

**From:** KCooper114 [mailto:kcooper114@aol.com]  
**Sent:** Tuesday, July 21, 2009 3:57 PM  
**To:** Planning Commission; kcooper114@aol.com; wayne.krause@sdsmt.edu  
**Subject:** Against the Modification of the PRD for Kepp Heights #3

We object to the proposed modification of the PRD for Kepp Heights Development #3 for the following reasons:

1. We acquired our lot in Kepp Heights #2 in May of 1992 and completed our construction in July, 1993. Kepp Heights #3 was platted in 1991. At the time of our purchase we were informed by the developer, Bob Moore that all the home sites for Kepp Heights #3 were in the South Grand Vista cul-de-sac. We were forced to situate our home at the rear of our lot line with only 8 feet between our house and property line of lot 11 of Kepp Heights #3. This was done to comply with the wishes of our then neighbor Greenfield and developer Mr. Moore. We were reassured that not only would we have an improved view from this vantage point but also there would be no homes built behind us as the building envelopes for all the homes in Kepp Heights #3 were in the South Grand Vista cul-de-sac.
2. There were a total of 29 lots in these 2 developments, 2 lots are currently undeveloped, Lot 11 and Lot 13. Each owner has followed the rules of the PDR and placed their home in the proper building envelope. We have all trusted in the integrity of the PDR and the judgement of the staff and council which approved this PRD in 1991. I would assume that we have all placed our homes to maximize our views and to minimize our intrusion in our neighbor's views. It hardly seems fair that when we are down to the last 2 lots that a new owner can come in and change the rules, disrupt views, and destroy the natural terrain by placing a road that is **4 city blocks** long right in the line of sight of others and cause undue hardship to the 27 original lot holders. Where is the justice in this?
3. This land adjoins the Skyline Wilderness Park which many have worked long and hard to preserve. It is ludicrous for the Nesters who have knowingly purchased a lot with a designated building envelope to request to build outside the original building envelope when all others have complied with the PRD. Every landowner in Kepp Heights #3 has known since day one that the building site for lot 10 was in the cul-de-sac. The Nestor's proposal places their home right in plain sight of the neighbors and park users and in the middle of the Skyline hillside where no other homes exist. There all already

homes in the cul-de-sac and another home located there would not desecrate the integrity of the hillside, would not harm other property owners, but would simply blend in with the existing homes.

4. The location selected by the Nestor's proposes an access road 4 city blocks long. This is in the City of Rapid City!
5. I ask you to deny this request for change. If you have any questions, please continue this matter and come to our neighborhood and we will show you the impact this will have not only on our property but the surrounding area.

Thank you.

**Wayne & Kathy Krause (342 – 7458)**  
**1559 S. Kepp Ct.**  
**Rapid City, SD**

**From:** Lee Hammerbeck [mailto:leehammerbeck@rap.midco.net]

**Sent:** Tuesday, July 21, 2009 10:06 PM

**To:** Planning Commission

**Subject:** Please DENY the request for a major amendment to Lot 10 in Kepp Heights Subdivision

Planning Commission & RC Council,

Thank you in advance for reading our concerns about the proposed major amendment to Lot 10 in Kepp Heights Subdivision #3. Our family is strongly against this amendment. Lot 10 is located in and is actually a part of an incredibly beautiful park area. If you have not seen what is being proposed and how it will damage this area, we ask each of you to please come to the area and review the amendment before you vote.

We are sympathetic to the Nesters, but feel what they are proposing is simply unfair, unjust and damaging. We are not asking you to harm them, but we are asking you to prevent them from harming us and others. The Nesters should be required to build their new home within the building envelope established in 1991. This 1991 envelope was originally designed and approved by the property owner/ developer, the RC Planning Commission and the RC Council. The Nester's are asking you to change their decision.

We believe the Nesters knew about the building envelope prior to purchasing Lot 10. Their request to now move that same building envelope is unfair and unjust to the adjoining property owners and the area itself. You are being asked to change the rules for their sole benefit. The Nesters acknowledge this is a wilderness area and stated in a

letter they are excited about being next to it. The reality is if you approve this amendment, you will put their new home and 1100 foot driveway within the wilderness area.

The Nesters are asking you to ignore the judgment of the original 1991 Developer / Planning Commission / RC Council, approve a 4-block gravel road on a 12% slope, the dust & erosion & drainage problems that come with an 1100 foot driveway, four concrete culverts that cross two major water drainages and allow the significant cut and fill needed to construct the road. All this so they can build their new residence directly in the wilderness area. We are simply asking you to prevent them from causing this damage.

We counted on the 1991 building envelope on Lot 10 to directly prevent what the Nesters are now proposing when we purchased our lot and built our home. You are now being asked to change the rules. Enforcing the rules (building envelope) will not damage them, but it will damage us, others and the area. This damage is certainly a major reason why the 1991 building envelope was originally established. This wilderness area should be protected with the same diligence and consistency protecting the West Boulevard area. A neighbor of ours considered purchasing Lot 10 in the past, but declined because of the building envelope and its limitations. The Nesters should have either not purchased Lot 10 or they should have to build within the 1991 building envelope.

Thank you for reading and considering our comments. Please do not allow a beautiful part of Rapid City to be permanently scarred. Please deny this request.

Sincerely,

Brian & Lee Hammerbeck & Family  
1424 Pevans Parkway  
Rapid City, SD 57701  
605-343-0731 (home phone)

1601 Flormann Street  
Rapid City, SD 57701  
605-348-7379  
July 21, 2009

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

Dear Members of the Growth Management Department:

This letter is in support of Shelby and Jessica Nestor in their request to change the zoning of their Lot 10, Kepp Heights #3 (SUBD), Section 11-T-1N-R7E, RC so they can build a home on their new parcel of land.

We are their neighbors, directly to the east of them, residing on Lot 9R, Kepp Heights #2 (SUBD), Section 11-T-1N-R7E. Our property adjoins theirs for 425.5' and we would be directly impacted by their request.

Of course, it would have been lovely to have this land remain undeveloped but since the Nestors have bought it, we do not want to oppose their dream of building a nice home on their 8 acres. Their request to place their home down a long road would actually have less impact on us than if they built near the cul-de-sac.

We do not have a problem with the concept of their using a septic system.

Thank you for respectfully considering their request.

Sincerely,

*Bob Nixon MD. , Glenda Nixon*

Bob and Glenda Nixon

**RECEIVED**

JUL 22 2009

Rapid City Growth  
Management Department

7/21/2009

Growth Management Department  
300 Sixth Street  
Rapid City, South Dakota 57701-5035

Dave and Diane Melvin  
1639 S. Grand Vista Ct.  
Rapid City, SD 57701

1N 07E SEC 11 Rapid City  
Kepp Heights #3 (SUBD)  
Lot 9

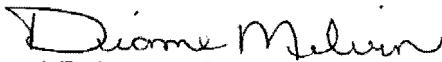
RE: Planned Development Application of Fisk Land Surveying & Consulting Engineers  
for Shelby E. and Jessica A. Nester

My husband and I support Shelby and Jessica's request for an amendment to revise the previously approved building envelope location. We have talked with Shelby and he has shared their plans for their home. They bought Lot 10 knowing the challenges they were going to face in building a house on that property. We have appreciated the openness with which our questions have been answered.

Whether they must build their home on the existing envelope or the revision is approved and they can build where they would like to build, the reality is that their home will be built. The Nester's should have the opportunity to decide, given the challenges of soil, drainage, cost, and other variables.

Thank you for your consideration.

Sincerely,

  
Diane Melvin

**RECEIVED**  
JUL 22 2009  
Rapid City Growth  
Management Department

**From:** Sue Bochna [mailto:gsla@rap.midco.net]  
**Sent:** Friday, July 24, 2009 1:49 PM  
**To:** Planning Commission  
**Subject:** RE: South Kepp Heights

Dear Planning Commission,

The request regarding the South Kepp Ct. property (Kepp Heights) has recently been brought to our attention by a neighbor who will be directly impacted by the change of zoning. We understand that Wayne & Kathy Krause (1559 S. Kepp Ct.) abided by the original building envelope when they built their home. We also abided by the rules in the area when we built our home (1710 Flormann St.). Changing the rules once a home is built causes neighborhood discourse and is very frustrating. We understand the situation with the home placement at this site but would kindly ask that you consider a ruling that would be acceptable to the whole area in abiding with the original building envelope.

Gary & Sue Bochna  
1710 Flormann St.  
Rapid City, SD 57701

**From:** Daniel Rawson [mailto:dyr@rap.midco.net]

**Sent:** Friday, July 24, 2009 11:21 AM

**To:** Planning Commission

**Subject:** Proposed change to the building envelope located on Grand Vista Court South/09pdr030

Ladies and Gentlemen;

I am unable to attend the meeting on August 6th with regard to the above mentioned property. My family and I live at 1635 Grand Vista Court North. I personally oppose the proposed changes to the building envelope primarily for the sensitive soil issues. When the Skyline Drive Preservation Committee was working toward the wilderness goal, a geological survey was taken of the area and showed many places in which building should not occur. I am also concerned with the length of the driveway, the amount of fill that will be necessary to accomplish that and the drainage areas that will be impacted. Additionally, how will they protect their property from fire since that ravine seems to "attract" lightning strikes?

Thank you for your time and consideration in this matter,  
Sincerely and respectfully,  
Susan Godbe Rawson

City of Rapid City Growth Management Department  
300 Sixth Street  
Rapid City, SD 57701-5035

July 24, 2009

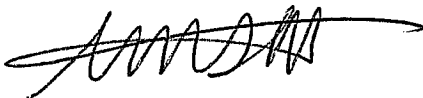
Attention Rapid City Planning Commission  
Regarding File #09PD030, Lot 10 of Kepp Heights Subdivision #3

We are Al & Michele Scattergood, we reside at 1530 North Kepp Court, Rapid City, 57701. Legal description of our property is Lot 14 of Kepp Heights Subdivision #2, this is a residential property. The applicants, Shelby and Jessica Nester, purchased the property in question from myself, Al Scattergood. I had owned the property since 1995.

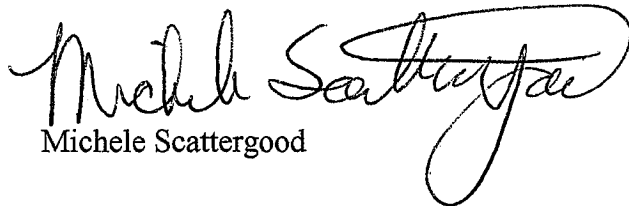
Prior to purchasing our current residence in 2006, we had always expected to build on Lot 10, in the exact place the Nesters wish to build. When looking at the vacant property, the site is ideal for a home. Their proposed site should not interfere with other neighbors' views of the beautiful surrounding area. In fact, the added set-back of the proposed home site will only enhance the privacy of all neighbors. In addition, I believe any driveway will only add character to the overall home site. Similar homes in each of the four surrounding cul-de-sacs have longer than average driveways. Our home has a long driveway (85 yards); however, other homes within the neighborhood have even longer driveways.

Thank you for considering our views of the proposed home site for Lot 10 of Kepp Heights Subdivision #3.

Sincerely,



Al Scattergood



Michele Scattergood

**RECEIVED**

JUL 29 2009

Rapid City Growth  
Management Department