

11UR020-11UR021-11UR022-11UR023-11UR024

**From:** dave madden [<mailto:dedcell13@hotmail.com>]

**Sent:** Monday, August 29, 2011 3:25 PM

**To:** LaCock Fletcher

**Subject:** Appealing planning commission decision on 11ur20, 11ur21, 11ur22, 11ur23, 11ur24

Mr. LaCock,

I am appealing the planning commission's decision to approve five alcohol licenses within 100 feet of each other on Main St. Item numbers: 11ur20, 11ur21, 11ur22, 11ur23, 11ur24. My reason for appeal is undue concentration, and insufficient buffering. A friend of mine lives in the apartments across the street. Some of the tenants believe there are already plenty of places serving alcohol without adding five more licenses on one block.

David Madden  
431-5618

This is a written appeal for the Rapid City Council concerning item #38 from the Planning Commissions meeting on August 25, 2011. This item dealt with a Conditional Use Permit to allow an on-sale alcohol license at 526 Main Street in Rapid City. Destination Rapid City is the applicant for this request.

My name is Kelly Cotten and I am executive director for district 8 for the License Beverage Dealers of South Dakota. Concerns from some of our members in this area has prompted this appeal. Having a non-profit organization applying for an on sale alcohol license to a piece of property with no physical building to store alcohol in, no indoor seating area and apparently no employees to serve the alcohol, we feel is an unfair advantage over the brick and mortar businesses already established in Rapid City. The Commission has also approved four other Conditional Use Permits on the same block. The difference being, that at least they will all be brick and mortar businesses.

At the meeting, their representative stated that they would probably only use the license 20 to 25 times per year. If they are stating the truth, then this is a perfect scenario for getting Special Event Licenses instead of a license covering 365 days a year. Once you have put an On-sale license on this property, the entire property is licensed and becomes a place where you will have to be 21 years of age to be there. So parents will have to accompany anyone under 21 years of age or the other exception is no loitering. That would mean citizens under 21 would not be able to sit on benches, as this would constitute loitering.

Destination Rapid City is also considering an Off Sale License to be used in conjunction with the farmers market. State law will require each vender to have their own off sale license so as to track SD and Federal alcohol taxes. Each bottle sold will require a tax stamp on it. Destination Rapid City can not purchase an Off Sale License and think it will cover all the venders at the farmers market.

We understand that Destination Rapid City will be targeting events like wedding receptions, business receptions and etc. With an on-sale license will come the responsibility to have a trained staff present to open and serve each bottle and can of alcohol. To make sure everyone is 21 years of age. They just can't set some cases of beer and wine on a table and say "here you go". State law requires a building of some type to store alcohol in on the premises. Since there will be no indoor seating, we don't see where this building is located. Restrooms are required by state law on the property, and our understanding is the restrooms will in the parking structure not on the actual licensed property.

With so many "if's" associated with this piece of property having a year round alcohol license, we respectfully ask you to deny Destination Rapid City a Conditional Use Permit to have alcohol licenses. This is a much better scenario to have Special Event licenses instead. The people that are in this business every day, paying wages, paying property taxes, unemployment taxes, utilities and purchasing products, etc. feel this is an unfair

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advantage for a non-profit organization, who has no investment in brick and mortar, to compete for the same business.

Thank you,

  
Kelly Cotten

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