

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #2007

DATE: April 16, 2003

SCHEDULED PLANNING COMMISSION MEETING: April 30, 2003

PROPOSAL: A special permit to allow the sale of alcoholic beverages for consumption on the premises.

CONCLUSION: This request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption on the premises and is an appropriate land use at this location.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

LOCATION: 1000 Saunders Avenue

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: Restaurant

SURROUNDING LAND USE AND ZONING:

North:	Cornhusker Highway right-of-way	
South:	Commercial	H-3
East:	Commercial	H-3
West:	Commercial	H-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area for commercial land use.

UTILITIES: Utilities are available to serve this site.

TOPOGRAPHY: The land is flat across this site.

ANALYSIS:

OVERVIEW: This site is just west of the intersection of North 11th Street and Saunders Avenue in a commercially-zoned district. This special permit request is to allow the sale of alcoholic beverages for consumption on the premises at the existing restaurant.

1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.685: Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 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 provided on-site at the ratio of one space per 100 square feet of gross floor area.

The parking provided exceeds this requirement.

(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under Section 27.63.685 of this code.

This application is for a special permit to allow for the sale of alcohol for consumption on the premises only. Authorization for off-site consumption of alcohol is not being requested.

(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, residential districts or residences within 100' of the premises. The nearest residential district is southeast of the site in excess of 600' away. While the attached vicinity/zoning map indicates that Cornhusker Highway is zoned R-2, it should be noted that the zoning designation is applied only as a mapping convenience and that right-of-way is not zoned.

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

Any new lighting will be required to comply with the Design Standards for parking lot lighting (Design Standards Chapter 3.45, Section 3.8).

(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 shown as part of the restaurant.

(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.

An amplified outside noise source is not shown as part of this request.

(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.

The front door does not face a residential district, the nearest of which is in excess of 600' 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 from Saunders Avenue, which is not 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: Public Works and Utilities had no objections to this special permit request.

CONDITIONS:

Site Specific:

1. This approval permits the sale of alcohol for consumption on the premises as shown on the site plan.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised and reproducible final plan with 5 copies.
 - 2.2 The construction plans shall comply with the approved plans.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 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.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 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:

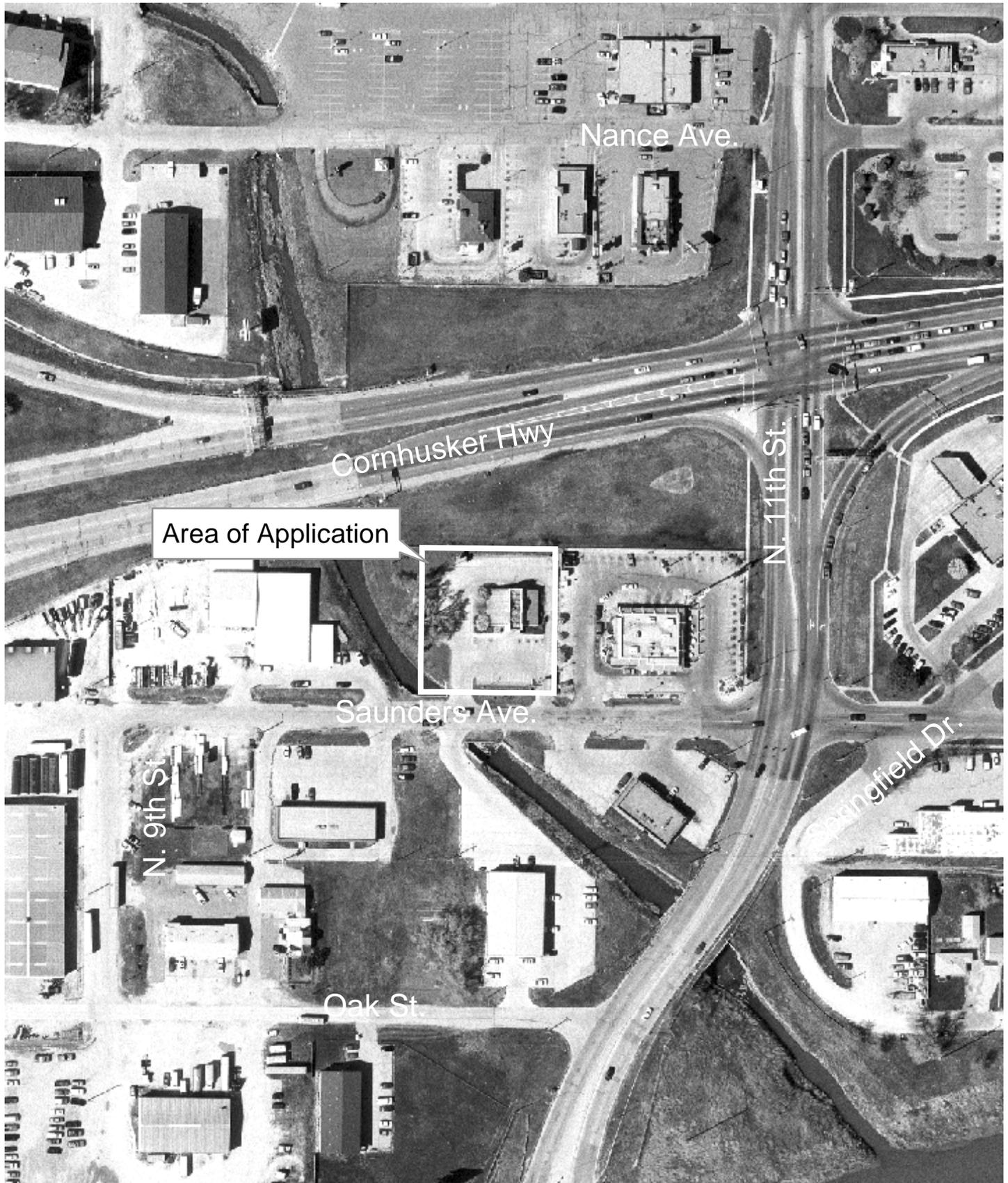
Brian Will
Planner

**APPLICANT/
CONTACT:**

Craig Chesnut
Summit Properties, LLC
517 Anthony Lane
Lincoln, NE 68520 (402) 483-5429

CONTACT:

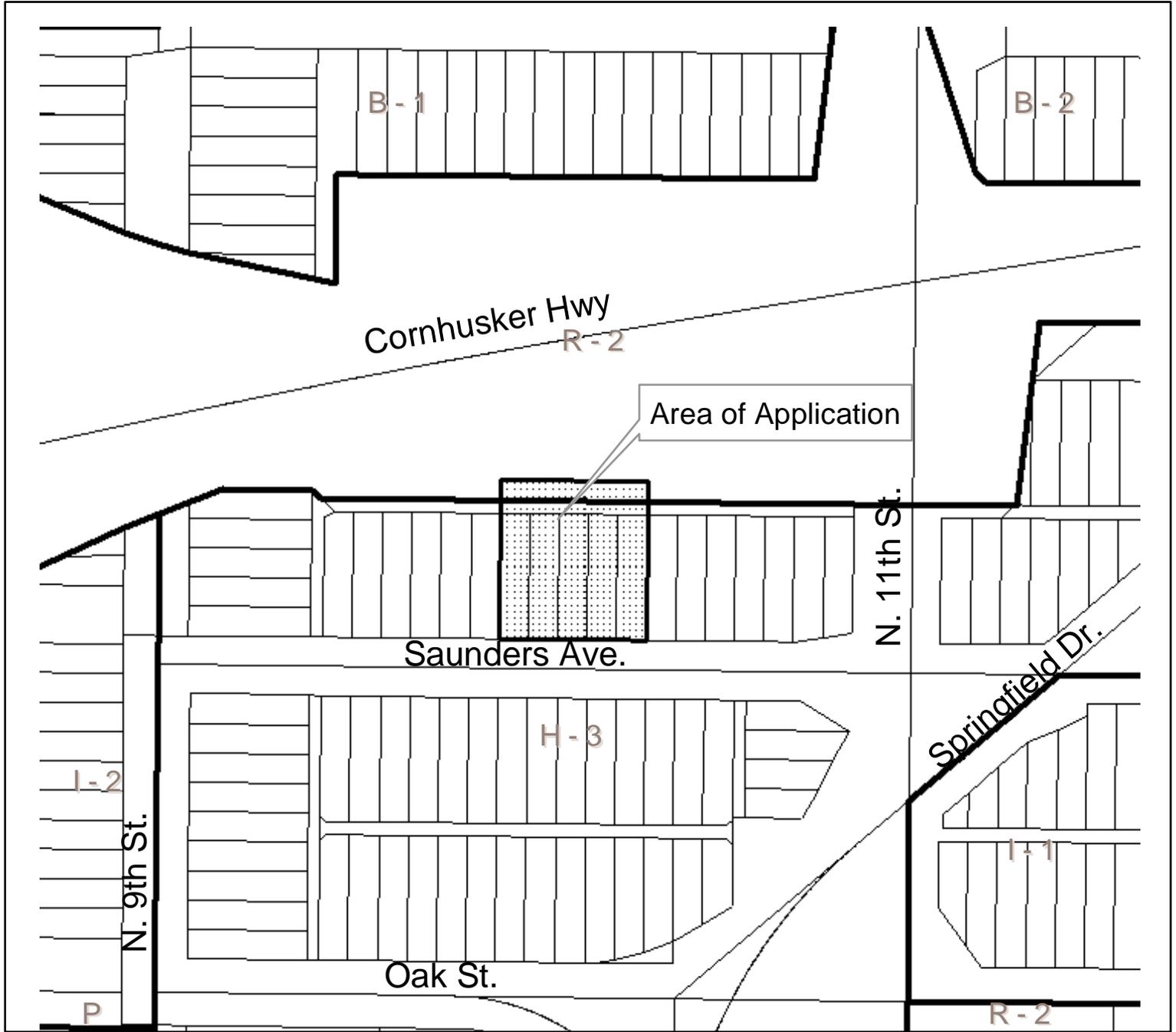
W.R. Lesoing
200 Southwest 40th Street
Lincoln, NE 68522 (402) 438-1157



Special Permit #2007
1000 Saunders Ave.



Lincoln City - Lancaster County Planning Dept.
1999 aerial

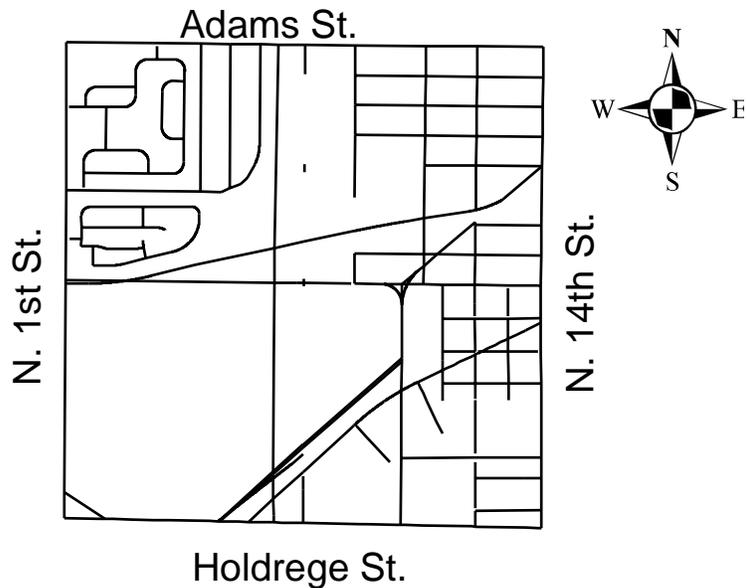
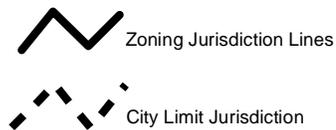


**Special Permit #2007
1000 Saunders Ave.**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conversion 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.14 T10N R6E**

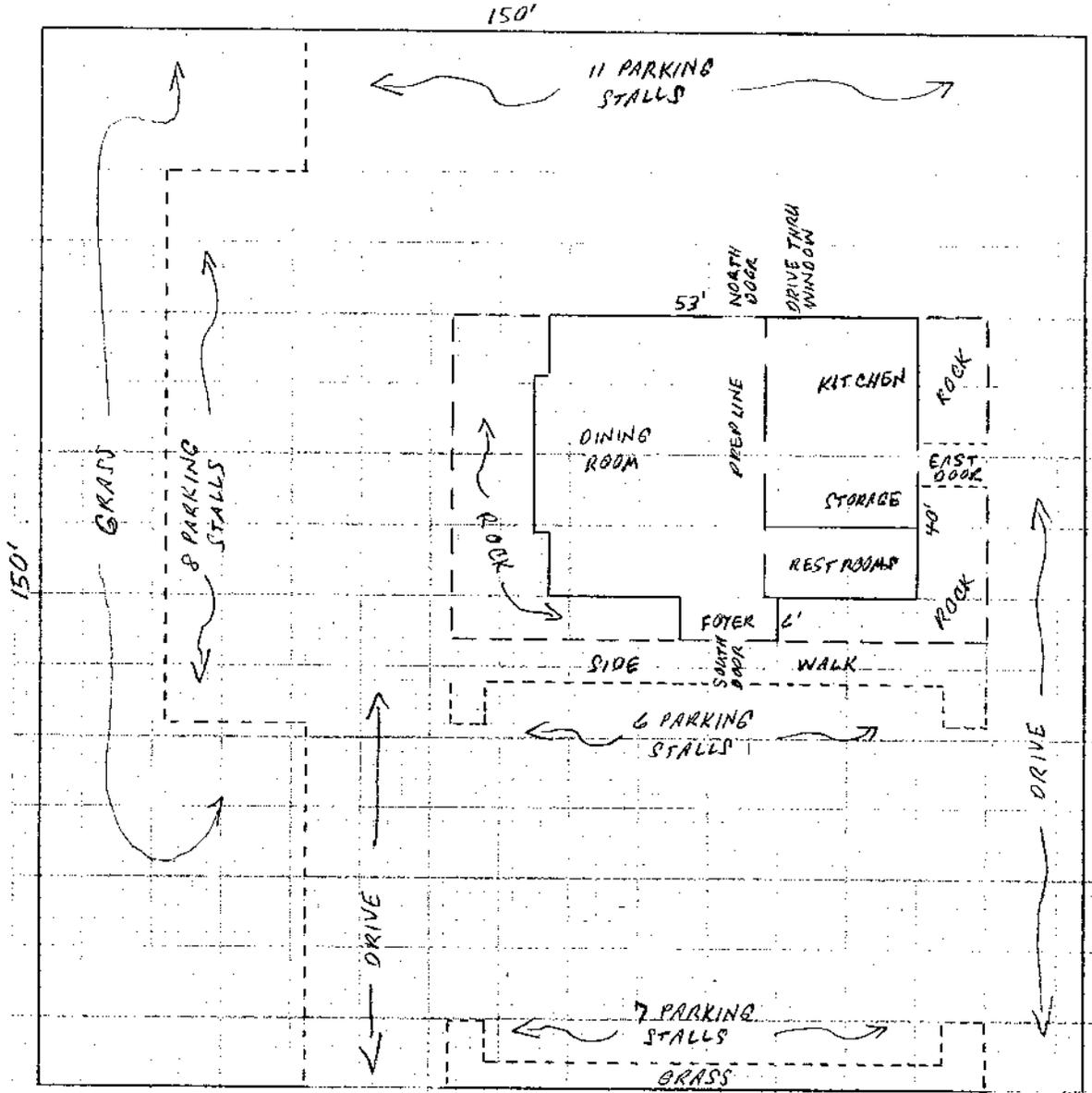


SKETCH ADDENDUM

SIDELINES DELI

Borrower/Client: DIV. OF SUMMIT PROPERTIES LLC
 LEGAL: S. 20' OF L 9, 10, 11, 12, 13 & ALL L 35, 36, 37
 Lender: 38, 39, B21, BELMONT ADD

Property Address: 1000 SAUNDERS AV.
 STREET
LINCOLN LANCASTER NE 68521
 CITY COUNTY STATE ZIP



LEGAL DESCRIPTION

Parcel ID: 11-14-218-025-000

Belmont Addition Block 21 S20' Lots 9, 10, 11, 12, & 13 and all
Lots 35, 36, 37, 38, & 39 and vacated alley adjacent.

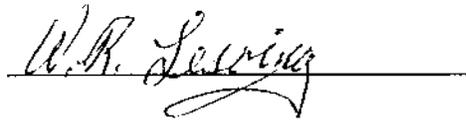
March 20, 2003

To Whom It May Concern

The undersigned, W. R. Lesoing, owner of the property described as 1000 Saunders Av., Lincoln, Ne 68521 acknowledges and agrees to the following:

Sidelines Deli, a Div. of Summit Properties, LLC is the current tenant of the above described property and is applying for a Class J liquor license for the same.

W. R. Lesoing

A handwritten signature in cursive script, reading "W. R. Lesoing", is written over a solid horizontal line. The signature is positioned to the left of the line's end, with the line extending further to the right.