

**Granting of Swanson’s Appeal
by reversing the Planning Commission
Denial of Special Permit 05032**

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 05032

1 WHEREAS, Cynthia Swanson has submitted an application designated as
2 Special Permit No. 05032 for expansion of a non-conforming use to allow an outdoor
3 beer garden on property located at The Library Lounge at 6891 A Street, Suite 200, and
4 legally described as follows:

5 Lot 4, except the north 190 feet of the east 190 feet thereof,
6 Block 1, Huntington First Addition, Lincoln, Lancaster
7 County, Nebraska;

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission held
9 a public hearing on July 6, 2005 and denied Special Permit No. 05032; and

10 WHEREAS, Cynthia Swanson has appealed the action of the Lincoln City-
11 Lancaster County Planning Commission’s denial of Special Permit No. 05032; and

12 WHEREAS, the real property adjacent to the area included within the site
13 plan for this expansion of a non-conforming use will not be adversely affected; and

14 WHEREAS, said site plan together with the terms and conditions
15 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
16 Municipal Code to promote the public health, safety, and general welfare; and

17 WHEREAS, the final action of the Lincoln City-Lancaster County Planning
18 Commission denying Special Permit No. 05032 should be reversed and the Special
19 Permit should be conditionally granted.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
2 Lincoln, Nebraska:

3 That the application of Cynthia Swanson, hereinafter referred to as
4 "Permittee", to expand a non-conforming use to allow an outdoor beer garden be and
5 the same is hereby granted under the provisions of Section 27.63.280 of the Lincoln
6 Municipal Code upon condition that outdoor beer garden be in strict compliance with
7 said application, the site plan, and the following additional express terms, conditions,
8 and requirements:

9 1. This permit approves the expansion of the area designated for the sale of
10 alcohol for consumption on the premises as shown on the site plan.

11 2. Before receiving building permits:

12 a. The Permittee shall submit to the Planning Department for review
13 and approval five copies of the revised site plan showing a
14 reduction of the dimensions of the outdoor beer garden to the
15 satisfaction of Public Works and Utilities, with the beer garden
16 remaining centered along the south wall of the existing building.

17 b. No outside sound amplification equipment, musical instruments,
18 radios, TV sets (except where sound is mute), or similar devices
19 shall be permitted in the beer garden.

20 c. The construction plans must comply with the approved plans.

21 3. Before the sale of alcohol for consumption on the premises, all
22 development and construction must comply with the approved plans.

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

4 5. This resolution's terms, conditions, and requirements bind and obligate the
5 Permittee, its successors and assigns.

6 6. The applicant shall sign and return the letter of acceptance to the City
7 Clerk within 30 days following the approval of the special permit, provided, however,
8 said 30-day period may be extended up to six months by administrative amendment.
9 The clerk shall file a copy of the resolution approving the special permit and the letter of
10 acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the
11 applicant.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2005: _____ Mayor
