

**LAZY P6 LAND CO. INC**  
**505 CATRON BLVD**  
**RAPID CITY, SD 57701**  
**ORVIL DAVIS, PRESIDENT**  
APRIL 24, 2014

**TO: City Council, Mayor, and Mayor's Staff.**

**RE: Objection to Mayor's staff proposed changes to current Future Land Use Plan (FLUP):  
4/15/14 PWC Item # 27**

Attached graphics include current County zoning, current Rapid City FLUP and Mayor's staff proposed changes for the area identified on the graphics. The latter includes listed objections sent to the Mayor's staff. The proposed FLUP documents package has those objections in Appendix E, public comment. Note the dates when Mayor's staff was contacted via email regarding these concerns.

Lazy P6 Land Co considers these changes to be arbitrary, capricious and malicious. The effect on P6's long standing marketing strategy and cost recovery projections will run into the millions of dollars - the difference between General Commercial (GC) and Light Industrial (LI). Potential buyers will also notice LI is immediately across an arterial street from the GC property.

We consider the current P6 FLUP – in place for more than 10 years - to be an “implied contract”, based on the hard fought negotiations at the time that yielded the land uses projected today. Our consultant, Lawrence M Kostaneski, PE, has stated that for nearly 20 years he would encourage clients to obtain the most favorable future land use designations possible, since they predict the land use (zoning) the City would honor when annexed into the city. He states that has always been the case – until now.


The Mayor's staff seems to have abandoned all land use projection principles. When the current FLUP was adopted, there was virtually nothing substantial adjacent to 5<sup>th</sup> St in this area. Today, this is exploding with commercial development, of which we assume even the Mayor's staff is aware. And yet, they now believe that the future moving south is LI. Former Mayors, Councils and staff knew better.

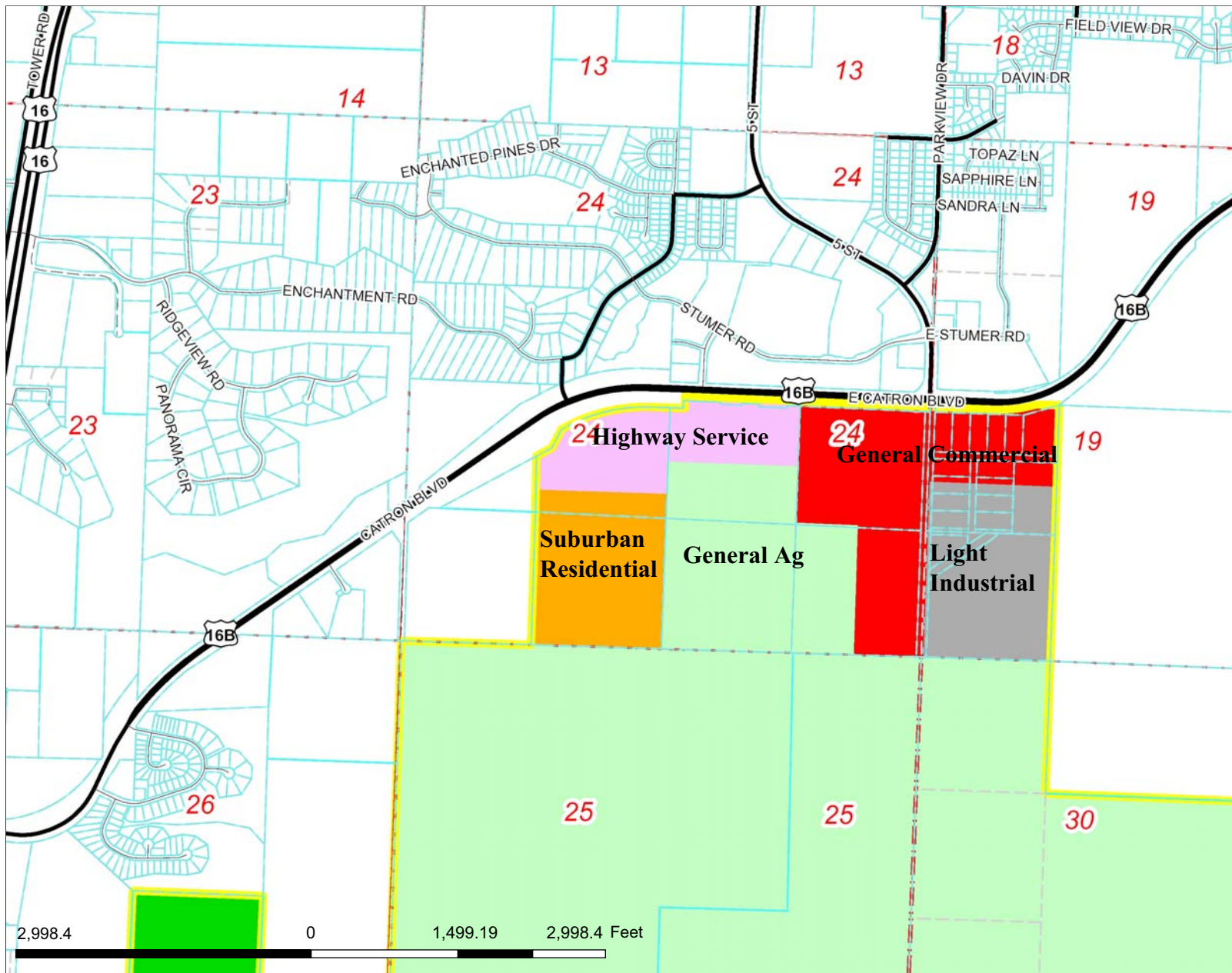
To add insult to injury, the Mayor's staff spent months reviewing water modeling with fire flow targeted at GC and deciding the number of lanes for a high volume concrete street surrounded by GC. Why would anyone think Light Industrial is a land use with the same cost amortization potential as GC?

Incidentally, the current car lot (2005) is a permitted use in GC, which is the current County zoning. The current storage units were sold as GC. The owner decided to build storage units (2003), which are a conditional use in GC. He obtains an annual renewal from the county for the CUP. The buildings under construction are designed for “finish to suit” retail or office space. They are heated.

Lazy P6 Land Co. strongly objects to the changes proposed by the Mayor's staff. We assume the Rapid City Council will take the appropriate action with this information now available.

Signed,

  
Orvil Davis, President  
Lazy P6 Land Co. Inc.



## Legend

- Roads**
  - Interstate
  - US Highway
  - SD Highway
  - County Highway
  - Main road
  - Minor arterial
  - Collector
  - Ramp
  - Paved road
  - Unpaved road
  - Unimproved road
  - Trail
  - FS Highway
  - Airport Runway
  - Not yet coded
- Lot Lines**
  - <all other values>
  - Lot Line
  - Parcel Line
- Township/Section Lines**
  - - - TOWNSHIP
  - - - SECTION
- PLSS Sections
- County Line
- County Zoning Districts**
  - General Agriculture
  - General Commercial
  - Heavy Industrial
  - Highway Services
  - Limited Agriculture
  - Low Density Residential
  - Light Industrial
  - Planned Unit Development
  - Suburban Residential
  - NOCODE



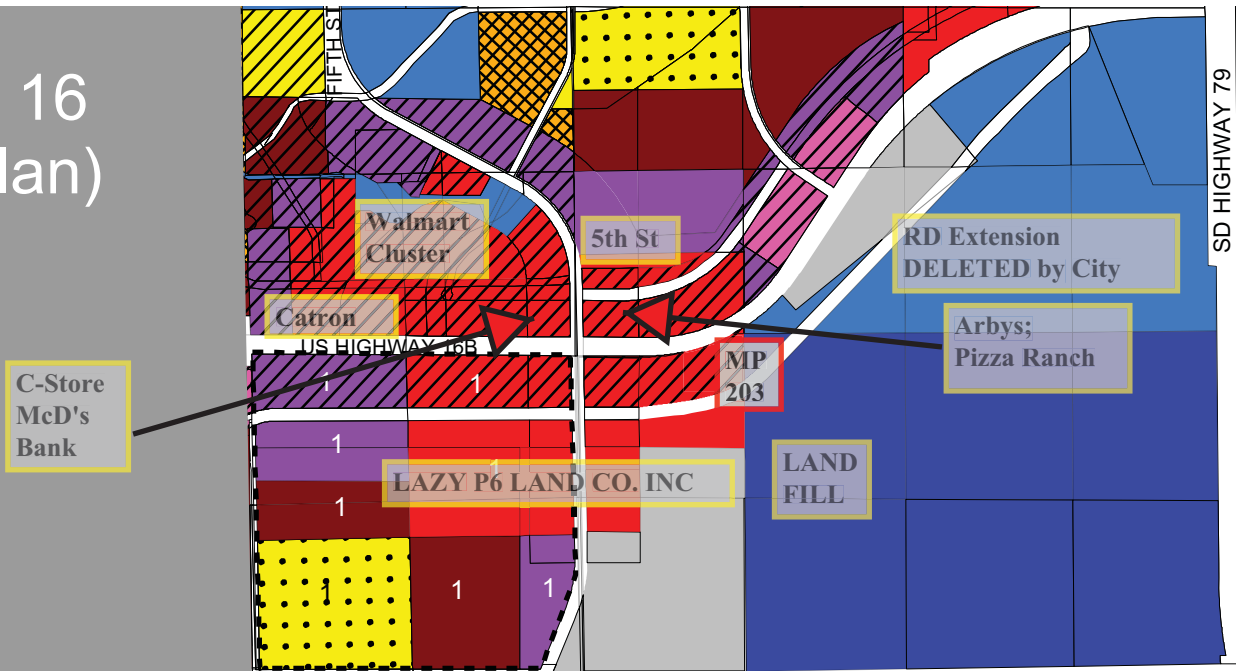
Scale: 1: 17,990

## Map Notes:

County Zoning

DISCLAIMER: This map is provided 'as is' without warranty of any representation to accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the user. Rapid City and Pennington County make no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the data used to create the map is dynamic and is in the constant state of maintenance, correction, and update. This document does not represent a legal survey of the land. There are no restrictions on the distribution of printed Rapid City/Pennington County maps, other than the City of Rapid City copyright/credit notice must be legible on the print. The user agrees to recognize and honor in perpetuity the copyrights and other proprietary claims for the map(s) established or produced by the City of Rapid City or the vendors furnishing said items to the City of Rapid City.

(See U.S. Highway 16  
Future Land Use Plan)





LAZY P6 CONTINUING OBJECTION TO FLUP CHANGES

## **SOUTH ROBBINSDALE NEIGHBORHOOD AREA FUTURE LAND USE MAP**

**08CA042**

**SCALE 1" = 1500'**

**2/02/2009**

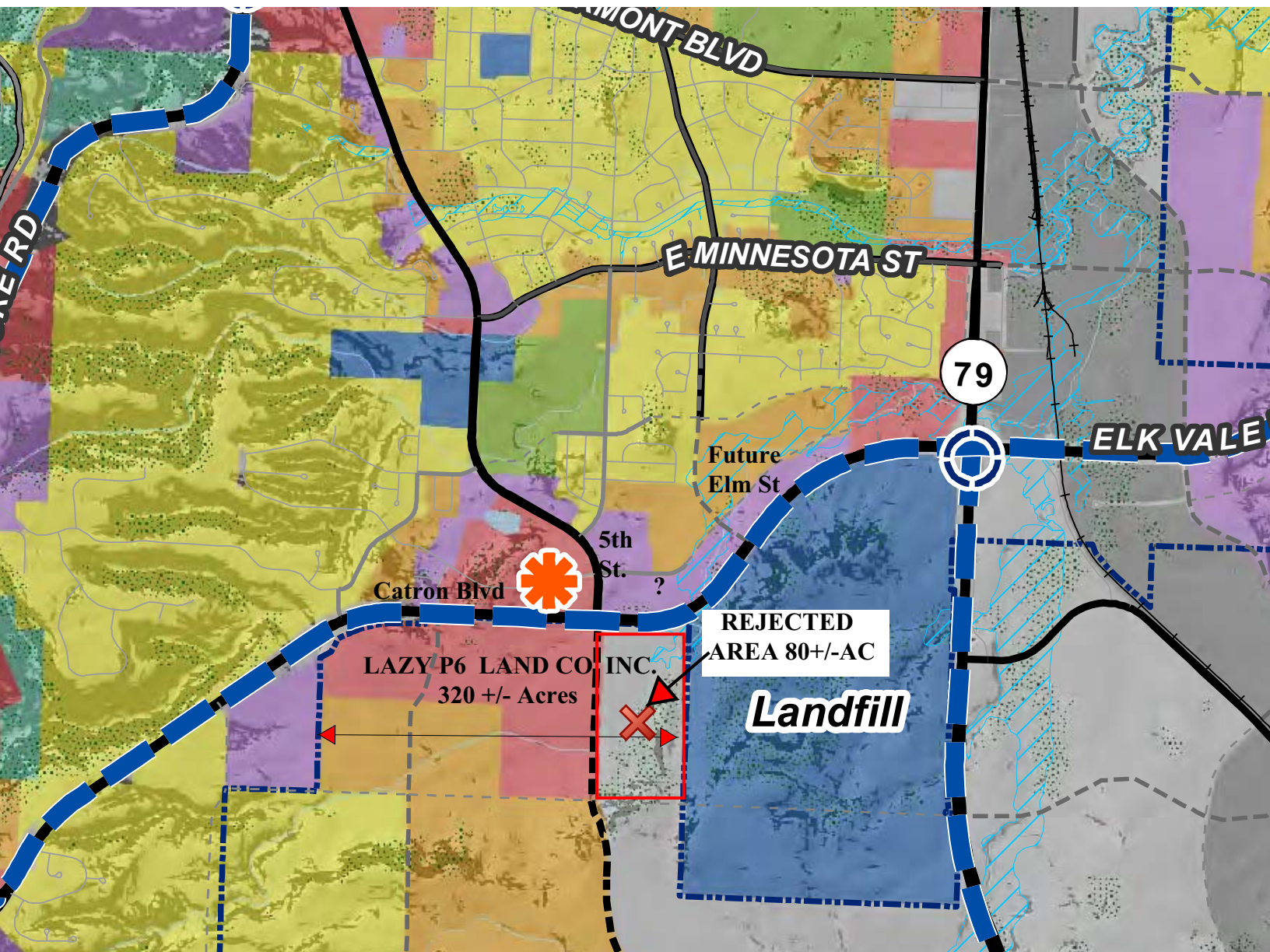
-  GENERAL COMMERCIAL (PCD)
-  LIGHT INDUSTRIAL
-  OFFICE COMMERCIAL (PCD)

4/21/2014 City Council

ALTERNATE LAND USE DESIGNATION

1. GC w/PCD





NOTES and COMMENTARY:

Lazy P6 Land Co Inc rejects the “Light Industrial” designation shown above by a red “X”. The current Future Land Use Plan (FLUP) shows this as General Commercial with a smaller piece of Light Industrial nearby.

It's ironic to note that CA Joel Landeen, in a meeting Feb.. 7, 2014 to discuss interim connection of water and sewer services to a unit in this area, proceeded to criticize the existing cold storage building complex as not a particularly visual attraction for motorists or future users, after which he opined that a 300% premium for said service connection was “punitive”.

Sitting in the center of the table when he made this observation was the DRAFT FLUP revision, showing this area as Light Industrial - a self- fulfilling prophecy for more “undesirable vistas.”

Lazy P6 would like confirmation that this has been corrected prior to final approval and requests a meeting with relevant staff to discuss specifics as they pertain to the balance of their property.

Please call with questions.

Orvil Davis, President  
Lazy P6 Land Co Inc.  
Feb. 12, 2014 (via email to City of Rapid City)