

06UR022

FRANK MORRISON
1302 38th St.
Rapid City, SD 57702
484-9780

December 15, 2006

Karen Bulman
Growth Management Department
City of Rapid City
300 Sixth Street
Rapid City, SD 57701

RE: File No. 06UR002

Dear Karen:

I am in receipt of the letter of appeal from Fred Thurston dated December 10, 2006 and received by Rapid City Growth Management Department on December 13, 2006. Mr. Thurston's appeal is invalid!

He is appealing a liquor license application for **832 St. Joseph Street**. To my knowledge there is no current application on file for that address.

He makes no reference to an individually named applicant or business name or file number that is currently on file.

He makes no reference to a legal description that is currently on file, only the address **832 St. Joseph Street**. Therefore, from a legal standpoint it would be impossible to determine what Mr. Thurston is actually appealing so his appeal must be denied.

Mr. Thurston did not meet appeal process standards or deadlines by submitting a valid appeal in a timely manner.

If he doesn't know what he is appealing how could the rest of us possibly know? The purpose of Mr. Thurston's letter is clearly to cause unnecessary delays, create more agenda items for city personnel and promote his self interests. I am enclosing his letter for your review.

Sincerely,



Frank Morrison

Cc: Fred Thurston
City Attorney's Office
Ethan Schmidt

RECEIVED

December 10, 2006

DEC 13 2006

Rapid City Growth
Management DepartmentMs. Karen Bullman
Growth Management Dept.
City of Rapid City,

Dear Karen

I would like to appeal the granting of a liquor license to Thirsties at 832 St. Joseph St. As stated at the Planning commission meeting.

1. It is my understanding that one of the goals of the Downtown Task Force is to improve the environment of the downtown and bring more business and residential to the downtown.
 - a. Increasing the bars downtown isn't going to improve the environment.
 - b. Increasing the bars downtown will move the business and residential out due to the lack of parking and trash.
2. Right now 70% of the building frontage on Main Street between 8th and 9th sell alcohol. If Thirsties goes in it becomes 80%. Can you honestly tell me that's not an excessive concentration of alcohol establishments in one block?
3. There are 50 residential units within 500 feet of 5 bars in the downtown which is my understanding in opposition to the resolution that the council set forth in 1975. The downtown has improved dramatically in the past 30 years, to a large degree because there has been a reduction of bars in the downtown. Why would you now support more bars in the downtown and deter other business that might be interested in locating in a clean environment.
4. Some argue that this is a restaurant rather than a bar. So why is it called "Thirsties"? Sure they sell food but so does Murphy's and Teddies. What is the difference?
5. Doesn't the city and city planning have some responsibility to evaluate the appropriateness of further taxing the already limited parking in this area? Does anyone consider of the ramification of development on the existing businesses in the area? Economic development isn't just about filling vacant building space in the downtown but retaining and providing an atmosphere for growth of existing businesses. Does another bar support that criteria?

**THURSTON PROPERTIES**

Historic Gambrill Building • 822 Main Street • Rapid City, South Dakota 57701 • 605/348-2648

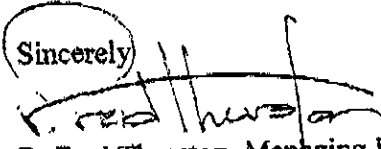
6. Has the city even considered the occupant load of the bars in this area and determined whether there is parking within 2 blocks to support the traffic. Sure parking isn't required but if we are really interested in healthy downtown shouldn't it be considered before granting a variance that will further tax an existing problem?

Okay, let's say a new "restaurant" is good for the downtown and 832 is an appropriate location. I would be very supportive of a real good restaurant. What can be done to reduce the nuisance the bar trade pose in this area.

1. If there is a trash issue the bars should be required to patrol and cleanup the surrounding area.
2. If there is a parking problem the bars should announce to their staff and customers that parking isn't allowed in neighboring parking lots. And assist in enforcing the rule.
3. If there is a vandalism problem the bars should have a security patrol on duty to protect private property.

I support good development in the downtown and good restaurants also. I don't believe what is being proposed is either. I ask you to be committed to a healthy historic downtown and determine if development proposals fit that criteria.

Sincerely



R. Fred Thurston, Managing Partner
Property manager