

FACTSHEET

TITLE: SPECIAL PERMIT NO. 1924, requested by Mark Hunzeker on behalf of Kabredlo's, for authority to sell alcoholic beverages for consumption off the premises at 2305 "R" Street.

STAFF RECOMMENDATION: Denial

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/08/01
Administrative Action: 08/08/01

RECOMMENDATION: Denial (5-4: Taylor, Newman, Carlson, Hunter and Steward voting 'yes'; Schwinn, Duvall, Krieser and Bayer voting 'no')

FINDINGS OF FACT:

1. The Planning staff recommendation to **deny** this special permit is based upon the "Analysis" as set forth on p.2-4 and the applicant's request to waive the requirements of §§ 27.63.685(c) and 27.63.685(c), i.e. the 100' separation requirement from a residential district or use (with mitigation) and the 150' distance for access doors from a residential district.
2. The applicant's testimony is found on p.6-10. Exhibits introduced by the applicant, marked as "**Exhibits 1 through 42, SP.1924, Planning Commission**", are submitted under separate cover and incorporated herein by reference. The applicant alleges, in part, that neighborhood opposition to the use itself is not a sufficient basis to deny the special permit and that the applicant has mitigated the impacts of the waiver requests by proposing to install a 6' fence and a double row of Blue Spruce on the residential side of the fence. (See Minutes, 10 and 7-8, respectively).
3. Testimony in opposition is found on p.8-9, and the record consists of 6 letters and emails in opposition, including the Urban Development Department (p.26-36, Exhibits A through G).
4. The applicant's response to the opposition is found on p.9-10.
5. On August 8, 2001, the Planning Commission voted 5-4 to agree with the staff recommendation to **deny** this special permit (Taylor, Newman, Carlson, Hunter and Steward voting 'yes'; Schwinn, Duvall, Krieser and Bayer voting 'no'). The majority of the Commissioners were opposed to granting the waivers (See Minutes, p.10-11).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 13, 2001

REVIEWED BY: _____

DATE: August 13, 2001

REFERENCE NUMBER: FS\CC\FSSP1924

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: SPECIAL PERMIT #1924

DATE: July 25, 2001

****As revised by staff on August 8, 2001****

PROPOSAL: The applicant requests a special permit to sell alcoholic beverages for consumption off the premises at the Kabredlos convenience store and service station located 2305 R Street.

GENERAL INFORMATION:

APPLICANT: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508

CONTACT: Same

PROPERTY OWNER: Chien Van Nguyen
3000 Mikaeela Lane
Lincoln, NE 68521

LOCATION: SE corner of North 23rd Street & R Street

REQUESTED ACTION: Approval of a special permit to permit the sale of liquor for consumption off the premises.

LEGAL DESCRIPTION: The north 100 feet of lots 5 & 6, Block 4 Kinney's O Street Addition, located in the SE1/4 of Section 24 T10N R6E.

EXISTING ZONING: B-3, Commercial.

PURPOSE: To permit the sale of alcoholic beverages for consumption off the premises.

SIZE: 10,000 square feet, more or less.

EXISTING LAND USE: Commercial. This is an existing convenience store and service station located on the site of this application.

SURROUNDING LAND USE AND ZONING: The zoning on the site is B-3, Commercial. There are residences to the east and north located in the R-6, Residential district. B-3, Commercial with businesses are located to the west and south.

COMPREHENSIVE PLAN CONFORMANCE: The Land Use Plan shows this property as Commercial.

ANALYSIS:

1. SPECIAL PERMIT REQUIREMENTS: 27.63.685 Alcoholic beverages may be sold for consumption off the premises in the B-1, **B-3**, H-1, H-2, H-3, H-4, and I-1 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which are waiveable by the City Council:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

The parking provided exceeds the requirements of 27.67.020, which requires one parking space per 300 sf. of building area, or 5 spaces for the proposed licensed premises. There are 6 spaces shown, plus the Building and Safety Department allows one space per pump island to be credited towards the requirement.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under Section 27.63.680 of this code.

No on-premise consumption is proposed with this Special Permit.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

The premises are 75 feet from the boundary of the R-6 district to the east. One way to mitigate the presence of the building is to construct a 6 foot wooden fence to act as a buffer, an approach that has been approved in other special permits for liquor sales. Additionally, the applicant proposes 12 spruce trees to be located outside the area of the special permit but between the special permit area and the residence to the east in order to mitigate the impacts of the reduced residential setback. The City Council will have to modify this requirement if it approves the permit.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

This is an existing facility, and lighting would have been verified when building permits were issued.

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

No drive-through window is proposed.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

No such devices are proposed with this special permit.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

There is one door on the business, facing east toward the residential district. The applicant requests a waiver to this requirement. City Council will have to waive this requirement if the special permit is approved.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Access is via North 23rd Street and R Street, which are not strictly residential streets.

(i) All other regulatory requirements for liquor sale shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Mitigation of the reduced residential setback must be continuously and regularly maintained as long as there is a special permit for liquor sales at this location.

Planning Commission review and City Council approval is required for this use.

The Public Works & Utilities Department ~~does not object to this request~~ supports the Planning staff recommendation regarding the requested waivers. (**Revised pursuant to Public Works Memorandum dated 7/25/01, p.016**)

The Parks and Recreation Department does not object to this request.

The Police Department recommends denial to this request based on the fact that the building is closer than 100 feet to a residential district.

The Urban Development Department objects to the proposal because it is in conflict with the neighborhood goals of the Malone Neighborhood Focus Area Action Plan. (**Revised pursuant to letter received from Urban Development Department dated 7/31/01, p.027**)

STAFF RECOMMENDATION:

Denial

If, following public hearing, it is determined that this application should be approved, the following conditions are suggested:

CONDITIONS:

1. This approval permits the sale of alcohol for consumption off the premises at the establishment known as Kabredlo's, located at 2305 R Street.
2. Specifically waived by the City Council is:
 - 2.1 27.63.685(g). Limiting distance to access doors.

2.2 27.63.685(c). 100' separation requirement from a residential district or residential use.
(As revised by staff on August 8, 2001**)**

3. The owner agrees to continuously and regularly maintain the landscape screen on Lot 4, Block 4 Kinney's O Street Addition, provided however, should the owner transfer title of Lots 5 and 6, Block 4 Kinney's O Street Addition the owner shall provide an easement to the buyer to allow the continuous and regular maintenance of the landscape screen on Lot 4, Block 4 Kinney's O Street Addition provided however if the owner sells Lot 4, Block 4 Kinney's O Street Addition the owner shall reserve an easement for the continuous and regular maintenance of the landscape screen by the owner of Lots 5 and 6, Block 4 Kinney's O Street Addition.
4. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
5. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
6. The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Becky Horner
Planner

SPECIAL PERMIT NO. 1924

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 8, 2001

Members present: Taylor, Newman, Carlson, Hunter, Schwinn, Duvall, Steward, Krieser and Bayer.

Planning staff recommendation: Denial

Jason Reynolds of Planning staff submitted additional information including five emails and letters in opposition (Exhibits A through E).

Reynolds also suggested that if the Planning Commission chooses to recommend conditional approval, Condition #2.2 should be added: The City Council waives or adjusts the 100' separation requirement from residential district.

Proponents

1. Mark Hunzeker appeared on behalf of Kabredlo's, Inc., the applicant. He introduced as exhibits the Factsheets from 22 previous applications for special permits for sale of alcoholic beverages, both on and off premise, which have been approved by this Commission and the City Council, waiving the setback requirements to one degree or another (Exhibits 1 through 23).

In this application, Hunzeker pointed out that the only issue that is raised as a reason for denial of this permit is that it fails to meet the 100' required setback from a residential zoning district or use, and the 150' setback from entry door to a residential district. Before this special permit ordinance was in place, it was fairly common place for convenience stores in residential areas to have alcohol available. For example:

Exhibit 24: 40th & "A" Street is a store very close to residential use;

Exhibit 25: 27th & "O" directly adjoins a residential use;

Exhibit 26: Touzalin and Fremont is immediately abutting multi-family on two sides;

Exhibit 27: Off-sale liquor store at 34th & "A" is immediately adjacent to a residential home;

Exhibit 28: 48th & Calvert immediately abuts residential;

Exhibit 29: 13th & E immediately abuts residential on two sides;

Exhibit 30: 4th & Cornhusker;

Exhibit 31: 27th & "E";

Exhibit 32: 17th & "L";

Exhibit 33: 27th & Y;

Exhibit 34: 70th & Colfax;

Exhibit 35: Cotner & Leighton; and

Exhibit 36: 70th & Havelock

These are all areas that had their liquor licenses before the special permit requirement came into place, so it was clear at that point that the city had not determined that there was anything wrong with the retail use close to the residential uses. So the public health, safety and welfare issue with respect to the use itself—retail sale of those goods—was determined to be okay because when the city modified the ordinance it only imposed a required setback for the sale of alcohol.

Hunzeker noted that we have had the special permit process since 1995. Exhibits 1 through 23 introduced into evidence were the staff reports and Planning Commission minutes of the hearings on 22 of these applications that have been approved, including:

Exhibit 37: 48th & Fremont, immediately adjoining a home on Fremont;

Exhibit 38: 60th & Havelock, immediately abutting residential on the north side;

Exhibit 39: S.W. 6th & West “A”, immediately abutting residential on the west;

Exhibit 40: 33rd & Holdrege, immediately abutting residential zoning to the west where an office building is located and immediately abutting residential on the south with no intervening fence or any other mitigation;

Exhibit 41: 70th & Havelock, immediately abutting residential on the west; and

Exhibit 42: 13th & South, immediately abutting residential on the south.

In Exhibits 37 through 42, the setbacks are clearly substantially less than 100', not only to the residential zoning district but to the residential use. Out of the 22 factsheets introduced, only 5 of the 22 were more than 50' from a residential zoning district or use; 11 were 25' or less; and 6 were between 25' and 50'. So fully half of the approvals have been 25' or less. Seven of those had no mitigation whatsoever required as a condition of relief from that 100' setback; 50% were mitigated with only a 6' fence; 1 was mitigated with an 8' fence; and in two cases, it was determined by the staff that because the convenience store sat below the grade of the abutting residential and was in some fashion screened by a retaining wall at the property line where the residential sat above the convenience store, that was sufficient mitigation; and in one case there was landscaping.

In short, Hunzeker submitted that the process has been one of almost routinely granting relief from this 100' setback requirement in cases that are much less close to meeting the requirements than this one. Here, we have a situation where the store in question is approximately 96' from the property line of the abutting residential house. The distance from the store to the zoning district line is 74'. The distance from the corner of this store to just past the corner of the commercially zoned area is 96'. This applicant is proposing a 6' fence and a double row of blue spruce on the residential side of the fence. Hunzeker believes the fence and trees mitigate whatever impact there might be of adding alcohol to the products sold at this location. There is already quite a bit of traffic at this location, and he does not believe that the addition of alcohol to the product mix will have any impact.

Hunzeker cited from one case where on-sale was added to the product mix at 26th & X Street (Special Permit No. 1688, Exhibit 17, p.4),

“...The building is 15 feet from the R-6 district, which is located beginning at the centerline of the alley. Our normal buffering in similar situations has been to require a wood fence. In this case, however, there are no doors or windows on the south side of the building, so it's relatively inert. Automobile and

pedestrian traffic in the alley from the neighborhood to the west and south is more likely the major disruptive factor, yet the parking for the three residences is from the alley, so a fence is impractical. Staff does not feel the addition of liquor sales to the existing store's operation will markedly increase the alley traffic, so this may be a case for waiving the screening requirement."

Hunzeker believes this applicant has met the burden of mitigating the lack of a 100' setback. There isn't much of a reason to have the 100' setback other than having an impact on limiting liquor licenses and sales in areas in ways that the city cannot otherwise do. Hunzeker purports that this applicant has met the burden of showing that this is not going to have an adverse impact and this applicant is mitigating more than any other applicant that has been given permission that has less than a 100' setback.

Opposition

1. Ed Patterson, 2108 "Q" Street, President of the Malone Neighborhood Association, testified in opposition. There have been arguments presented that purport to be comparable situations and the logic that it has been done many times in the past and therefore it should be done in the future. Almost all of the pictures were on arterial streets. This is not an arterial. This is in the heart of a neighborhood; across the street from a church; directly across the street from a residence; and the parking lot directly abuts a single family home. Although it has not been said today, Patterson has heard that Kabredlo's indicates that they cannot make it economically without the sale of liquor. Patterson did some comparison shopping. A one pound jar of peanut butter sold for \$1.39 at Alps on 27th Street; \$2.69 at Walgreens; \$2.19 at Ideal Grocery (which delivers) and \$3.05 at Kabredlo's.

Patterson also read from emails he had received in opposition (Exhibit F).

Bayer inquired whether any of the stores where Patterson bought the peanut butter sell liquor. Patterson did not know.

2. Mike Morosin, past president of Malone Community Association, testified in opposition. There are a number of problems in this neighborhood. And there are another number of places in the near neighborhood that sell alcohol. To put this in the heart of a neighborhood presents a problem. He deals with this every day. Some days he has to have people taken by ambulance who were able to get alcohol quickly. There is an adult domiciliary about ½ block east of 23rd and "R", and many of the adults are allowed to come out and come to Day Watch and Matt Talbott Kitchen, and many of these people have a chronic alcohol problem. This puts the alcohol right in front of the alcoholic. In the park on a daily basis he picks up broken beer bottles, etc. from the alcohol drinking. Urination in the park still occurs even though they have a bathroom and he believes this is because it is too easy to get the alcohol. Maybe Kabredlo's needs to get competitive on their prices on the other products to bring the people in. Morosin implored the Commission to come to the neighborhood and spend a day and see the problems that occur. The liquor establishments need to stop serving people that are inebriated. Some of the establishments even give plastic cups when they sell packaged beer. Isn't it time to say "no"? We have enough established liquor outlets in Lincoln. If Kabredlo's is truly interested in being a good neighbor, they would have come to all of us in the neighborhood and asked about this. If we're going to fight the problems of chronic alcoholism that hits this neighborhood on a daily and nightly basis, now is the time to take a stand. It was good that the Mayor took a stand on the last application and he hopes this one doesn't have to go that far.

Duvall asked whether the police are involved in the illegal activities in the neighborhood. Morosin stated that the police are very much involved. The neighbors call in on a daily basis. We need government on the other end to say "no".

Hunter asked Morosin to estimate how far this is from the UNL campus. Morosin stated that it is “not very far--20th and S versus 23rd and R.

3. Barbara Layman, 23rd & W, 5 blocks north, testified in opposition. She acknowledged the mitigation by putting up a 6' fence and blue spruce, but there are other things that need to be addressed, including the trash that litters the neighborhood. The 27th & “Y” location sells alcohol and it is not in the heart of the neighborhood. She picks up beer cans, wine bottles, beer bottles, and broken glass. There are about 15 small children who live on her block. Riding bikes becomes a hazard for them if they fall on the glass. There is also the issue of these people walking the street late at night. There are fights, arguments and vandalism that take place in our yards. We put a lot of work into our properties and we do not appreciate the disrespect that comes from this situation. If you want to be a grocer, you should have a grocery store, particularly in a neighborhood where we are concerned with families and the raising of our children. They should establish their liquor business in another place. We don't need the examples that this sets for the children in the neighborhood. Many of the buildings in our neighborhood house university students.

4. Leola Bullock appeared on behalf of the **Social Concerns Committee of the Newman United Methodist Church** located at 2242 R Street, in opposition. Bullock presented a letter from the Church and a petition signed by 36 individuals in opposition (Exhibit G). This will not be an asset to the residents, the church members and their guests. They will not provide any unmet need for sale of alcohol for consumption off premises. The sanctity of the neighborhood is a better and higher priority than the convenience of off-sale alcohol. The church is open to adult and youth members, friends and guests daily, with worship, fellowship, religious training and education, social activity, community activity and city service. This is not the proper location for this type of activity in the community.

5. Cornelius Shepard, 5412 Hillsdale Drive, member of Newman Methodist Church, testified in opposition. Shepard used to cut the parking lot and yard at the church. They had trouble picking up cans and bottles all over the parking lot. That store has been on that corner for over 70 years as a grocery store. The filling station is all right, but this is too close to a church to have a liquor store. We have problems with people drinking in the parking lot now. We have problems with drunks staggering into the church.

6. Hugh Bullock, 4210 No. 73rd, testified in opposition as a member of the Newman Methodist Church since 1958. This liquor store is too close to the church.

Response by the Applicant

Hunzeker is aware that there are problems with alcohol abuse in this community and it appears that people in that neighborhood have no problem obtaining alcohol, with or without this application. This applicant believes it is entitled to this permit. There is statutory criteria determining how close a liquor establishment can be to a church and if we don't meet that criteria we won't get a license. The testimony in opposition has absolutely nothing to do with the setbacks or the impacts of this store. Everything the Commission has heard today dealt with alcohol--“don't let them sell alcohol”. That is not the legitimate criteria by which to judge this application.

Hunzeker then quoted from the City Attorney opinion dated January 26, 1995 (Exhibit 3, pp.14-15), when the Commission was considering the application at 70th & Havelock:

“...where the zoning code contains both general standards regarding the public health, safety and general welfare and specific criteria regarding the use in question, the specific criteria are not additional to the general language but are definitional in nature. The testimony of Mr. Bradley at the public hearing on Special Permit No. 1536 is that ‘none of the opposition was toward design items or toward placement of the building, but only with respect to the sale of alcohol.’ Since mere

neighborhood opposition to the sale of liquor is not a sufficient basis to deny the special permit, it would be an abuse of discretion for the Planning Commission to deny [the special permit] simply because it was near a residential neighborhood. Neighborhood opposition to the use itself is not a sufficient basis to deny the special permit.”

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 8, 2001

Taylor moved to deny, seconded by Newman.

Taylor does not consider himself a lawyer, but he knows that most of our laws are based upon certain moral principles and one of the things you seek to do is help those that are weakened among us and to encourage them to be stronger. He appreciates the Malone area and the revitalization in that area. He does not see where alcohol would be an asset. He sees the church as an asset. We need to consider the appeal of the neighborhood. One of our jobs as Commissioners is to take the concern of our community and preserve our community with a sense of fidelity, care and concern about our citizenry. With the outcry he is hearing, he is not hearing anything positive other than that certain rules have been followed correctly. He agrees with all that has been said in opposition. This is not an arterial location but right in the heart of a neighborhood. He believes in free enterprise and in individual accountability and he believes a person is responsible for his/her own destination, but he does know that people in our society need help and any way we can help our fellow man, he believes that is the Commission's role and responsibility.

Steward stated that he will vote in favor of the motion to deny based upon the principles of the Comprehensive Plan and the requirements that give it operational value. We have a 100' separation requirement from a residential use and counsel has pointed out that in this situation the distance is 96'. It has also been pointed out that the Planning Commission and the City Council have been waiving that requirement in the past. He is not prepared to vote for a waiver (and if it were 99' he would vote the same way) until or unless the requirement is changed. We have a responsibility to support the rules.

Newman commented that if a mistake was made in granting waivers in the past, we don't need to make another one.

Carlson believes the crux of the argument is location, not necessarily liquor. He agrees with Steward and the last time he checked, convenient access within the neighborhood is not a component of the Comprehensive Plan and the sale of alcohol does nothing to promote the health, welfare and safety of this community. The thrust of the applicant's argument is that because we have approved these in the past, we need to approve them in the future. He disagrees. He does not think the waiver should be granted and it is clear that this application should be denied.

Hunter believes that Ms. Bullock made some extremely good points. The waiver is provided as an exception in cases where it should be provided and that doesn't mean it is always the rule. It is not going to be an asset to the residents of the community because there are already problems with alcohol locations close by. The applicant will not provide any unmet need.

Bayer does not believe the Commission is here to make a decision on the value of drinking or not drinking alcohol. He will be offended if he is criticized for voting in favor, but he believes his role is to determine whether or not there are reasons to mitigate or waive the distance requirements. He has supported waivers in the past and he will do so in this case because he thinks that the applicant has fairly mitigated the distance. Do I think there are alcohol problems in this country? Of course, but it is not the Planning Commission's responsibility to fix it today with respect to this vote. This vote does not fix it.

Motion to deny carried 5-4: Taylor, Newman, Carlson, Hunter and Steward voting 'yes'; Schwinn, Duvall, Krieser and Bayer voting 'no'.



**Special Permit #1924
N. 23rd & 'R' St.**



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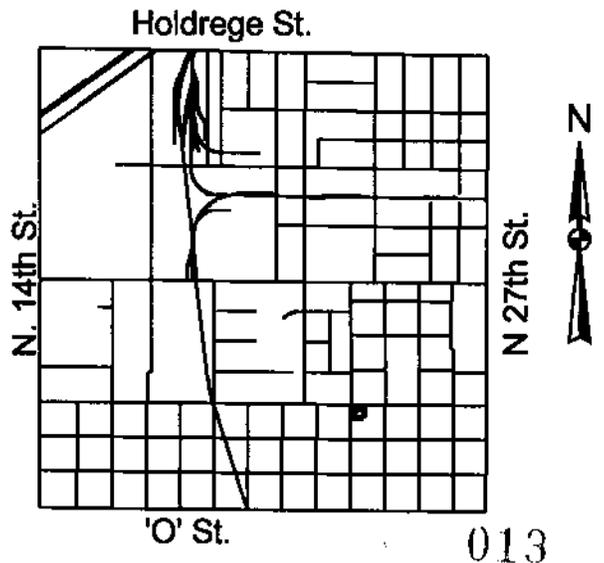
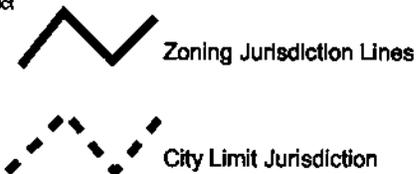


Special Permit #1924
N. 23rd & 'R' St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 24 T10N R6E



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July 12, 2001

Kathleen Sellman
Director of Planning
City of Lincoln
555 S. 10th St.
Lincoln, NE 68508

Dear Kathleen:

This is to advise you that the record owner of the property described as:

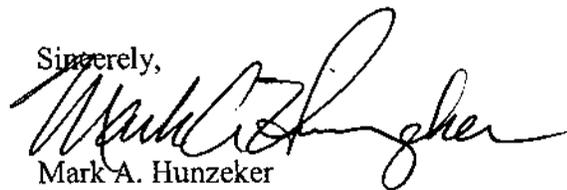
the North 100 feet of lot 4, except the East 29 feet of the North 50 feet thereof, and the North 100 feet of lots 5 and 6, Block 4 Kenney's O Street Addition, Lincoln, Lancaster County, Nebraska

is Chien Van Nguyen.

On behalf of the applicant, we request a waiver of the requirements of sections 27.63.685 (c) and (g). Proposed mitigation is construction of a six foot wooden fence, with a double row of Colorado Blue Spruce to screen along the residential zoning district line.

Feel free to call if you have any questions.

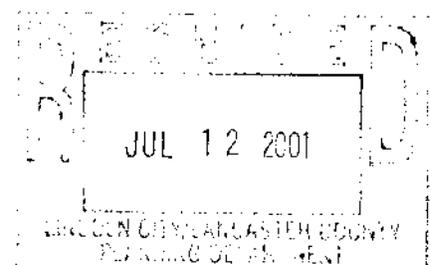
Sincerely,



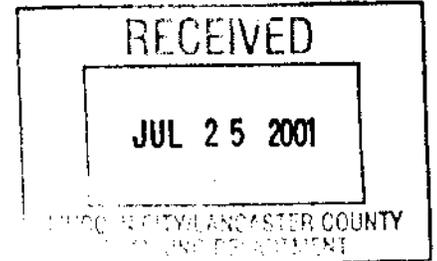
Mark A. Hunzeker
For the Firm

MAH:arg

(G:\WPData\MH\Kabredlos - Planning ltr7-12.wpd)



M e m o r a n d u m



To: Becky Horner, Planning Department

From: Charles W. Baker, Public Works and Utilities *CB*

Subject: Special Permit # 1924, Off Sale- Alcohol 2305 'O' Street

Date: July 24, 2001

cc: Roger Figard
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for the proposed alcohol sales at Kabredlo's located at 2305 "O" Street. The drive access and pump islands all meet design standards. However, the building location for entry is in direct violation for alcohol sales to a residential district. The applicant is proposing a Colorado Blue Spruce Screening which may provide adequate screening when mature. Public Works will support the Planning Director's recommendation of the requested waivers of Sec. 67.63 c & g.



Memo

To: Becky Horner
From: Mark Canney, Parks & Recreation
Date: July 19, 2001
Re: Kabredlo's SP 1924

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have no comments.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

JUL 20 2001

CITY

017

Memorandum

JUL 18 2001

To: Jason Reynolds
From: Investigator Russell Fosler
Date: 7/18/01
Re: Alcohol Sales Special Permit, Kabredlo's 2305 'R' Street

Jason,

Enclosed are the Lincoln Police Department calls for service at the proposed location.

The Lincoln Police Department is recommending denial base on the criteria that the proposed location is within 100 feet of a residential district.



Investigator Russell L. Fosler, For
Michael S. Woolman
Planning Sergeant
Lincoln Police Department

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		A1-072805	07-04-2001	1755	1836	TRAFFIC, SUSP DRIV
002305	R ST		A1-068360	06-25-2001	1101	1105	FORGERY-CHECKS
002305	R ST		A1-068136	06-24-2001	1803	1817	ASSAULT
002305	R ST		A1-060949	06-07-2001	0000	1428	SS, CIVIL STANDBY
002305	R ST		A1-058478	06-01-2001	1614	1629	DISTURBANCE OTHER
002305	R ST		A1-057370	05-29-2001	2132	2135	LARC-SELF SERVE GA
002305	R ST		A1-053692	05-20-2001	1605	1612	LARC-SELF SERVE GA
002305	R ST		A1-050241	05-12-2001	1457	1501	DISTURBANCE OTHER
002305	R ST		A1-048355	05-08-2001	0117	0150	ALCOHOL DRUNK
002305	R ST		A1-048199	05-07-2001	1800	1805	LARC-SELF SERVE GA
002305	R ST		A1-047935	05-07-2001	0027	0043	ALCOHOL DRUNK
002305	R ST		A1-047456	05-05-2001	2016	2020	DOMESTIC DISTURBAN
002305	R ST		A1-043987	04-27-2001	2257	0040	NARCOTICS, POSS
002305	R ST		A1-043974	04-27-2001	2232	2311	PROWLER
002305	R ST		A1-043939	04-27-2001	2132	0039	NARCOTICS, POSS

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		A1-043934	04-27-2001	2125	0041	TRAFFIC, SUSP DRIV
002305	R ST		A1-037701	04-12-2001	2114	2119	LARC-SELF SERVE GA
002305	R ST		A1-036469	04-09-2001	2230	2252	LARC-SHOPLIFT
002305	R ST		A1-036397	04-09-2001	1934	1953	LARC-SELF SERVE GA
002305	R ST		A1-036172	04-09-2001	1020	1047	MISC, OTHER
002305	R ST		A1-030747	03-27-2001	0738	0845	LARC-SELF SERVE GA
002305	R ST		A1-022765	03-05-2001	2150	2202	LARC-SELF SERVE GA
002305	R ST		A1-021111	03-01-2001	1733	1742	MISC, OTHER
002305	R ST		A1-018790	02-23-2001	1425	1506	OPS OTHER
002305	R ST		A1-014362	02-11-2001	0716	0725	ALARM EMPLOYEE
002305	R ST		A1-008862	01-27-2001	0355	0501	NARCOTICS, POSS
002305	R ST		A1-008850	01-27-2001	0311	0319	SS, CHECK WELFARE
002305	R ST		A1-007521	01-23-2001	0000	2142	LARC-SELF SERVE GA
002305	R ST		A1-006713	01-21-2001	0357	0415	MISC, OTHER
002305	R ST		A1-005706	01-18-2001	0000	1058	LARC-SELF SERVE GA

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		A1-003839	01-12-2001	1620	1632	LARC-SELF SERVE G
002305	R ST		A1-000351	01-02-2001	0148	0250	BURGLARY
002305	R ST		A0-137099	12-11-2000	1329	1335	DISTURBANCE OTHER
002305	R ST		A0-136842	12-10-2000	1508	1555	LARC-SHOPLIFT
002305	R ST		A0-133166	11-30-2000	1922	1926	MISC, OTHER
002305	R ST		A0-132893	11-29-2000	2025	2155	LARC-SHOPLIFT
002305	R ST		A0-130848	11-23-2000	1512	1514	SS, CHECK WELFARE
002305	R ST		A0-124800	11-06-2000	0601	0603	ALARM EMPLOYEE
002305	R ST		A0-123045	11-02-2000	0101	0233	ASSAULT - DOMESTI
002305	R ST		A0-115691	10-16-2000	1117	1149	ALCOHOL DRUNK
002305	R ST		A0-115397	10-15-2000	1718	1719	SS, CHECK WELFARE
002305	R ST		A0-115312	10-15-2000	1257	1304	LARC-SELF SERVE G
002305	R ST		A0-114178	10-13-2000	0446	0504	ALARM UNK CAUSE
002305	R ST		A0-113285	10-10-2000	1824	1827	DISTURBANCE OTHER
002305	R ST		A0-112534	10-08-2000	1640	1704	LARC-SELF SERVE G

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		A0-109881	10-01-2000	1952	2006	LARC-SELF SERVE G
002305	R ST		A0-098557	09-04-2000	1623	1624	DISTURBANCE OTHER
002305	R ST		A0-098094	09-03-2000	0645	0651	ALARM EMPLOYEE
002305	R ST		A0-093968	08-25-2000	0343	0352	MISC, OTHER
002305	R ST		A0-089047	08-13-2000	0000	2039	DISTURBANCE OTHER
002305	R ST		A0-086483	08-07-2000	1950	1953	DISTURBANCE OTHER
002305	R ST		A0-083462	07-31-2000	2215	2239	LARC-SELF SERVE G
002305	R ST		A0-078984	07-21-2000	1429	1448	LARC-SELF SERVE G
002305	R ST		A0-075481	07-13-2000	0037	0038	MISC, OTHER
002305	R ST		A0-074581	07-11-2000	0051	0133	PURSE SNATCH
002305	R ST		A0-069686	06-30-2000	1126	1144	FOUND ITEM
002305	R ST		A0-060222	06-07-2000	2119	2121	SS, CHECK WELFARE
002305	R ST		A0-058764	06-04-2000	0607	0613	SS, ASSIST CITIZE
002305	R ST		A0-055851	05-28-2000	1514	1523	DISTURBANCE OTHER
002305	R ST		A0-053047	05-21-2000	2148	2150	SS, CHECK WELFARE

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		A0-039553	04-18-2000	0228	0238	DOMESTIC DISTURBA
002305	R ST		A0-033838	04-02-2000	1411	1412	SS, CHECK WELFARE
002305	R ST		A0-028070	03-19-2000	1007	1018	VANDALISM
002305	R ST		A0-017176	02-20-2000	0302	0308	MISC, OTHER
002305	R ST		A0-011400	02-03-2000	1803	1816	MISC, OTHER
002305	R ST		99-133310	12-11-1999	1847	1856	MISC, OTHER
002305	R ST		99-132987	12-10-1999	2150	2254	LARC-COIN OP MACH
002305	R ST		99-113272	10-17-1999	0550	0624	DISTURBANCE OTHER
002305	R ST		99-101624	09-18-1999	1615	1622	LARC-SELF SERVE G
002305	R ST		99-098958	09-12-1999	1039	1045	DOMESTIC DISTURBA
002305	R ST		99-097664	09-09-1999	1951	2011	DOMESTIC DISTURBA
002305	R ST		99-089951	08-21-1999	0014	0016	DISTURBANCE OTHER
002305	R ST	32	99-089316	08-20-1999	1650	1706	DISTURBANCE OTHER
002305	R ST		99-072795	07-10-1999	0000	1503	MISC, OTHER
002305	R ST		99-056368	06-02-1999	1019	1034	DOMESTIC DISTURBA

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		99-054872	05-29-1999	1420	1430	MISC, OTHER
002305	R ST		99-054001	05-27-1999	1359	1416	FRAUD, FAIL TO PA
002305	R ST		99-047347	05-11-1999	1108	1121	LARC-SELF SERVE G
002305	R ST		99-045768	05-07-1999	1522	1714	LARC-FROM BUILDIN
002305	R ST		99-045596	05-07-1999	0344	0400	ALCOHOL DRUNK
002305	R ST		99-043478	05-01-1999	1432	1435	SS, CHECK WELFARE
002305	R ST		99-038478	04-18-1999	1646	1649	DISTURBANCE OTHER
002305	R ST		99-033935	04-06-1999	1544	1547	SS, CHECK WELFARE
002305	R ST		99-031706	03-31-1999	1432	1443	CRIME PREVENTION
002305	R ST		99-031356	03-30-1999	1723	1728	MISC, OTHER
002305	R ST		99-023756	03-10-1999	0151	0239	DISTURBANCE OTHER
002305	R ST		99-016986	02-19-1999	0537	0538	ASSAULT - DOMESTI
002305	R ST		99-015578	02-14-1999	2116	2217	ASSAULT
002305	R ST		99-011917	02-04-1999	1805	1835	ACC. NOT REPORTAB
002305	R ST		99-006854	01-21-1999	0930	1506	ROBBERY

DISPATCHED CALLS BY ADDRESS

ENTER A STREET NAME: R

ENTER A HOUSE NUMBER OR BLOCK NUMBER: 002305

HOUSE#/BLK	ST.NAME	APT	CASE#	DATE	ARVD	CLRD	TYPE OF CALL
002305	R ST		99-001275	01-05-1999	0244	0257	MISC, OTHER
002312	R ST	2	A1-012340	02-05-2001	2316	2337	BOMB, SUSP ARTICL
002312	R ST	9	A1-009848	01-29-2001	2056	2100	SS, CHECK WELFARE
002312	R ST	7	A0-137692	12-12-2000	2310	2314	DISTURBANCE OTHER
002312	R ST		A0-127397	11-13-2000	0858	0958	TRESPASSING
002312	R ST	14	A0-120922	10-28-2000	0234	0238	DISTURBANCE OTHER
002312	R ST	7	A0-115344	10-15-2000	1445	1449	DISTURBANCE OTHER
002312	R ST	9	A0-108102	09-27-2000	2047	2103	CHILD/ADULT ABU/N
002312	R ST		A0-065796	06-21-2000	2443	1449	ABAND. VEHICLE
002312	R ST	5	A0-064516	06-18-2000	1040	1049	MISC, OTHER
002312	R ST	?	99-045576	05-07-1999	0221	0247	DISTURBANCE OTHER
002312	R ST	11	99-041182	04-25-1999	0340	0343	DISTURBANCE OTHER
002312	R ST	3	99-040753	04-24-1999	0838	0846	DISTURBANCE OTHER
002312	R ST	14?	99-022034	03-04-1999	2330	2337	DISTURBANCE OTHER
002317	R		A0-126604	11-10-2000	2035	2049	ABAND. VEHICLE

MEMORANDUM

To: Planning Commission

From: Becky Horner, Planning Dept.

Date: July 31, 2001

RE: Special Permit #1924 - Special Permit for Off Sale Liquor Sales, 23rd & R Street

Additional comments have been received by the Urban Development Department which are attached and should be incorporated into the analysis of the staff recommendation.

The Urban Development Department indicates that the Malone Neighborhood Focus Area Plan identified priorities established by the neighborhood. It is the Urban Development Department's position that Special Permit #1924 for off premises liquor sales is contrary to the priorities identified in the Malone Neighborhood Focus Area Plan. For this reason the Urban Development Department opposes the application for a special permit at this location.



July 31, 2001

Kathleen Sellman, Director
Lincoln Lancaster Planning Department
555 S. 10th Street, Rm 213
Lincoln, NE 68508

Dear Kathleen:

This letter is in regards to Special Permit No. #1924. The Urban Development Department worked with the Malone Neighborhood Association in writing the *Malone Neighborhood Focus Area Action Plan*, and much of the plan focuses on the quality of life in the Malone neighborhood. The Focus Area, defined by the neighborhood, was identified because of concerns and issues in the neighborhood. The applicant is located at 2305 R Street in the heart of the Focus Area, which is bounded by 21st & 26th Streets and X & O Streets.

The Focus Area priorities established by the neighborhood will begin to provide actions to improve housing and infrastructure and to increase the desirability of living in the neighborhood. We feel that waiving the setback requirements works against priorities set by the neighborhood and may encourage commercial encroachment on residential areas. Instead of improving the neighborhood, we believe the requested special permit conflicts with neighborhood goals expressed in the Focus Area Plan. Therefore, the Urban Development Department opposes Special Permit No. #1924.

Please call me at 441-8211 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wynn S. Hjermstad".

Wynn S. Hjermstad, AICP
Community Development Manager

cc. Marc Wullschleger, Director
Ed Patterson, President, Malone Neighborhood Association

027

IN OPPOSITION

ITEM NO. 3.3: SPECIAL PERMIT NO. 1924
(p.123 - Public Hearing - 8/08/01)

Summerfield, Kansas
2 August 2001

Lincoln-Lancaster County Planning Department
Kathleen A. Sellman, Director
Russell J. Bayer, Chairman, City-County Planning Commission
555 South 10th Street / Suite 213
Lincoln, Nebraska 68508

Dear Commission Members:

In regard to the proposed Special Permit No. 1924, requested by Mark Hunzeker, located at N. 23rd Street and R Street, to sell alcohol at this location.

I can state several reasons why this would be an unwise decision to grant this permit - especially at this location to sell alcohol.

First - The closeness to the University Campus, the Fraternity houses and Halls where College Students reside. This area is just next door to their living quarters and is still a parking area for Students along R Street past 23rd Street and farther East.

Second - We are well acquainted with this area as we own the house just across the Street at 2300 R Street. Many times as we came to visit our Son (Larry D. Nicholas) who resides there, we could not find a parking place around that intersection, because of all the College Students parking there. It's a very busy intersection.

Third - I think it unwise to grant this permit because, as adults, we are to discourage Alcohol Consumption - instead of making it more convenient for them to obtain it. This would put Alcohol right at their door-step.

With all the thousands of young people who frequent this area - I think it is truly unwise to grant this permit.

Thank you for listening - -

Sincerely,

Lloyd G. Nicholas
Lloyd G. Nicholas
Box 51
Summerfield, Kansas 66541

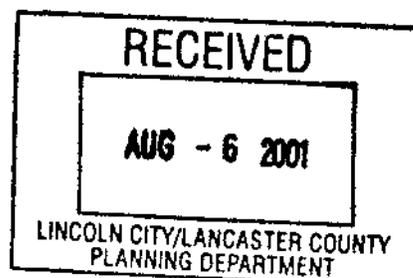


Exhibit A - SP.1924
Planning Commission

028



pstruwe@unlnotes01.u
nl.edu
08/07/2001 01:26 PM

To: plan@ci.lincoln.ne.us
cc:
Subject: Special Permit #1924

Dear Planning Commission Members,

My name is Peggy Struwe. I live at 530 North 25th Street and I am the president of the Hawley Area (Neighborhood) Association, HAA, which is in the Malone Neighborhood. HAA is against allowing alcohol sales at Kabredlo's located at 23rd and 'R' Streets. The feedback from our membership has been in support of opposing this special permit.

This business is in our neighborhood and we do not need off sale alcohol. There have been many people buy off sale at 27th and 'R', then drink while on neighboring properties or walk along the street and throw bottles on the city and private property along the sidewalks.

I personally live less than 4 blocks from this property and I don't want to continue to find beer and other alcohol bottles in the streets and along the sidewalks on R Street and on 25th Streets. We are constantly cleaning up trash and a lot of that trash is bottles in the yards and streets. Many are broken which requires a lot more work to clean up the broken glass on sidewalks and the street than just picking up the tossed bottles.

Kabredlo's applied for a permit at 27th and 'R' Street a few weeks ago and the mayor vetoed the application. When that application was before the City Council, Annette McRoy asked the Kabredlo's management why they didn't move their groceries to the 23rd and 'R' location. Their reply was that there wasn't room at that location for the groceries and without the liquor sales at 27th and 'R' location, they couldn't keep the store open. When asked how they could keep the 23rd and 'R' location open, they said that the gas paid enough to keep it open. If this is true, then why are they now asking to sell liquor at the 23rd and 'R' location? If they don't have room for groceries at that location, then why do they have room for liquor? And if the gas has been paying for the store to remain open, why do they need to sell liquor? There are also residential areas very close to the store at 23rd and 'R'. One house is next to it on the east and a house and apartment complex is across the street to the north. This is not an improvement to the area or neighborhood. We consider it a detriment

The last few years under the Urban Development Focus Area Plan, 'R' Street, 25th Street and several other streets had sidewalks repaired, corner curbing replaced with handicap curbs, deteriorated curbs were replaced and other infrastructure improvements were made to improve the area.

Those of us living in the area do not need another area to buy alcohol. Urban Development was successful in buying out the building at 27th and Vine where Mum's was located. Now we have a new Walgreen's located there. They also purchased a number of problem properties on 27th between S and T where a new commercial building is being built. As part of the revitalization project, the new construction along 27th Street where the city was involved, has a restriction of liquor sales. The new ALPS store could probably bring in more business and more revenue by selling beer, but do not because it is not what the revitalization of the area is intending to do. So, if these businesses either don't have liquor sales because they are restricted from sales or because they are trying to help revitalize the area, why would we allow liquor to be sold by special permit in an adjacent area? The whole North 27th Street area from O Street North has

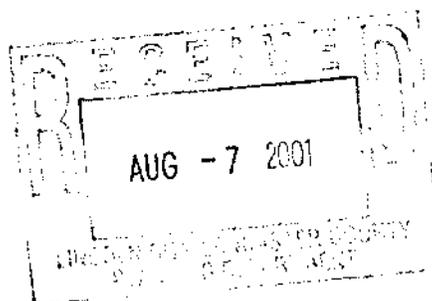
Exhibit B - SP.1924
Planning Commissior

been undergoing renovation with city money and private money invested to make the area more attractive and offer businesses that are conducive to being good for the neighborhood and provide needed services to the neighborhood such as the new ALPS store at 27th and Y Streets. We don't want or need another liquor store.

Our area also has many people that use Day Watch at 19th and 'R' Streets and we have many buildings for people that need assisted living. I feel that an alcohol sales at 23rd and R Streets is taking advantage of the people that can walk 3 blocks or less to buy alcohol.

Please do not approve this special permit.

Peggy Struwe
President,
Hawley Area (Neighborhood) Association



IN OPPOSITION

ITEM NO. 3.3: SPECIAL PERMIT NO. 1924
(p.123 - Public Hearing - 8/08/01)



"Chad Dumas"
<chaddumas9@hotmail.com>

08/08/2001 10:50 AM

To: plan@ci.lincoln.ne.us
cc:
Subject: Kabredlo's Special Permit

To Whom It May Concern:

I am writing to you as a concerned citizen and neighbor. My family of four lives just over one block from the Kabredlo's seeking a special permit to sell alcohol.

I ask that you please deny this special permit application. Laws and ordinances are created for good reason. Please enforce the current statutes and deny the special permit.

Sincerely,

Chad Dumas

2528 "R" St

Get your FREE download of MSN Explorer at <http://explorer.msn.com>

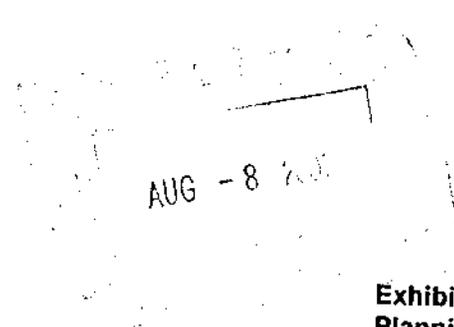


Exhibit C - SP.1924
Planning Commission

031

IN OPPOSITION

ITEM NO. 3.3: SPECIAL PERMIT NO. 1924
(p.123 - Public Hearing - 08/08/01)



"cddumas"
<cddumas@msn.com
>
08/08/2001 10:51 AM

To: <plan@ci.lincoln.ne.us>
cc: <cddumas@msn.com>
Subject: Special Permit for Kabredlo's

To Whom It May Concern:

My husband, two children, and myself live less than two blocks from Kabredlo's. We ask that you please deny the application for special permit to sell alcohol.

We are aware of city ordinance. We are also aware that there are restrictions on selling alcohol in residential areas. Please uphold the current law and deny the special permit.

Sincerely,

Dawn MV Dumas
2528 "R" St

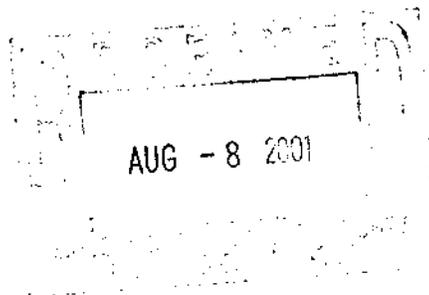


Exhibit D - SP.1924
Planning Commissior

032



Daryl Lenz
<daryll@peoplepc.com>
m>

To: plan@ci.lincoln.ne.us
cc:
Subject: Kabredlo's

08/10/2001 05:15 AM

Dear Planning commission,

My name is Daryl Lenz, my family of 8 have lived at 512 No 26th for 12 years. We have worked hard to make our house a home and to help beautify our neighborhood. Please consider the negative impact that the sale of liquor at Kabredlo's will have on our local community. The fact is that I am a recovering alcoholic and I do not need to have an establishment like that close to me, in fact there is an AA establishment just around the corner at about 25 & S street.

When Kabredlo's first opened up we were happy to welcome them to our community. The store was clean and there was no liquor to be had there. Please help us keep our inner city community clean.

The city of Lincoln has worked hard on the inner city, trying to keep it clean and vital. Please help us, please help Lincoln!

PeoplePC: It's for people. And it's just smart.
<http://www.peoplepc.com>

Subject: Re: 23rd and R
Date: Fri, 03 Aug 2001 16:33:20 -0500
From: "Edward H. Patterson" <gencybe@earthlink.net>
To: XX

Oh, no need to be sorry, you are doing just fine. Every day of the year I pick up the trail of litter left in Trago Park by street people. They trek back and forth between what used to be Mike's Liquor Store on 'O', now Mum's, and the picnic tables just north of S in Trago Park, where they roost in between free meals at Matt Talbot Kitchen.

Of course Matt Talbot itself, jammed into our neighborhood at 19th & R by the St. Vincent DePaul Society, is another example of us getting more than 'our fair share.' How much more efficient this operation would have been had they just built a wing off of the cathedral and agreed to the same level of police pressure against 'roosting rights' in that area, as is exerted here. If they just added another wing for a liquor store, profits from selling these people booze would more than pay for the food served in the other wing.

If one looks at our Malone Community Center and Trago Park as the cathedral, and these liquor, free food dispensaries, and domiciliary they keep jamming preferentially in here, as the proposed improvements to the Cathedral, the analogy is complete.

XX wrote:

- > Thanks for your reply - got a kick out of your analogies.....
- >
- > Sorry, I'm ranting again!
- >
- > XX

NEWMAN UNITED METHODIST CHURCH

2242 R STREET LINCOLN, NEBRASKA 68503
TELEPHONE 477-9379
REV. DR. RA DRAKE, Pastor



August 8, 2001

Mr. Russell J Bayer
Lincoln City/Lancaster County Planning Commission
Lincoln Nebraska 68508

RE: SPECIAL PERMIT NO. 1924
No. 23rd Street & R Street

Dear Mr. Bayer and Planning Commission Members:

You have requested input and information on the application for a SPECIAL PERMIT NO. 1924 for the sale of alcohol for consumption off the premises and a request to waive the setback requirements to access doors and the set back requirement to residential with proposed mitigation.

Newman United Methodist Church, a long time member and house of Worship in the Community affected by this application and waiver strongly resists, does not support, and fervently hopes that the Planning Commission does not grant the application or waiver for this location. We are certain that the proximity of the "off sale" location to the community residents and the Church is not and will not be an asset to the residents or Church members and guests. Nor will the applicant provide any unmet need for "off sale" alcohol for consumption off premises as requested in the application. We feel that the "sanctity" of neighborhood is a better and higher priority than the "convenience" of "off sale" alcohol. The Planning Commission is already keenly aware of the location of licensed "off sale" establishments that already provide the activity and "service" that is now sought so close to Newman Church by the applicant.

The Church is open to our adult and youth members, friends, and guests daily with worship, fellowship, religious training and education, social activity, community activity and city service (senior dinner program) and do not feel that the closeness and location of the "off sale" to the Church is the proper location for that type of activity in the Community.

The Planning Commission should not grant the application or waiver.

If you have additional questions, please contact Newman United Methodist Church.

Lela J. Bullock, Representative

Newman United Methodist Church
Social Concerns Committee

Exhibit G - SP.1924
Planning Commission

035

Attachment: Petition against the application



NEWMAN UNITED METHODIST CHURCH

2242 R STREET LINCOLN, NEBRASKA 68503
TELEPHONE 477-9379
REV. DR. RA DRAKE, Pastor

Gary Crump
Keretta Wallace
Karen Sachtleben
James A. Skins
Karl W. Skinner
Lawrence W. Panbohel
Charlotte Jackson
Patricia A. ~~York~~
Delores D. ~~Tanner~~
Rebecca E. Smith
Lalene Jarrett, Sr.
Olivia Moore
Rachel Otero
C. D. Shepard
Hugh B. Bullock
Lela J. Bullock
Lee Rapone
The Rev. P. Will Smith

Sandi Moody
Jeri L. Bullock
Luan Andrews
Joan T. Rich
Pamela Starks
Jacquelyn D. Miller, DDS
Matt ~~John~~
~~Elizabeth Stockard~~
Rev. ~~Rapone~~ Drake
Jelen P. Brant
Pat Birch
Laura Winger
Royce Bore
Elizabeth Truax
Mo. ~~Drake~~
Wanda ~~Crump~~
Rebecca ~~Stobey~~