

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 07049

1 WHEREAS, Dan Lesoing dba DJ’s Bartending (“Tenant”) and Down Home, Inc.
 2 (“Owner”) have submitted an application designated as Special Permit No. 07049 for authority
 3 to sell alcoholic beverages for consumption on the premises generally located at 710 Hill Street,
 4 legally described as:

5 Lot 149 I.T., located in the Southwest Quarter of Section 35,
 6 Township 10 North, Range 6 East of the 6th P.M., Lancaster
 7 County, Nebraska; and

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission
 9 conditionally approved said application after holding a public hearing thereon; and

10 WHEREAS, Danelle Catlett filed a Notice of Appeal appealing the action of the
 11 Planning Commission approving Special Permit No. 07049; and

12 WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed
 13 from is deemed advisory and the City Council is authorized to take final action on the matter;
 14 and

15 WHEREAS, the community as a whole, the surrounding neighborhood, and the
 16 real property adjacent to the area included within the site plan for this permit to sell alcoholic
 17 beverages on the premises will not be adversely affected; and

18 WHEREAS, said site plan together with the terms and conditions hereinafter set
 19 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
 20 promote the public health, safety, and general welfare.

21 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
 22 Lincoln, Nebraska:

1 That the application of Dan Lesoing dba DJ's Bartending and Down Home, Inc.,
2 hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the
3 premises on property legally described above be and the same is hereby granted under the
4 provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of
5 said licensed premises be in strict compliance with said application, the site plan, and the
6 following additional express terms, conditions, and requirements:

7 1. This permit approves the sale of alcohol for consumption on the premises
8 as designated by the cross-hatched shading on the site plan. Said area is described on the site
9 plan as the "Courtside Banquet Hall."

10 2. The construction plans must comply with the approved plans.

11 3. Before engaging in the sale of alcohol for consumption on the premises:

12 i. The Permittee shall submit five copies of the final site plan to the
13 Planning Department for review and approval; and

14 ii. All development and construction must conform to the approved
15 plans.

16 4. The site plan approved by this permit shall be the basis for all
17 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
18 elements, and similar matters.

19 5. The terms, conditions, and requirements of this resolution shall be binding
20 and obligatory upon the Permittee, its successors, and assigns. The building official shall report
21 violations to the City Council which may revoke the special permit or take such other action as
22 may be necessary to gain compliance.

23 6. The Permittee shall sign and return the City's letter of acceptance to the
24 City Clerk within 60 days following approval of the special permit, provided, however, said 60-

1 day period may be extended up to six months by administrative amendment. The City Clerk
2 shall file a copy of the resolution approving the special permit and the letter of acceptance with
3 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

4 7. Special Permit 07003 is hereby rescinded.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007:

Mayor