

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 31, 2005 PLANNING COMMISSION MEETING

P.A.S.: Pre-existing Special Permit #33A

PROPOSAL: A special permit for the sale of alcoholic beverages for consumption on the premises to expand an outdoor seating area including a volleyball court for Luckies Lounge.

CONCLUSION: This request complies with all the requirements for a special permit for the sale of alcohol and is an appropriate use of land at this location.

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

LEGAL DESCRIPTION: Lot 1, Union Pacific 6th Addition.

LOCATION: 1101 West Bond Street

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-3
South:	Commercial/I-80 Interchange	H-3
East:	Vacant	H-3
West:	Commercial	H-1

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates commercial land uses in this area.

BACKGROUND: This is a request to expand the area where the sale of alcohol is allowed at Luckies Lounge, located in the Ramada Inn near the airport. The sale of alcohol is currently allowed in the bar, and outside the bar in an area formerly occupied by a swimming pool. This request seeks to expand the outdoor area by approximately 125' x 45' to accommodate additional seating area and an outdoor volleyball court.

The sale of alcohol at this location pre-dates 1979 when the current Zoning Ordinance was adopted. As an allowed use by special permit in the H-3 district and because it pre-dates

1979, it is considered a pre-existing special permit per Lincoln Municipal Code (LMC) Section 27.63.040. That section requires that any enlargement or expansion be treated in the same manner as a new special permit including a public hearing before the Planning Commission.

As required, this request is reviewed using the conditions provided in LMC 27.63.680 for a special permit for the consumption of alcohol on the premises. The analysis of those conditions is included below.

ANALYSIS:

1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC)

27.63.680: 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. Alcoholic beverages may also be sold for consumption on the premises as an accessory use to a golf course or country club as part of a separate special permit under Section 27.63.130 approving the golf course or country club in any district where recreational facilities are allowed as a permitted use, permitted conditional use, or permitted special use. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be provided on-site at the ratio of one space per 100 square feet of gross floor area.

Off-street parking must be provided at the ratio of one space per 100 square feet of floor area for the licensed premises. The total number of off-street parking spaces in this case must accommodate both the hotel and the bar because the uses share parking. 155 spaces are required to accommodate both uses, and 162 spaces are provided.

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

This application is for a special permit to expand only the area where the sale of alcohol for consumption on the premises is allowed. A request to allow the sale of alcoholic beverages off the premises is not a part of this proposal and is not being requested.

(c) The designated area specified in a license issued under the Nebraska Liquor Control Act of any building approved for such activity must be located no closer than 100 feet from a day care facility, park, church, state mental

health institution, or a residential district (except where such use is accessory to a golf course or country club).

This use is more than 100' from a day care facility, park, church, state mental health institution, or a residential district. The nearest of these is the R-3 district southeast of the site located more than 500' away across I-80.

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

No additional lighting is shown as part of the proposed expansion.

(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 this application.

(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.

The nearest residential district is in excess of 500' away.

(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 nearest residential district is in excess of 500' 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 the premises is from West Bond which is not considered a “residential street” at this location.

(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.

(3) Repeated or continuing failure to take reasonable steps to prevent unreasonable disturbances and anti-social behavior on the premises related to the operation of the permittee's business including, but not limited to, violence on site, drunkenness, vandalism, solicitation, or litter.

Planning Commission approval is required for this use.

2. DEPARTMENT RESPONSES:

POLICE: The Police Department had no objection to this request.

PUBLIC WORKS: Public Works and Utilities had no objection to this request.

HEALTH: The Health Department had no objection to this request.

CONDITIONS:

Site Specific:

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

General:

2. Before receiving building permits:

2.1 The construction plans comply with the approved plans.



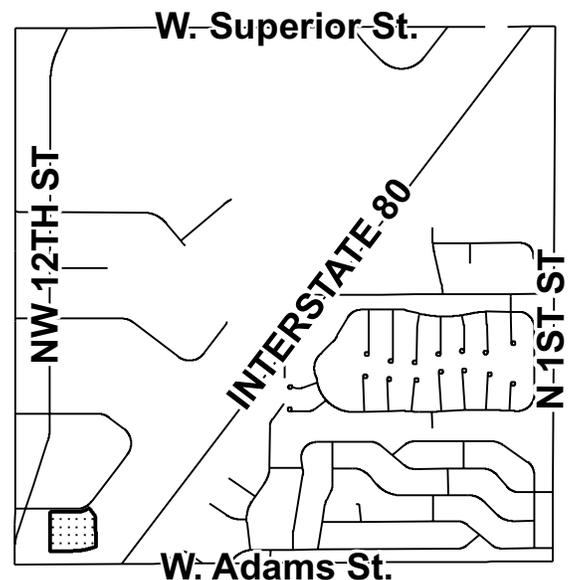
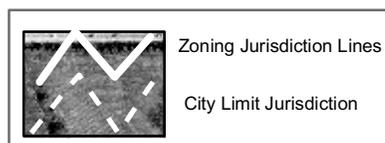
2005 aerial

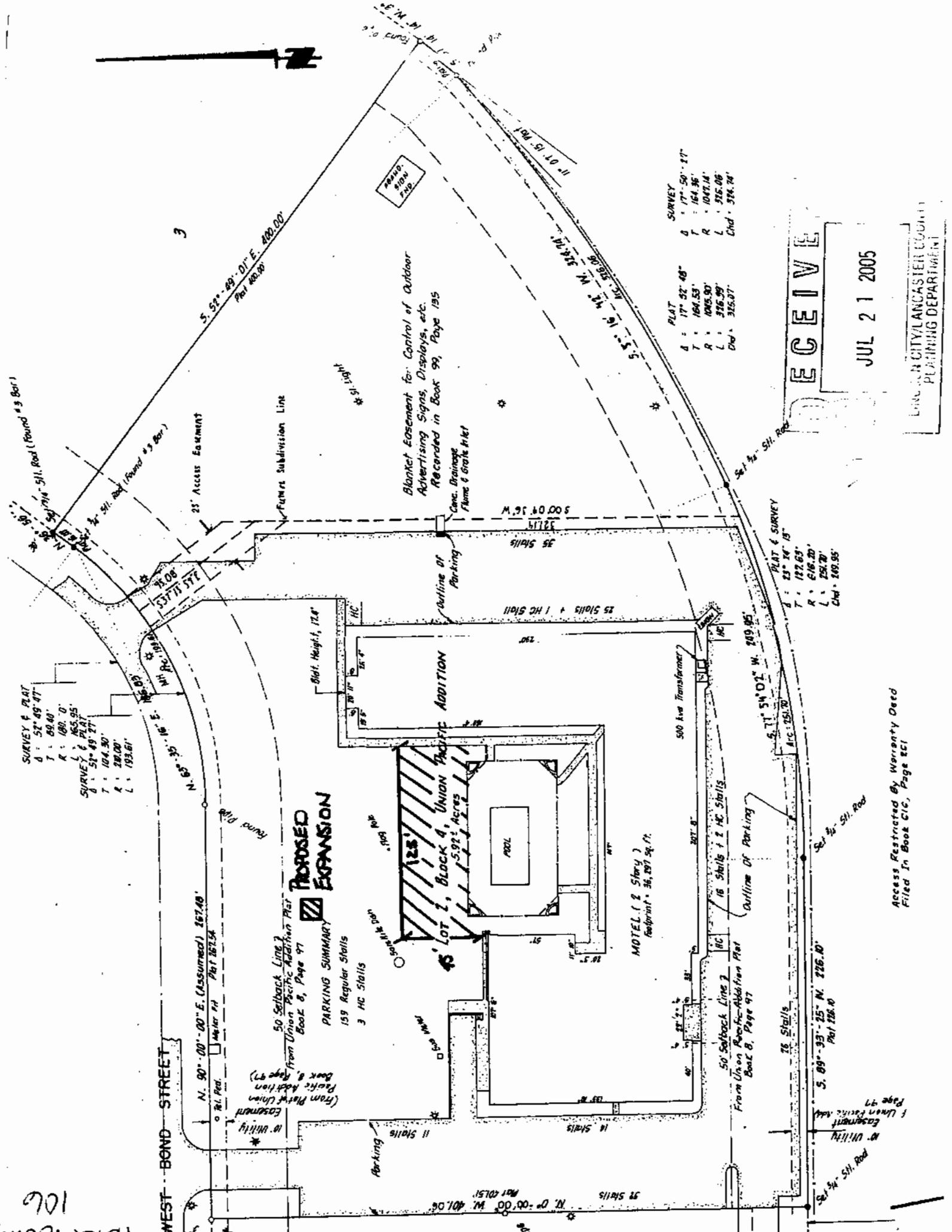
Pre-Existing Special Permit #33A NW 12th & W Bond St.

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. 10 T10N R6E





SURVEY & PLAT
 D = 52° 49' 47"
 T = 69.48'
 R = 189.0'
 L = 165.95'

SURVEY & PLAT
 D = 51° 49' 27"
 T = 104.30'
 R = 280.00'
 L = 193.61'

PROPOSED EXPANSION

PARKING SUMMARY

159 Regular Stalls
 3 HC Stalls

PROPOSED

LOT 1, BLOCK 4, UNION PACIFIC ACRES

LOT 2, BLOCK 4, UNION PACIFIC ACRES

MOTEL (2 Story)
 Footprint: 36,297 sq. ft.

PLAT & SURVEY
 D = 17° 52' 48"
 T = 164.53'
 R = 495.50'
 L = 326.99'
 Chd = 325.07'

PLAT & SURVEY
 D = 23° 24' 15"
 T = 122.63'
 R = 616.20'
 L = 252.70'
 Chd = 269.95'

RECEIVE

JUL 21 2005

LINCOLN CITY/LANCASTER COUNTY
 PLANNING DEPARTMENT

Access Restricted By Warranty Deed
 Filed In Book C16, Page 251

106
 (L) (C) (R) (S)

July 20, 2005

KATCH, LLC
Db a Luckies Lounge
1101 W. Bond
Lincoln, NE 68521

RE: Purpose of Special Permit for the Sale of Alcohol

To Whom It May Concern,

On behalf of Luckies Lounge, I am requesting your consideration for the additional of an outside seating area and volleyball court. Luckie's Lounge is a bar and grill located inside the Ramada Inn at 1101 W. Bond St. in Lincoln, NE. "Luckie's" opened its doors in August of 2003. It offers a full menu in addition to the sale of alcoholic beverages.

Luckie's would like to be able to offer outside seating to its customers. We would also like to add a volleyball court for recreational use. It is our intention to offer the people of Lincoln, as well as travelers, the opportunity to sit outside and enjoy the atmosphere in a clean, fenced in, controlled area.

Luckie's appreciates your consideration on this matter. Please contact me at 402 440-6700 if you have any questions or comments.

Regards,


Kathy Hagge
Owner

