

04CA032

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

**From:** Bruce Brugman [mailto:bruce.brugman@rcas.org]

**Sent:** Tuesday, March 01, 2005 1:49 AM

**To:** councilgroup@rcgov.org

**Subject:** smart growth

Council members

We live in Enchanted Hills and are vitally interested what type of growth will be happening along the Highway 16 corridor. We have attended several meetings about the concepts of Smart Growth and are convinced that the principles outlined are protective of the environment and respect natural areas that already exist. Those principles also allow for wise landscaping and building construction. Therefore we encourage you to proceed with caution with these things in mind and take into consideration that the concerns of current residents in the area are as important as future residents.

Bruce and Norma Brugman  
1388 Panorama Circle

From: <j\_loverich@juno.com>  
To: <councilgroup@rcgov.org>  
Sent: Tuesday, March 01, 2005 6:59 PM  
Subject: Hwy 16 Land Use - More comments

>  
> Dear Members of the Rapid City Council,  
>  
> Attending the entire meeting last night made me realize the  
> complexity  
> of  
> the Hwy 16 rezoning issue. I commend all of you for your hard work  
> and  
> patience. I also found that some of my comments in my previous email  
> (below) were not directed at the situation that you are currently  
> addressing.  
>  
> While a solution was not reached last night, it did seem that the  
> majority  
> of you have your hearts set in the right direction. That direction  
> of  
> course is what the people of Rapid and the surrounding area desire.  
>  
> The following are my comments and questions regarding this issue:  
>  
> 1) While the Neighborhood Commercial (Amendment 1) is a good effort  
> to  
> work within the existing zoning options, it does not seem to be  
> entirely  
> realistic as Mr. Johnson remarked several times. It is very possible  
> that  
> neighborhood strip-malls along this section could do just as much to  
> detract from the corridor as general commercial construction.  
> Neighborhood commercial may indeed serve the purpose of slowing down  
> development, but it is still not a long-term solution.  
> 2) The discussion regarding dealing with each developer's proposal  
> as  
> they are submitted and requiring set-backs, screening, landscape,  
> etc.  
> also seems well intentioned, but inherently flawed. This would  
> require  
> each developer to conform to an uncertain set of guidelines. Why not  
> be  
> proactive and develop a special set of zoning requirements that all  
> forms  
> of zoning would have to conform to along this corridor? In this  
> manner  
> all development (Residential all the way to GC) would have to build  
> in  
> accordance with the same set of aesthetic rules in addition to the  
> already  
> established zoning regulations. A Scenic by way designation may  
> effectively do this, but I don't know if it would be stringent enough  
> or  
> be enacted soon enough.

> 3) It is still not clear to me why essentially no open space is being set  
> aside in the plan. In my opinion (and many others that I have spoken  
> with), open space is just as important as correctly designed  
utilities and  
> traffic flow. There was discussion of requiring the developer to pay  
for  
> the extension of utilities and road construction, so why not require  
the  
> developer to set aside a certain percentage of open space when they  
> develop a section of land? It's the same concept. The city should  
be  
> able to legislate this type of requirement. This open space doesn't  
have  
> to be an irrigated and maintained park - just open space.  
> 4) In the same train of thought as Comments 2 and 3. Wouldn't it be  
> possible to require a large setback on each side of Hwy 16 for any  
new  
> development regardless of zoning type? Just as an example, let's use  
500  
> ft. If a developer wanted to build on the proposed Sammis Trail  
location  
> and they needed property that was 500 ft deep, they would have to  
purchase  
> a 1000 ft deep section and leave the half bordering Hwy 16 open-space  
- no  
> signs, no parking lots, no access roads paralleling the hwy, no over  
head  
> powerlines - just open space. This would simply be part of the price  
of  
> developing this very prime real-estate. The developer could also be  
> required to construct and maintain a bike/pedestrian path within this  
> space. By increasing the development cost in this manner, the rate  
of  
> development would be reduced and the city would be better able to  
able to  
> keep pace with the utilities expansion. The citizens of Rapid City  
and  
> the world would also be blessed with a permanent!  
> and beautiful entrance to the city.  
>  
> I have talked with at least 30 people at my work place and within the  
> Rockerville VFD regarding the development of Hwy 16. I have yet to  
> find even one person that would trade open space requirements for a  
> hands-off , carte-blanc for developers. However, I have also found a  
> general sense of hopelessness. The typical comment is, "They're  
going  
> to do what they want anyway, why fight it?" I have to admit, I've  
> felt this way as well. But after listening to you all discuss this  
> issue last night, I feel that you people have the desire and the  
means  
> to do the job correctly. Please think out of the box and develop a  
> proactive, unique and permanent solution. Research other communities  
> with open space. How did they do it and still attract development to  
> their cities? There must be a better way and I'm sure it is out  
there  
> just waiting to be found and implemented.

04CA032

>  
> Thank you for all of your time and effort.  
>  
> James Loverich  
> 29550 S. Rockerville Rd.  
> Rapid City, SD 57702  
> 605.388.8072  
> j\_loverich@juno.com  
>  
>  
> ----- Forwarded Message -----  
>  
> Members of the Rapid City Council,  
>  
> I was quite shocked by the article in today's Rapid City Journal  
> outlining  
> the proposed development of Hwy 16. While I don't currently live in  
> the  
> city limits, I do work in Rapid and the limits may very well reach me  
> eventually.  
>  
> It is critical that this land remain a scenic corridor to the Black  
> Hills.  
> Low-density housing and/or small businesses along S. Hwy 16 are far  
> more  
> appropriate than the proposed Wal-Mart Super Center and other  
> commercial  
> buildings. I strongly object to this proposal and feel that it has  
> taken  
> place behind-the-scenes away from public scrutiny. Wal-Mart does not  
> bring new jobs to a community. They convert medium wage jobs that  
> have  
> benefits into low paying part time jobs with no benefits. I urge all  
> of  
> you to please research the detrimental impact that Wal-Mart's have on  
> communities. The evidence is out there - extensive and irrefutable.  
> Rapid City does not need another Wal-Mart.  
>  
> I also find the lack of proposed green spaces and consideration for  
> bicycle and pedestrian traffic to be appalling. If you travel around  
> the country and pick out the cities that are most appealing to  
> anyone,  
> I guarantee that those cities will contain a plethora of parks,  
> extensive bike paths and other open space. We do not want our  
> beloved  
> city converted into a poorly planned sprawl of concrete and strip  
> malls. An outside consultant who specializes in aesthetic growth  
> needs to be hired. The prior work of this firm should be considered  
> when hiring a consultant. Ask yourself would you want to live in the  
> development that they designed? We all must remember that this is our  
> last and only chance to get this right. Once you level the ravines  
> and build a bunch of mammoth concrete boxes surrounded by pavement,  
> there is no going back. The land and its beauty will be lost  
> forever.  
>  
> Please reconsider this proposal. A well thought out and properly  
> designed

04CA032

> plan is worth the tax payer's money and is your obligation as a  
member of

> the council.

>

> Thank you.

>

> Best Regards.

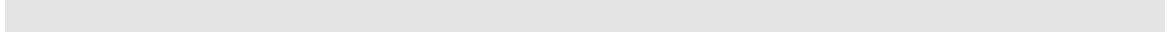
>

> James Loverich

> 23950 S. Rockerville Rd.

> Rapid City, SD 57702

> 388-8072



**From:** [Donna Fisher](#)

**To:** [Shaw Jim](#)

**Sent:** Wednesday, March 02, 2005 5:13 PM

**Subject:** Concern about zoning

Dear Mayor Shaw and members of the Council:

I live in rural Pennington County but Rapid City is my trade area and where I volunteer my time for church and community. I'm disturbed by some of the current zoning discussion .

First, please preserve the wonderful natural area on the creek on Highway 44. I drive along it nearly every day and observe so many residents enjoying this lovely spot. Keep the concrete away!

Second, please support the French-Hurlbut amendment so we can keep the route to Mount Rushmore beautiful. Enthusiastic tourists and a scenic entry to the Black Hills mean quality of life AND economic well-being for all of us. We don't need to "kiss up" for a Super WalMart. Let them build in areas when similar development already exists.

Zone for unlimited commercial development west of RC and you'll give rural residents like me even more reason to turn to delightful Hill City for groceries, gas, restaurants, etc. Furthermore, expect me to advise my East River friends to avoid Rapid City altogether and enter the Hills via Custer or Spearfish.

Thanks, Bob Hurlbut and Jean French, for caring about the general welfare of all of us who love the Hills.

Donna Fisher  
District 33

04CA032

MARCH 16, 2005

DEAR EDITOR

AS A STATE CERTIFIED COMMERCIAL REAL ESTATE APPRAISER, I HAVE ALWAYS BEEN AN ADVOCATE OF NEW COMMERCIAL DEVELOPMENT, CONVERSELY, AS THE TREASURER OF THE HEART OF HILLS ECONOMIC DEVELOPMENT CORPORATION, I ALSO FIND MYSELF BEING AN ADVOCATE FOR THE SMALL COMMUNITY OF HILL CITY BY WORKING TO SUSTAIN THE ECONOMIC CLIMATE IN HILL CITY WHICH RELIES HEAVILY ON SALES TAX REVENUE TO FULFILL ITS ANNUAL BUDGET REQUIREMENTS. LET ME TELL YOU A LITTLE WAL-MART TALE, FEW YEARS AGO I VISITED YELLOWSTONE NATIONAL PARK. I STOPPED AT THE SUPER WAL-MART STORE LOCATED ON YELLOWSTONE AVENUE IN CODY, WYOMING TO BUY A BLANKET. WHILE INSIDE I WAS ALSO ABLE TO PICK UP ALL THE SOUVENIRS I NEEDED FOR MY RELATIVES BACK HOME SUCH AS OLD FAITHFUL T-SHIRTS, YELLOWSTONE FALLS ASH TRAYS, STATE AND CITY MAPS, WYOMING COFFEE CUPS, CHIEF NEZ PERCE FIGURINES, AND JUST ABOUT EVERY OTHER SOUVENIR THAT YOU WOULD FIND AT THE GIFT SHOP AT OLD FAITHFUL. BY PURCHASING MY WARES AT WAL-MART I FOUND LITTLE NEED TO BUY ADDITIONAL ITEMS WHILE VISITING GARTNER, MONTANA, COOKE CITY, MONTANA, WEST YELLOWSTONE, MONTANA, OR RED LODGE, MONTANA. I HOPE THIS TALE IS HEARD BY THE SMALL BUSINESS OPERATORS THAT MAKE THEIR LIVELIHOOD IN THE SMALL COMMUNITIES OF HOT SPRINGS, KEYSTONE, HILL CITY, HERMOSA, AND CUSTER. YOUR VOICE CAN BE HEARD ON MARCH 28TH, 2005 AT THE RAPID CITY COUNCIL MEETING SCHEDULED FOR 5:15 PM AT THE SCHOOL ADMINISTRATIVE BUILDING LOCATED AT 300 6TH STREET IN RAPID CITY, SOUTH DAKOTA.

A CONCERNED CITIZEN  
RON ROSSKNECHT  
PO BOX 333 HILL CITY,  
SOUTH DAKOTA 57745 - 574-4360

**GUNDERSON, PALMER, GOODSSELL & NELSON, LLP****ATTORNEYS AT LAW**

J. CRISMAN PALMER  
 G. VERNE GOODSSELL  
 JAMES S. NELSON  
 DANIEL E. ASHMORE  
 TERENCE R. QUINN  
 DONALD P. KNUDSEN  
 PATRICK G. GOETZINGER  
 TALBOT J. WIECZOREK  
 MARK J. CONNOT  
 JENNIFER K. TRUCANO  
 MARTY J. JACKLEY

ASSURANT BUILDING  
 440 MT. RUSHMORE ROAD  
 POST OFFICE BOX 8045  
 RAPID CITY, SOUTH DAKOTA 57709-8045  
 TELEPHONE (605) 342-1078 • FAX (605) 342-9503  
 www.gundersonpalmer.com  
 ATTORNEYS LICENSED TO PRACTICE IN  
 SOUTH DAKOTA, NORTH DAKOTA, NEBRASKA,  
 COLORADO, MONTANA, WYOMING & MINNESOTA

DAVID E. LUST  
 THOMAS E. SIMMONS  
 TERRI LEE WILLIAMS  
 PAMELA SNYDER-VARNS  
 SARA FRANKENSTEIN  
 AMY K. SCHULTZ  
 JASON M. SMILEY  
 SHANE C. PENFIELD

WYNN A. GUNDERSON  
*Of Counsel*

March 22, 2005

Mayor Jim Shaw and City Council Members  
 300 6<sup>th</sup> Street  
 Rapid City, SD 57701

**RECEIVED**

MAR 23 2005

Rapid City Growth  
 Management Department

**RE: Orthopaedic Building Partnership, LLP  
 Our File No. 010095**

**Orthopedic Land Company, LLC  
 Our File No. 010768**

Dear Mayor Jim Shaw and City Council Members:

I am contacting you on behalf of Orthopaedic Building Partnership, LLP ("OBP") and Orthopedic Land Company, LLC ("OLC"). My clients own land adjacent to South Highway 16, some of which is presently zoned General Commercial ("GC"). The purpose of this letter is to clarify any misunderstanding in connection with Dr. Lew Papendick's interest in OBP and OLC and my clients' position on the South Highway 16 Future Land Use Plan ("FLUP").

Dr. Papendick is a 1/9<sup>th</sup> owner in both OBP and OLC. Land owned by one or both entities has had a GC zoning designation since 1999. The zoning designation of my clients' land predates the current discussion about the FLUP by several years. The FLUP reflects the GC zoning designation that has been placed on my clients' land.

This history is directly relevant to the current debate over the zoning designations proposed in the FLUP for my clients' neighbors to the south for two reasons. First, as one of a small group of commercial developers with active projects located on Highway 16 South of Catron Boulevard, my clients have demonstrated by concrete actions their commitment to smart growth principles with projects that are compatible with the scenic importance of a major corridor to the Black Hills and Mt. Rushmore. My clients have a proven track record of responsible development.

Second, certain advocates for a GC zoning designation on all land abutting Highway 16 have alleged, inaccurately, that Dr. Papendick has taken inconsistent positions on denying a GC designation to neighboring land, but supporting GC for "his" land. The facts do not support any such allegations.



GUNDERSON, PALMER, GOODSSELL & NELSON, LLP

Page 2  
March 22, 2005

The land in issue is not Dr. Papendick's land. It is owned by an LLP and LLC, respectively. Dr. Papendick is a minority owner in both OLC and OBP whose members have vested management of the business operations in both entities to a manager who controls the strategic operations of both entities. Dr. Jim Scherrer is the business manager for both OBP and OLC.

The process to zone land owned by OLC and OBP GC began in 1999, well before the current debate over the FLUP was engaged. The designation of certain OLC and OBP land as GC was properly reviewed during that process. For anyone to suggest now, on these facts, that it is inconsistent to support some land as GC and oppose the GC designation of other land is mistaken. Such claims deny the reality that each parcel stands on its own for a rational determination of the most appropriate designation for the individual parcel.

Dr. Papendick is entitled to his personal opinions on the zoning designation proposed for land neighboring his own. Dr. Papendick speaks on his own behalf. His opinions are personal to him. They are not necessarily the views of OBP or OLC. Moreover, being a member of OLC and OBP does not place a muzzle on its members, especially when it involves the expression of opinions on matters of a personal nature.

Dr. Papendick has made it clear his statements in this matter that he speaks as an individual with a direct interest in how neighboring land ought to be zoned, not as a spokesperson for OLC or OBP.

As an organization, OLC and OBP have made the strategic decision to remain neutral on zoning designations of parcels not owned by OLC or OBP. Each parcel is to be judged independently for a rational determination of its proper zoning designation in accord with smart growth principles, which is exactly the process the city is presently engaged in. That process would be better served absent inaccurate statements regarding Dr. Papendick's position on zoning designations. Please do not hesitate to contact me if you have any questions.

Sincerely,



Patrick G. Goetzinger

PGG:sr

C: Jason Green  
Marcia Elkins  
James J. Scherrer, BSph, PharmD, FASCP