of us are real sure on why this would be an issue. Thanks for all of your help.

Jena

-----

> From: Kandi [mailto:kandi@rushmore.com]  
> Sent: Wednesday, January 09, 2008 5:43 PM  
> To: Fisher Vicki  
> Subject: Re: meeting on Jan 7th  
>  
> Hi Vicki, Kandace Wauer here..I am at 317 Enchantment Road & I am very  
> frustrated with all the building behind us. I guess When all these meeting  
> started, we ASSUMED we were going to have a little more input, but  
> obviously  
>  
> what is in our best interest is of no interest to Rich & his company. I  
> was  
>  
> under the wrong impression when they were putting "guests" behind us, we  
> were showed a completely different complex & obviously were, as far as I  
> concerned, LIED to. It is a huge disappointment to see the complexes that  
> are behind us now, let alone putting even more behind us, bigger & closer.  
> I  
>  
> was under the impression we were getting PRIVACY, which obviously isn't  
> gong  
>  
> to happen & the situation was being handled. Once again.. you know what  
> happens when you ASSUME... I sure Rich & his crew lived here & had what is  
> being put behind us in there back yard, having people in their back yards  
> at  
>  
> all hours of the day, trespassing, with no regard to privacy, getting  
> phone  
> call during the night stating what people are wearing because we seem to  
> have peeping toms with binoculars behind us. How would RICH & His Cohorts  
> like to have that day in & day out. Now we get even more building  
> complexes  
> behind us, bigger and closer to our houses. Well, the upside I guess is  
> they WON'T need binoculars now, they will have a good eyeful at close  
> range!  
>  
> I have had my blinds closed in my bedroom, living room, dining room &  
> kitchen ever since getting that discusting phone call of the neighbors  
> being  
>  
> spied on & the "peeping toms being able to tell me what a family member  
> was  
> wearing. I guess I'm just frustrated with all the lies we have been told  
> since day ONE! Thank you for trying to help us but it doesn't appear that  
> privacy is going to be in our near future.  
>  
> Kandace Wauer.

07PD081

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

**From:** Tony Marshall [mailto:tmarshall@vipproperties.com]  
**Sent:** Thursday, January 10, 2008 10:41 AM  
**To:** vicki.fisher@rcgov.org  
**Cc:** mcnabb@rushmore.com  
**Subject:** FW: Tony Marshall

---

**From:** Tony Marshall [mailto:tmarshall@vipproperties.com]  
**Sent:** Thursday, January 10, 2008 10:14 AM  
**To:** 'mcnabb@rushmore.com'  
**Subject:** Tony Marshall

Vicki,

We would like to comment on the application from Eagle Ridge to increase 2 of their buildings another story or 12 additional units. Each of the two buildings requesting another story are located immediately behind our properties, one of which is a spec home that is currently on the market. We believe this increase in size would be further detrimental to the sale of both homes. The planting of trees on a 3/1 or 4/1 slope would have no effect as a visual barrier between the additional story and our respective homes. I would ask that behind our lots, a second retaining wall be constructed to raise the elevation of the area where the trees are to be planted to match the elevation of our rear yards. This proposal would be an acceptable compromise to allowing the additional story.

Respectfully.

Mark Bradsky  
Greg McNabb  
Jenna McNabb