

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 10008

1 WHEREAS, B&J Partnership and Growth Management Corp. have
 2 submitted an application designated as Special Permit No. 10008 for authority to sell
 3 alcoholic beverages for consumption off the premises on property generally located
 4 northwest of the intersection of S. 16th Street and South Street, legally described as:

5 Lots 1-6, Block 3, Electric Park Addition, and Lots 14-18,
 6 Maxwells Addition, Lincoln, Lancaster County, Nebraska;

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

9 WHEREAS, Brad Nelson and the Near South Neighborhood Association
 10 filed a Notice of Appeal appealing the action of the Planning Commission approving
 11 Special Permit No. 10008; and

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

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

19 WHEREAS, said site plan together with the terms and conditions hereinafter
 20 set forth are consistent with the Comprehensive Plan of the City of Lincoln and with the

1 intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health,
2 safety, and general welfare.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
4 Lincoln, Nebraska:

5 That the application of B&J Partnership and Growth Management Corp.,
6 hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the
7 premises on property legally described above be and the same is hereby granted under
8 the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that
9 operation of said licensed premises be in substantial compliance with said application, the
10 site plan, and the following additional express terms, conditions, and requirements:

11 1. This permit approves the sale of alcohol for consumption off the
12 premises as designated on the attached site plan.

13 2. Before commencing the sale of alcohol, the Permittee shall cause to
14 be prepared and submitted to the Planning Department, a revised and reproducible final
15 plot plan shading or otherwise identifying the building footprint and labeling the same as
16 the "Licensed Premises."

17 3. The City Council must approved Change of Zone 10003.

18 4. Before commencing the sale of alcohol for consumption off the
19 premises, all development and construction must substantially conform to the approved
20 plans.

21 5. The physical location of all setbacks and yards, buildings, parking
22 and circulation elements, and similar matters must be in substantial compliance with the
23 location of said items as shown on the approved site plan.

1 6. The terms, conditions, and requirements of this resolution shall run
2 with the land and be binding and obligatory upon the Permittee, its successors, and
3 assigns.

4 7. The Permittee shall sign and return the City's letter of acceptance to
5 the City Clerk within 60 days following approval of the special permit, provided, however,
6 said 60-day period may be extended up to six months by administrative amendment. The
7 City Clerk shall file a copy of the resolution approving the special permit and the letter of
8 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
9 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

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| Approved this ___ day of _____, 2010: _____ Mayor |
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