

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 19, 2004  
(Continued from August 12, 2004)

MEMBERS PRESENT: Peter Anderson, Gary Brown, Debra Hadcock, Ida Marie Fast Wolf, Scott Nash, Martha Rodriguez and Ethan Schmidt; Karen Olson, Council Liaison, was also present

STAFF PRESENT: Karen Bulman, Marcia Elkins, Jason Green, Patsy Horton and Risë Ficken

**Chairperson Nash called the meeting to order at 6:03 p.m.**

13. No. 04CA032 - Comprehensive Plan Amendment

A request by City of Rapid City for an **Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future Land Use Plan** on property generally described as being located north of Cathedral Drive, south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens.

Tom Krafska, area property owner, stated his opposition to the proposed Comprehensive Plan Amendment. Krafska explained that he is primarily concerned with an associated development proposal known as Hyland Park that was initially heard by the Rapid City Planning Commission at their August 5, 2004 meeting. Krafska identified his property and other properties owned by his neighbors on the Future Land Use Plan. Krafska advised that the Pennington County Commission denied a request for a zoning change on the 120 acre property identified for the Hyland Park Development. Krafska expressed concern that the applicant for the Hyland Park Development subsequently petitioned for annexation of the property into the Rapid City limits and is now pursuing development of the property through Rapid City. Krafska reviewed the various applications relating to that development project and the related comprehensive plan amendment. Krafska note that the future land use designation for the Hyland Park property has been Park Forest since 1974. Krafska reviewed the definition for the Park Forest zoning district noting that he and other area property owners feel that the existing Park Forest future land use designation on the Hyland Park property is appropriate. Krafska expressed concern that while a Future Land Use Plan had been submitted for adoption by the Planning Commission written supporting documentation was not yet available for review. Krafska cited other neighborhood area future land use documents and indicated that he does not feel the U.S. Highway 16 Corridor Future Land Use Plan has had adequate study. Krafska stated his opinion that it was inappropriate for the Sammis Trail area to be designated as Low Density Residential without first consulting the area landowners. Krafska added that he believes the map was drawn prior to information being gathered to support the plan and stated his opinion that the plan needs to be redone.

Rodriguez requested clarification from Krafka concerning how much property in the area has restrictive covenants. Krafka responded that there are approximately 200 acres of property in the area with restrictive covenants that run with the property.

In response to a question from Rodriguez, Krafka stated that the majority of the property in the U.S. Highway 16 area was designated as Park Forest on the Comprehensive Plan in 1974 and again on an update to the Comprehensive Plan in 1980.

In response to a question from Rodriguez, Elkins explained that the U.S. Highway 16 Corridor Future Land Use Plan overlaps and includes a portion of the existing Southwest Connector Neighborhood Area Future Land Use Plan and a portion of the existing South Robbinsdale Area Future Land Use Plan and incorporates new area lying south of those existing plans. Elkins indicated that the area primarily located along Sammis Trail has not been updated on the Comprehensive Plan since 1980. In response to a question from Rodriguez, Elkins stated that the Low Density Residential designation for the Sammis Trail area on the plan as presented is the recommendation of the Future Land Use Committee. Elkins clarified that the Future Land Use Committee visited the site and notes from that visit indicate, along with numerous subsequent meetings by the Future Land Use Committee, the property in that area as appropriate for Low Density Residential land use with a Planned Development.

Krafka stated that he has not seen any written documentation that supports statements that the Future Land Use Committee has visited the property or discussed the area prior to designating the property for Low Density Residential use.

Casey Peterson stated that he has been a Rapid City resident for thirty years noting that he would like to see an investment in the development and the growth of Rapid City that the community can be proud of. Peterson reviewed the purpose of planning in Rapid City as identified on the City of Rapid City internet site. Peterson discussed the projections identified in the studies for the South Robbinsdale and Southwest Connector Neighborhood Area Future Land Use Plans. Peterson stated that he feels there is an adequate supply of residentially designated properties in those two areas to accommodate future residential growth in Rapid City. Peterson reviewed the purpose of the Comprehensive Plan as identified in previous studies. Peterson discussed principles of smart growth, urban sprawl, and problems with predicted tax revenues generated by residential developments. Peterson requested that adoption of the proposed Comprehensive Plan Amendment be continued until he and others have an opportunity to study the written projections and contribute input for changes to the U.S. Highway 16 Corridor Future Land Use Plan.

George Platt, area property owner, noted that he owns property located east of Highway 79 on Lower Spring Creek. Platt stated that he has serious concerns regarding the potential for pollution of Spring Creek as a result of sewer contamination from the proposed future development as shown on the plan. Platt concurred with Peterson's statements regarding urban sprawl and smart growth. Platt objected to the proposed residential areas identified along U.S. Highway 16 down to Spring Creek and on the bluffs overlooking Spring Creek. Platt stated that after the development of the Hart Ranch Subdivision area residents could no longer drink well water as a result of contamination noting that additional residential development would add additional water shed and contamination to Spring Creek. Platt stated that he feels it is not appropriate to plan residential development where City water and sewer is not available.

Dean Paschke stated that he owns property abutting the proposed Hyland Park Development. Paschke stated that a requested variance by the developer would result in his having to dedicate 76 feet of his property to right-of-way. Paschke noted that he believes the 100 foot right-of-way should be divided evenly between his property and the development property. Paschke indicated that he feels it is important for the property to be developed in a responsible manner.

Pat Goetzingler stated that he represents the Orthopedic Building Partners and Orthopedic Land Company. Goetzingler advised that he and his clients have had involvement with the Department of Transportation and Rapid City Engineers in a number of discussions concerning the U.S. Highway 16 Corridor Study. Goetzingler noted that serious concerns were identified by his clients in December and January with regard to the Corridor Study, including access points, the closure of Addison Drive, and the location of the rearage road. Goetzingler expressed concern that the U.S. Highway 16 Corridor Study now appears to be part of a Future Land Use Plan. Goetzingler stated the his clients would like an opportunity to review the final U.S. Highway 16 Corridor Study to ensure that the items they brought to the attention of the engineers last winter are incorporated in the final study prior to its adoption.

In response to a question from Schmidt, Elkins clarified that the U.S. Highway 16 Corridor Study that Mr. Goetzingler is referring to has previously been acted on by the Planning Commission and by the City Council noting that it is a separate study from the Land Use Plan that is currently under consideration. Elkins stated that staff would make a copy of that study available to Mr. Goetzingler.

Anderson asked when the staff anticipates having the written portion of the study available for the U.S. Highway 16 Corridor Future Land Use Plan. Elkins reviewed the public hearing process for the proposed Comprehensive Plan amendment before the Planning Commission noting that the recommendation from the Planning Commission on this item will be forwarded to the City Council for final action.

In response to a question from Schmidt, Goetzinger emphasized that he is concerned with road issues and access points as identified in the U.S. Highway 16 Corridor Study.

Kerry Pappendick, area property owner, stated her concurrence with the views expressed by Krafka and Casey concerning smart growth and urban sprawl. Pappendick stated that her property has covenants limiting development to one house per five acres noting that she was under the impression that these covenants would remain in place for anyone who wanted to develop property in the area. Pappendick added that she would like to review and provide input into a written land use document similar to the Southwest Connector Neighborhood Area and the South Robbinsdale Neighborhood Area Future Land Use Plans. Pappendick described the Sammis Trail area as a unique Black Hills corridor noting that there is ample room for development in the South Robbinsdale area before allowing development to spread into the Sammis Trail area. Pappendick requested that the Comprehensive Plan Amendment be continued to allow area property owners to have input into the Future Land Use Plan before it is adopted.

Rodriguez commented that staff had requested a smart growth audit approximately two years ago. Elkins explained that staff had proposed a smart growth audit to evaluate policies to determine if they were accomplishing the goals that the community had for growth and development. Elkins added that a funding source for the audit was identified, approval was granted for issuance of request for proposals, and proposals were received. Elkins noted that at that time the City Council decided not to proceed with the audit.

Rodriguez requested clarification concerning how many residential lots are available in the Robbinsdale area. Elkins noted that there are preliminary plans for the eventual platting of substantial additional lots in that area. Discussion followed concerning the control landowner's have over the development of their property.

Craig Mestad, property owner off of Sammis Trail, stated that he had been a builder in Rapid City since 1984. Mestad stated that he has heard from contacts in the building community that there are approximately 650 lots proposed for development off of Fifth Street. Mestad noted that there is also substantial land available for development south of Catron Boulevard. Mestad stated that it is his opinion that the proposed Hyland Park development has not been given adequate thought. Mestad stated that 56% of the land surrounding the proposed project is owned by private individuals. Mestad asked that the proposed Comprehensive Plan Amendment be given additional review. Mestad expressed his opinion that there are not adequate utilities available in the area to support the development as proposed.

Conrad Rupert, owner of the Black Hills Maze on U.S. Highway 16, stated that he would like to speak specifically to the U.S. Highway 16 Corridor Study as it relates to the proposed Future Land Use Plan Amendment. Rupert distributed a copy of his statement to the Planning Commission. Rupert indicated that the U.S. Highway 16 Corridor Study was developed by a consulting firm from out of state with no interest in the businesses and landowners who may be affected by their recommendations and/or findings. Rupert reviewed excerpts from the first page of the Executive Summary of that study noting that economic impact on businesses and land values are not addressed in the study. Rupert advised that he had attended open houses related to the study and provided written input. Rupert stated his opinion local businesses are being "steam rolled". Rupert discussed the advantages of location for business operations noting that if access to a business is removed the location of the business is useless. Rupert emphasized that a change in access as proposed will make the operation of his tourist-driven business financially unfeasible. Rupert reviewed the current access points to his property and spoke against a proposed frontage road access. Rupert indicated that there has never been an accident at the approach to their property from Catron Boulevard. Rupert requested that the Planning Commission withhold their recommendation for approval of the U.S. Highway 16 Corridor Study until economic impact issues are addressed.

In response to a question from Rodriguez, Elkins advised that the South Dakota Department of Transportation controls the access to U.S. Highway 16. Elkins noted that the issues that Mr. Rupert is addressing at this time are related to access management in the Corridor Study that has previously been acted on by the City Council. Elkins noted that the Future Land Use Plan does not address the issue of the frontage road as identified by Mr. Rupert. Elkins noted that the land use is proposed to be General Commercial designation and Tucker Street is shown as a local street. Elkins added that where Tucker Street connects to U.S. Highway 16 is under the jurisdiction of the State Department of Transportation.

Rodriguez requested clarification concerning the proposed alignment of Sammis Trail with Moon Meadows. Elkins advised that the South Dakota Department of Transportation discussions concerning the alignment were initiated with Pennington County's project for realignment of Moon Meadows. Elkins noted that the Department of Transportation agreed to the re-alignment with the stipulation that when development occurred on the eastern side of the road Sammis Trail would be re-aligned so that the intersection could be signalized when warranted.

In response to a question from Schmidt, Rupert stated that he is not affected by the residential development issue associated with the Sammis Trail development issues, but is concerned with access issues along U.S. Highway 16.

Don Shultz, area property owner since 1963 (along with George Schmidt), stated that he is speaking in regard to property located on both sides of the intersection of U.S. Highway 16 and Catron Boulevard. Shultz stated that he is specifically concerned with an eight acre property located on the west side of U.S. Highway 16 at Catron Boulevard. Shultz reviewed the history of ownership of the property and the donation of 15 acres of property for the construction of Catron Boulevard in 1999. Shultz noted that as part of the construction of Catron Boulevard a continuation of a frontage road or frontage loop was approved to allow access from Catron Boulevard to U.S. Highway 16. Shultz noted that a traffic light exchange was planned at the intersection of the frontage loop and Catron Boulevard. Shultz emphasized that the frontage road loop provides access to five parcels. Shultz expressed concern that it is unclear whether the access is now being changed to replace the frontage road loop with a bike path. Shultz expressed concern that the frontage road appears to have been diminished on the plan. Shultz expressed disappointment that staff has acted without consideration of the landowners. Shultz stated objections to the placement of a road extending through the property south of Catron Boulevard that creates a triangular parcel. Shultz stated that he feels the plan is incomplete noting that the Future Land Use Plan does not address the issue of an undefined interchange at the intersection of Catron Boulevard and U.S. Highway 16. Shultz stated his opinion that the Department of Transportation should be required to clearly state their plans for that interchange prior to adoption of this plan noting that he does not believe any realistic long term planning can take place until all parties know when and how that interchange is going to be built. Shultz stated that while prior dealings with the Planning Commission, City Council, Mayor's Office and staff have been forthcoming, he does not feel this plan has been addressed in the same manner.

Shultz continued to discuss the size of the loop frontage road as shown on the Future Land Use Plan, issues with the overpass and how it affects property visibility, light and marketability, and the reason for a change in the Southwest Connector Neighborhood Area Future Land Use Plan. Shultz stated that he wrote a letter to the Planning Commission and would like to have that incorporated as part of his presentation.

Elkins stated that the letter Mr. Shultz described was attached to the Planning Commission information. Elkins clarified that with the exception of the addition of the bike path along the frontage road loop there have not been any other changes to that portion of the Southwest Connector Neighborhood Area Future Land Use Plan shown on this amendment noting that the roads and land use shown on the plan remain the same. Elkins stated that the design of that intersection is not an issue of the Land Use Plan.

In response to a question from Nash, Schmidt noted that he does not have any questions if the interchanges and overpass are not within the scope of this discussion.

George Schmidt, area property owner, stated that their group of property owners have spent a tremendous amount of funds to develop the property located at the intersection of U.S. Highway 16 and Catron Boulevard. Schmidt reviewed in detail each aspect of the funds expended for grading, reinforced concrete, engineering design work and platting, infrastructure and utility improvements for a total amount of \$334,259. Schmidt spoke against the designation of a bike path along the frontage loop road noting that they donated the land for the purpose of constructing a road and not for the construction of a bike path.

Schmidt requested clarification concerning whether there were restrictions on the land donated to the City for right-of-way. Shultz responded that the loop road was an integral part of the negotiations for the donation of land for the Catron Boulevard. Discussion followed concerning discussions between Shultz and City of Rapid City for traffic lights at the intersection of Catron Boulevard and the frontage loop road.

Reone Rupert, owner of the Black Hills Maze, stated that she believes access speaks directly to what type of land use will be made of a particular property. Rupert expressed concern that there is poor communication between the City of Rapid City, the Department of Transportation and area landowners. Rupert stated that she is frustrated that the U.S. Highway 16 Corridor Study was passed without their knowledge. Rupert stated that she is extremely concerned that their access to U.S. Highway 16 is not shown on this plan. Rupert added that she feels access and land use go hand in hand and are not separate.

**Schmidt moved to continue the Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future to a special Planning Commission meeting on September 2, 2004 at 6:00 p.m. Hadcock seconded the motion.**

**Rodriguez made a substitute motion to continue the Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future to a Special Planning Commission Meeting on October 7, 2004, and to direct staff to work with the Department of Transportation to schedule an open house informational meeting to discuss issues associated with the U.S. Highway 16 Corridor Study and to direct staff to schedule an open house informational meeting to discuss issues associated with the proposed U.S. Highway 16 Corridor Future Land Use Plan prior to the special October 7, 2004 Planning Commission meeting. Hadcock seconded the substitute motion.**

Schmidt left the meeting at this time.

In response to a question from Anderson, Elkins stated that while the U.S. Highway 16 Corridor Study was previously adopted, amendments to the plan can be adopted in the future.

Brown spoke in support of the motion and emphasized that it is important that the public in the neighborhood is informed as to each meeting.

Discussion followed concerning whether two weeks would be an adequate period of time to continue this hearing, the adoption of the U.S. Highway 16 Corridor Study prior to the adoption of the Future Land Use Plan.

Leo Hamm requested clarification concerning why the aerial map showed an area outside of the proposed U.S. Highway 16 Future Land Use Plan area. Elkins explained that two hearings ago the Planning Commission requested that the road network from the Major Street Plan be overlaid relative to the topographic information in request to specific questions about the Sammis Trail area. In response to a question from Hamm, Elkins stated that the road alignments shown are from the Major Street Plan noting that in some cases engineering studies have been done; however, in the majority of the cases no detailed analysis has been completed. Hamm asked if the alignments shown can be amended on the Major Street Plan. Elkins affirmed that changes to alignments on the Major Street Plan can be changed as additional information becomes available for specific detailed areas. Hamm stated that he has concerns if the map affects areas outside of the U.S. Highway 16 Corridor Future Land Use Plan.

Regina Jar, Enchanted Hills resident, requested that a detailed legend be provided for land use designations identified on the plan.

John Giardino, area landowner, requested clarification concerning how another meeting on this issue will resolve landowner concerns. Giardino requested that the Planning Commission deny the Amendment to the Comprehensive Plan. Giardino noted that the Hart Ranch Development group is not present and he stated that he feels they have a moral obligation to speak to the issue. Giardino stated that the burden of proof should be on the developer to prove that the zoning should be changed.

Dave Einerwold, General Manager of The Ranch Amusement Park, stated that he is concerned with access off of U.S. Highway 16. Elkins noted that the Corridor Study has been adopted noting that there can be modifications and amendments. Einerwold stated that he would like additional discussions on the U.S. Highway 16 Corridor Study and associated access issues.



In response to a question from Nash, Elkins stated that the Planning Commission can propose amendments to the U.S. Highway 16 Corridor Study through the public hearing process.

Reone Rupert expressed concern that they were not notified that the U.S. Highway 16 Corridor Study was being adopted. Elkins stated that there are no individual notice requirements for any comprehensive plan amendment that is sponsored by the City. Elkins noted that the Planning Commission directed staff to mail individual notices on this Future Land Use Plan. Elkins added that notices were published in the newspaper concerning the U.S. Highway 16 Corridor Study that complies with all of the State law requirements. Elkins emphasized that the notification cards mailed for this plan are beyond what is required by state law.

Rupert expressed concern that the U.S. Highway 16 Corridor Study may have been intentionally advertised during their busy tourist season. Rodriguez stated that staff would not try to trick property owners as suggested. Discussion followed.

Brown requested clarification concerning the written portion of the Future Land Use Plan. Elkins stated that the map as distributed is the Future Land Use Plan for the area noting that the documentation with detailed calculations is being prepared. Brown noted that property owners would like to have input into that document. Elkins explained that the document is based on calculations that change as the Plan changes.

Discussion followed concerning scheduling the open houses and the specific time to hear this item on October 7, 2004. Elkins noted that there is a regular Planning Commission meeting scheduled at 7:00 a.m. on October 7, 2004 and suggested that the special meeting be held on another date.

**Rodriguez made a second substitute motion to continue the Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future to a Special Planning Commission Meeting on October 14, 2004 at 7:00 p.m., and to direct staff to work with the Department of Transportation to schedule an open house informational meeting to discuss issues associated with the U.S. Highway 16 Corridor Study and to direct staff to schedule an open house informational meeting to discuss issues associated with the proposed U.S. Highway 16 Corridor Future Land Use Plan prior to the special October 14, 2004 Planning Commission meeting at 7:00 p.m. Brown seconded the second substitute motion.**

In response to a question from Rodriguez, Elkins stated that staff would send notice cards out to the property owners within the U.S. Highway 16 Corridor

Future Land Use Area with the two specific dates and meetings distinguished on that notice card.

Anderson requested clarification concerning how the input from the open house will be distilled into the Plan that the Planning Commission will be acting on at the October 14, 2004 meeting. Elkins explained that the open house is held for a two hour period where public comment and input are taken verbally and in writing noting that staff is on hand to answer questions at that time. Elkins indicated that the public comment can be forwarded to the Future Land Use Committee to determine if they would like to revise any of their recommendations.

**The motion unanimously carried to continue the Amendment to the Comprehensive Plan adopting the U.S. Highway 16 Corridor Future to a Special Planning Commission Meeting on October 14, 2004 at 7:00 p.m., and to direct staff to work with the Department of Transportation to schedule an open house informational meeting to discuss issues associated with the U.S. Highway 16 Corridor Study and to direct staff to schedule an open house informational meeting to discuss issues associated with the proposed U.S. Highway 16 Corridor Future Land Use Plan prior to the special October 14, 2004 Planning Commission meeting at 7:00 p.m. (6 to 0 with Anderson, Brown, Hadcock, Fast Wolf, Nash, and Rodriguez voting yes and with none voting no)**

Krafka requested clarification concerning whether the Future Land Use Committee would provide some evidence that they looked at the existing use and did the things that the document says they were supposed to. Krafka expressed concern that there are no minutes from the Future Land Use Committee meeting and he commented that the Future Land Use Committee could have just marked Low Density Residential on the map.

Elkins advised that if necessary, staff would invite members of the Future Land Use Committee to the next meeting so that they can discuss these issues personally.

In response to a question from Karen Olson, Elkins confirmed that there would be two open houses, one addressing the U.S. Highway 16 Corridor Study and one addressing the U.S. Highway 16 Future Land Use Plan.

**Rodriguez moved, Brown seconded and unanimously carried to recess the meeting at 8:10 p.m. to Thursday, October 14, 2004 at 7:00 p.m.**