

06SV034 / 06PL081

Agenda Item # 107  
# 06PL081

July 12, 2006

To: Rapid City City Council Members

From: Andrew LeGare

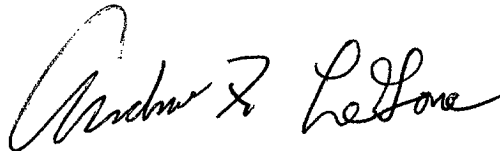
When I was first notified that there was a developer wanting to put approximately 41 houses on the 35+ acre parcel in question, I and many of the local residents signed a petition to the Pennington County Commissioners protesting the planned development. The real issue, as I understood it from speaking to the people involved, was not the fact that the land was going to be developed but rather the proposed high density. The petitioners were requesting a 10 acre lot size which would have been in line with the policy already in place for Pennington County rural development. It was not the desire of the current residents to see the "urban setting" moved into this local area. Pennington County did not meet my and the other resident's request and agreed to the PUD we are now addressing.

I have a copy of some of the original petitions which were presented to the Pennington County Commissioners regarding the development and would like to present those copies for your review.

I believe that since the Commissioners, in essence, agreed to this "urban setting" the developer should be required to do the things that are necessary for an urban setting. Those things would be: curb, gutter and sidewalk, paved road surface, street light conduit, water and sewer so this development does not have the same or similar problems that have plagued Countryside,

This area is along the pathway to Pactola Dam and many other tourist attractions and, in fact, already has tourist attractions. Black Hills Caverns and Crystal Cave, let people know they are entering the "Black Hills". Bringing a high density development, in some measure, takes away from that impression.

I have attached a copy of the document I presented to the Planning Commission which addresses items from the staff report. Your examination of this document would be appreciated.



7-12-06

BRIAN G. **CRISS** DDS, PC

720 Sheridan Lake Road  
Rapid City, SD 57702  
Ph 605.342.6652  
Fax 605.342.6656

Z-6-06

I am requesting that any re-zoning of any kind be limited to stay within the 10-acre lot size and that there would be only one dwelling per 10-acre lot size on the stated parcel of land.

Brian G. Criss

Owner





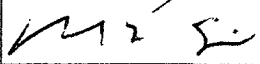
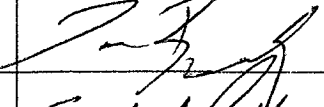
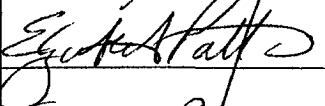


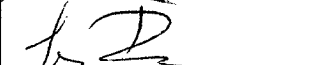
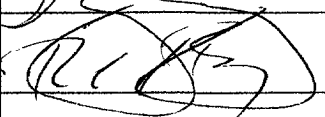
Lot 1

Aspen Estates



Copy

**To The Honorable Pennington County Commissioners Of Pennington County, South Dakota:**  
 The undersigned petitioners hereby respectfully petition the Pennington County Commission to preserve the rural and agricultural environment and not allow new high density development to occur along west Hwy 44. We further request that any rezoning limit the density to no more than one dwelling unit per 10 acres (General Ag. and Limited Ag.)

	Name: (printed)	Address:	Signature	Resident of Penn. Co. (Yes/No)
1	Shane Boyum	7648 Elkhart Rd BC, SD 57702		Yes
2	JOHN Bradsley	2675 Cavern Rd		Yes
3	Don Patton	8580 W. Hwy 44		Yes
4	Walter J. Bradsley	7800 Elkhart Rd, R.C.S.D.		Yes
5	Matt Skinner	1750 Kings R.R. R250 or		Yes
6	Tom Brassy	1410 Touchstone Rd		Yes
7	Elizabeth Patton	8580 W. Hwy 44		Yes
8	Sandra Boyum	7648 Elkhart Rd		Yes
9	Kirsten Bradsley	4833 Enchanted Pines Dr		Yes
10	Tracy Bradsley	8500 W. Hwy 44 RC-02		Yes
11	PAUL Bransky	4833 Enchanted Pines Dr		Yes
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	Name: (printed)	Address:	Signature	Resident of Penn. Co. (Yes/No)
1	Marilyn Titus	13179 Morse Place	Marilyn Titus	yes
2	Marla Sebade	2732 W. St. Patrick R.C.	Marla Sebade	yes
3	Pauline Jones	4961 Whispering Pines Dr.	Pauline Jones	yes
4	Kerry Bishop	8001 Alfalfa Ct.	Kerry L. Bishop	yes
5	Theresa Gibbons	3210 S. Simpson Dr.	Theresa Gibbons	yes
6	Vicki Stoltz	2000 Sun Valley Dr	Vicki Stoltz	yes
7	Jane Jones	2041 Red Dale Dr.	Jane Jones	yes
8	Kelly Gorman	1720 Evergreen Dr.	Kelly Gorman	yes
9	GERALD Kammerer	9408 SILVER CITY Rd Silver <sup>CITY</sup>	Gerald Kammerer	yes
10	Kathie Duxbury	4820 Stoney Brook Ct.	Kathie Duxbury	yes
11	Michelle Brown	6490 Heineboss Cove	Michelle Brown	yes
12	Vicki L. Bailie	340 Viking Dr., R.C. -01	Vicki L. Bailie	yes
13	Mary Wills	23812 Marshall Gulch Rd, HC.	Mary Wills	yes
14	Betty Nelsen	3222 Chapel Lane, R.C. SD	Betty Nelsen	yes
15	Beth Steen	13054 Timber Lane R.C. SD	Beth Steen	yes
16	Loen Kambestad	4001 Clover St. 2c 500 R.C.	Loen Kambestad	yes
17	Tara Hoffman	13363 Trooper King Rd. 57702	Tara L. Hoffman	yes
18	Marc Collins	10200 Heritage Ln. 57702	Marc A. Collins	yes
19	Theresa Landis-Jacob	3323 E. Anaconda Rd.	Theresa Landis-Jacob	yes
20	Mary J. Fichtelkoffer	934 Joy Ave.	Mary J. Fichtelkoffer	yes

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	Name: (printed)	Address:	Signature	Resident of Penn. Co. (Yes/No)
1	John D. Bennett	320 38th St	<i>John D. Bennett</i>	Yes
2	Rebecca M Jones	3026 Roxbury Ct	<i>Rebecca M Jones</i>	Yes
3	Mary C. Swanson	4519 Steamboat Cir.	<i>Mary C Swanson</i>	Yes
4	Rebecca L Kirtley	113 Emerald Rd Rapid City SD	<i>Rebecca L Kirtley</i>	Yes
5	Marsha J. Titus	10085 Pioneer Ave. R.C., SD	<i>Marsha J Titus</i>	Yes
6	Elden P. Titus	10085 Pioneer Ave, Rapid City SD	<i>Elden P Titus</i>	Yes
7	Susan B Hotelling	24626 Bridle Rein Dr., Hermosa	<i>S Hotelling</i>	No
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	Name: (printed)	Address:	Signature	Resident of Penn. Co. (Yes/No)
1	ROBERT LETNER	7695 CINNAMON Ridge Dr	<i>[Signature]</i>	yes
2	BETTY LETNER	7695 CINNAMON Ridge Dr	<i>[Signature]</i>	yes
3	DAVID KIRATCOIL	1113 PARK HILL DR.	<i>[Signature]</i>	yes
4	Pick Smith	6275 Blake Rd.	<i>[Signature]</i>	yes
5	MARK DEPERTE	7606 DOROTHY DR	<i>[Signature]</i>	NO
6	William C. Schrago	1917 Red Oak Dr	<i>[Signature]</i>	yes
7	David Parrish <del>William Parrish</del>	4800 Everest Rd. N67	<i>[Signature]</i>	yes
8	<del>Timothy Frost</del>	13170 Bridge Ln RC	Vincent E. Gowes	Yes
9	Debra Frost <del>Debra Frost</del>	7660 Elkhart Rd RC	Debra Frost	yes
10	DAVID BOESKY	3500 W. Hwy 44 RC	<i>[Signature]</i>	yes
11	Timothy Frost	7660 Elkhart Rd	<i>[Signature]</i>	yes
12	Andrew Legare	6488 Blake Rd	<i>[Signature]</i>	yes
13	Helen Legare	6488 Blake Rd	<i>[Signature]</i>	yes
14	Larry Molsick	6925 W. Hwy 44 RC	<i>[Signature]</i>	yes
15	Gaye Molsick	6925 W Hwy 44 RC	<i>[Signature]</i>	yes
16	Nancy Dent Hartog	7745 Cinnamon Ridge Drive	<i>[Signature]</i>	yes
17	Bryan Dent Hartog	7745 Cinnamon Ridge Dr.	<i>[Signature]</i>	yes
18	Robert C. Finley	7725 Cinnamon Ridge Dr	<i>[Signature]</i>	Yes
19	Victoria Finley	7725 Cinnamon Ridge Dr	<i>[Signature]</i>	yes
20	Shae Baruch DALE BARUCH	7660 CINNAMON RIDGE DR	<i>[Signature]</i>	YES

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	Name: (printed)	Address	Signature	Resident of Penn. Co. (Yes/No)
1	Scott Brown	6490 Nameless Cave Rd	<i>Scott Brown</i>	Yes
2	Marty Larson	5701 Magic Canyon R.D	<i>Marty Larson</i>	Yes
3	Deb Larson	5701 Magic Canyon Rd	<i>Deborah A Larson</i>	Yes
4	BRAD Beusch	7045 Nameless Cave Rd	<i>Brad Beusch</i>	yes
5	Connie Beusch	7045 Nameless Cave Rd	<i>Connie Beusch</i>	Yes
6	<sup>Wayne</sup> Sherry Braun	6425 Nameless Cave Rd	<i>Sherry Braun</i>	Yes
7	PAUL A KNAPP	6494 Blake Rd	<i>Paul A Knapp</i>	yes
8	Barbara R Knapp	6494 Blake Rd	<i>Barbara R Knapp</i>	yes
9	<del>Walter L Ligon</del>	<del>6488 Blake Rd</del>	<del><i>Walter L Ligon</i></del>	<del>yes</del>
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	Name: (printed)	Address	Signature	Resident of Penn. Co. (Yes/No)
1	David Sebade	2732 West 31 <sup>st</sup> Rt Rapid City, SD 57702	David Sebade	Yes
2	Cynthia Riley	3619 Schamber St Rapid City, SD 57702	Cynthia A. Riley	Yes
3	Joan Lahm	4914 Breckenridge Ct Rapid City SD 57702	Joan Lahm	yes!
4	STACEY TITUS	13179 MORSE PL. RAPID CITY, SD 57702	Stacey Titus	Yes
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	Name: (printed)	Address:	Signature	Resident of Penn. Co. (Yes/No)
1	Vera Kowal	7660 Cinnamon Ridge Dr.	<i>Vera Kowal</i>	Yes
2	Brian G. Coiss	3037 Palmer Dr.	<i>B.G. Coiss</i>	YES
3	JAN MEYER	5813 LYNNWOOD CRT	<i>Jan Meyer</i>	NO
4	CARL Helleson	4015 Windslow Place	<i>Carl Helleson</i>	yes
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July 6, 2006

To: Rapid City Planning Commission and Rapid City City Council

From: Andrew LeGare and area residents

The following are items of concern and requests in response to the notice of hearing for a variance to the subdivision regulations.

Item #2

Since this proposed development is in a Rapid City water recharge area, we ask that some type of water quality metering be done to storm water drainage and water holding facility. This area has the potential to be very cavernous which could allow a direct pipe, so to speak, to that water supply. It is primarily a limestone formation which would allow quick drainage to that supply. Because of this vulnerability, we are requesting not a 60% right but a 100% right in every part of this subdivision. What I am saying is that this subdivision should be scrutinized in every aspect and best engineering practices be used due to the vulnerability and susceptibility of this area.

Item #3

Rapid Canyon sewer district - does it have adequate funds to maintain and support additional line. Our concern is the financial stability and solvency of the sewer district.

Item #4

Water storage for fire flows and water pressure. We believe that the water system should not be minimized. For example, Fire flows at 1500 gallons per minute for 2 hours plus peak would constitute approximately 200,000 gallons of water storage. We ask not to compromise and to not allow the gallons per minute from the well to be deducted from the 1500 gallons per minute fire flow. Please do not compromise on fire protection.

Item #8

Since the developer is requesting an urban setting for this development, we are requesting that item #8 not be given a variance. The developer should be required to do curb, gutter and street light conduit. There is already a drainage and erosion issue from storm water runoff due to the elevations from Highway 44 on to the Blake road access.

Item #9-10

We are requesting no variance to those because the developer is asking for an urban setting and should be required to do those items - cul de sac, intermediate turn around, 24' paved surface for road, curb, gutter, sidewalk, street light conduit, water and sewer.

Item #11

We ask that you do not allow a variance of the 49' access easement. This needs to be in place for future development. We ask for a stipulation that the Blake Road street

intersection be safe and adequate to access Highway 44. We want to see reconfiguration of the intersection to address the elevation and erosion issues already present.

**Item #13**

We ask that a geotech report be required for the detention pond for storm water runoff in addition to the items already listed in item 13. We are concerned that there may be caverns allowing direct access to the aquifer.

**Item #20, 21 and 22**

We ask that the legal entity be set up like a sewer and road district as homeowner associations are not always the best way to handle the issues that need to be dealt with in these items.

**Letter of Credit vs Performance Bond**

I am not sure I understand how this letter of credit is a better protection to the public or the city than a performance bond. I have understood that a performance bond requires money up front and we request that a performance bond be considered to insure the developer follows thru on all recommendations.

**Inspector**

We also request that inspections be done on this development to insure the quality be maximized. We are requesting a qualified full time inspector to be on sight due to the fact that the consequences to Rapid City's water supply could be severe and this cannot be compromised.

1. In the future no less than 2 acres per single family dwelling.
2. In the six acre development only one house per lot, no duplexes.
3. The three 7 to nine acre lots to be platted for single family homes only.
4. Containment pond to be constructed to code to protect spring from residential run off.
5. Annual water study done on spring to protect water quality for wild life.
6. The planting of tree or hedge rows to separate existing homes from high density development.
7. Insure that developer pay for paving Blake Rd. for dust control.
8. No zoning for commercial purposes.

9. Proof of Contractor license, Insurance, Subcontractors and Past building experience good & bad. And Bonding
10. Good quality homes equal to existing homes. Must pass city building codes.
11. Flashing safety light 100yds before exit onto 44.
12. Have 12 homes been approved for one road, entrance and exit to Hwy 44.

6SV034 / 06PL081



BH Traditions

Land

Lots

Homes

Developments

Attractions

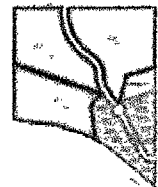
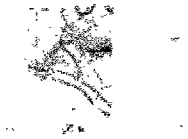
Activities

Contact Us

## Blake Estates Development

This new development will be available July 06. It will provide 15 lots that will have water, sewer, phone, and power to the lot lines. Twelve of the lots will average 1.2 acres and the other 3 will be between 7 – 9 plus acres. This conveniently located subdivision will be minutes from Rapid City west on Hwy 44. We can provide building plans and build/design services. We invite you to experience a country setting with city convenience.

Click on an image to view larger



Lot Info

Call us today for more details!

23851 Hwy 385  
Hill City, SD 57745

Contact Us

Phone: 877-574-4445  
Fax: 605-574-4444

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

**From:** [dbradsky@aol.com](mailto:dbradsky@aol.com)

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

**Sent:** Monday, July 17, 2006 10:50 AM

**Subject:** Agenda Item #107 #06PL081

Dear Mayor and City Council Members:

I am sending this e-mail to let you relative to the Blake Estates development as currently platted, referenced above and on tonights agenda. I think the lot sizes for this development are too small. To maintain the integrity of this area, they should be at least 3 acres or more. The variances that the developer is requesting should be denied and the recommendations of the staff report dated 6-22-6 and approved by the planning commission be followed. If we are going to go ahead and approve the lots siazes as small as they are, then curb, gutter and the like should be required as if the subdivision was in the city itself.

I am not opposed to development of that parcel of land, however, I believe development should be consistent with the coutry setting where it is located.

Thank you,

David Bradsky

**PRIVACY NOTICE:** This email, including any attachments, is legally privileged, confidential and covered by the Electronic Communications Privacy Act. 18 U.S.C. sections 2510 et seq. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Please reply to the sender that you have received this message in error, and then delete it. Thank you.

06SV034 / 06PL081

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

**From:** Sam Kooiker [mailto:skooiker@rapidnet.com]

**Sent:** Sunday, July 16, 2006 10:10 PM

**To:** Elkins Marcia

**Subject:** Fw: Agenda Item #107 #06PL081

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

**From:** [Tfrost2000@aol.com](mailto:Tfrost2000@aol.com)

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

**Sent:** Sunday, July 16, 2006 9:59 PM

**Subject:** Agenda Item #107 #06PL081

I am sending this e-mail to let you know that I am opposed to the Blake Estates development as currently platted. I am a home owner just to the west of the proposed area. Land development in this area has been limited so far to larger lots and this has preserved the beauty of the land. Please consider this when thinking of this agenda. The highway is a very busy and dangerous road as it is. Creating more traffic in that location is not going to help this. If the land is to be developed, it should be in keeping with the recent developments nearby i.e.: Aspen Estates and Cinnamon Ridge.

Thank you for your time.

Tim Frost  
7660 Elkhart Road  
Aspen Estates  
Rapid City, SD



06SV034 / 06PL081

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

From: Sam Kooiker [<mailto:skooiker@rapidnet.com>]  
Sent: Sunday, July 16, 2006 10:10 PM  
To: Elkins Marcia  
Subject: Fw: Blake Estates planned development

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

From: <legarein@enetis.net>  
To: <councilgroup@rcgov.org>  
Sent: Sunday, July 16, 2006 9:01 PM  
Subject: Blake Estates planned development

>  
>  
> Dear Mayor and City Council Members:  
>  
> Re: Agenda Item #107 #06PL081  
>  
> I am sending this e-mail to let you know that I am opposed to the  
> Blake  
> Estates development as currently platted. I believe  
> the urban setting is not consistent with the surrounding country  
setting  
> and, because this is a corridor to the Black Hills, an  
> urban setting would diminish the value of this corridor.  
>  
> I ask that this be sent back to the county to be replatted to a  
> country  
> setting which would conform to the surrounding area  
> (larger lot sizes).  
>  
> If replatting is not an option, I ask that the variances that the  
> developer is requesting be denied and the recommendations of the  
staff  
> report dated 6-22-6 and approved by the planning commission be  
> followed with one exception. I request that the developer be  
required  
> to do curb and gutter on Highway 44. I am requesting this because of  
> the current erosion and elevation issues from Highway 44 to Blake  
> Road. I believe the variances should be denied to avoid some of the  
> same or similar problems that have occurred in Countryside.  
>  
> Finally, I am not opposed to development of that parcel of land,  
> however,  
> I believe development should preserve the  
> beauty of the Hills and protect the environment.  
>  
> Thank you,  
> Andrew LeGare  
>  
>  
>  
>

06PL081/06SV034

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

From: Helen LeGare legarein@enetis.net &lt;legarein@enetis.net>;  
To: [councilgroup@rcgov.org](mailto:councilgroup@rcgov.org)  
Sent: Wed, 26 Jul 2006 06:04  
Subject: Fwd: Blake Estates planned development

7/25/06

Dear Mayor Shaw and City Council Members:

I am writing this as a followup to my e-mail of 7/16/06. This is in reference to agenda Items 44, 44A and 107 from the city council meeting of 7/17/06. I respectfully ask that you send this PUD back to the Pennington County Commissioners and request that they still limit the development to no more than 15 lots but the 12 small lots be reconfigured in some fashion so the minim lot size is enlarged from .50 acres to 1.50 acres in size for the following reasons.

1) The applicants have indicated that they wish to avoid doing curb/gutter/sidewalk and this can be accomplished by increasing the size of the lots to a minimum of 1.50 acres on the 12 smaller lots and increasing the frontage to 175 feet to 200 feet. Doing this would not so drastically affect the watershed during periods of heavy moisture and would be more consistent with a rural setting. Small lot sizes without curb and gutter frequently are subject to erosion issues like those that the residents of Countryside face when large amounts of moisture can not be absorbed by the watershed. Increasing the lot size can help control erosion issues.

2) Increasing the lot size would spread out the contamination of automobile waste, pet waste and chemical waste (herbicides and pesticides) throughout a 18 acre area (12 lots x 1.50 acres = 18 acres) rather than a 6 acre area (12 lots x .50 acres = 6 acres).

Ordinance PUD #0605, which states that the PUD consist of no more than 15 residential lots with a minimum lot size of .50 acre, does not state that the lot size must be .50 acre in size. I would have preferred to have seen the PUD establish fewer than 15 lots and do not want more than 15 lots, however, I believe that .50 acre lots are just too small. I feel that lot size of 1.50 acres will better fit the geographic area and will compliment the homes currently in the neighboring area. With a sufficient lot size it should not look like a "tract housing" development.

I request that the county's PUD condition from item 21, which states that no lot be further subdivided within the development, be not only a county requirement but also a city requirement and that a note be placed on the deed and the plat.

I am requesting that a performance bond be required, either in place of or in addition to a letter of credit. I think it prudent that any developments that are over or on this aquifer recharge area be submitted to the same requirements for the safety of the citizens of Pennington County and the citizens of Rapid City.

I am further requesting that a full time inspector be on this project, and any other developments which can potentially affect the aquifer,

while the infrastructure is under construction. This should be the engineer that designs and certifies the development. Developments located on or over the aquifer recharge area have no margin for error when it comes to being designed and constructed properly. For this reason it is important that the design engineer observe the construction and provide certification to the city that the development was constructed in accordance with the plans and specifications.