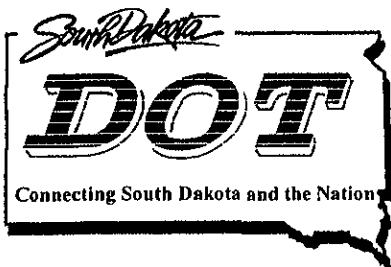


05CA032

From: Marcia Whiting [mailto:marcialaw@rapidnet.com]
Sent: Tuesday, May 03, 2005 9:44 AM
To: planning.commission@rcgov.org
Subject: No. 04CA032

I sent the following letter to my counsel member, Karen Olson. I thought you all might also be interested in public concern.

I was so tickled to see some real planning going on to protect the integrity and view along US 16. However, although I was not present, I feel the counsel if pulling back. I believe that would be a mistake for our grandchildren and their offspring. Please try to protect that corridor. Marcia



Department of Transportation

Division of Operations

700 East Broadway Avenue
Pierre, SD 57501-2586 605/773-3704
FAX: 605/773-3921

May 4, 2005

Mayor Jim Shaw
City of Rapid City Council Members
300 Sixth Street
Rapid City, SD 57701

RE: Highway 16

Dear Mayor and Council:

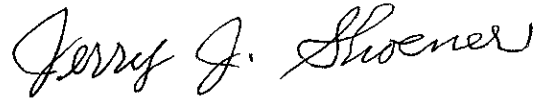
Rapid City is in the process of adopting a future land use plan for the US Highway 16 Corridor from Cathedral to Neck Yoke Road. There has been a significant amount of public input into this process and in the last five months there have been seven special City Council meetings to discuss the future land use along this corridor. The primary concerns have been: the proposal to build a Super Wal-Mart on the east side of the road across from Moon Meadows Drive, the realignment of Sammis Trail to Moon Meadows Drive and the density of residential allowed between Sammis Trail and Spring Creek Road. The designation of the future land use, land use planning and zoning are all local government issues, however, the access to future development along US 16 is controlled by the SDDOT.

The Rapid City area Metropolitan Planning Organization adopted the US 16 Corridor Study in 2004. This study identified access points spaced at 1/5 mile increments along the corridor from Cathedral to Neck Yoke Road and geometric improvements that would be needed at key intersections in order to accommodate the expected traffic in 2005.

The existing daily traffic on US 16 south of Catron Blvd is about 6,000 cars a day. A four lane divided roadway with access points spaced every 1/2 mile can accommodate 35,000 cars a day and still operate at an acceptable level of service. However, if access points were allowed every 1/4 mile, the roadway could only accommodate 26,000 cars a day, a 25% decrease in capacity. Based on the proposed future land use plan, which includes general commercial (Wal-Mart) and an increase in residential densities between Sammis Trail and Spring Creek, it is anticipated that the 2025 daily volumes on US 16 will be around 33,000 cars a day.

As long as the access points are spaced every 1/2 miles and the intersections are designed with adequate turn lanes, the existing 4 lane US 16 will be able to accommodate the anticipated growth over the next 20 year. As development occurs along this corridor, geometric improvements will need to be made at the major intersections. These geometric improvements will most likely be development driven, with developers paying for at least a share of the necessary improvements. With the exception of US 16/Catron, it is anticipated that the traffic can be accommodated with at-grade signalized intersections with turn lanes. It is anticipated that an interchange will be needed at the intersection of US 16/Catron due to the conflict between the heavy east/west traffic on Catron with the heavy north/south traffic on US 16, within the next 20 years.

After reviewing all information available to the DOT, we do not anticipate any safety or traffic flow issues on this area of Highway 16 within the next 20 years. In the event safety or traffic flow issues develop through any event not foreseen at this time, the DOT's mission and job is to address and solve them as necessary.



Jerry J. Shoener, Vice-President
South Dakota DOT Highway Commission

605-719-9977

Whiting Hagg & Hagg, LLP

ATTORNEYS AT LAW

BRIAN D. HAGG
REXFORD A. HAGG*
JOHN STANTON DORSEY**
KEVIN W. KLAPPRODT
KENT R. HAGG**

*ALSO LICENSED TO PRACTICE IN OKLAHOMA
**ALSO LICENSED TO PRACTICE IN NEBRASKA
*ALSO CERTIFIED CIVIL TRIAL ADVOCATE

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Rapid City, South Dakota 57701
Mailing Address:
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Rapid City, SD 57709-8008

CHARLES H. WHITING
(1905-2000)

Telephone 605.348.1125
Fax 605.348.9744
Email www@amatteroflaw.com

May 4, 2005

VIA HAND DELIVERY

Mayor Jim Shaw
Rapid City Council Members
300 Sixth Street
Rapid City, SD 57701



Re: Highway 16 Comprehensive Plan/Commerford Ranch
(Designated Parcel D)

Dear Mayor & Council:

Thank you for the opportunity to address the Council on behalf of the owners of Commerford Ranch at meetings over the last several months. As counsel for Commerford Ranch and its owners, I have avoided contacting any one of you individually, in that it has been the directive of my clients and my preference to say what we have to say on the record.

For sake of brevity, I will not go into details with respect to the history of the subject Comprehensive Plan. Suffice it to say that approximately 2½ years of hearings by both Planning and Zoning, and the Long Range Planning Committee, has brought this matter to the Council, and the Council has held hearings over the last several months.

The purpose of this letter is to make a written and hopefully timely proposal for the Council's consideration, before vote is taken on final approval of the Comprehensive Plan as modified at the Council Meeting held on April 25, 2005. The modification proposed would limit the Commerford Ranch parcel to 500 feet of General Commercial, while the remaining commercial tracts south of Catron Boulevard would remain commercial in their entirety as originally proposed by Planning and Zoning. The reason given on the record for this modification, affecting only that single parcel, was that traffic flow on Highway 16 and ancillary roads would be severely and negatively impacted by the "Wal-Mart Store," to be built on that tract. In reviewing these comments which appear repeatedly during the course of the Council Meetings held over the last several months, I respectfully suggest that the opportunity be given at a City Council Meeting or a Town Hall type

Mayor Jim Shaw
Rapid City Council Members
May 4, 2005
Page 2

meeting (possibly at the Civic Center), to hear input directly from the State's traffic engineers and the details from DOT based on their studies as they pertain to this issue. No matter how you slice it, DOT's participation is crucial to making an educated and informed assessment of the impact of traffic flow on the Comprehensive Plan in that area. Why not have a Special Council Meeting on this item and invite DOT to make its case in an open and informed manner. Let the citizens of Rapid City ask their questions.

The point that concerns me the most, regardless of the good intentions of each and every member of the Council, is that the Comprehensive Plan has been modified and presented in the context of the impact that Wal-Mart will have if this parcel is zoned commercial. Statements, including numerous negative comments regarding Wal-Mart's presence on Highway 16, have repeatedly been made by Council Members over the last several months. It is the position of my clients that in light of this anti-Wal-Mart campaign, that the Plan will not stand the scrutiny of time or applicable law, because of the open and flagrant comments that have been made by certain members of the Council.

We certainly appreciate the complexity of the issue. However, it seems nothing can be lost, if at this point in the due diligence that is necessary prior to final vote, that DOT be invited to a Council Meeting for further discussion and questioning. We are not in a race. Many people in the community, including this attorney, appreciate the fact that City Council elections will be held in early June. In my opinion, as much as possible, this process should be depoliticalized and transparent to alleviate any allegation of wrongful motives. By considering all the significant pertinent facts, especially the studies and conclusions from DOT, an open meeting before the election can only benefit those of you who are running for office. Regardless, this would certainly validate the Council's credibility and good faith intent, that it has heard and taken into consideration all pertinent facts in an open and democratic fashion, including allowing the citizens of Rapid City to directly present their questions to DOT in an organized fashion at a Special City Council Meeting. It also seems that this would further the cause of problem solving, as opposed to leaving the impression, as some of you have done, that you are anti-Wal-Mart and have acted hastily in some respects (i.e., the 500 foot restriction). Whether it is Wal-Mart, Cabella's, Bass Pro or other major retailers, these negative comments against a particular retailer, raise grave issues as to the impartiality of certain members of the Council toward any enterprise that may want to locate on any commercial tract along Highway 16.

As I have stated on the record, we are neither for nor against Wal-Mart, but want a fair and open hearing. Decisions made hastily (i.e., the last modification pertaining to the Commerford parcel made on April 25, 2005) substantially and negatively restrict my clients' rights

Mayor Jim Shaw
Rapid City Council Members
May 4, 2005
Page 3

pertaining to the use of their land, while all of the other parcels to be zoned commercial remain intact. I respectfully suggest that this Council take its time and consider all of the facts on the record, and in an open forum, so it can be said that when the final decision has been made, that at least all pertinent issues and facts have been fully heard and reviewed in depth. To not include DOT in these open discussions in light of the importance of the major artery (Highway 16) that will directly impact this area, seems less than fair and impartial, and with the risk of raising unnecessary issues of doubt as to motives.

I congratulate all of you on your diligence and commitment to serving the people of Rapid City, and trust that you will consider this suggestion in the light that it is proposed. Please invite DOT and schedule them for the next meeting, which I understand will be dedicated fully to this item.

Finally, I think it is counter-productive to restrict discussions at the next meeting scheduled for May 9, 2005, to the overlay, in light of the fact that final approval of the modified plan has not been voted upon. It is further counter-productive to not allow comment except to the overlay topic exclusively, when new facts and findings may be pertinent to the discussion. Certainly inviting DOT to participate in these discussions in this final phase will only benefit everyone involved and further the credibility of the decision makers.

Thank you for your consideration.

Best regards to all of you.

Sincerely,

WHITING HAGG & HAGG, LLP

Brian D. Hagg

BDH/bjb
cc: Jason Green, City Attorney
Clients

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

From: [Mike Reardon](#)

To: councilgroup@rcgov.org

Sent: Thursday, May 05, 2005 1:38 PM

Subject: one wal mart is enough

Dear council members,

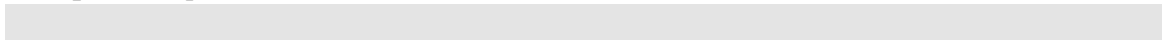
One Wal Mart in Rapid City is plenty. Let's open the doors for something else.

Preserving our open spaces and views is essential. There is only one place in this country to see the Black Hills, let's not block the view of the golden goose.

Thank you, Mike Reardon
1920 Twin Elms Drive
Rapid City

From: "Nikkole Orton" <nikkole_orton@hotmail.com>
To: <councilgroup@rcgov.org>
Sent: Wednesday, May 04, 2005 7:47 PM
Subject: No new Wal-mart!!

> More and more across the country every city looks the same, with the
> same
> stores, restaurants, bars, etc. Rapid City has much unique to offer,
and I
> think we should remember that. Everywhere Walmart goes, local
businesses
> go out of business due to the predatory pricing policies of the
giant,
> which local stores just cannot compete with. The road to Walmart
should be
> a place to proudly feature our areas uniqueness with locally-owned
> (non-corporate, non-franchise) businesses. We want people to come
again
> and again. If all of the main stores they see are the same ones that
exist
> in every other city in America, they may only come once to "see Mt.
> Rushmore." Once they've seen that, they may decide to go elsewhere
for
> future years' vacations, thinking the area has nothing new or unique
to
> offer.
>
> For all of this, among the many reasons that you have heard again and
> again from other residents, I urge you to vote against the proposed
> second Walmart. Sincerely,
> Nikkole Abbas
> 8 St Anne Street
> Rapid City, SD



From: [TIM DANLEY](#)

To: councilgroup@rcgov.org

Sent: Wednesday, May 04, 2005 7:15 PM

Subject: Wal-Mart

Dear Council Members,

So when did the council become so anti-progressive? Another Wal-Mart is a vote of confidence in our growing community. I believe the location is perfect. Look at the tourist capture from the new bypass. I'm still shocked that the council has voted to run them out. What in the world are you thinking?

Tim Danley
Vice President
Forest Products Distributors

From: [Mike Howe](#)

To: councilgroup@rcgov.org

Sent: Wednesday, May 04, 2005 3:53 PM

Subject: Wal Mart

Lower Wages Always and Lower Benefits Too,

California had a measure on the ballot that would require large businesses to provide employee health care. Wal Mart donated \$500,000 to oppose the measure. Critics of the retailer claim that California taxpayers spend \$32 million a year providing care to Wal-Mart workers. This company actually gives instructions to employees on how to file for welfare. Do you think this might add to our health care, insurance costs and taxes? This is just one example of why I am opposed to another Wal-Mart super store in Rapid City.

Mike Howe

From: [Marcia Whiting](#)
To: councilgroup@rcgov.org
Sent: Wednesday, May 04, 2005 5:00 PM
Subject: Scenic Vistas - tourists and us

I was so tickled to see some real planning going on to protect the integrity and view along US 16. However, although I was not present, I feel the counsel if pulling back. I believe that would be a mistake for our grandchildren and their offspring. Please try to protect that corridor. Marcia

From: [Tom Katus](#)

To: councilgroup@rcgov.org

Sent: Wednesday, May 04, 2005 3:29 PM

Subject: WalMart

Council Members,

WalMart has a long history of destroying local small businesses and screwing its employees with low wages and so few benefits we the tax payer have to subsidize their part-time employees.

They are also the largest promoter of Red China in the US. Whatever happened to our fear of the "Red Hordes"? If they are sincere about coming in, let them come providing they are willing to let their employees join a union like our good folks at Albertsons and Safeway. Without fairness to their employees, they should be barred from expanding their Capitalist greed on the back os of small American businesses and workers--here and in China.

Workers of the World unite against this unholy Capitlistic/Communistic alliance--The Worst of Both Worlds. A patriotic Rapid Citian, Tom Katus

From: [Ritchie Nordstrom](#)
To: councilgroup@rcgov.org
Sent: Tuesday, May 03, 2005 11:11 PM
Subject: Wal Mart 2'nd location

I'm not in favor of letting Wal Mart build on S. Hwy 16. Let them build along the Inter State instead.

Ritchie Nordstrom

From: [Douglas C. Uptain](#)
To: councilgroup@rcgov.org
Sent: Wednesday, May 04, 2005 12:45 AM
Subject: Wal-mart

We very strongly oppose the expansion of Wal-Mart anywhere in Rapid City. The recent demise of Dan's supermarket is further proof of what Wal-Mart is known to do to a community. They also have been sued by the federal government for using illegal aliens and also for discriminating against female employees. Many of their products are made in China at slave wages. They are not good corporate citizens. My wife and I have boycotted them for years.

Secondly, the Mount Rushmore corridor is the last place that we need this kind of development. We strongly support the zoning overlay for that area that was recently passed by you, the City Council. Thank you for protecting the ambiance of this special area. Thank you for listening.

Douglas Clayton Uptain

Mary Ellen Uptain

3213 W. Main

#112

Rapid City, SD 57702-2314

605.3410724

From: [Alex O'Keefe](#)

To: councilgroup@rcgov.org

Sent: Wednesday, May 04, 2005 1:15 AM

Subject: Walmart

Walmart on Mt.Rushmore Rd. will hurt not only the family businesses on that road but all the businesses on the entire westside of the city. Also -- a huge, ugly and "trashy" walmart building will deface the beautiful drive -- Please don't ruin it -- as 90 percent of Rapid is already down the drain. We do NOT want a walmart over here and there will be a lot of angry citizens if one is built. Thank you for your time.

Alex O'Keefe

From: [Pete Peterson](#)

To: councilgroup@rcgov.org

Sent: Wednesday, May 04, 2005 8:16 AM

Subject: Walmart Supporter

I am writing to express my support for the new Walmart on Highway 16. I believe that this will advance positive growth of the Rapid City and Black Hills community. I have lived in and visited many metropolitan and suburban areas where Walmart is located. They have done an excellent job of designing there buildings to compliment the surrounding areas. The addition of this Walmart will open up commerce and shopping to the residents from the Sheridan Lake Road communities, the South Rapid City neighborhoods and will be a positive draw from the communities of Rockerville, Hart Ranch, Hermosa, Keystone, Hill City and even Custer. At the present time there really is no convenient shopping for these residents. I just moved from the Sheridan Lake Road area and the South Canyon area prior to that, and was always frustrated that I had to travel to the Lacrosse area and the Mall area to shop. I don't believe that this addition will detract from the existing retail shopping in the small communities. These stores are very specialized and will still draw the population of people that are looking for specialized items.

I am a native of Rapid City, and I have watched it grow and change over the last 50+ years. Rapid City and the Black Hills is my home and I am excited to see that Rapid City is finally starting to show positive growth. We are an oasis of commerce between and Billings and Denver and Sioux Falls. Let's capitalize on that, and keep our minds open to change. We are becoming a beautiful city with shopping and entertainment choices that befit our culture and population. Hooray to the visionaries and forward thinkers.

Pete Peterson

From: SJKENZY@aol.com
To: CouncilGroup@rcgov.org
Sent: Wednesday, May 04, 2005 8:32 AM
Subject: Hwy. 16

Council Group,

I have attended all of your meetings regarding this issue and I have to say I believe that Mr. Hurlbut and Mr. Johnson are the only 2 that understand that if this thing goes through and the traffic/access becomes a nightmare...you are hosed!!!

These are my concerns.....I have lived off of Neck Yoke Rd. for over 30 years driving Hwy.16 to work every day. The traffic pattern is a night mare esp. in the summer. To place a stop light at the top of the hill prior to Sammis Trail would be an utter mistake. If non of you live out here and drive that road in the summer time you have no basis for you argument. It is a disaster waiting to happen, I promise you. The road now really needs to be a 3 lane. Traffic during 'rush hour' is becoming that of a bigger city. In the summer the tourists don't know which attraction they want to go to so instead of staying on one side of the road they switch back and forth all the way down the corridor and there is no such thing as a 'speed limit'. There is also no such thing as (slower traffic to the right) so that you can pass on the left. There are logging trucks, big camper trailers, bikers, joggers, bicycles and teenagers trying to get to Rapid City and/or school as fast as they can. Add a proposed high school at Hart Ranch and you have again doubled your traffic let alone the congestion of the proposed housing development. If the congestion is bad at the Walmart we have now....visualize that at the top of the hill on Hwy.16. It simply will be a mistake. I have 30 years of driving that road to base my opinion. Make it a 3 lane all the way into Rapid...then maybe! I am not so much opposed to Walmart coming in as I am the location of it's entry. Make them move it to Catron and 5th if they want to spread out. They can go south as far as they want or need to.

This is all about money! I watch all the suits and ties (lawyers and relators) shaking hands when they come in. It's all about who is going to benefit without concern for what's truly best for this city. Do you really think Walmart has the same concerns? And yes, there are other business that have built on Hwy. 16 Mr. Kroeger, but they live in our community, have kids that go to school here, attend churches pay taxes and have a vested interest in our city. And no...there wasn't a stink made about the land out by the airport...because your comparing apples to oranges. The situation was different, the concerns were different, and the people out there obviously didn't care enough to voice a concern one way or the other. Not so with this agenda.

Please do what's right...if they want it that bad, they can scale it down and move alittle far down the road. Other city's have kept them out. Why would that be? Start FROM the city and move OUT, don't start OUT

moving TOWARDS the city and later regret your decision. If they really want to put another store here because there's \$\$\$\$ to be made, they will work with us not against us and relocate to a better location or wait until we can handle the kind of traffic that will happen.

And, then, if after all the small business owners can't make it and close their doors, and Walmart is then the only monopoly in town, and they decide to raise their prices, I guess you'll have to have a 'special meeting' to figure that one out!

I would like a response to this from each council member and tell me how your voting.

Thank you,
Sammi



From: [Jeff Henderson](#)

To: councilgroup@rcgov.org

Sent: Wednesday, May 04, 2005 11:43 AM

Subject: Opposed to Wal-Mart's plans to build on S. Hwy. 16

Dear Council Members,

My family and I live on Neck Yoke Road, up on Coyote Flats, and so drive into town each day for our work and school. We are strongly opposed to any plans that include extensive development along the S. Hwy. 16 corridor; plans of the type that would add literally tens of thousands of vehicles on this already highly traveled route to our beautiful Black Hills. The numerous billboards and other signage have already greatly impacted the beauty of this drive, and this impact would clearly be worsened ten-fold with a second Wal-Mart Supercenter built in the area. I honestly don't see why Rapid City, with its size, even needs a second Wal-Mart. Certainly there are better jobs we can lure to the region for Black Hills residents. Thank you and please make the environmentally- and ecologically-smart decision for the Black Hills.

Regards,

Jeff Henderson
13857 Neck Yoke Road
Rapid City, SD 57702

From: [Vince Vidal](#)

To: CouncilGroup@rcgov.org

Sent: Tuesday, May 03, 2005 6:55 PM

Subject: WALMART

The perfect site for WalMart is their number one site.

Please change your mind and stop the deliberate attempt to handicap WalMart in their business decisions. The zoning changes are obviously an attempt against a business that is needed on HWY 16.

Respectfully,
Vince Vidal

From: [Mary Casey](#)
To: CouncilGroup@rcgov.org
Sent: Friday, May 06, 2005 7:10 AM
Subject: Hwy. 16

City Council Members,

I know you've been swamped with e-mails over this controversial issue but I really felt I needed to let you know of the support we have for your trying to preserve the Hwy. 16 corridor. We are very much in favor of the 500ft. limit for general commercial and love the proposal for the scenic overlay. It is very apparent that you realize the impact this decision is going to have on Rapid City and the surrounding communities. We must be very careful that the choices we make now are correct to preserve the beauty of the corridor. We are Blessed to enjoy it, and we are obligated to provide that same pleasure to future generations. If we start on a path of developing everything in sight and never preserving our treasures, there is no turning back.

At some point I hope the citizens of Rapid City realize that convince and money shouldn't be the only factors guide their desires for development. It is obvious that you realize this!

Keep up the good work!!
Kevin & Mary Casey
2050 Fox RD
Rapid City, SD 57701

From: Donpat911@aol.com
To: councilgroup@rcgov.org
Sent: Friday, May 06, 2005 10:10 AM
Subject: Highway 16 plan

Good morning!

We live in the area of highway 16 and Catron blvd. and would like to express our views on the plan. We attended the meeting last Monday night and were encouraged that at least 4 of you seem to see the original plan as a good one. We missed the meeting when the one parcel was changed to keep Wal-Mart out! Yes, that is what it looks and sound like and everyone we talk to thinks the same. We want to see growth in this end of town, good commercial growth and we feel the Wal-Mart store would be a good start as other businesses will soon follow. We have gone to the meetings held by the 7 or 8 people that oppose development in the area. They do not want any development and it seems you are listening to them and not the vast majority. A large business of anykind on the East side of 16 will not have any impact on the scenery of the Black Hills.

We would like to see commercial zoning in all areas of Catron and 16 as we feel the traffic volume will be more than most people would want near their home. We live on Catron and plan to move in the next year or so as traffic is getting to be more than we like, yet our area is still zoned residential.

Last but not least we would like to see Mayor Shaw take a stand on this issue or at least state his opinion, if he has one! We think it is the duty of the Mayor to let the people and the council know where he stands.

Thank you all for taking the time to listen to our views.

Don and Pat Phillips
1075 Catron Blvd

From: [Bev S.](#)
To: sam.kooiker@rcgov.org ; jim.shaw@rcgov.org
Cc: ray.hadley@rcgov.org ; jean.french@rcgov.org
Sent: Friday, May 06, 2005 9:00 AM
Subject: upcoming vote

I've notified the two members that represent me in my ward (3), but would like to additionally give input to a few more of you city council members -

Action by the City Council denying Wal-Mart the right to build in a particular location seems to me to be suppression of a legitimate request for expansion. They would bring in a large amount of additional income to the city in the form of city tax.

I'd ask that you NOT structure land use so it would eliminate Wal-Mart from building on Hwy 16. There is too much emotion tied in to this whole matter in my opinion.

Thanks for your consideration.

Bev Schlosser
4215 Foothill Dr
Rapid City, SD

From: "Peggy Sanders" <peggy@rapidnet.com>
To: <CouncilGroup@rcgov.org>
Sent: Thursday, May 05, 2005 7:50 AM
Subject: planning

> Dear Council Members,
>
> This letter is not intended to be a defense of WalMart; that store is
> just the one currently under discussion so it is used as the example.
>
> I recently drove Highway 16 south of Rapid City. It is laughable for
> anyone to think that the presence of a large store would lessen the
> beauty of the area. If you have not driven out there recently, please
> do so. You may realize that a WalMart would improve the route, rather
> than detract from it.
>
> It behooves the Council to consider the ramifications of not allowing
> the zoning to accomodate WalMart. If it is not allowed, then other
> large stores will likely not consider coming to Rapid City. Imagine a
> Cabelas out there;
> that would be a draw unto itself.
>
> As far as wages go, no one seems to actually say what wages are
WalMart
> are. I do know that local banks start tellers at \$7.00 per hour; that
> is not a living wage, but no one seems to disparage the banks. I know
> of two young women who are graduating from college, with accounting
> degrees, and they can
> only find such low-paying jobs.
>
> If the pay is so bad, why do people work there? Because the jobs are
> available. If shopping there is so bad, why is the current WalMart
> parking lot so full?
>
> Thank you for your consideration,
>
> Peggy Sanders
> HC 56 Box 86
> Oral, SD 57766

From: [NT Whitehead](#)

To: councilgroup@rcgov.org

Sent: Sunday, May 08, 2005 7:22 PM

Subject: Proposed Land Use on Highway 16

Dear Council:

Those in opposition to the Wal-Mart center seems to be more concerned with their property values than the scenic route to Mount Rushmore. Prior to Wal-Mart's announcement of locating a center on Highway 16, these individuals were not on their band wagon to clean up or propose any repair to the the run down buildings enroute the the Black Hills or remove old rusting machinery. What about all of the billboards that are distracting from the LANDSCAPE!!!!@!

There are no shopping areas south of RCRH for families and communities south of Rapid City. We have to drive through the crowed streets to I-90 to purchase reasonably priced groceries and household needs.

Wal-Mart offers economic growth in the form of employment, tax revenue both in property and sales. It will reduce the congestion that you have along I-90 and especially with the tourist season approaching it is worse.

We happen to belong to group that allows us to travel and the responses that have been written by other travelers in various places throughout the US have commented on how nice it is to have a Wal-Mart close to their camping or motel so that can get supplies especially in an unfamiliar community. So people DONOT view Wal-Mart as a negative addition to a community as some of our council members would like us to believe.

The Council need to realize that the citizens of this community are not blind to the high dollar politics that is being played. You are all elected and can all be defeated in your next election. The old saying that if you want control of your front yard then buy the property so you can chose your neighbors ought to be considered for the "Opposition Group".

If you decided to put this to a public vote it MUST be a county wide vote as you are speaking for only the city limits of RC. This is something that is having a community impact, as well as all the way to the WY border.

I would hope the council will reconsider this ridiculous new plan and go with Sam's recommendation to go back to the original proposal.

Thank you for allowing me to express my views.

Ted Whitehead
8452 Dunsmore Rd

From: [NT Whitehead](#)
To: councilgroup@rcgov.org
Sent: Sunday, May 08, 2005 7:22 PM
Subject: Proposed Land Use on Highway 16

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Wal-Mart offers economic growth in the form of employment, tax revenue both in property and sales. It will reduce the congestion that you have along I-90 and especially with the tourist season approaching it is worse.

We happen to belong to group that allows us to travel and the responses that have been written by other travelers in various places throughout the US have commented on how nice it is to have a Wal-Mart close to their camping or motel so that can get supplies especially in an unfamiliar community. So people DONOT view Wal-Mart as a negative addition to a community as some of our council members would like us to believe.

The Council need to realize that the citizens of this community are not blind to the high dollar politics that is being played. You are all elected and can all be defeated in your next election. The old saying that if you want control of your front yard then buy the property so you can chose your neighbors ought to be considered for the "Opposition Group".

If you decided to put this to a public vote it MUST be a county wide vote as you are speaking for only the city limits of RC. This is something that is having a community impact, as well as all the way to the WY border.

I would hope the council will reconsider this ridiculous new plan and go with Sam's recommendation to go back to the original proposal.

Thank you for allowing me to express my views.

Ted Whitehead
8452 Dunsmore Rd

From: [Robert](#)

To: councilgroup@rcgov.org

Sent: Sunday, May 08, 2005 7:47 PM

Subject: Scenic overlay

Mayor Shaw and Council members, I am a county resident who lives on Moon Meadows Drive. I am hoping you will all vote in favor of the Scenic overlay amendment and prevent Walmart from being built on Sammis Trail. Moon Meadows is not designed for this kind of traffic and I believe it would be a traffic nightmare. I am not against Walmart and in fact hope they would chose to build on 5th Street and Catron Blvd. which is designed for this kind of commerical development. Thanks for your representation of those of us in the county. Kathleen Baumiller 3655 Moon Meadows Dr.

From: [Peg Beyers](mailto:Peg.Beyers@rcgov.org)

To: CouncilGroup@rcgov.org

Cc: mayorinfo@rcgov.org

Sent: Sunday, May 08, 2005 3:21 PM

Subject: scenic overlay

Dear Mayor Shaw & Rapid City Council,

At the last council meeting, the subject of the scenic overlay on Highway 16 was discussed. We were concerned that if the scenic overlay law was passed, we would be limited in how we could build on or improve our campground. Ms. French pointed out that if we wanted to build a two-story building, all we would have to do is get a special variance permit. With the scenic overlay law, it would not be that simple, and we are not so naive as to believe it would be. If we would want to change anything on our campground, in order to get a permit, we would probably have to conform to all the scenic overlay rules, some of which are: no pole signs, berming and shrub planting, landscaping areas irrigated with sensors, native plant materials consistent with xeriscape principles, natural (whatever that is and who decides what is natural!??) and warm-toned building materials, service areas screened from Highway 16, and many more rules. This scenic overlay law is rather like a big sister who decides what is best for us because she knows better than we do. Most of the people who have been involved in this law including the Smart Growth Coalition want to preserve Highway 16 as a scenic route, because they drive on it every day, but their businesses are not the ones affected. We both drive to work every day; open your eyes and you will see that there are many, many scenic routes in Rapid City. Why are you deciding to pick on this one? Because Wal-Mart wants to locate here and from the beginning, the objective of the Smart Growth Coalition has been to stop Wal-Mart! We have received postcards about the Smart Growth meetings from the beginning. We were at first concerned about the effect of Wal-Mart on our business, but decided that as land owners, the owners of the Wal-Mart property should be allowed to do what they want with it. We do not dictate to other land owners.

I am also an elementary school librarian. Every week, the kindergarten classes come to the library. I read a story to them, they check out books, and then work on a project that goes with the story book I read. Last week Emily was happily coloring her project with different shades of orange, when I heard a ruckus at her table. Christopher had taken her crayons away from her. I asked him why he did that. Christopher replied that he didn't like the colors Emily was using and she should use some different ones. I told him to give the orange crayons back to Emily. "No," he said, "I don't want to. She should use other colors." I made Chris give Emily her colors back and she did a nice job coloring her paper.

The point of this story is that it was Emily's choice what colors to use. Christopher thought he knew what was best for Emily and tried to control her coloring, but it was not his right to do so. You, Ms. French, want to preserve the Highway 16 land for future generations by controlling building on it. Maybe what our future generations need, including your children, is the freedom to make their own choices in the future. You people, as city council members, need to remember that sometimes it is your responsibility to limit laws as well as pass laws. That is why we have more freedom in this country than in other countries.

We have a difficult time understanding why some people think they know what is best for everyone. One of the best ways to get a new law passed is to say that it will preserve something for future generations, or it is scenic, or it is in the best interests of the people. And this justifies taking control of land owners' property? As you make a decision about the scenic overlay law, please remember two things: it is not a necessary law because the council can control building by building permits, and you have a responsibility to preserve freedom for future generations.

Sincerely,

Bob & Peg Beyers

TeePee Campground

From: DROBRO46@aol.com
To: councilgroup@rcgov.org
Sent: Sunday, May 08, 2005 8:53 AM
Subject: Highway 16 Land Use

I encourage you to vote in such a way to **allow** the development of the second Walmart. Going against the development is exactly why Rapid City has the negative image of being against development. In light of the possible closing of Ellsworth, Rapid City needs as much going for it as possible. Thank you.

Positive for RC
Dan O'Brien
3401 Sheriday Lk. Rd.

From: <j_loverich@juno.com>
To: <councilgroup@rcgov.org>
Sent: Monday, May 09, 2005 6:54 AM
Subject: Hwy 16 zoning - Nice work.

>
>
> Dear Rapid City Council Members,
>
> Just wanted to let you know that you've done an great job working on
> the
> Hwy 16 zoning project. I think you came to a reasonable compromise
and
> Rapid City will benefit from it for years to come. The senic overlay
is
> awesome. Please carry on with your current course of action.
>
> Thanks.
>
> James Loverich
> 23950 S. Rockerville Rd.
> Rapid City, SD 57702
>

From: [Michael Lees](#)
To: [Rapid City City Council](#)
Sent: Friday, May 06, 2005 4:59 PM
Subject: Request not to change private access on Hwy 16

TO: The Rapid City City Council

RE: US Highway 16 Corridor Study

Dear City Council,

I would appreciate it if during your final discussions of the US Highway 16 corridor, you would decide to leave the private drive access on US Highway 16 between the Lazy "J" property and the Zion Lutheran intersection, just as it is. Western Communications, Inc has a tower site just to the east of that private drive access. Several times a year we require access to our tower site with a truck and trailer to load and unload communications equipment. The current private drive access works very well for us. If that access is closed, we would have to travel further South to make a U-turn on a busy highway with a trailer. Since that private access already exists, there would be no additional cost required to leave that private access just as it is.


Please give my request your thoughtful consideration.

Respectfully,

Michael A. Lees
President
Western Communications, Inc.

From: "jerry fisher" <jffish@rapidcity.net>
To: <councilgroup@rcgov.org>
Sent: Monday, May 09, 2005 11:01 AM
Subject: <no subject>

>
> Dear Sirs and Madams,
>
> Thank you for your intelligent and thoughtful work on the Highway 16
> Corridor. We urge you today to adopt the amended Plan and Overlay.
>
> Sincerely,
>
> Anne Fisher
> Jerry Fisher
>
>



From: [Reone](#)

To: councilgroup@rcgov.org

Sent: Monday, May 09, 2005 11:19 AM

Subject: Highway 16 Land Use Plan

Council Members, With all due respect to each of you for your service to Rapid City, it is our opinion, and that of many others we have spoken to, that the City Council is moving toward a prejudicial and biased decision on a portion of the Highway 16 Land Use Plan - due to one specific company's proposal. I encourage each of you to **thoughtfully reconsider** Alderman Kooiker's motion (defeated 6-4) made at the last Council meeting. His reasoning was clear, concise, reasonable, and accurate. Sincerely, Conrad and Reone Rupert, 6075 Sheridan Lake Rd. RC, SD 57702

From: [Gene Addink](#)
To: councilgroup@rcgov.org
Sent: Monday, May 09, 2005 2:54 PM
Subject: Land use determinations

Dear City Council Members,

Willis Duinick of Hart Ranch/Duinick Bros. sent the enclosed attachment out yesterday but after talking to one of the council members, it appears that this did not make it to each of you. I am therefor sending it again in the hopes it will reach you this time.

Gene Addink

May 8, 2005

From: Willis H. Duininck, Pres.
Hart Ranch Development Co.

To: Honorable Mayor and City Council Members, Rapid City, SD.

This communication is being sent after many months of consideration. I would like to review the history of Hart Ranch, for those of you that don't know it, to hopefully give you and understanding of why I have decided to write to you.

In 1983 our Co., then Duininck Bros & Gilchrist, purchased The Hart Ranch and started the planning, construction and development process. When we moved into this area, we were advised by knowledgeable people, that we should proceed without encumbering Rapid City, as the city had had many disappointments with what they called "fly by night" developers who pushed for much assistance and then left short of their promises and many were disappointed. So, that is how we proceeded, asking no participation or consideration from Pennington Co., or Rapid City.

The following is a list of things that I believe have benefited this area of SD:

1-We developed a world class RV membership camping resort. This resort has close to 5000 members, from all over the US and even some foreign countries. These members return to this area on a regular basis. For those members from the immediate surrounding communities we provided an affordable country club, known as Hart Ranch Camping Resort. Rapid City businesses have shared with me personally what an impact this development has had in the area.

2-At the same time we also constructed a first class horse facility. Used for boarding horses, training horses, cuttings, ropings and rodeos. The market for that facility as been sorely eroded by the Rapid City Civic Center and then the big new facility at the fairgrounds. When this was first being promoted the articles in the paper suggested that they expected many of the events held at Hart Ranch Arena would be moving to this new facility. It's very difficult to compete with government that takes you head-on.

3-Also at this time we constructed a 9 hole golf course, adding the second 9 some years later. Here also we are continually challenged with the municipal courses that have a subsidy assist and make it very difficult to run a for profit business. We constructed our own clubhouse, even more than we could afford, while Meadowbrook is awarded a beautiful new clubhouse, none of the payment for which is derived from the revenues generated by the course. This is tough to compete with. Our reward has been an ever increasing value on our course, resulting in increased revenues for the taxing authorities. This all from an entity that can scarcely cash flow. Also, the course to a very high percentage lies in the floodplane and really has no value except its profitability, which is non-existent. These are tough odds.

4-Since early in the development we have continued the construction of townhomes and single family homes, which have added millions of dollars to the tax

base. These parts of the development are recognized as top of the line. I believe if you would check with your city officials they would acknowledge that Hart Ranch is top of the line and has not been even a little burden on their duties and activities.

Why do I go through all of this with you? I will tell you why. We have waited months, almost a year now while you grapple with the problems of development along Hwy. 16, Southwest of Rapid City. We have had a presence in this process, but certainly not obstructionist or pushy. We have sold 120 acres, which at the last point of determination was zoned at 2-1/2 housing units per acre. The adjacent 120 acres that we still own is zoned at 2 per acre, my understanding that this was a 4 to 3 vote and that a short time later another member arrived and the voting on the 120 acres we had sold would be zoned at 2-1/2 per acre and that then was approved by a 4 to 4, tie vote. If I'm misinformed on this please tell me. Also, there is another acreage we have that the zoning is determined to be 1 housing unit to 3 acres. This determined by a visual walk through by someone from your governing body. Wow! Makes one wonder about the process. I believe our history of excellent land planning and development would have caused at least a conferring on the matter.

Then we have the whole Walmart issue. Arguments and "concerns" are generated by many. I personally strongly approve of Walmart coming to their requested property. I don't have another idea of anything that would better serve the Rapid City area and residents.

This is now straight forward. Why should the likes of Casey Peterson and Dr. Tom Kafka have such an overwhelming part in this process? In my estimation their high and lofty rationale and best interests of all are more driven by where they live and own their homes. I'm sorry to level this judgement, but it finally comes to awareness that our properties, by the stated "concerns" of anyone can literally be depreciated a great deal, all the while no one wanting to own our land, but rather keep it the way it best serves them.

I truly hope that you all will review what I've said, forgive where I am mistaken and please contact me, or Gene Addink at our Hart Ranch Dev. Co. offices with any question on what I have written.

Sincerely,

Willis H. Duinick, Pres.
Hart Ranch Dev. Co.

Home phone: 342-5188
Ofc: 341-5700

From: "Leonard Running/Sue Hey" <butterfly@rushmore.com>
To: <councilgroup@rcgov.org>
Sent: Monday, May 09, 2005 3:18 PM
Subject: scenic overlay

> Dear Council Members,
> Thank you for your work on the Hwy. 16 plan. The scenic overlay
> sounds like a very very good idea.!

Black Hills

> Resident, Sue Hey
>
>
>



From: [George Twitero](#)
To: councilgroup@rcgov.org
Sent: Monday, May 09, 2005 3:36 PM
Subject: Scenic overlay

Dear People--This is just a quick note to encourage you to stay the course on including some form of a scenic overlay in the Highway 16 Land Use Plan. Aesthetics are not always high on our planning list, but this does seem to be an area where we can and should take the extra care.

Thank you.

George and Shari West Twitero

From: "Michael Mueller" <mmueller@dSDK12.net>
To: <Councilgroup@rcgov.org>
Sent: Monday, May 09, 2005 3:45 PM
Subject: Scenic Overlay

> Dear Mayor Shaw and Council members:
> I am strongly urging you to consider the passage of the Scenic
Overlay
> as it applies to the Highway 16 Land Use Plan. This would be a vital
> move to preserve the continuity of beauty one encounters as the
> gateway in and out of Rapid City is experienced. This would reach a
> very important goal towards keeping this area aesthetically inviting
> to regular and tourist traffic. This step will set a benchmark of
> standards that is easily defended on its merits. I am sure you will
> do the right thing and include this most important aspect in the
> Highway 16 Land Use Plan. Thank you for all you have accomplished up
> to this point.
>
> Sincerely,
> Mike Mueller
> Concerned Citizen
>
> --
> Mike Mueller
> Buildings and Grounds Coordinator
> Douglas School District
> 400 Patriot Drive
> Box Elder, SD 57719
> (605) 923-0000
> email: mmueller@dSDK12.net
>

From: [Shirley Rising](#)

To: councilgroup@rcgov.org

Sent: Monday, May 09, 2005 5:20 PM

Subject: Walmart

Dear Council Members:

Thank you for your recent votes concerning the highway 16 land-use policy. I believe your decisions concerning the dark lights and square footage were right on target for development issues in this scenic area.

Separately, I do not favor an additional Wal-Mart in the Rapid City area for several reasons. The most significant reason being the impact on our businesses both local and in the southern hills area. Wal-Mart doesn't need all of the money! Let's keep some of our South Dakota dollars in South Dakota!

Sincerely,
Shirley Walz-Rising
330 East Liberty Street
Rapid City, SD 57701
swrising@rushmore.com

From: [RobbnJulia Winter](#)
To: [councilgroup](#)
Sent: Monday, May 09, 2005 6:21 PM
Subject: scenic overlay

Good Day Council members and Mayor Shaw,

In brief, please, support a scenic overlay with the future land use development plan. I understand that current businesses would need time and allowances to come up to speed and possibly be granted a waiver on some issues. But overall, please, this IS a component that makes sense. Not just for this area but for future development in other areas as well.

You really are doing a wonderful job by taking all time this needs. It may seem like beating something into the ground, but it can also be seen as persevering until a solution can be found. If there are still things that are not lining up....don't hesitate to take more time. When all is said and done, the ultimate decision will last beyond any of our lifetimes....it's worth taking the time to study this.

In all due respect to those who think this should be decided NOW, I know people who spend more time (a couple years) planning a two week vacation than this council has been working on this future land use development plan (with the public sector involved). It seems long and arduous, but stay the course, this will come to a positive conclusion. Lots of good things take lots of time.

Thanks again for all your hard work, honesty and fortitude.

See you tonight.

Sincerely,

Julia M. Winter

RobbnJulia Winter
itsonlynatural@earthlink.net
EarthLink Revolves Around You.