

City Council Introduction: **Monday**, April 15, 2002  
Public Hearing: **Monday**, April 22, 2002, at **1:30 p.m.**

Bill No. 02R-78

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1962**, requested by Don Mann on behalf of MMG Properties, to permit the sale of alcoholic beverages for consumption off the premises, on property generally located northeast of the intersection of South Coddington Avenue and Capitol Parkway West.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 04/03/02  
Administrative Action: 04/03/02

**STAFF RECOMMENDATION:** Conditional Approval.

**RECOMMENDATION:** **Conditional Approval** (8-0: Newman, Duvall, Bills-Strand, Steward, Carlson, Krieser, Larson and Schwinn voting 'yes'; Taylor absent).

**ASSOCIATED REQUESTS:** None

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that this request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption off the premises. The conditions of approval are set forth on p.5.
2. On April 3, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. On April 3, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated March 15, 2002.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** April 8, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 8, 2002

**REFERENCE NUMBER:** FS\CC\2002\SP.1962

**CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1962

**DATE:** March 15, 2002

**PROPOSAL** A special permit to allow the sale of alcoholic beverages for consumption off the premises.

**LAND AREA:** Approximately 5.2 acres.

**CONCLUSION:** This request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption off the premises.

<b>RECOMMENDATION:</b>	Conditional Approval
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**GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lots 119 I.T. and 121 I.T., located in the southeast quarter of Section 28, T10N, R6E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**LOCATION:** Northeast of the intersection of South Coddington Avenue and Capitol Parkway West.

**OWNER/:** MMG Properties  
**APPLICANT** 3121 South 6<sup>th</sup> Street Suite B  
Lincoln, NE 68502

**CONTACT:** Donn Mann  
3121 South 6<sup>th</sup> Street Suite B  
Lincoln, NE 68502

**EXISTING ZONING:** I-1 Industrial District

**EXISTING LAND USE:** A 3,000 square foot convenience food store/service station that includes a car wash is currently under construction on this site.

**SURROUNDING LAND USE AND ZONING:**

North	Vacant	I-1
South	Residential	R-2
East	Vacant	I-1
West	Residential	R-2

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates industrial land use in this area.

**ANALYSIS**

**OVERVIEW:** This site is located within an industrially-zoned district northeast of the intersection of South Coddington Avenue and Capitol Parkway West. It is being developed with a convenience food store/service station with an attached car wash. This special permit request is to allow the sale of alcoholic beverages from the convenience food store for consumption off the site.

**1. SPECIAL PERMIT REQUIREMENTS PER LMC 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, I-1 and I-3 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 can be waived by the City Council:

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

The parking provided complies with the requirements of LMC Section 27.67.020.

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

This application is for a special permit to allow for sales of alcohol for consumption off the premises, and must be approved before sales are authorized.

**(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.**

There are no day care facilities, residences or residential districts within 100' of the premises. The applicable distances to the residential areas south and west are as follows:

	<b>Day Care Facility</b>	<b>Residential District</b>	<b>Residential Use</b>
<b>South</b>	n/a	110'	290'
<b>West</b>	n/a	220'	340'

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

All lighting will be required to comply with the Design Standards for parking lot lighting (Chapter 3.45, Section 3.8) prior to issuance of a building permit.

**(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.**

A drive-through window is not being proposed for the convenience food store.

**(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.**

While the front door of the convenience store faces the residential district to the west, that district is in excess of 150' away.

**(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 to this site is provided off of South Coddington Avenue, and there is no access to a residential street.

**(i) All other regulatory requirements for liquor sales 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.**

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

**2. POLICE RESPONSE:** The Police Department has no objections to this special permit request.

**3. PUBLIC WORKS RESPONSE:** The Public Works and Utilities Department has no objections to this special permit request.

**CONDITIONS:**

Site Specific:

1. This approval permits the sale of alcohol for consumption off the premises at the convenience store located on Lots 119 I.T. and 121 I.T., in the southeast quarter of Section 28, T10N, R6E.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
    - 2.1.1 A reproducible final site plan with 5 copies as approved.
  - 2.2 The construction plans comply with the approved plans.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying these structures all development and construction is to comply with the approved plans.
  - 3.2 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.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP  
Planner

# SPECIAL PERMIT NO. 1962

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

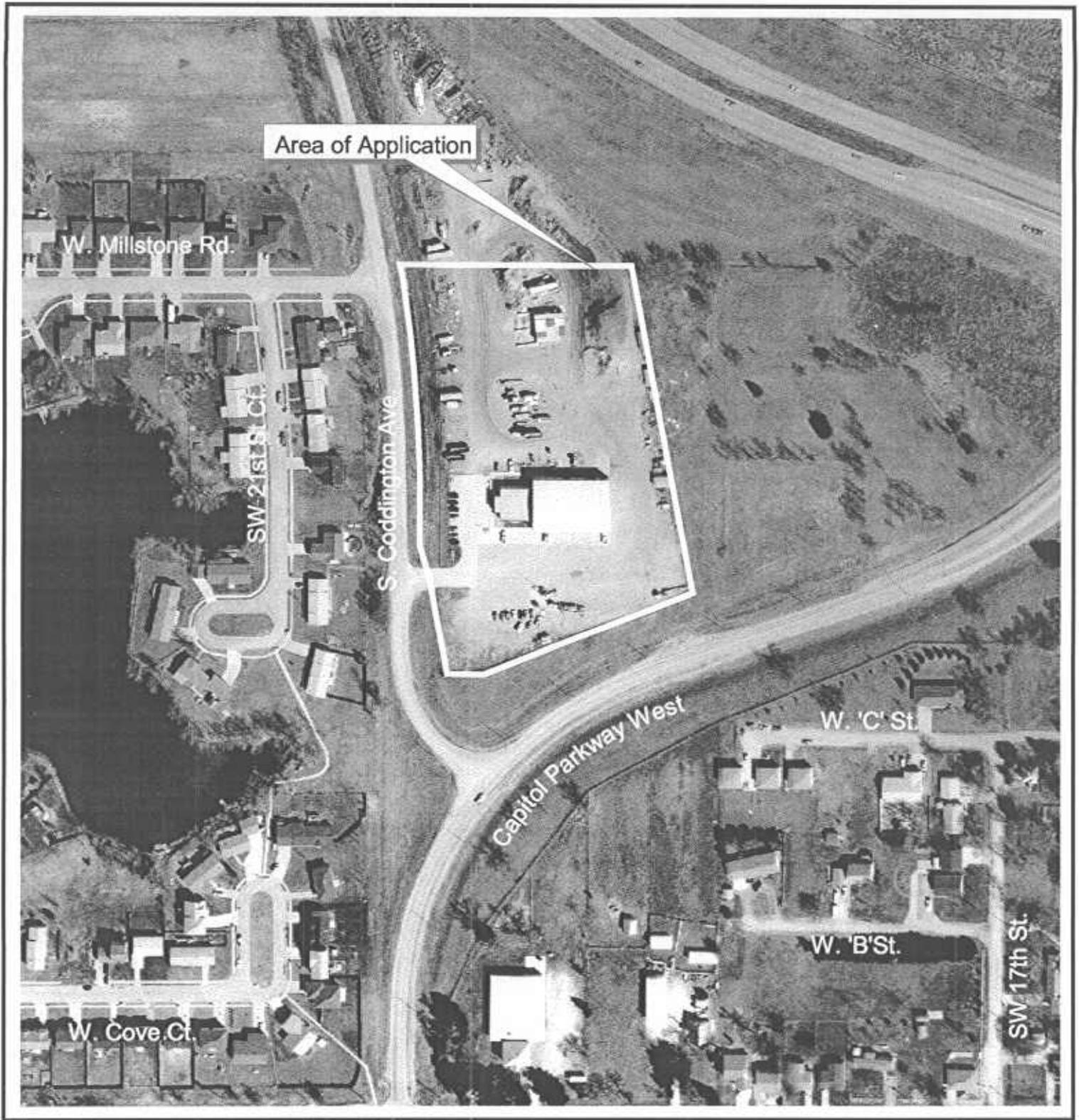
April 3, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3361; SPECIAL PERMIT NO. 1951, HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01020, HARTLAND HOMES SOUTHWEST; MISCELLANEOUS NO. 01011; PRE-EXISTING USE PERMIT NO. 9S; PRE-EXISTING SPECIAL PERMIT NO. 23E; SPECIAL PERMIT NO. 1962; SPECIAL PERMIT NO. 1963; SPECIAL PERMIT NO. 1774A, AMENDMENT TO THE WILDERNESS ESTATES 3<sup>RD</sup> ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1952, HAWKSWOOD ESTATES 1<sup>ST</sup> ADDITION COMMUNITY UNIT PLAN; and PRELIMINARY PLAT NO. 01024, HAWKSWOOD ESTATES 1<sup>ST</sup> ADDITION.**

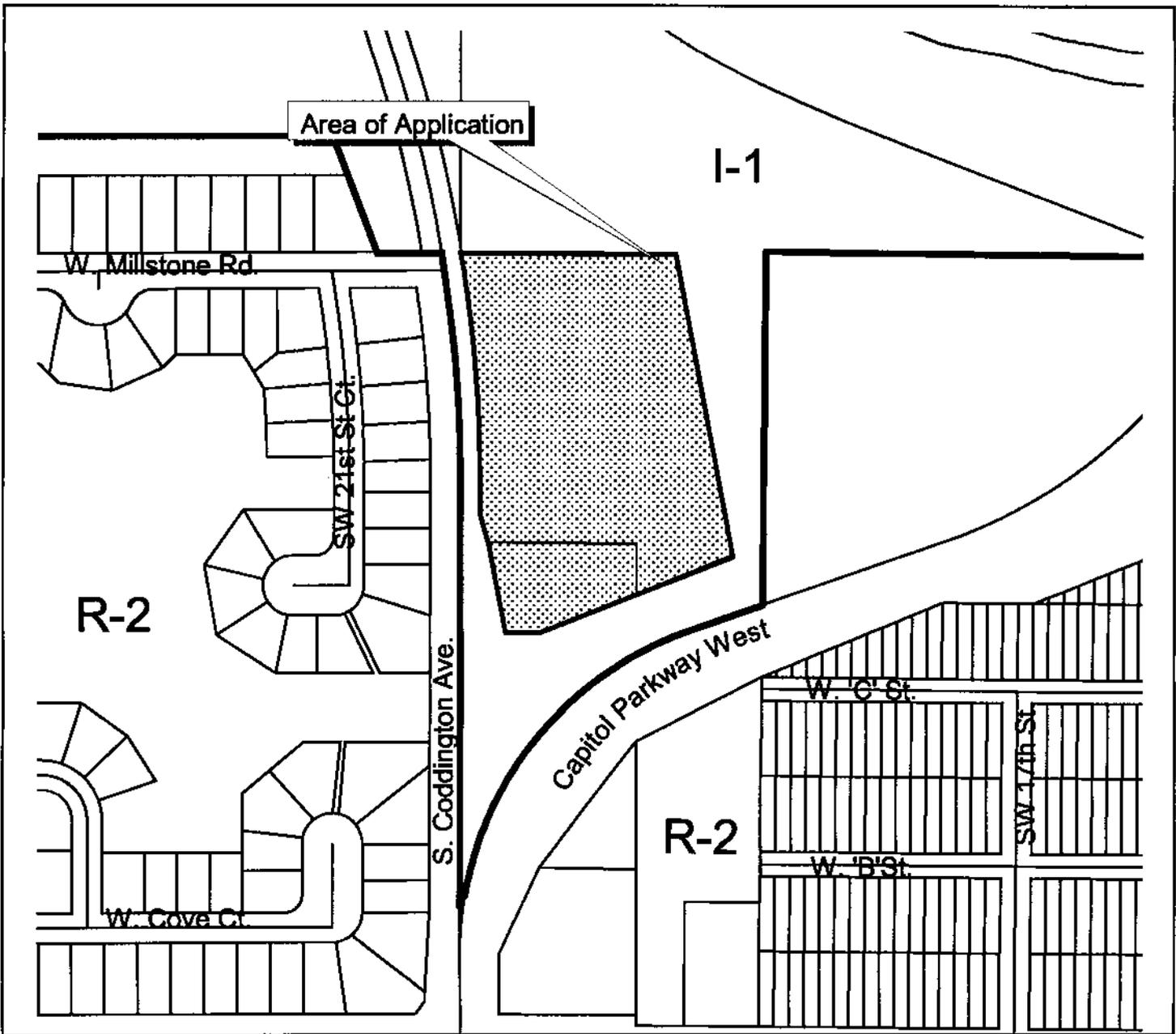
**Item No. 1.3, Pre-Existing Special Permit No. 23E**, was removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Newman and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent.



**Special Permit #1962  
W 'A' St & Coddington Ave.**

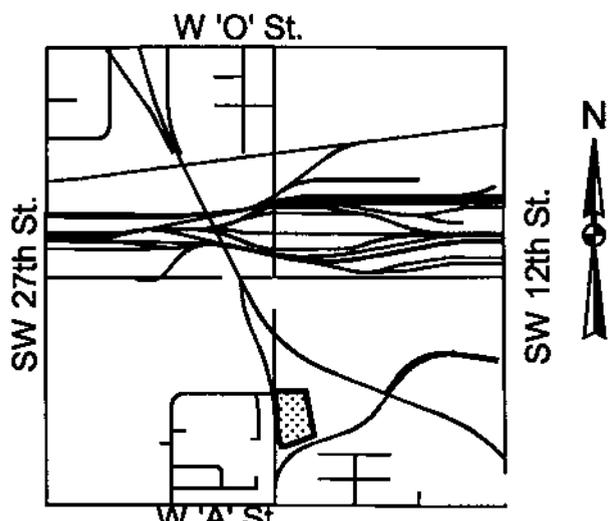
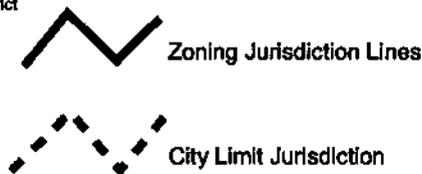




**Special Permit #1962  
W 'A' St & Coddington Ave.**

- 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. 28 T10N R6E



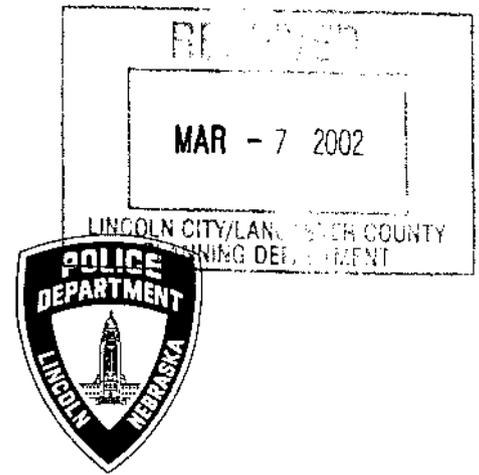
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# Memorandum

**To:** Brian Will  
**From:** Sergeant Michael S. Woolman #737  
**Date:** March 6, 2002  
**Re:** 1120 S. Coddington (SP 1962)

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Brian,

The Lincoln Police Department has no objections to the 1120 S. Coddington SP1962.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department

# M e m o r a n d u m

MAR - 6 2002



**To:** Brian Will, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *Subl*  
**Subject:** Alcohol Sales Special Permit #1962  
**Date:** March 6, 2002  
**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 Alcohol Sales Special Permit #1962 at the C-Store located at 1120 South Coddington and has no objections.