

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 5, 2000

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on June 5, 2000 at 7:00 P.M.

Mayor Jim Shaw, Finance Officer James Preston, and the following Alderpersons were present: Alan Hanks, Tom Johnson, Babe Steinburg, Tom Murphy, Jerry Munson, Ron Kroeger, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: Steve Rolinger; and the following were absent: None.

Motion was made by Munson, seconded by Rolinger and carried to correct the minutes of February 21, 2000 to show the correct cost for an Agreement with American Engineering Testing, Inc. for Geotechnical Exploration Program for the Knollwood Detention Pond as \$4,814; and approve the minutes of May 15, 2000.

Planning Department - Hearings

The Mayor presented No. 00UR019, an application by Robert Tschetter and Gary Tschetter for a **Use on Review for an On-Sale Liquor Establishment** on Lots 11-15 and West 11' of Lot 16, Block 9, Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 406 E. North Street. Motion was made by Kroeger and seconded by Hadley to deny the application. Pat Trimble and Karen Wiley spoke against allowing another alcohol establishment on East North Street. They have been working very diligently to clean up, rebuild and revitalize this neighborhood. They requested that the application be denied. There has been a considerable effort on the part of homeowners and business owners in this area to clean up this neighborhood and another casino is not appropriate. Trimble also submitted a petition signed by property owners in close proximity to this location who adamantly object to the proposal. Rolinger stated that East North Street is a major thoroughfare which is appropriate for the proposed use. Also, some of the casinos have moved out of this area, so the saturation has gone down. Substitute motion was made by Rolinger and seconded by Dreyer to approve the requested Use on Review. Kroeger spoke against the substitute motion noting that for two years the Weed and Seed Program has been working extremely hard in this area and they have made great strides. He urged the Council to defeat the motion. Murphy concurred adding that he doesn't feel there should be any more casinos on East North Street. Dreyer stated that this is a legitimate business and will provide economic development for Rapid City. Munson noted that the City denied an application by MG Oil for a casino operation in this area about one year ago. He also stated that it does not make sense to allow this type of use and then spend a great deal of money cleaning up the area. Neighborhood property owner Bill Beach also spoke against allowing any use that would sell alcohol. He added that the improvements that have been made in the last two years are great. Allowing another casino at this location will not be good for the community. There are 13 locations in less than one mile that sell alcohol. These existing businesses are adequate to serve the needs of the public. John Lipp and Gary Tschetter presented a sketch of the proposed structure to be built, and a diagram of East North Street showing the location of existing casinos. Tschetter stated that he will operate a very good business and the proposed structure will definitely be a benefit to the neighborhood. He added that the majority of the eight casinos on East North Street are located on the eastern end; there is not a saturation on the western end of East North Street. Also, many of the area business owners have signed a petition supporting this project. Tschetter added that he and Rob Tschetter will be running this business "hands-on". If there are problems, the police will be contacted and the problem handled. Edith Champion stated that they would welcome the new building, however the people who live in this neighborhood don't want another casino in

the area. Roll call vote was taken on the substitute motion to approve: AYE: Rolinger, Johnson, Kriebel and Dreyer; NO: Murphy, Hadley, Munson, Hanks, Kroeger and Steinburg. Substitute motion failed, 4-6. Upon vote being taken, the original motion to deny carried unanimously.

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
MAY 25, 2000

MEMBERS PRESENT: Francis Johnson, Vivian Jorgenson, Scott Nash, Mel Prairie Chicken, Robert Scull, Amber Solay, Bob Wall, and Stuart Wevik. Alan Hanks, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Blaise Emerson, Vicki Fisher, Bill Lass, Dan Hodge, Randy Nelson, Rod Johnson and Risë Ficken

Chairperson Nash called the meeting to order at 7:00 a.m.

Nash reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that items 17, 21 and 23 be removed for separate consideration. Chris Dressen requested that item 22 be removed from the Consent Agenda.

Jorgenson moved, Wall seconded and carried unanimously to recommend approval of the Consent Agenda Items 1 through 26 in accordance with the staff recommendations with the exception of Items 17, 21, 22, and 23. (8 to 0)

---END OF CONSENT CALENDAR; BEGINNING OF REGULAR AGENDA ITEMS---

30. No. 00UR019 - Schnasse Addition

A request by Robert Tschetter and Gary Tschetter to consider an application for a **Use on Review for an On-Sale Liquor Establishment** on Lots 11-15 and West 11' of Lot 16, Block 9, Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 406 E. North Street.

Fisher presented the request and reviewed the staff report and the slides. She identified ten on-sale liquor establishments within a five block radius of the subject property and recommended that the Use on Review be denied as a result of undue concentration and a likely negative impact on the adjacent residential neighborhood.

Prairie Chicken moved and Jorgenson seconded to recommend that the Use on Review for an On-Sale Liquor Establishment be denied due to undue concentration of similar uses in the area and the potential adverse impacts on the residential area located directly north of the property.

Patricia Trumble, area resident, presented a petition to the Planning Commission containing 31 signatures of residents opposing the proposed use. She expressed concern that this area is saturated with casinos and on-sale liquor establishments. She stated that she feels the neighborhood needs other types of businesses.

Mrs. Jeri Walenta, area business owner and resident, encouraged the applicant to operate a sandwich shop and laundromat as proposed. She strongly objected to the proposed casino and on-sale liquor establishment. She stated that she does not believe another casino with help to improve the area.

Edith Champion, area business owner, asked that the Use on Review request be denied.

Karen Wiley, area business owner, advised that she is involved in Weed and Seed program for the East North Street area. She spoke against the proposed use and discussed problems associated with existing on-sale liquor establishments in the area. She noted that the proposed casino and liquor establishment is at odds with the Weed and Seed program goals. She expressed concern that tourists traveling the business route into Rapid City on East North Street could get a negative impression of the community.

Gary Tschetter, applicant, identified improvements he has made to the subject property and reviewed the expansion of his businesses since purchasing the property. He indicated that the proposed casino, sandwich shop and laundromat are designed to be an upscale operation. He noted that the adjacent residential neighborhood has benefited from the improvements he has made to the property to date. He stated that he does not believe that casinos and on-sale liquor establishments are the cause of the social problems along East North Street. He added that he feels the market should determine the number of on-sale liquor establishments and casinos an area can support.

Jorgenson spoke in support of the motion. She stated that she feels there are already too many on-sale liquor establishments and casinos in this area.

Discussion followed concerning casinos in the area of the subject property and the Weed and Seed program.

John Lipp, contractor for the applicant, stated that he supports the Weed and Seed program. He indicated that he believes the improvements already made by the applicant to the subject property are helping to make a difference on East North Street. He urged the Planning Commission to approve the Use on Review request.

Robert Tschetter, applicant, stated that he supports the Weed and Seed program. He commented that they have worked to clean up a portion of East North Street adding that he feels the proposed use will contribute to continued improvements to the area.

Wevik spoke in support of the motion. He stated that he does not feel the large number of on-sale liquor establishments in the area is appropriate.

Discussion followed concerning casino activities in Idaho.

The motion carried unanimously to recommend that the Use on Review for an On-Sale Liquor Establishment be denied due to undue concentration of

similar uses in the area and the potential adverse impacts on the residential area located directly north of the property. (8 to 0)