

Baumgartner's Consulting Services, Inc
Three Generations of Electrical Contracting

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Rapid City
Planning Department

November 21, 2000

Rapid City Planning Commission
300 6th Street
Rapid City, SD 57701

RE: Use on Review Application – Century Resources

Dear Sirs,

My wife and I own Baumgartner's Consulting Services, Inc., an electrical contracting firm, located at 1280 Sum Place (legal description: Lot 2, Joint Holding Company Addition). We have been at this location since the early 1980's. We have the following concerns about the Use On Review application by Century Resources, Inc., for a restaurant with liquor license.

Traffic and Parking –

Sum Place is a private street starting at the corner of 12th and Rapid Streets and going due west for approximately 1000 feet. Sum Place serves four businesses plus their tenants and serves as the sole access to City streets for our firm and Del's Construction and any tenants which Del's might be leasing to. We have serious concerns about parking and traffic that the addition of this restaurant will cause. There is not enough parking at the present mall development for the proposed restaurant. People will park on 12th and Rapid Streets eliminating two-way traffic on these streets. Overflow parking will more than likely occur on the private property adjoining 12th and Rapid Streets as well as on Sum Place. This happened during the construction of the present mall.

The immediate concern for us is the ability of our crews and customers to access our business and for material delivery by semi truck – trailers. Since we have crews and material coming and leaving on a 24hr, 7 day basis there will be conflicts with the traffic from the proposed restaurant and not allowing us to run our business in the best manner. My crews do not have time to locate the owner of a car who is blocking access to our business.

We would also be presented with additional legal liability should someone's car parked on our property or the private street be damaged or if the owner of the vehicle is injured on our property. This liability is not alleviated with the posting of NO PARKING and NO TRESPASSING signs. To close off Sum Place is not an option since it is access for the fire department and various utilities.

With a liquor license at the restaurant, there is a high possibility of people driving under the influence of alcohol. This is a safety concern since many people ignore the DEAD END sign at the beginning of Sum Place and try to go through to Canal Street. This puts my people at a severe safety risk. It also increases the chance that our property and equipment would be damaged or vandalized.

The increased traffic at the proposed location would necessitate the City installing a Traffic Signal at the 12th and Omaha Streets intersection to prevent accidents.

1280 Sum Place
Rapid City, SD 57707
Telephone: 605-348-1606 Fax: 605-348-0313 Email: bcsi@dtgnet.com
www.bcs-sumplace.com

Safety- As stated above our business requires us to be able to access our business on a 24/7 basis. The addition of another establishment selling liquor in our immediate area is an undo risk to ourselves, our employees, and our property. We do not want to be in a position where we have to confront people who have been drinking when we need to have a vehicle moved off our property or our street. We do not think the police force needs to be burdened with this type of complaint, it is difficult enough to get them in our area now. If we have the vehicle towed or call the police we open ourselves up for retaliation ranging from lawsuits for damage to cars to acts of vandalism.


Increased Business Risk- When a person is on your property, the property owner becomes liable for injuries that person or damage their property might sustain while on your property. You have this risk whether the person has your permission to be on your property or they are trespassing. The proposed restaurant increases this risk well above what is reasonable. We also face an increased risk of vandalism to our equipment and property due to the additional traffic.

The above are our concerns about the proposed Use on Review Application by Century Resources. This application would be more acceptable to us if the proposal contained the following:

1. **Parking Plan** – How Century Resources intends to keep people from parking on 12th and Rapid Streets as well as from parking on adjacent landowners' properties including Sum Place.
2. **Guaranteed Access Plan** – How Century Resources Plans to provide the existing businesses with the same level of access they currently have.
3. **People Control Plan** – How Century Resources plans to keep their patrons off other peoples property. And how they intend to provide policing of people under the influence of alcohol.

We thank the Planning Commission for the opportunity to present our concerns.

Sincerely,



Kevin A. Baumgartner