

**Lazy P-6 Land Company
615 East Catron Boulevard
Rapid City, South Dakota 57701**

November 9, 2001

RECEIVED

County Commissioners
Mayor, City Council

DEC 11 2001

Dear Commissioners, Mayor and Council Persons:

**Rapid City
Planning Department**

As shown on the enclosed maps, the Lazy P-6 land includes approximately 400 acres at the future intersection of 5th and Catron Blvd. 80 acres is north of Catron Blvd. and 320 acres lies south.

The fundamental purpose of land use planning is to prevent incompatible uses from impacting each other. This was the impetus in years past for strengthening the process. Few people would argue with keeping nude dancing away from churches, shooting ranges away from day care centers or oil refineries from residential neighborhoods. There are other reasons for land use planning, but this is the baseline.

Another important component of land use planning recognizes the impact of adjacent infrastructure. This analysis is fairly straightforward: either the infrastructure is compatible with the land use or it's not.

The final conventional component of land use planning is the application of a hierarchy. This is actually a refinement of the baseline process in that this component recognizes the need for transitions between land use. We try not to place residential property alongside industrial uses: generally we seek an acceptable buffer that transitions between these kinds of uses. We have routinely accepted major road corridors, waterways, green belts and similar features for this purpose.

A companion of the land use planning process is the Planned Development Designation (PDD). This was negotiated over many years between developers and the City. This allows both the developers and the City to reach mutually acceptable compromises when faced with difficult terrain, irregular land parcels marginally acceptable adjoining uses and similar challenges encountered on select pieces of land.

Rapid City has always applied these 4 basic rules for land planning. But like most communities, the Rapid City area has both good and bad examples of the process. For this comparison it is only necessary to evaluate similar land use patterns and their components.

The intersection of West Catron Blvd. and Sheridan Lake Rd. has a noticeably high percentage of commercial - type land use designations. This designation is literally across the street from fairly high value residential property. This will set in motion an interesting - and not entirely desirable - evolution that can best be demonstrated by looking at a similar situation.

While the home values are not equivalent, it is worth observing what has happened along Haines and Lacrosse - to name but two - over the last several years. The attraction for commercial development along these major arterials was too great, and over time the residential character of the area gradually succumbed to the development of a not necessarily well-planned commercial corridor. This was predictable given the circumstances, but the evolution of this area has been plagued by one heated exchange after another between the residents and the developers. It seems extraordinarily foolish to create these circumstances again.

The intersection of 5th and the truck route segment of Catron Blvd. will become one of the most important junctions in south Rapid City. It will be equivalent to the intersections of Hwy 16 and Catron and Hwy 79 and Catron. With the completion of the Southeast Connector and continued expansion of the Heartland Expressway, this entire east - west corridor will become the "I-90 of the south".

At the beginning of this land use debate between Lazy P-6 and the City, the City produced their 8/18/99 Future Land Use Plan (FLUP) for the area. In our opinion this proposal was an abomination. Perhaps the most blatant declaration was the placement of mobile homes immediately adjacent to the landfill. This single decision told us all we needed to know about Rapid City's "lofty planning process". We immediately set about the task of correcting this one first. After months of debating the obvious, the City agreed - but has not yet adopted the change formally. City staff claims that we wanted the mobile home park in this location. This is not true, but if it was, why wasn't the City appalled by this site selection. We believe the reason is because that is the way the City feels about mobile home developments. We refuse to be a party to that attitude.

It came to our attention that certain roadways shown on the FLUP were mandatory. We have no quarrel with the need to identify major roadway extensions. But then we discovered that another set of mandatory roads existed. Until recently they were shown as faint, dashed lines difficult to detect. If a road is mandatory it should be clearly shown, but this was not the case for the "rearage road" north of Catron Blvd. To this day the road does not extend west of 5th. When we asked about this City staff said that the terrain is too difficult. This is an interesting answer when we look at the extension of a rearage road east of 5th south of Catron Blvd. This road goes through a massive metering dam of City design and crashes into an almost vertical hillside: I guess we kind of understand the City's definition of "difficult terrain". Of course it is shown as a dashed roadway so maybe it's not mandatory.

Does all this mean that the property north of Catron west of 5th has direct access to Catron Blvd.? Since nowhere in the FLUP is this addressed, and given our experience with the "information" provided by City staff, we assume this is the case and hereby demand similar direct access.

Sadly, this is not the end of the questionable land use decisions in this area. Adjacent to an increasingly busy designated truck route, the City decides to place an extraordinary amount of residential property. We love the smell of diesel in the morning. If we time it right, we can have the jake brakes go off when it's time to get out of bed. We shouldn't be surprised by this decision from a government agency that thinks people should live next to a landfill.

The City has routinely ignored the parcel currently under development by Black Hills Corp. This parcel is immediately west of our southwesterly most 40 acres. BHC and Basin Electric are in the process of building transformers and a series of massive transmission towers that will radiate from this location. At a meeting a few months ago we asked City representatives why this passion for a residential designation. We were told that the City is "preserving vistas". At least we will have a clear view of 120-ft. towers. City staff stated that lots of neighborhoods have transformer stations. We ask where is one this big, and you're right, we should probably inflict this neighbor on future residential areas.

Attached is our proposal for a Land Use Plan that makes both economic and community sense. The area south of Catron Blvd. is one of the flattest pieces of land in the area and the only large tract, contiguous, "terrain unchallenged" parcels at an intersection of this caliber. When we consider the cost of developing mandatory roadway and drainage infrastructure, it is clear that we will need this designation.

Moreover, we see this as an opportunity to market a commercial land use parcel that is easily developed, has a desirable location at a major intersection and offers the potential for developing into a much needed concentrated shopping area as Rapid City expands to the south. The only existing parcel of even remotely comparable service is the Family Thrift area at Cambell and St. Pat. This development is dated and has virtually no room to expand. The Lazy P-6 land provides the perfect setting for a new and modern shopping and office hub.

In summary, we have assembled a land use mix that separates incompatible uses, recognizes the functional collaboration between infrastructure and land use, creates a reasonable transitional hierarchy, is economically feasible and provides for the future expansion components that will be needed in Rapid City. And we have done it all without the need for a PDD. It would seem that for these land parcels your current ordinance requirements are more than adequate.

We have been not so patiently waiting for the City to recognize these indisputable arguments. To their credit, the County seemed capable of quickly recognizing these issues until the November 6th Board meeting. At this meeting our requests were continued in part because "some questions from the City needed to be addressed". We couldn't help but notice that prior to our hearing a consultant discussed the economic potential of the new Event Center. We then learned that the City was a major contributor to this project planned for the County Fairgrounds. At the risk of offending a group that has been willing to listen objectively to our concerns, we must for the record state that we will not allow ourselves to become a down payment on this project, if this is the situation. If the County wants to play "Let's Make A Deal", we ask you do it with someone else's land.

The Lazy P-6 Board of Directors believe that we have done a commendable job of taking the City's concerns into account - despite their current ridiculous designations - by trying to find something less pervasive than the first proposal in April 2001. We have found our threshold to a large extent and discover there is little or no room to back down further unless we completely abandon economic realities.

There are other serious issues pending resolution. Lazy P-6 is anxious to participate in those issues. But we can not do it while the City slogs interminably through one sub-committee after another anguishing over their land use "vistas". While we understand that the City Council cannot make a decision outside the current review process, we would hope that the County could, since their review process has been fulfilled. We ask approval for our current requests from the County on November 13th, and a quick decision from the City on those areas within their jurisdiction.

Respectfully,



Orvil Davis, President
Lazy P-6 Land Company

CC: Lazy P-6 Board of Directors.

Atch: maps; Undated City Committee map is 10/12/01

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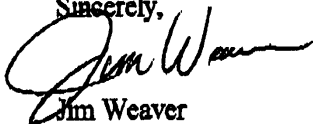
Planning Commission
Rapid City, South Dakota 57701

Dec. 12, 2001

Re: Orville Davis Comprehensive Amendment

We are not in favor of any increase in the general commercial development in the area of 5th street and Catron Boulevard. We do not want the development of commercial properties such as mobile home parks and strip malls. Residential properties are developing in the area. A change in rezoning will compromise the value of these residential properties.

Sincerely,



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