

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 11, 2006 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #06053

PROPOSAL: To allow the sale of alcoholic beverages for consumption on the premises for a restaurant.

CONCLUSION: This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on the premises.

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

LEGAL DESCRIPTION: Lot A except the east 48' thereof; and lots B and C except the north 20 feet of the east 10 feet thereof; and the vacated alley adjacent thereto except that part dedicated for street purposes; all located in Wycoffs Subdivision, Lincoln, Lancaster County, Nebraska.

LOCATION: 2700 O Street, located northeast of the intersection of South 27th Street and O Street.

EXISTING ZONING: B-3 Commercial

EXISTING LAND USE: Restaurant

SURROUNDING LAND USE AND ZONING:

North:	Multiple-family Residential	R-6
South:	Commercial	B-3
East:	Commercial	B-3
West:	Commercial	B-3

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

HISTORY: **March 11, 2005** - Special Permit #05005 for the sale of alcohol for consumption off the premises was withdrawn by the applicant. Staff had recommended denial of the request, noting that a liquor store at this location was not consistent with either the North 27th Street or Antelope Valley Redevelopment Plans.

BACKGROUND: This request is to allow the sale of alcohol for consumption on the premises at an existing sit-down Mexican-style restaurant. The site plan shows the footprint of the restaurant and delineates the area designated as the 'licensed premises', which is where alcohol can be sold and consumed per the State liquor license. The licensed premises does not include the area shown as 'new addition', which is an enclosure constructed so the entrance door will open onto South 27th Street and B-3 zoning instead of to the north and R-6 zoning.

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.

Parking is currently provided in compliance with the required ratio of one space per 100 square feet of floor area.

(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 allow the sale of alcohol for consumption on the premises. 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).

There is no day care facility, park, church, state mental health institution, or residential district within 100' of this use. The nearest of any of these is the R-6 residential district to the north, 120.83' away. This distance is calculated by adding 100.83' (the setback from the licensed premises to the north property line indicated on the site plan) and 20' (the width of the adjacent alley, which is 20'). The measurement to the R-6 district is to the north line of alley because public rights-of-way, including alleys, are not zoned.

The area indicated as 'new addition' for the door enclosure is not included in the area delineated as the 'licensed premises', and alcohol will not be allowed to be sold or consumed in that area. As a result, the required separation for the licensed premises is measured to the north wall of the existing building and does not include the enclosure.

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

The restaurant and parking lot are existing and operating, and the only change is the addition to enclose the north doorway so it opens onto South 27th Street. Any new lighting on site that is subject to compliance with the City of Lincoln Design Standards is reviewed at the time of building permits.

(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.

There are no such devices as part of this application.

(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 existing north access door is located within 150' of the R-6 residential district. The addition on the north side of the building for the enclosure is to provide for a door that opens onto South 27th Street. Done this way the door opens to the west to B-3 zoning, instead of to the north and R-6 zoning.

(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 either O Street or the adjacent alley to the north and South 27th Street, neither of which are 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 comment on this request.

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

CONDITIONS:

Site Specific:

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

General:

2. The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before the sale of alcohol for consumption on the premises, 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, 441-6362, bwill@lincoln.ne.gov
Planner

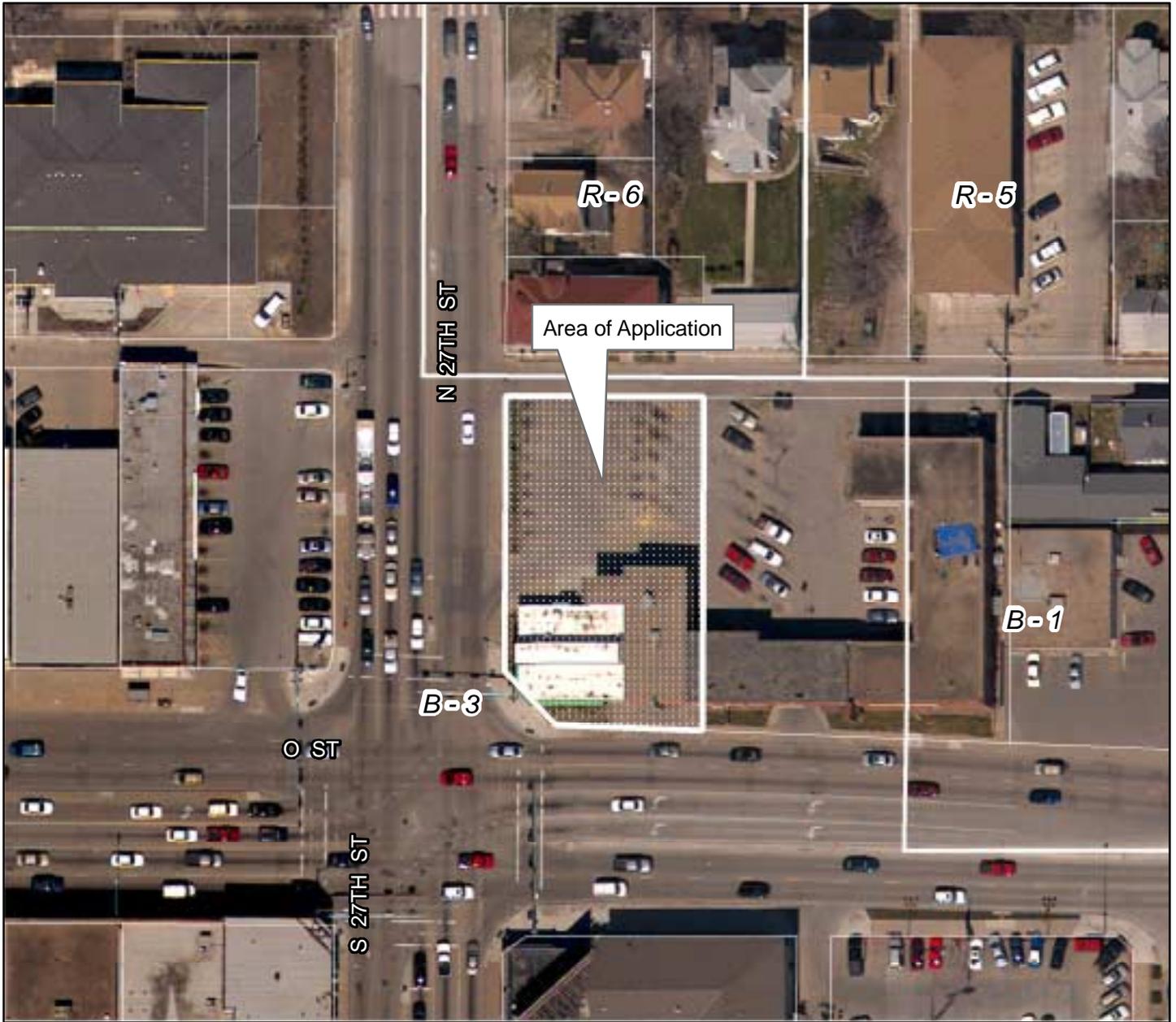
September 26, 2006

SP#06053
El Rancho - On-Sale
2700 South 27th Street

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OWNER: Robert Hall
2700 O Street
Lincoln, NE 68510
(402) 310-3775

**APPLICANT/
CONTACT:** Ever Preciado
2700 O Street
Lincoln, NE 68510
(402) 770-7844



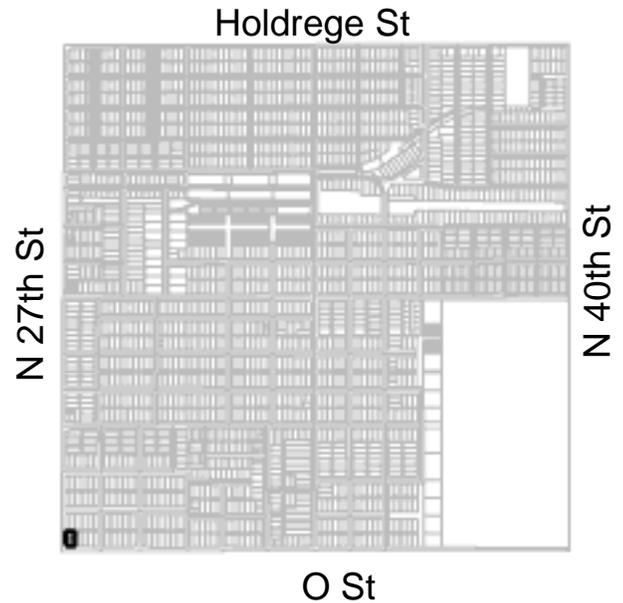
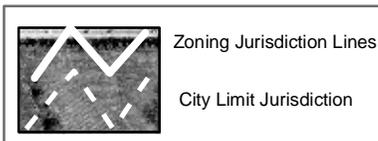
**Special Permit #06053
27th & O Streets**

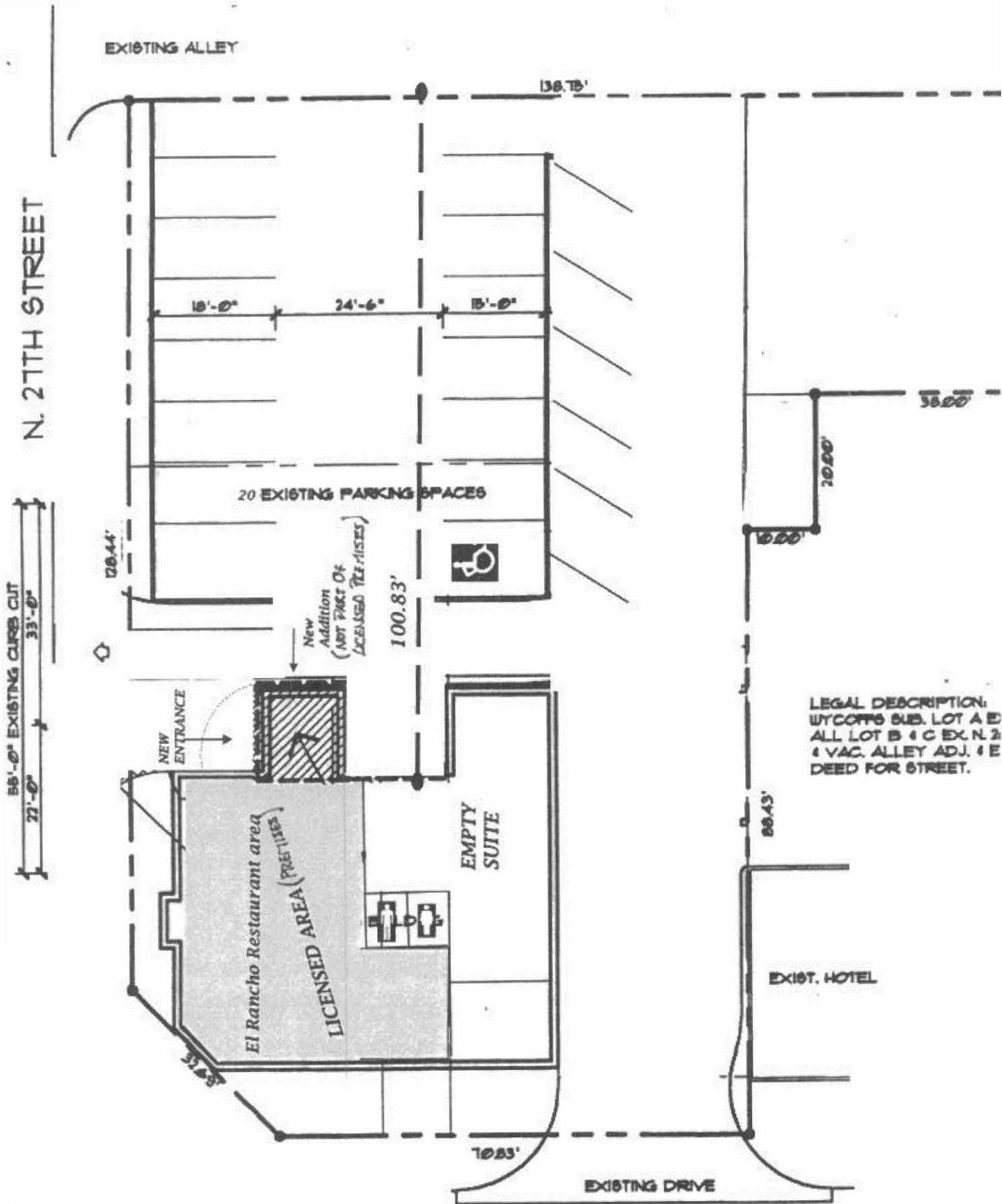
2005 aerial

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. 19 T10N R07E





LEGAL DESCRIPTION:
 WYCORPS SUB. LOT A & B
 ALL LOT B & C EX. N. 21
 & VAC. ALLEY ADJ. & E
 DEED FOR STREET.

⊕ SITE PLAN "O" STREET

09/10/06

From:
El Rancho Authentic Mexican Restaurant
Ever K. Preciado
2700 "O" Street
Lincoln, NE 68510

To whom it may concern:

Hello, I would like to start by introducing myself. My name is Ever Preciado and my family and I are currently operating El Rancho Authentic Mexican Restaurant located on the northeast corner of 27th and "O" street.

The foods we prepare at El Rancho are authentic Mexican plates such as birria, menudo, parrilladas (Fajitas), burritos, tortas, tacos, carne asada, etc...

The purpose of this restaurant is to bring some of our traditional foods to the city of Lincoln. However, some of our foods are traditionally accompanied by beer, such plates as menudo, caldo de camarones (shrimp stew), parrilladas, and ceviches among others.

I would like to ask the city of Lincoln to please allow us to serve some liquor at our restaurant as it would only compliment the majority of our dishes.

My family and I would like to thank you for your understanding.

Sincerely,

A handwritten signature in cursive script that reads "Ever Preciado".

Ever Preciado