

MINUTES
OF THE
RAPID CITY PLANNING COMMISSION

March 26, 1992

MEMBERS PRESENT: Sally Anderson, George Grassby, Jim Keck, Mike Kenton, Bob Knecht, Vickie Powers and Tom Vucurevich

STAFF PRESENT: Marcia Elkins, Timothy Huey, Bill Lass, Cyndi Sweeten and Larry Kostaneski

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

14. Original Townsite Items

a. An application by the Uptown Grill was considered for a Use on Review for On-Sale Liquor Establishment on Lot 8, Block 84, Original Townsite, Rapid City, Pennington County, South Dakota, more generally described as 615 Main St.

Lass reviewed the information provided in the staff report and gave the staff recommendation that this Use on Review be approved with the following stipulations: 1) that the requirements of the Landscape Ordinance be met; and, 2) that all life, safety, and building codes be continually met. He stated that the Planning Department had received two calls regarding this Use on Review. One simply wanted information and the other expressed concern because they thought that the City had passed a resolution putting a moratorium on the establishment of new bars downtown. Lass informed the Planning Commission that research was done on this issue and that a copy of the pertinent resolution was included in the Planning Commission's packet. Lass explained that a resolution was passed but that it was for hard liquor only.

Powers asked if there were currently residents in any of the apartments above the proposed business.

Lass advised the Planning Commission that it is his understanding that there is one small apartment on the second floor that is occupied.

Discussion was held on the possibility of limiting the hours of operation as a condition of the Use on Review.

Grassby moved to approve the Use on Review with the stipulations outlined by staff. Kenton seconded this motion.

Knecht requested discussion from the audience.

James Taylor, owner of Heirloom Black Hills Gold on Main Street, Everybody's West Gallery on Sixth Street and Everybody's Book Store on Sixth Street, stated that he did not receive a notice but would like to comment. He expressed concern that allowing another bar downtown would be like taking a step backwards towards improving the downtown area. Taylor stated that he does not oppose the proposed Uptown Grill if it is intended to be a restaurant serving beer and wine in conjunction with food. He

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stated that he would also like to see some limitations set on the number of video lottery machines allowed in the building.

Mark Hersch, owner of the Bible & Bookstore, which is located across from the proposed Uptown Grill, stated that he was not notified either and that he is also concerned about what affect this would have on trying to improve the image of downtown Rapid City. Mr. Hersch expressed his opposition to having another bar downtown and requested that the Planning Commission deny this application.

Karen Arnold-Johnson, one of the owners of the proposed Uptown Grill, stated that what they are proposing is not a bar but a restaurant that serves wine and beer. They want to offer Rapid

City a restaurant with a 30's and 40's theme and possibly some entertainment. She also stated that the restaurant is not a front for a casino. Mrs. Johnson stated that they are willing to discuss their plans with anyone who has questions or concerns.

Mr. Taylor addressed the Planning Commission again to state that after hearing Mrs. Johnson's comments he does not oppose the proposed Uptown Grill.

Dick Phipps, owner of the Families Sub Shop downtown, stated that he feels the downtown area is improving, and that this would be a setback. He expressed concern over the issuance of a beer and wine license as well as allowing the business to house video lottery machines. Mr. Phipps suggested that the business be open for one year prior to the license for beer and wine being issued.

Paul Johnson, one of the owners of the proposed Uptown Grill, stated that he and his wife are also the owners of PJ's Adventure Sport and have strong ties to Rapid City. He wanted to reassure the audience and the Planning Commission that the Uptown Grill would not pose a problem in regards to video lottery machines. He stated the no reference to the lottery machines or the establishment being a casino will be used in any advertising or on the outside of the building. Mr. Johnson stated that the top floor of the establishment would possibly have a couple pool tables, pinball machines, etc. He clarified once again that this establishment was not a front for a bar or a casino.

Jim Skull, owner of the building in which the proposed Uptown Grill will be located, expressed strong encouragement to allow the Uptown Grill to proceed.

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Mr. Vess again stated that he is not against business but he is against allowing the beer and wine license to be granted. He expressed concern that if this is approved it will cause a surge of applications for beer and wine licenses in the downtown area.

Ellie Potts, owner of the Prince and Pauper Bookshop downtown, stated that she is also very concerned about the approval of a beer and wine license and is also concerned about the parking situation that this may create.

Mrs. Johnson addressed Mrs. Potts' concern about the parking situation stating that most of the business would probably occur in the evening hours with the exception of the lunch crowd who is almost always on a one hour schedule and therefore, this should not cause a problem for other businesses.

Vucurevich asked if the previous motion includes setting limitations on the hours of operation.

Grassby stated that the motion was as staff recommended and that he did not add any additional stipulations.

Vucurevich expressed concern over the fact that these individuals who had expressed concern had not received notification. He stated that he does understand why notification is sent to the owner of the property but feels that it is unfair that the occupants are not notified. Vucurevich also asked if the

building owner was going to be required to put a sprinkler system into the basement.

Skull stated that the building is not required to have a sprinkler system because it is only two stories, not three and that a sprinkler system in the basement is not required.

Powers addressed Mr. & Mrs. Johnson and asked if they would have a problem if the Use on Review stated that they would have to install a sprinkler system and possibly put limitations on the hours of operation.

Mr. Johnson stated that they probably would not have a problem with this. Mr. Johnson explained about the current fire wall in the basement and stated that the Fire Department has advised him that within three years everyone downtown will be required to install sprinkler systems. He also stated that he would like to be allowed to have his hours of operation with a maximum time frame of midnight or possibly 1 A.M. for closing. He explained

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that he does not feel that this is going to be a place where individuals come to stay and drink.

Anderson expressed her strong support of Mr. Johnson's project and feels that it is unfair to limit the hours of operation.

Kenton stated that he feels it is out of the Commission's range to discuss video lottery, building codes and fire codes.

Kenton motioned to call the question with Anderson seconding. Knecht called for a roll call vote on the motion to call the question. Powers and Vucurevich voted against and all other Commissioners voted in favor.

Knecht called a roll call vote on the motion with Powers and Vucurevich voting against and all other Commissioners voting in favor.