Hyland Park
Benefits for Moving Forward

- Density needs to be 2.5 dwelling units per acre. This was well within the LDR (6.7 dwelling units per acre) on the proposed land use plan that the city had worked on for 3 years. This was changed to 2.0 at meetings with our opposition and the future land use committee. We were not notified of these meetings and therefore did not attend.

- The economics of our development will not allow density of anything less than 2.5. Additionally, we have already reduced our plan by 40 lots.

- Hyland Park will be the new Terracita within 2-5 years. It gives the middle to upper middle class citizens of Rapid City an alternative to Rapid Valley.

- Hyland Park will be a subdivision of custom homes. We feel the average lot sizes are manageable for the homeowners and therefore will be more landscaped and well maintained. In fact, we plan to require sod for the front yards at closing.

- The land being purchased from Hart Ranch is flat and very suitable to the planned subdivision.

- The distance from Hwy 16 of ½ mile will not negatively impact the visual gateway to the Black Hills along Hwy 16.

- The orthopedic center (Lew Papendick is one of the owners) is the largest building along Hwy 16. Did they expect development not to follow the infrastructure movement along Hwy 16?

- Economic Impact:

Average House price	$225,000
Economic Multiplier	5
Community Impact	1,125,000 per house
# of Houses	300
Total Economic Impact	$337,500,000

Additionally, most of these homes will be move up buyers leaving an 300 additional homes for lower end buyers for more economic impact.

- Property Taxes

Per House Annually	$3,500
Number of Houses	300
Total Property Taxes	$1,050,000 per year

- The City will also benefit from the new infrastructure we will be building to open the subdivision.

04CA032

Horton Patsy

From: Pete Anderson, MAC Construction Co., Inc. [PeterA@macconstructionco.com]
Sent: Thursday, October 21, 2004 2:03 PM
To: Patsy Horton
Subject: Future Land Use Committee : Hwy 16

Per our conversation, I am writing to express concern over the future land use plan for the Hwy 16 corridor.

I am most concerned about the planned designation of the most southern portion of the area being discussed, specifically, the NE quadrant of the proposed Sammis Trail and Hwy 16 intersection. This is currently zoned General Ag and is slated to become General Commercial.

I agree that this corridor should be developed with commercial properties. My concern is that General Commercial opens the possibility of having 16 turn into another 'strip' of all night convenience stores and/or Big Box stores that will have traffic (and lights,etc) along this scenic highway at all hours.

Therefore, I recommend changing the existing plan to limit the commercial property designation at Sammis Trail to Office Commercial and possibly consider changing the entire Hwy 16 corridor to Office Commercial.

I am unable to attend tomorrow's meeting. Please submit this in my absence.

Thank you for your consideration.

04CA032

LAW OFFICES

Lynn, Jackson, Shultz & Lebrun, P.C.

First National Bank Building
909 St. Joseph Street
Eighth Floor
P.O. Box 8250
Rapid City, SD 57709-8250
605-342-2592
Fax 605-342-5185

Lawyers Also Admitted in Minnesota and Iowa
www.lynnjackson.com
Member of Lex Mundi
A Global Association of 125 Independent Law Firms
REPLY TO: Rapid City 605-342-2592

US Bank Building
141 N. Main Avenue
Eighth Floor
P.O. Box 1920
Sioux Falls, SD 57101-3020
605-332-5999
Fax 605-332-4249

From the offices of Donald R. Shultz
e-mail address: dshultz@lynnjackson.com

October 27, 2004

VIA FACSIMILE (605) 394-6616 AND U.S. MAIL

Mrs. Marcia Elkins Buskerud
Director, Rapid City Growth
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

RE: Foye, Butler, Shultz – 160 Acres (4 x 40 acres)

Dear Marcia:

This letter is a follow-up to the meeting Pat Hall, Hani Shafai and I had with you and the Future Land Use committee members relating to the proposed zoning of our property. As was expressed at the meeting, the property cannot be developed with the proposed zoning of 1 unit per 3 acres. Because the 160 acres will develop on a progressive basis, it is necessary that the former designated re-zoning of 6 units per acre be maintained.

I have talked to Dr. Lew Papendick and to Casey Peterson, CPA, and both advised me that they had no objections and were willing to talk to you if you had any questions.

Would you be so kind as to forward this to the Land Use Committee members for the their information?

Yours truly,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

Donald R. Shultz

DRS:cam

cc: Thomas H. Foye
Barbara Butler
Hani Shafai
Pat Hall

04CA032

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From the offices of Donald R. Shultz
e-mail address: dshultz@lynnjackson.com

October 28, 2004

VIA FACSIMILE (605) 394-6636 AND U.S. MAIL

Patsy Horton
City of Rapid City
Planning Department
300 Sixth Street
Rapid City, SD 57701

RE: Foye, Butler, Shultz – 160 Acres

Dear Patsy:

This confirms our conversation this morning wherein you advised that the Future Land Use Committee meeting scheduled for Friday, October 29th is a private session and there is no invitation to the landowners.

Confirming our conversation, as I stated in my letter to Marcia yesterday, we would appreciate a designation of Planned Residential Development (PRD) of 6.7 units per acre. Thank you for your kind attention. Could you please forward this, as well as the letter I wrote to Marcia to the Land Use Committee members for their information, for their meeting tomorrow?

Yours truly,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

Donald R. Shultz

DRS:cam

cc: Thomas H. Foye
Barbara Butler
Hani Shafai (by fax)
Pat Hall (by fax)

04CA032

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From the offices of Donald R. Shultz
e-mail address: dshultz@lynnjackson.com

October 28, 2004

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City of Rapid City
Planning Department
300 Sixth Street
Rapid City, SD 57701

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Yours truly,

LYNN, JACKSON, SHULTZ & LEBRUN, P.C.

Donald R. Shultz

DRS:cam

cc: Thomas H. Foye
Barbara Butler
Hani Shafai (by fax)
Pat Hall (by fax)

04CA032

ORTHOPEDIC LAND COMPANY, LLC

October 27, 2004

Debra Hadcock
Martha Rodriquez
Mel Prairie Chicken
Ethan Schmidt
Ida Marie Fast Wolf
Mike LeMay
Gary Brown
Peter Anderson
Scott Nash
City Planning Commission Members
300 6th Street
Rapid City, SD 57701

Dear City Planning Commission Members:

The purpose of this letter is to provide my comments on behalf of Orthopaedic Building Partnership, LLP (OBP) and Orthopedic Land Company, LLC (OLC) in connection with the revised Future Land Use Map for the Highway 16 Corridor area which was presented to the Commission at the public hearing on October 14, 2004 (FLU Map). My comments are confined to the zoning designation for the land that is designated in the color green on the attachment, which is owned by OLC (OLC Land), and the land which is designated as General Commercial along Hwy 16.

Both OLC and OBP support the designation of the land bordering Hwy 16 as General Commercial as depicted on the FLU Map. We support responsible and environmentally compatible development. Our past actions and future plans demonstrate our commitment to these principles. The PCD requirements and the sensitivity of the Planning Commission and staff to protecting the integrity of the pathway to the Black Hills will adequately address concerns about how commercial development will occur in this area. Restricting the development along this corridor to Office Commercial would not benefit the City or landowners. With responsible development, General Commercial development will not conflict with the best interests of the City, tourism, and preserving the intimate, real west feel of the Black Hills.

The FLU Map shows a designation for the OLC Land that allows only one dwelling unit (DU) per three acres. In the initial map presented to the Commission, the same property was zoned for 6.7 DUs per acre. We support a zoning designation that allows development of 2.5 DUs per acre on the OLC Land.

Immediately to the north and south of the OLC Land, the FLU Map shows a designation that allows for 2.5 DUs per acre. After OLC's purchase of the land, Doug Sperlich and I met with City Planning staff to discuss annexation and zoning issues. We were advised at that time a zoning designation of 2.5 DUs per acre would be appropriate for the OLC Land as it was consistent with the land zoning designation both to the north and south. I would be happy to

accompany members of the Commission and staff on a tour of this acreage to demonstrate that it is more than capable of sustaining responsible development at 2.5 DUs per acre.

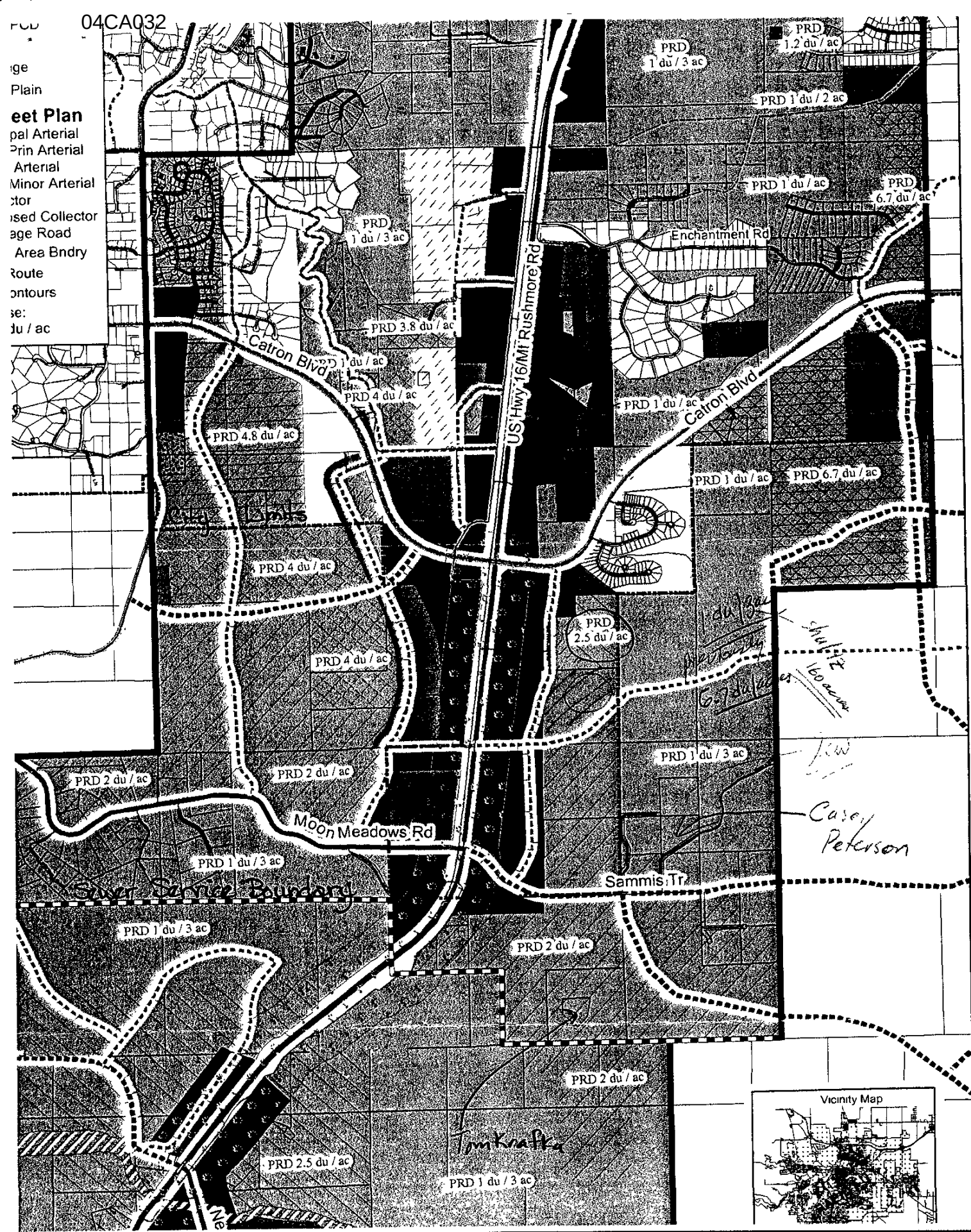
I look forward to working with you and staff to address any questions or concerns you have regarding the designations discussed in this letter. Please don't hesitate to contact me if you have any questions or need additional information. Thanks for your thoughtful attention to this matter.

Sincerely,

James J. Scherrer, BSph, PharmD, FASCP
Business Manager for Orthopedic Land Company, LLC and Orthopaedic Building Partnership, LLP

C: Marcia Elkins and Patsy Horton, City Planning Dept.
Patrick G. Goetzinger
Doug Sperlich

04CA032


PRD 1.2 du / ac
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PRD 1 du / 2 ac
PRD 1 du / ac
PRD 6.7 du / ac
Enchantment Rd
PRD 1 du / 3 ac
PRD 3.8 du / ac
Catron Blvd
PRD 1 du / ac
PRD 4 du / ac
US Hwy 16/Mt Rushmore Rd
PRD 1 du / ac
Catron Blvd
PRD 4.8 du / ac
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Moon Meadows Rd
PRD 1 du / 3 ac
Sammis Tr
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PRD 2 du / ac
PRD 2.5 du / ac
PRD 1 du / 3 ac
Vicinity Map

Prichard Michelle

From: Elkins Marcia
Sent: Thursday, November 04, 2004 5:05 PM
To: Horton Patsy; Foster Linda; Bulman Karen; Bauer Nadine (City Planning); Prichard Michelle
Subject: FW: Information on South Highway 16 Land Use Plan

FYI.

Nadine/Michelle - Pleae put a copy in the file. Thanks. m
-----Original Message-----
From: Casey Peterson [mailto:caseyp@caseypeterson.com]
Sent: Thursday, November 04, 2004 4:59 PM
To: deborah.hadcock@rcgov.org; scott.nash@rcgov.org; martha.rodriguez@rcgov.org; mel.prairiechicken@rcgov.org; ethan.schmidt@rcgov.org; pete.anderson@rcgov.org; gary.brown@rcgov.org; ida.fastwolf@rcgov.org; mike.lemay@rcgov.org; mayor@rcgov.org; tom.johnson@rcgov.org; Jean.french@rcgov.org; karen.olson@rcgov.org; Bill.waugh@rcgov.org; Ray.hadley@rcgov.org; malcolm.chapman@rcgov.org; Marcia.elkins@rcgov.org
Subject: Information on South Highway 16 Land Use Plan

Ladies and Gentlemen:

Attached is a letter that will be delivered to the Planning Commission on 11-4-04 in response to the meetings that have been taking place with the Future Land Use Committee in the process of the South Highway 16 Future Land Use Plan.

Thank you for your time in this matter.

Casey C. Peterson, CPA, AEP
President
Casey Peterson & Associates, Ltd.
CPA's and Financial Advisors
505 Kansas City Street
Rapid City, SD 57701

CP Financial Services, LLC
Dakota Capital Solutions, LLC

Telephone 605-348-1930

www.caseypeterson.com

November 4, 2004

Planning Commission
Future Land Use Committee
City of Rapid City

Dear Ladies and Gentlemen:

We are writing to you prior to the meeting on November 4, 2004 where you will consider the density of the 120 acres proposed as Hyland Park. There are some points regarding the request to increase the proposed density from 2.0 to 2.5 du per acre that we would like you to consider.

1. **DEVELOPERS ARGUMENT THAT THEY HAD A COMMITMENT FOR 6.7 DU PER ACRE IS INCORRECT:** The status of the Hart Ranch has, and still remains in, a County Planned Unit Development. The County refused to break apart the P.U.D. due to the density of the proposed project. Since the P.U.D. started, the commitment and the plan at the County level has been 300 homes on about 1,150 acres. This is a density of 1 dwelling unit per 3.7 acres. THIS IS THE CURRENT STATUS OF THE PROPERTY until the annexation and rezoning is considered.

   The preliminary Future Land Use Plan that reflected LDR-PRD was only a DRAFT. The area has been Park Forest on official city plans. The draft that shows LDR was a preliminary map prepared for discussion purposes only prior to any public hearings, neighbor, and landowner input. Once there was neighbor input, the current map reflects what the Future Land Use Committee felt was the appropriate density for proper growth of the City and equitable to the neighbors, landowners, developers, and the City. The developer's decision to proceed with a business plan based on a preliminary draft of the land use plan was and is their decision. The suggestion that the Future Land Use Committee, this Planning Commission, the City Council, the City of Rapid City and adjacent landowners should be bound by this decision is quite simply without merit.

2. **TARGET MARKET.** The developers seem to have a moving target market. We have heard initially that this development will provide affordable home ownership for the mid- and lower-priced ranges. Then we hear references to Red Rocks Meadows. Now we hear that Hyland Park will be like Terracita Heights. Those homes start at $225,000 and go to $500,000. What is their real business plan? What will the economic impact really be? This higher price of home actually fits the density of 2 du per acre more than 2.5 du per acre. Homes of that type would be more suited to 1/2 acre lots. Are they uncertain about their plan and market or are they realigning it to fit what it will take to gain 2.5 du per acre? With higher end homes, the real estate tax impact will probably be equal or greater than the higher densities.

Planning Commission
Future Land Use committee
City of Rapid City
November 4, 2004
(continued)

3. **SMART GROWTH** The Future Land Use Committee is evidently concerned with the impact of the leapfrog annexation and sprawl by trying to blend the densities. The 2.0 du per acre density recommended by the Future Land Use Committee attempts to recognize the wishes of the neighbors, their restrictive covenants and land use, as well as the wishes of the developers and major landowners. The committee has placed landscape barriers on Hwy. 16 as well as lowered densities in the areas that have more sensitive topography to the southwest and to the northeast of the subject property and on the west side of Highway 16. We applaud their effort and encourage more.

4. **SPOT ZONING** This development will require the City to extend fire, police, road maintenance, sewer, water, and other services. We applaud the sewer boundary that will protect the integrity of the land and drainage involved, including Spring Creek. The City will not benefit much with a small development in the near term so it is smart to plan to avoid future problems as *the City grows out to meet this isolated development.*

   The developers insist they need 60 more houses to make the project pay. They say that they need the density to pay for the costs of bringing road, sewer, and water past properties that will not help pay for them. Maybe if the density of 2 dwelling units per acre won't work (opposed to 2.5 du. per acre), the timing is not right for the development of this remote area.

5. **ROAD MAINTENANCE** You will take this property out of County jurisdiction. The County has a moratorium on any new road systems. Who will have the responsibility for maintaining the road? How will the jurisdiction over the road be handled? Consider these factors in addition to the compromise in density you have offered.

We appreciate the fact that you have made an attempt to consider all sides of the development. We understand that some parties need to make a return on the sale of their property.

Planning Commission
Future Land Use committee
City of Rapid City
November 4, 2004
(continued)

We think that du density of 2.0 per acre will allow developers a return on their property yet take into consideration the rights of the neighbors that will live there after the development is finished. If it was a world in which we should be able to do anything we want with our property (including maximizing the sale price), then there would be no reason to have planning.

Sincerely,

Casey and Kathryn Peterson
8588 Dreamscape Road
Rapid City, SD 57702

Dean and Danette Paschke
8592 Dreamscape Road
Rapid City, SD 57702

Lew and Kerry Papendick
8522 Dreamscape Road
Rapid City, SD 57702

Liberty Baptist Church
8290 Vilrickson Road
Rapid City, SD 57702

John and Gina Giardino
1435 Sammis Trail Rapid
City, SD 57702

Tom and MollicO Krafka
1425 Sammis Trail Rapid
City, SD 57702

Craig and Tammy Mestead
1445 Sammis Trail
Rapid City, SD 57702