

July 13, 2004

Marcia Elkins, Director
Growth Management Department
City of Rapid City
300 6th Street
Rapid City, SD 57701

HAND DELIVERED

Dear Ladies and Gentlemen:

We, the undersigned, are making a request for a delay in the annexation and the rezoning of the land that is to contain the Hyland Park Subdivision. This proposed project contiguously lies to the south, to the east, and to the west of our properties. We are attaching a map that indicates in the yellow highlighted areas the proposed project and in the orange highlighted areas, the properties where we reside.

The following are the primary and very important reasons why we are requesting the delay of the rezoning and annexation:

1. The annexation is for a specific project contained within 120 acres. Any annexation specifically for such a certain project should examine the intended use of the property at the same time, not subsequent to, the annexation.
2. The long-range, comprehensive land-use plan is currently under study for the South Highway 16 Corridor and will come before the Common Council concurrently with this project. We believe that the long-range land-use plan has not taken into account the current usage in place, the restrictive covenants that exist on the surrounding properties, nor the fact that the prior studies have already concluded that this area is most appropriately Park-Forest.
3. The closest development with this intense density is on Catron Boulevard, one and one-half miles to the north. The next closest such development is two plus miles in any direction. We believe this is spot zoning to simply put LDR in the middle of land intended to be, and currently used as, Park-Forest. Our surrounding parcels are restricted to no less than five acres, and currently none are less than ten. The current usage ranges from 10-40 acres.
4. Growth Management Department says this will have the impact of 3,500 additional day trips on Sammis Trail, meeting Highway 16 in a very congested area. We are concerned about the impact of this traffic on the families that currently live here.

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**Rapid City Growth
Management Department**

Marcia Elkins, Director
July 13, 2004
(continued)

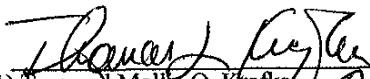
- 5. In 1983, this 120-acre parcel was an integral part of the Hart Ranch PUD granted by the County. That PUD was approved on the basis that it was committed to 300 houses on 1,100 acres contiguous and inclusive of this property. That density was clearly reiterated over the years in subsequent actions to amend the PUD by the County Commission and **is still in place as of this date**. All of us inspected and purchased property based on current usage, restrictive covenants, and the zoning in the area, which included the 300-house/1,100 acre restriction of the PUD.
- 6. We believe this development will clearly have a negative impact on our property values and investments made over the last 20+ years. The negative impact is due to the use of the surrounding properties clearly being Park-Forest. The proposed density will make these types of equine properties used by people for more rural activities less desirable for re-sale and for the approximately 10 platted but un-occupied sites available. This lack of desire to live here for Park-Forest type activities will lead to lower values due to the incompatible uses and the resulting traffic intensity, the strain on infrastructure (drainage, water, bus routes, schools, etc.), the resulting need for additional commercial development, etc. What community does not need Park-Forest type of areas? People have a need and ability to enjoy low density, high-end homes in a country setting in the City and why put this type of high density right in the middle of such an area?

We are not anti-development! But, we are for responsible and reasonable development. We do not believe that annexation and zoning coming before land-use plans and ignoring current use, restrictive covenants, and prior zoning and planning history (which all indicate Park-Forest), is reasonable development or equitable treatment of neighboring land-owners. Should this proceed as planned, it could be a short-circuiting of due process.

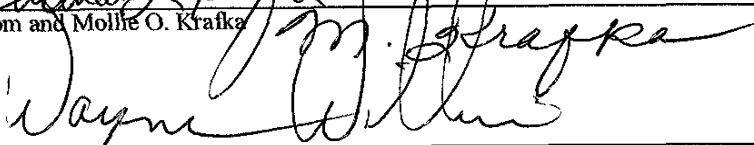
Given the above facts and our concerns for equity for all parties including the City, the developer, and the neighborhood, we feel the annexation and rezoning should be delayed for further discussion, hearings, and study. We will participate in all discussions in an objective and cooperative manner, given the opportunity to do so.

For convenience and in order to expedite communication, we are enclosing additional copies for the Common Council and the Planning Commission. Thank you.

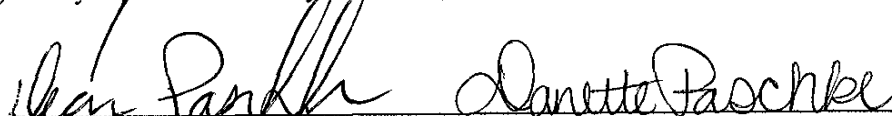
Sincerely,



 (1) Tom and Mollie O. Krafska

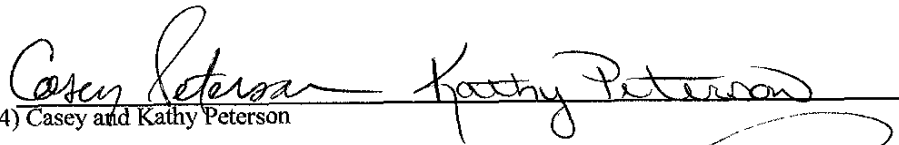


 (2) Liberty Baptist Church – Wayne Williams, Pastor

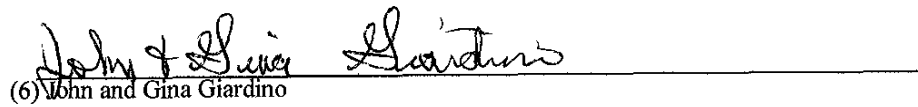


 (3) Dean and Danette Paschke

Marcia Elkins, Director
July 13, 2004
(continued)


(4) Casey and Kathy Peterson


(5) Lew and Kerry Papendick


(6) John and Gina Giardino


(7) Craig and Tammy Mestad

(8) Ross and Fern Johnson

() Denotes corresponding property on attached map.

CC: Rapid City Common Council
Rapid City Planning Commission

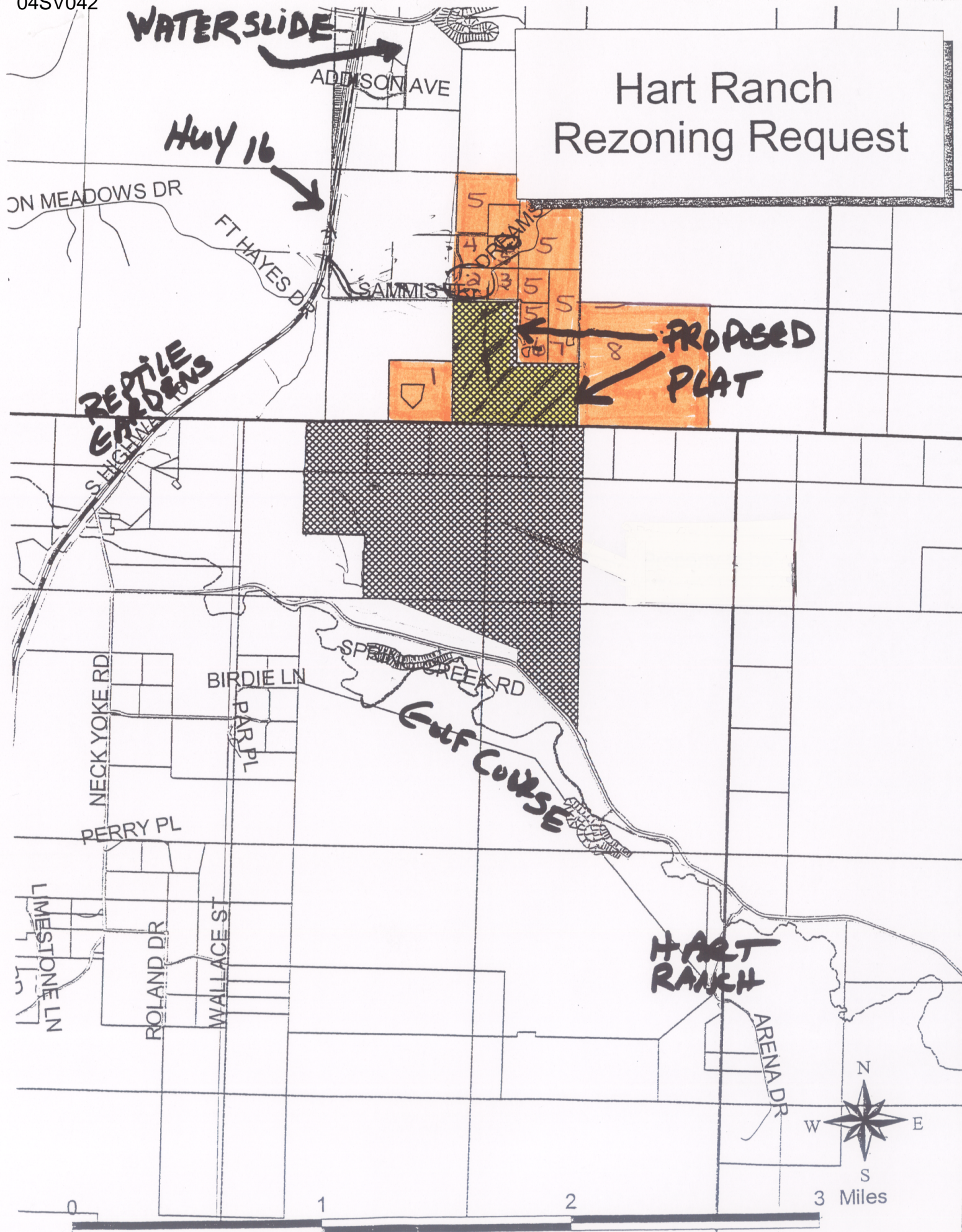
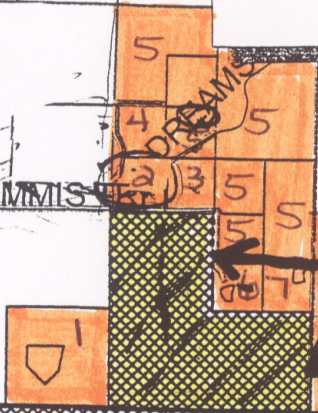
WATER SLIDE

Hart Ranch Rezoning Request

May 16

**PROPOSED
PLAT**

**REPTILE
GARDENS**



ON MEADOWS DR

ADDISON AVE

FT HAYES DR

SAMMIST

DREAMS

S HIGHWAY

NECK YOKE RD

BIRDIE LN

PERRY PL

SPEAR CREEK RD

GOLF COURSE

PERRY PL

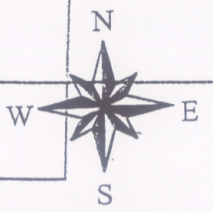
LIMESTONE LN

ROLAND DR

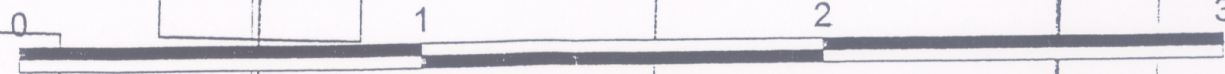
WALLACE ST

HART RANCH

ARENA DR



3 Miles



July 6, 2004

Rich Evans and Bob Drew, Hyland Park Development

Dear Sirs:

It is no surprise that you have plans to develop the Hart Ranch property next to us. We are dismayed that you have waited so long to involve the neighbors in your planning.

We are not opposed to development or even annexation as it is probably inevitable. We do expect that any development be done within the restrictions of the original Hart Ranch PUD on this property. (see attached) As you know Pennington Co. Planning has denied the rezone to unrestricted SRD.

If Rapid City intends to annex this area I certainly hope they follow Pennington County's desire to require suitable density based on the PUD and with sensitivity to the current neighbors.

When you are ready to have a meaningful discussion about modifying your current plan we will be happy to sit down with you.

Sincerely,



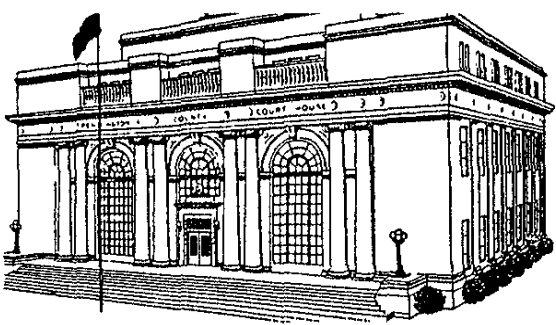
Thomas E. Krafka

cc: Marsha Elkins

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JUL - 7 2004

**Rapid City Growth
Management Department**



Pennington County

PLANNING AND ZONING COMMISSION

★ ★ ★ CITY HALL ★ 22 MAIN STREET ★ RAPID CITY, SOUTH DAKOTA 57701 ★ PHONE 394-2186 ★ ★ ★

DATE: March 6, 1986

TO: _____

NOTICE OF PUBLIC HEARING

This is to inform you that the undersigned petitioner has applied for a public hearing as follows:

OWNER'S NAME: Duininck Brothers & Gilchrist Land Co.

TYPE OF HEARING: Amendment to Planned Unit Development designation

PRESENT ZONING OF SUBJECT PROPERTY: General Agriculture/PUD overlay

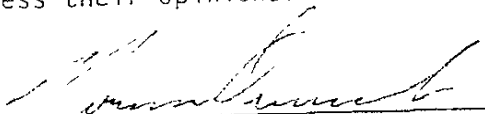
PROPOSED REZONING (If Rezoning): Not applicable

REASON FOR REQUEST: To allow for construction of single-family attached dwelling units along the north side of Spring Creek Road within the area specified below and with a maximum density of 118 units per the 36.3 total acres; and to amend the maximum density of the Suburban Residential areas from 800 acres + 350 acres per 300 units to 764 acres + 350 acres per 300 units

LEGAL DESCRIPTION OF SUBJECT PROPERTY: Please see the enclosure

LOCATION OF SUBJECT PROPERTY: On the north side of Spring Creek Road approximately 1½ miles east of Highway 16

The hearing will be held in the County Commissioners Meeting Room at the County Courthouse in Rapid City, South Dakota at 1:30 P.M. on the 24th day of March, 1986. The public is invited to express their opinions.



 Signature of Owner or Agent

COUNTY BOARD MINUTES
March 25, 1986

AMENDMENT TO HART RANCH PUD

Hart Ranch Development Co. by Leon Kelzenberg - to allow for construction of single-family attached dwelling units along the north side of Spring Creek Road within the area specified and with a maximum density of 118 units per the 36.3 acres; and to amend the maximum density of the Suburban Residential areas from 800 acres + 350 cres per 300 units to 764 acres + 350 acres per 300 units - located along the north side of Upper Spring Creek Road (C-2339) approximately 1 mile east of Highway 16

That portion of the N $\frac{1}{2}$ of Section 11, T1S, R7E, BHM, and of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, a parcel of land described as follows: Commencing at the N $\frac{1}{4}$ corner of said Section 11; thence South a distance of 580.10' to the Point of Beginning, identical to a point on the northerly R.O.W. line of Upper Spring Creek Road, C-2339, thence North a distance of 480.00'; thence East a distance of 480.00'; thence S 75° 11' E a distance of 793.00'; thence S 71° 42' E a distance of 2185.81'; thence South a distance of 335.26' to a point on the northerly R.O.W. line of said Upper Spring Creek Road, thence westerly along the northerly R.O.W. line of said Upper Spring Creek Road a distance of 3400.00' to the Point of Beginning

Mr. Cook explained that the applicants wish to construct a maximum of 118 single-family attached dwelling units (townhouses) along the north side of Upper Spring Creek Road in an area which has already been designated for "SRD" development under the original Hart Ranch PUD approved in July of 1983. However, the original PUD application indicated that development in this "SRD" area would be located on the "level 'table-top' meadows" and would not be visible from Spring Creek Road, this being the reason for this requested amendment. The proposed townhouses will be served by extensions from the existing water and sewage disposal systems.

John McMahon questioned how the Equalization Office would assess a valuation on these homes and the "common area" that would be created. It was noted that this matter would have to be addressed by the Assessor.

MOVED by Rypkema and seconded by Alexander that this PUD Amendment be approved subject to the following conditions:

1. That the interior roadway widths be constructed with a minimum of 20 feet of asphalt with 2-foot shoulders of an all-weather material on either side;
2. That the number of approaches into this townhouse development from Upper Spring Creek Road be limited to four (4);
3. That the remainder of the 36-acre parcel in question not reserved for the townhouses themselves be designated as a "common area" for the residents of the townhouses; and
4. That the development in question be shown on a map which is to be certified (signed) by staff, the applicants, the Planning Commission Chairman and County Board Chairman.

Approved by unanimous vote.

August 19, 2004

Rapid City Planning and Zoning
300 6th Street
Rapid City, SD 57701

Re: Highland Park Development

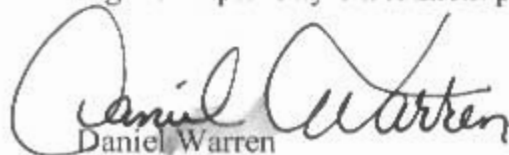
Dear Sir/Madam:

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AUG 19 2004
Rapid City Growth
Management Department

It is my understanding the above planned development entails 300 new homes east of highway 16 on part of the Hart Ranch. The proposal before the Planning and Zoning Commission is to allow the sewage from this development to be pumped to the existing Hart Ranch lagoon. As a resident of Lower Spring Creek Road I have concerns about this proposal.

- 1) Is the existing lagoon capable of handling not only this development but the continued development of the Hart Ranch area?
- 2) The current water quality in Spring Creek itself is already polluted. A test conducted by the South Dakota Department of Health on August 11, 2004 shows the creek water to be "Bacteriologically unsafe for drinking or washing uncooked foods". Coliform is present in the water. This additional sewage could potentially add more pollution to Lower Spring Creek.
- 3) Spring Creek, as most creeks in the Black Hills, have a history of flooding. If flooding occurs this will turn Lower Spring Creek into no more than a cess pool of sewage from this lagoon
- 4) Water quality in the Black Hills needs to be made a priority! Development of Rapid City is essential to the life of the City but not at the expense of Water Quality. In my understanding pumping the sewage to Hart Ranch lagoon will save the developers money but the question is at "who's expense"? I would conclude eventually the sewage from this development will have to be tied into the sewage treatment plant in Rapid City. This cost should be the responsibility of the developer not the City or the taxpayers!
- 5) Most residents of Lower Spring Creek have shallow wells. What assurances can be provided that our wells will not be polluted?

I would encourage Planning and Zoning at a minimum to delay approving this development until such time the issues I have listed have been answered, one way or the other. The best possible solution would be to require the developers to do the project right and pump the sewage to Rapid City's treatment plant. Thank you for your consideration.


Daniel Warren

14573 Lower Spring Creek Road
Hermosa, SD 57744



DEPARTMENT OF HEALTH

ADMINISTRATION

Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
(605) 773-3368 FAX: (605) 773-6129
www.state.sd.us/doh/lab/index.htm

* Page 1 of 1*

Date: 8/13/2004

Submitter copy to:

WARREN, DAN-105583
14573 LOWER SPRING CREEK ROAD
HERMOSA, SD 57744

Spec #: E04WB010805
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605) 773-3368

Source

WARREN, DAN

Date Rcvd: 8/11/2004
Time Rcvd: 0800
Date Coll: 8/10/2004
Time Coll: 0630
Spec Type: WATER
Coll Site: WELL
Coll By: DAN WARREN
Near Town: RAPID CITY

Miles S: 11
Sample County: PENNINGTON
Township: 1 SOUTH
Range: 8 EAS
Section: 27
Supply Type: PRIVATE
Sample Purpose: ROUTINE

Final Results

BACTERIA AND NITRATE

T. Coliform-5 Tube MPN Bacteriologically unsafe for drinking or washing uncooked foods.
Nitrate - private <0.1 mg/L
Limit: 10.0 MG/L

NITRATE RESULT: SAFE AT TIME OF SAMPLING.

Specimen Comments:

SPRING CREEK

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Management Department