

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

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

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

**To:** Elkins Marcia

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

**Subject:** RE: Zoning change

Marcia,

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

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

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

Thanks

Tim Rogers

Dear Sirs,

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

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

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

Sincerely,

Gerald Butz phone 341-2252

4844 Enchanted Pines Drive,

Rapid City, S.D. 57701-9235

To: Rapid City Planning Commission

From: Tim Rogers, Resident of Enchanted Hills Subdivision

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

Date: September 20, 2006

Dear Commissioners:

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

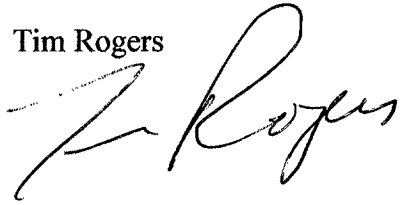
I am requesting that you not consider action on this request, submitted by Site Work Specialist, based upon the following reasons.

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

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

Sincerely,

Tim Rogers

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

To: Rapid City Planning Commission

From: Tim Rogers, Resident of Enchanted Hills Subdivision

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

Date: September 20, 2006

Dear Commissioners:

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

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

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

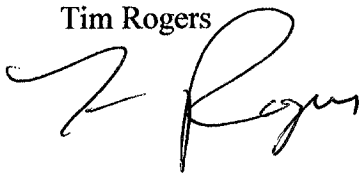
football field separating a General Commercial business and a residential area that has been in existence since 1980. The view of a large commercial development less than 300 feet from many of those homes – with the 24-hour lighting and traffic that goes along with it – would certainly negatively impact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

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

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

Sincerely,

Tim Rogers

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

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

From: Jesse Ham [<mailto:jharley7@gmail.com>]

Sent: Tuesday, October 03, 2006 11:33 PM

To: [planning.commission@rcgov.org](mailto:planning.commission@rcgov.org)

Subject: Vote No: Tower Ridge Items 36, 37, 38 and 39

Planning Commission Members,

This letter is from one of many life-long citizens of Rapid City who feels Tower Ridge should not be changed from Office Commercial to General Commercial.

There is a myriad of reasons I feel this way. I will highlight a few:

This is an underhanded attempt by developer Doug Hamilton to change the zoning of this region without the public knowing the true intent--to wedge a large department store very near a firmly established residential area.

The consequences for this action reach far beyond the location of the many-thousand square foot department store. Near the proposed site, this SEEMINGLY insignificant zoning change will absolutely change the scope of highway 16 permanently for the worse. Instead of progressing to an Office Commercial zone filled with new permanent professional skilled employment that do not take away from others, this proposed change would set Rapid City up for long term failure.

Initial consequences would include but are not limited to 24 hour light pollution, destroying the skyline for hundreds of citizens that purchased their homes with the office commercial zoning in place. Abutting a canyon with habitat for many animals, the general commercial zoning creates pollution of all kinds (water, soil, physical litter) that the city will have to continually clean up from the wildlife area to the South and East of the proposed zoning change. There will be a significant increase in traffic on what is currently a scenic, but treacherous area atop Mt Rushmore Road. Exponential increase in traffic on highway 16 will undoubtedly cause a dramatic increase in traffic accidents and fatalities.

Stormwater, sewer, and water systems will most certainly be asked to be forgiven (paid by the taxpayers of Rapid City) and there will be a request for tax breaks that the city will be asked to grant (again, costing the citizens of Rapid City).

Many millions of dollars in property values will be lost, dispersed among MANY Rapid City citizens so that one developer can sell to a massive box store that we already have in Rapid City. These residences that have been established with the current zoning in mind would see a statistically significant rise in crime rate that would soon further the economic decline in what would otherwise be a booming section of Southern Rapid City. It is no secret that large-scale developments like the one planned behind closed doors will significantly increase the crime rate in a residential area that has firm roots in the community. There will be a significant increase in through traffic, in turn increasing the risk to families in many different ways--from air

and noise pollution to increased crime rate to physical injuries from motor vehicle accidents.

Perhaps there is need for such a development as progress goes, but there is absolutely NO NEED for this kind of back-door development to be forced atop a firmly established residential area. Rapid City will continue to sprawl and an industrial/general commercial section of the South side of town has already been established by city planners. Changing this site to general commercial puts thousands of local citizens and hundreds of millions of dollars worth of previously established PRIME real estate in jeopardy. Do not think for a second that decreasing the value of 500+ homes within a two mile radius of the new store would not have a lasting effect on more than just those who own the homes. Should your commission approve this change, you will be setting our fine community up for failure. Short-sighted infatuation with a company that advertises well, conditions people to believe falsities, has NO tie with the community whose profits leave our state will be replaced with long-term loss for many of our community's citizens.

I have not touched on the effect that a box store like the one "not" proposed at this site would have on our struggling downtown and the members of the downtown association. Please be informed that this potential "growth" will stifle many thriving locally-owned businesses nearby and take that money out of our community. This is an entirely different and much longer story worthy of significant consideration.

I sincerely ask you to consider this prospective zoning change as precisely what it is--one man's (and yes, it is one man, regardless of how cleverly it has been guised to appear otherwise) attempt to push something through in order to profit from a big box company that we all know just doesn't belong there. There are many sites very near the one in question that would not put people at physical and financial risk and the environment at risk the way this proposed zoning change would.

Thank you for taking the time to review this letter. I encourage any and all feedback, comments and questions.

Sincerely,

Jesse Ham



To: Rapid City Planning Commission

From: Tim Rogers, Resident of Enchanted Hills Subdivision

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

Date: Originally submitted September 20, 2006 – updated October 4, 2006.

Dear Commissioners:

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

I am requesting that you not consider action on this request, submitted by Site Work Specialist for Borden and Gabbs, LP and Lincoln and Talbot, LP1, based upon the following reasons.

1. In the “Description of Request” for 06CA025 and 06CA026 Amendment to Comprehensive Plans, the wording is crossed out and the wording placed in the document is not legible. This is not acceptable because it does not provide the general public the opportunity to figure out what the applicant is requesting.
2. In the Property Owner Section in all four applications (06CA025, 06CA026, 06RZ029, and 06RZ030), there is incomplete information.
  - a. The property owner or his designee is not identified in the applications as required by “City Code 17.54.040 (A) application” and as identified as an “\*” in the application – that states the Title is required for Corporations, Partnerships, etc. The general public was not given the opportunity to know who the landowner is nor given the opportunity to contact the owner to ask their intentions. This has not been corrected – so the application should be deemed incomplete and the denied.
  - b. The person signing the document did not print their name as required by the application.
3. There are four criteria that must be met in order for an amendment (rezoning) to be processed under City Code 17.54.040. There is no discussion any of the applications on how the proposed zoning changes meet these requirements. City Staff made these assumptions in their staff review based upon information in the application. The application is too vague to reach an assumption or conclusions.
4. Notification: In the Staff review (Dated and completed Friday, September 15, 2006 - 6 days prior to hearing – see email correspondence 9/21/2006 from Marcia Elkins to Tim Rogers), the applicant had not posted the sign informing the public

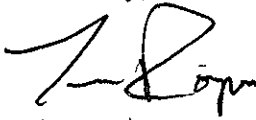
of the proposed changes as of the date of the review which was Friday. Staff did not physically observe the sign posted until Monday, September 18, 2006 – 4 days prior to hearing (see email correspondence 9/21/2006 from Marcia Elkins to Tim Rogers). City Code 17.54.040 (E) public notice requirement requires that the sign be posted at least 7 days prior to the Planning Commission meeting.

The failure to identify the applicant's intent in the application, the failure of the applicant to discuss how the four criteria must be met for this amendment to be processed, the failure to properly complete the application, the failure to provide the proper public notice of this application is grounds to deny this application.

The applicant has legally deceived the residents of this area by creating a 300 foot barrier by rezoning a ravine park/forest back in 2002. This eliminated the need to meet the notification requirements to occupants within 250 feet. The applicant then proceeded to change the Office Commercial lots (across from the ravine of Enchanted Hills residents and between Highway 16) to General Commercial which went unknown to the residents of Enchanted Hills very well knowing that the residents would not agree with this change.

For all four applications, the applicant violated the public notice requirements and did not properly complete this application – therefore it needs to be denied. I would request that you deny the applications based upon any or all of these deficiencies.

Sincerely,

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

Tim Rogers  
1309 Panorama Circle  
Rapid City, SD

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

From: teri powell [<mailto:teriveon@yahoo.com>]  
Sent: Wednesday, October 04, 2006 5:56 PM  
To: [planning.commission@rcgov.org](mailto:planning.commission@rcgov.org)  
Subject: Fwd: aquifer article

Note: forwarded message attached.

October 4, 2006

Dear Commissioners:

I attended your last meeting as there was barely a whisper of information to the public regarding the newest "rezoning" of General Commercial along the "Corridor". Not really knowing what properties were being offered, what companies might be involved, and after hearing a few testimonies of nearby landowners, I quickly sensed that it "most likely would not be good for the land".

When I learned it was being considered for "big box" industries, I thought this area is even more fragile than the previously considered property to the south of Catron Blvd. Have they no shame? This is Inyan Kara Aquifer Recharge Area! The possibility for contamination is huge and irreversible. The apparent disregard for the view shed, potential drainage problems, aquifer contamination, etc. betray the public trust.

I ask you, to please consider the issues I raised at the last meeting: 1) water safety plan and 2) aquifer sensitivity study of this recharge area of the Inyan Kara

Those seem to be the most crucial issues that should be addressed at the beginning of any rezoning.

I truly appreciate your consideration and effort that you would make in ensuring the safety and preserving the integrity of this community. I welcome responses from you by email as I am unable to attend the meeting tomorrow.

I'm forwarding an article which I wrote this spring that explains more in depth the potential for contamination due to development on aquifer recharge areas. Please note that I had a lot of scientists who contributed to my research and preparation on this subject.

Sincerely,

Teri Veon Powell

5/28/06

TO: RC Weekly News

FROM: Teri Veon Powell

I am a retired educator and small business owner living in Rapid City.

Note:

Dr. Mark Fahrenbach, Dr. Foster Sawyer and Mr. Ken Buhler of the S.D. Department of Environment and Natural Resources, Dr. Perry Rahn, Professor Emeritus of the School of Mines and Technology, and the US Geological Survey contributed to my data.

RE: Development Threatens Aquifer

The Black Hills are often referred to as an "island" with many rock formations, the oldest being in the center of the Hills. Surrounding the Hills are exposures of the Inyan Kara Aquifer, the uppermost major aquifer in the Black Hills. (An aquifer is an underground bed or layer of earth, gravel or porous stone that stores or yields water.)

South of Rapid City, the "Development Corridor" east of Hwy. 16, a proposed commercial zone, sits atop the Inyan Kara Aquifer Recharge Area. Water entering an aquifer, whether from rain, snow melt or runoff is called "Recharge". The moisture gently soaks through the grass, soil and gravel and percolates downwards. It renews and replenishes the aquifer.

From the Sammis Trail area, groundwater flow is to the east, to ranches, farms, the communities of Box Elder, New Underwood and continues on into East River.

New Underwood has access only to the Inyan Kara Aquifer.

In essence, the development corridor is a Recharge Area for the Inyan Kara Aquifer.

Alarmingly, this would become the site of mega development, box stores, massive parking lots, strip malls, restaurants, hotels, gas stations with their underground fuel tanks, expanded roadways, extensive pavement and asphalt.

It is likely that contamination along the Corridor, whether coming from traffic emissions, fluids, gasoline, antifreeze, residues left on the roads, parking lots, overflow or percolation of detention ponds, application or spills of fertilizer, pesticides, herbicides...all run-off could enter the aquifer.

The USGS' Black Hills Hydrology Study of 2002 reports:  
"The potential for contamination can be large because  
of development on aquifer recharge areas".

Scientific facts support the argument that this zone  
should be left agricultural.

Apparently these facts didn't line up with the City  
Council's belief in development along the corridor as  
they had been repeatedly asked to have an independent  
hydrology or environmental impact study made but chose  
to look the other way. Their vision is development.

"Aquifer: a mysterious, magical and poorly defined  
area beneath the surface of the earth that either  
yields or withholds vast or lesser quantities of standing/flowing  
water, the quantity and/or quality of which is dependent on who is  
describing it or how much money may be at stake." R. Radden, "Watershed  
Resources", Jan. 2002

Any delay in the zoning question or cost involved in  
a study would certainly be less than the millions of  
dollars needed for cleanup and potential lawsuits that  
would follow a catastrophic spill on the aquifer.

Water is one of the most critical issues facing us  
today as we plan for future generations. We have had  
our floods, polluted lakes, stagnant ponds breeding  
West Nile virus, septic tank pollution, increased  
nitrate levels in Rapid City wells, storm and  
household run-off into streams and highway run-off  
killing trees, right here in Rapid City.

Now I ask you the voter: Is it your vision to  
contaminate or to protect an aquifer?

This vote is not about where you're going to shop. It  
is about protecting our resources. It is about an irreversible  
decision which involves responsibility to a larger community, not just  
Rapid City. What goes there affects us all and will resonate  
throughout the Hills and onto the prairie for years to come.

This is a part of the moral and mental legacy we are  
passing on to our children. I would hope that one  
would see a most vital relationship between our  
beloved Black Hills, our water and ourselves.

Vote No on June 6th.

Teri Veon Powell

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

**From:** trogers@bh-corp.com

**To:** councilgroup@rcgov.org

**Sent:** Fri, 6 Oct 2006 11:47

**Subject:** Fwd: Table Rock - Request to Rezone and to change Comprehensive Plan for Highway 16 Corridor

Good morning,

This email is in regards to the Table Rock rezoning issue.

I submitted comments at the first Planning Commission meeting back on September 21 stating that I believed the application was incomplete and the public notice requirements were not complied with.

I did not receive response to these comments/questions.

I again submitted comments at the Planning Commission meeting yesterday (October 5) because I had to leave. I also emailed these comments and other information to the Planning Commission.

I did not receive a response to these questions/comments.

I was informed the Commissioner's vote was 3-3 and they will send this action to you (City Council) with no recommendation. I would again ask that my comments on the incomplete application and the failure to meet the 7-day public notice requirement be addressed by the City Attorney before you take action on these items at your October 16 meeting.

Thank you for your consideration.

Attached are the comments I submitted on the application and public notice concerning this re-zoning request.

Sincerely,

Tim Rogers

To: Rapid City Commission  
Honorable Jim Shaw, Mayor of Rapid City

From: Tim Rogers, Resident of Enchanted Hills Subdivision

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

Date: October 10, 2006

Dear Commissioners:

I am submitting the following comments regarding the above mentioned Amendments to the Comprehensive Plan and Rezoning Request Applications. These comments are being submitted on my behalf as a resident of the Enchanted Hills Subdivision. I am opposed to these requests because they would negatively impact this area.

According to City Code 17.54.040(D) (1) (a-d), four criteria must be met to consider amending an area for re-zoning. I contend that these four criteria are not being met and have outlined my reasoning below.

1. ***City code states: “The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in General.”*** The staff review indicates that there is NOT a situation in this area where conditions have substantially changed or will change. I agree with the staff’s assessment. There are no substantially changed or changing conditions in this area that we have been informed of. The applicant has not provided any information in writing or verbally to suggest there is any substantially changed or changing conditions in this area to warrant these amendments. This is the first reason these requests should be denied.
2. ***City code mandates: “The proposed zoning is consistent with the intent and purposes of this ordinance.”*** The areas in question are deep ravines (70-100 feet) that are zoned Office Commercial. All other property in this area similar to this type of topography is zoned park/forest or general agriculture. During the neighborhood meeting your planning commission staff hosted on September 25, 2006, a question was posed as to why they recommended the applicant to zone this area Office Commercial back in 2002 when it was a deep ravine and similar land around it was zoned park/forest. They responded that they typically recommend that land like this be zoned similar to the area being developed and at that time, the top of the Tower Ridge was zoned Office Commercial. However, there are over 80 acres of land adjoining the land in question that are zoned park/forest or agricultural. In fact, the applicant for this rezoning owns the 30 acres of park/forest property surrounding the Tower Ridge area. There is no consistency in the staff’s recommendation for this area with regard to zoning.

Regardless, the areas being requested for rezoning are forested, steep ravines that obviously would not support any kind of structure without significant removal of trees and backfilling of land. I would ask that you consider not only denying the applicant's request to zone general commercial, but that you give this property the proper designation of park/forest like the rest of the area around it or to zone it and the 30 acres of adjacent forested ravine owned by the applicant as general agriculture. The other ravines in this area are zoned general agriculture and the landowners pay taxes on land assessed as such. For example, Enchanted Hills owns 53 acres of ravine in this area that is zoned general agriculture. We pay taxes on the assessed value of \$63,000. The applicant owns 30 acres of the same type of ravine, but it is zoned park/forest. The assessed value of this land is \$1,200 in which the applicant pays significantly reduced taxes as compared to other landowners with the same type of property. There is nothing consistent about this request with regard to zoning for this area or the taxes people pay for similar land.

3. ***City code states: "The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect effects result from such amendment"***. Staff suggests that the 70-foot ravine forest/park area between the Enchanted Hills neighborhood and the area in question serves as an adequate separation between nearby residents and any potential General Commercial business (such as Wal-Mart or another box store). I disagree based upon the following reasons.

Noise and light pollution: There would be nothing but air and a distance shorter than a football field separating a General Commercial business and a residential area that has been in existence since 1980. The view of a large commercial development less than 300 feet from many of those homes – with the 24-hour lighting and 24-hour traffic that goes along with it – would certainly negatively impact the values of those homes and also the quiet quality of life the residents of this area have come to expect. If you approve this request, you are going to subject us to listening to the beeping of vehicles backing up and malodorous fumes of combusted diesel fuel all day and night from semi-trucks, vehicles and forklifts.

Property Value: I found studies suggesting that property values decrease 15-20 percent when a box store like Wal-Mart moves adjacent to a residential area. For the residences of Enchanted Hills (53) with home values averaging \$250,000 - \$500,000, the rough math indicates a loss of \$2,650,000. Who is going to compensate this loss? The City? Wal-Mart? Or the Developer? Obviously, the property owners will take a loss on what they once considered a solid, beautiful investment. This estimate does not include the homes in the adjacent Enchanted Pines neighborhood, where home values range from \$400,000 to \$1,000,000, or the homes in Enchanted Hills III that line Enchantment Road down to Fifth Street.



Water Pollution: If this area is rezoned and a Wal-Mart or other box store locates on this property, there will be 30-40 acres of pavement and building. The storm water run off from a precipitation event is going to be enormous. It will no longer soak into the ground. Where is it going to go? It is going to go directly down the ravine and drain into the Enchanted Hills pond that is a fishing pond and a place where kids hang out. This storm water run-off is going to be polluted with oil, sediment, chloride from parking lot sanding, and who knows what else from the parking lot. There is no room to install a sediment control pond in the steep ravine. The enormous run-off will also cause significant erosion all the way down to Fifth Street, where it will finally run into storm drains. How will Wal-Mart or the developer address this issue? They won't. They do not own the property where this is going to occur. The city will pay to fix it with tax payer dollars, and I do not think this is acceptable.

Traffic congestion: A box store at this location is going to significantly increase traffic on Highway 16, which is a major arterial. In order to deal with this problem, there will be a large expense to the general public for the City or SDDOT to address the increased traffic flow. Residents from within Rapid City's central, south and east side will have three routes to a large box store in this location: Highway 16, Catron Blvd or Enchantment Road, which is a steep residential street connecting Fifth Street to Highway 16; the speed limit on this road is 25 mph. Certainly, traffic on this residential street will swell, endangering children in this area, causing significant traffic hazards and decreasing property value to the homes on this road.

As long as the land in question is zoned Office Commercial or zoned back to Park/Forest, the residents of this area are provided protection against a large General Commercial business locating at this site. This zoning amendment would have negative impacts in this area and other parts of the city.

4. ***City code states: "The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community plan, and others."*** I do not agree with the staff's assessment that this change would not conflict with elements of the City's development plan, major road plan, and others. If this area is rezoned General Commercial, there will be significant changes to the City's road plan, water system, and sewer system.

In conclusion, this zoning request is being made to allow for these two parcels of ravines to be rezoned to General Commercial. This would allow for the land to be back-filled to allow several parcels of land to be combined. Doug Hamilton owns the majority of land on this portion of Highway 16 under several different partnership names. This rezone would pave the way for a large retail box store like Wal-Mart. This is the wrong location for this type of development. Please deny this application. There are better locations for this type of development.

Thank you for your consideration.

Sincerely,

Tim Rogers  
1309 Panorama Circle  
Rapid City, SD

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

**From:** [Chris Rogers](#)

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

**Cc:** [advanced@rapidnet.com](mailto:advanced@rapidnet.com) ; [Dave Kappenman](#) ; [jbeaton99@aol.com](mailto:jbeaton99@aol.com) ; [Jesse Ham - home](#) ; [Jesse Ham](#) ; [Jim Strain](#) ; [jldaane@rap.midco.net](mailto:jldaane@rap.midco.net) ; [JULIE A KAPPENMAN](#) ; [Monte Dirk](#) ; [Nancy Jensen](#)

**Sent:** Tuesday, October 10, 2006 8:53 PM

**Subject:** Table Rock Comprehensive Plan Amendment and Rezoning Request

Hello,

My name is Tim Rogers. I live at 1309 Panorama Circle, Rapid City, SD 57701. I am the Chairman of the Enchanted Hills Subdivision and Resident. I am opposed to the two requests to change the Comprehensive Plan Amendment on Highway 16 and the two requests to rezone these areas made by Doug Hamilton.

I will be attending the meeting next Monday night (October 16, 2006), but wanted to send my comments to you prior to the meeting. If you have any questions, please feel free to contact me at 716-0957. I would be glad to meet with any or all of you at the site to identify my concerns in person prior to the meeting, but if that is not possible, please read my comments opposing this action.

Thank you,

Sincerely

Tim Rogers

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

**From:** Reone <reone@rap.midco.net>

**To:** <CouncilGroup@rcgov.org>

**Sent:** Sun, 15 Oct 2006 22:15

**Subject:** Fwd: WALMART ? ? ?

Council Members, We urge you **NOT** to let personal biases, and emotional pleas from a few, prevent you from making an informed, professional, logical and objective decision on the rezoning items (# 57, 58, 112, & 113) of your Oct 16 meeting. This should NOT be a vote, either for or against, any specific individual business. Conrad & Reone Rupert

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

**From:** Shannon Willett <email\_shannon2003@yahoo.com>

**To:** mayor@rcgov.org

**Sent:** Sun, 15 Oct 2006 19:23

**Subject:** Fwd: Enchanted Hills home owner

Hello,

My name is Shannon Willett. My husband and I bought a house in Enchanted Hills a year and a half ago. We purchased the house because of the quiet area and the clean neighborhood. It has been brought to our attention that it is possible that a new Wal-Mart may be going in around our subdivision. I would like to speak out against this action. This will make the home values in our neighborhood decrease and there are some very nice houses here that the owners didn't purchase for a cheap price and to lose money because of the Wal-Mart being put in in the area would be wrong. There are more places down on Hwy 16 that would be better and away from nice housing developments.

So to end this email, I ask that you vote NO to putting the new Wal-Mart around the Enchanted Hills area on Hwy 16.

Thank you for your time,  
Shannon Willett

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

**From:** Jesse Ham <jharley7@gmail.com>

**To:** CouncilGroup@rcgov.org

**Sent:** Sun, 15 Oct 2006 16:23

**Subject:** Fwd: Vote No: Tower Ridge Items 36, 37, 38 and 39

City Council Members,

This letter is from one of many life-long citizens of Rapid City who feels Tower Ridge should not be changed from Office Commercial to General Commercial.

There is a myriad of reasons I feel this way. I will highlight a few:

This is an underhanded attempt by developer Doug Hamilton to change the zoning of this region without the public knowing the true intent--to wedge a large department store very near a firmly established residential area.

The consequences for this action reach far beyond the location of the many-thousand square foot department store. Near the proposed site, this SEEMINGLY insignificant zoning change will absolutely change the scope of highway 16 permanently for the worse. Instead of progressing to an Office Commercial zone filled with new permanent professional skilled positions that do not take away from others, this proposed change would set Rapid City up for long term failure.

Initial consequences would include but are not limited to 24 hour light pollution, destroying the skyline for hundreds of citizens that purchased their homes with the office commercial zoning in place. Abutting a canyon with habitat for many animals, the general commercial zoning creates pollution of all kinds (water, soil, physical litter) that the city will have to continually clean up from the wildlife area to the South and East of the proposed zoning change. There will be a significant increase in traffic on what is currently a scenic, but treacherous area atop Mt Rushmore Road. Exponential increase in traffic on highway 16 will undoubtedly cause a dramatic increase in traffic accidents and fatalities.

Stormwater, sewer, and water systems will most certainly be asked to be forgiven (paid by the taxpayers of Rapid City) and there will be a request for tax breaks that the city will be asked to grant (again, costing the citizens of Rapid City).

Many millions of dollars in property values will be lost, dispersed among MANY Rapid City citizens so that one developer can sell to a massive box store that we already have in Rapid City. These residences that have been established with the current zoning in mind would see a statistically significant rise in crime rate that would soon further the economic decline in what would otherwise be a booming section of Southern Rapid City. It is no secret that large-scale

developments like the one planned behind closed doors will significantly increase the crime rate in a residential area that has firm roots in the community. There will be a significant increase in through traffic, in turn increasing the risk to families in many different ways--from air and noise pollution to increased crime rate to physical injuries from motor vehicle accidents.

Perhaps there is need for such a development as progress goes, but there is absolutely NO NEED for this kind of back-door development to be forced atop a firmly established residential area. Rapid City will continue to sprawl and an industrial/general commercial section of the South side of town has already been established by city planners. Changing this site to general commercial puts thousands of local citizens and hundreds of millions of dollars worth of previously established PRIME real estate in jeopardy. Do not think for a second that decreasing the value of 500+ homes within a two mile radius of the new store would not have a lasting effect on more than just those who own the homes. Should your commission approve this change, you will be setting our fine community up for failure. Short-sighted infatuation with a company that advertises well, conditions people to believe falsities and has NO tie with the community whose profits leave our state will be replaced with long-term loss for many of our community's citizens.

I have not touched on the effect that a box store like the one "not" proposed at this site would have on our struggling downtown and the members of the downtown association. Please be informed that this potential "growth" will stifle many thriving locally-owned businesses nearby and take that money out of our community. This is an entirely different and much longer story worthy of significant consideration.

I sincerely ask you to consider this prospective zoning change as precisely what it is--one man's (and yes, it is one man, regardless of how cleverly it has been guised to appear otherwise) attempt to push something through in order to profit from a big box company that we all know just doesn't belong there. There are many sites very near the one in question that would not put people at physical and financial risk and the environment at risk the way this proposed zoning change would.

Thank you for taking the time to review this letter. I encourage any and all feedback, comments and questions.

Sincerely,

Jesse Ham

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

**From:** [max extra](#)

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

**Sent:** Friday, October 13, 2006 7:01 PM

**Subject:** Rezoning on Hwy 16

Mr. Mayor and Council,

We recently moved into the Enchanted Hills area. It is a great neighborhood, quiet and peaceful. That is why we bought a house here. I want it to stay that way. Therefore, I strongly oppose the proposed zoning change which will be voted on next Monday.

I understand that the reason for this zoning change has not been made public yet. All that has been stated is that the requested change is to zone the parcels as heavy commercial. Why must it be so secretive as to what this zoning change is for?

Many people in this area believe that the zoning change is for a Walmart. This would be an absolutely horrible place to put a Walmart, right next to our peaceful neighborhood. Even if it is not for a Walmart, people moved into this neighborhood based on the current zoning. To change that zoning now is not right. Why would you want to cause property values to fall? Would you want that to happen to you?

There are many other much better places to put a Walmart or other heavy commercial businesses. Please do the right thing and vote against the zoning change.

We will see you at the meeting on Monday.

Thank-you,

Phil and Carla Petry  
5217 Ridgeview Rd.  
343-0189



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

From: atponto@rap.midco.net [<mailto:atponto@rap.midco.net>]  
Sent: Monday, October 16, 2006 1:52 PM  
To: councilgroup@rcgov.org  
Subject: rezoning on Highway 16

Hi- my name is Tracy Ponto and I am a resident of the Enchanted Hills subdivision. I am concerned about the possible rezoning of the Table Rock area. Allowing large commercial buildings in this area would cause property values to decrease and would likely increase traffic on Enchantment Road. The low amount of traffic on this road is one of the main reasons that we decided to build our home here (have only been in our house 1 year). Please try to put yourselves in the homeowners shoes when making your decision. Thanks for your time.

I also have a concern about there not being a turning lane of off Catron Blvd onto Dan Christy Lane. Who should I contact about this matter?

Thank you-  
Tracy Ponto

06CA025 / 06RZ029 / 06CA026 / 06RZ030

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

**From:** advanced@rapidnet [mailto:advanced@rapidnet.com]

**Sent:** Monday, October 16, 2006 2:15 PM

**To:** Chris Rogers; DalenanJen@aol.com; CouncilGroup@rcgov.org; mayor@rcgov.org

**Subject:** Re: Print and distribute the flyer

Chris @ Dale, Mayor and Council Group ,

Again Thank you for all that you are doing. I have a few items that may help in our plight to stop this rezoning:

#1 In an effort to make awareness on what the City of Rapid City should look like in 10 to twenty years I suggest that planning and zoning carefully look at the precedence they will set for "Skyline of Rapid City".

As a tax payer I am entrusting decisions with planning and zoning , our Mayor and the council for prudent growth and our money spent wisely. I have lived in other Cities and decided that Rapid City was and is a great City. Future growth is a must . Proper layout and design is important for the future growth of this Good City. The new complexes that have been built to date in the area of Highway. 16 have been done with what I would think was "Proper Planning".

I live on the Canyon adjacent to the land up for rezoning and hope that "Proper Planning" continues. I could envision high rise buildings, a large office district , a golf course, Educational facilities and of course more beautiful homes. I cannot imagine that "Proper Planning " would be defined as shopping centers, Malls etc. Wall mart is as far as I am concerned an " Industrial Facility" not commercial, nor residential. I have driven through many towns and I am not impressed with the glut of shopping facilities near homes not to mention in anyone's backdoor. I agree that it is convenient to locate these types of facilities for proper use of an area but not where I feel, is the only Prime area left in Rapid City to actually build a real Classy "Skyline".

#2 I want to point out to the City of Rapid City that if this type of Growth continues the rest of our fine City will end up with several depreciated huge buildings that will at some point trash out the areas where they are already located. If you need an example drive down to Spearfish and see the vacant building Wal-Mart left for yourself. If you really want to see what those evacuated buildings look like in a few years after someone like Wal-Mart, and other large retailers leave, spend some our tax dollars and go visit some other Cities in the US. I am sure that this educational expense will payoff in the long run.

#3 Please be prudent with your up and coming decisions!!!!

Respectfully Yours

Thomas J Gagliano

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

**From:** [Chris Rogers](#)

**To:** [advanced@rapidnet.com](#) ; [Dave Kappenman](#) ; [jbeaton99@aol.com](#) ; [Jesse Ham - home](#) ; [Jesse Ham](#) ; [Jim Strain](#) ; [jldaane@rap.midco.net](#) ; [JULIE A KAPPENMAN](#) ; [Monte Dirk](#) ; [Nancy Jensen](#)

**Sent:** Thursday, October 12, 2006 8:12 PM

**Subject:** Print and distribute the flyer

Neighbors,

The flyer is ready. It is attached. Please print and distribute. I will start giving out as well.

Thanks. Also thanks to those that the proofed the flyer.

Tim

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

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

**Sent:** Monday, October 16, 2006 2:25 PM

**To:** mayor@rcgov.org; councilgroup@rcgov.org

**Subject:** Wal-Mart

As the city continues its deliberations to find a suitable site for Wal-Mart's new store, please be mindful of all considerations, including:

- destruction of natural habitat, ravines and watersheds;
- assuring convenient access and accommodating traffic congestion;
- protecting existing residential neighborhoods from unwanted and unwarranted traffic;
- selecting an area that can accommodate the expansion of other commercial development that occurs wherever a Wal-Mart is sited;
- serving the long-term public interest, not just the short-term benefits of a few select developers or land owners.

Sincerely,  
Dale Jahr  
Resident and Taxpayer  
Rapid City

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

From: David Kappenman [<mailto:kappolal@hotmail.com>]

Sent: Monday, October 16, 2006 5:31 PM

To: councilgroup@rcgov.org

Subject: Rezoning request Tower Ridge

Mayor Shaw, council member, I would like to thank you for allowing me my three minutes to speak. Regarding items 57 & 58 on the agenda tonight. I would like the council to deny the re-zoning request for the two small parcels of land from office commercial to general commercial. This area is directly adjacent to a small strip of land that is comprised of a forested ravine. I live in the residential neighborhood just 300 feet to the East of these parcels.

I know that no "official" plans for this site have been submitted, but I have also heard that plans do exist for a Wal\*Mart on this site and that some people have actually seen these plans. If the zoning change is approved then the project will have the green light to proceed. Once the council has done this it will become exponentially more difficult for us, the citizens of Enchanted Hills, to stop the inevitable building of a 24 hour a day, 7 day a week store that never closes, never turn its lights off, and will have around the clock semi-trailer deliveries a mere football field from my property.

The neighborhood as it exists now does not even have or want street lights, the natural beauty is enhanced once the sun has gone down and the night sky and distant glow of Mt. Rushmore is actually visible. If a large 24 hour retail center is placed here this would be lost. As the mayor's web page so eloquently states "We are proud to host more than 2 million visitors each year who come to see and experience the awe inspiring mountain carvings of Mt. Rushmore and Crazy Horse, the Badlands and the magnificent Black Hills National Forest." These wonderful views of the Black Hills, Mt. Rushmore and the Badlands (all of which are visible from Enchanted Hills) are a significant reason why my wife and I decided on this area of town to live. We do not want a view of the backside of a Wal\*Mart! I ask each of you if you would want that in your own back yard.

The parcels in question tonight are steep ravines that could only be used if they were deforested and back-filled to allow for more square footage of lot space. What other use could there be for a steeply graded pine covered area?

This council has already approved the conversion of the Sammis Trail site only to have Wal\*Mart back out of the deal. This little endeavor also came with the added cost of a citywide vote. I do not know how much this cost the city, but I am sure that it wasn't free and I am equally sure that Wal\*Mart did not cover this cost.

The future land use committee has already established areas in this area that would be able to host a Wal\*Mart. Why don't they build in one of these areas? Why is the city allowing them to rewrite the future land use policies?

The area's infrastructure will not support such an enormous strain, as highway 16 would become a traffic nightmare without a service road paralleling 16 and necessary traffic lights. Enchantment road would become the "fastest way to get to Wal\*Mart" for those who live in the South East part of town causing serious safety issues for those families that live on that road.

I put it to you Mayor and council members to deny this request based on the objections of those who elected you to your current

positions. We are a small group of homeowners that do not want this in our back yards. Ask yourselves, would you want it in your back yard?

Thank you,

David Kappenman  
1356 Panorama Circle

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I put it to you Mayor and council members to deny this request based on the objections of those who elected you to your current positions. We are a small group of homeowners that do not want this in our back yards. Ask yourselves, would you want it in your back yard?

Thank you



David Kappenman  
1356 Panorama Circle

06CA025 / 06RZ029 / 06CA026 / 06RZ030

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

From: "teri powell" <teriveon@yahoo.com>

To: <councilgroup@rcgov.org>

Sent: Monday, October 16, 2006 9:33 AM

Subject: Integrity of the Land

Dear Council Members:

>

> Tonight's meeting will include several issues that potentially affect  
> the integrity of the land and our community. With respect to the  
> following issues I would encourage you to:

>

> 1) Deny the re-zoning of the 2 parcels of land in  
> question in the Tower Ridge area to General  
> Commerical. As you should already know, this is an  
> area of Recharge for the Inyan Kara Aquifer and there  
> is the same potential for contamination as in the  
> Sammis Trail Site. After 2 Zoning meetings, a  
> recommendation was not made and Mr. Hennies said it  
> was "unfair" for the Commission to consider a zoning  
> change without knowing of its intended use."

>

> This area should be independently studied regarding  
> "water safety plans" and "aquifer sensitivity" before  
> any further action is taken.

>

> 2) Encourage the preservation of the M Hill as it is  
> also part of our historical viewshed as well as the  
> Inyan Kara formation.

>

> 3) Say NO to Electronic Billboards which will clutter  
> up our beautiful greenway (proposed site along Omaha  
> and 3rd).

>

> Thank you for your time and I trust that your input  
> and vote will show your concern for the "integrity" of  
> this land and the "legacy" that we will leave to  
> future generations.

>

>

> Teri V. Powell

>

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

From: "gerda i phoenix" <gip40@juno.com>

To: <mayor@rcgov.org>

Cc: <CouncilGroup@rcgov.org>

Sent: Thursday, October 26, 2006 10:38 AM

Subject: Highway 16 and change, Growth Department item: No 06CA004

I applaud the purchase and forethought in acquiring "open space" at the M Hill auction....this is good for Rapid City. Perhaps now it is time to give some very real thought about other areas in our city.

There is no longer the threat of the air base closure and fear for job losses. Pressure to hurry is not a factor.

There is time to take a good look at PLANNING instead of REACTING to every proposal that comes to the Planning and Zoning Commission. If you read the minutes from this commission's early October report you remember it was a tie vote, re No. 06CA004.....why were there three no votes????

There was the sense that they can't understand why you set a plan and then it is immediately under attack for change. (I do understand the process....the process is not the problem.) The problem is the never ending pressure and reaction without thought to the quality of life of our city.

Highway 16 is and should be developed but in a way that does not make the traffic a burden....why did you develop the arterial highway and Catron except for business development and access around the city. Yet, instead of directing "General Commercial" to these planned areas you consider changing areas designated "Office Commercial to General" before you look at traffic patterns, traditional use and aesthetic value to the city in wholesome growth.

I suggest you call for a real, healthy, progressive growth plan for our city....considering green areas, bike paths, ease of traffic congestion, and wise use of our limited natural resources....we brag about our river and parks yet it took a flood of great loss to cause it to come into being....not wise planning by this city....the result from tragedy became a wonderful asset, but tragedy and pressure should not be the guiding principles for good city growth. Now we have time to call for citizen and expert input re our city growth to evaluate our needs with an eye to progress and quality of life.

Thank you for considering my concern and posed solution.

Sincerely,  
Gerda Phoenix  
1332 Panorama Circle  
Rapid City, SD 57001