

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3382

DATE: October 2, 2002

SCHEDULED PLANNING COMMISSION MEETING: October 16, 2002

PROPOSAL: To amend Lincoln Municipal Code Sections 27.63.130 and 27.63.680 to allow the sale of alcoholic beverages for consumption on the premises as an accessory use to golf courses and country clubs.

CONCLUSION: This request amends the Zoning Ordinance to allow the sale of alcohol for consumption on the premises at golf courses and country clubs as an allowed accessory use upon receiving a special permit.

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

APPLICANT: Wilderness Ridge, L.L.C.
PO Box 22296
Lincoln, NE 68542-2296
(402) 421-1627

CONTACT: Kent Seacrest
1111 Lincoln Mall Suite 350
Lincoln, NE 68508
(402) 435-6000

ASSOCIATED APPLICATIONS: SP#1692B - Amends the permit for Wilderness Ridge Golf Course by adding a note to the plan that states that the sale of alcohol for consumption on the premises is allowed as an accessory use to the golf course. Approval of SP#1692 is subject to CZ#3382 being approved by City Council.

ANALYSIS:

1. Section 27.63.680 of the Zoning Ordinance specifically allows the sale of alcohol 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 by special permit. It is allowed as a use by right in the B-4 Lincoln Center Business District.

2. In those districts not listed above, the sale of alcohol for consumption on the premises is not allowed as a principal use. However, all the residential districts contain the same provision as in Section 27.15.050 from the R-3 district, which allows accessory uses provided the uses “are accessory buildings and uses customarily incident to any of the permitted uses in the district.” In the case of golf courses and country clubs, they are permitted special uses as recreational facilities in residential districts. It is this language that is subject to interpretation as to whether on-sale alcohol is allowed as a permitted accessory use to golf courses and country clubs under this provision.

3. The proposed amendments revise two sections in the Zoning Ordinance to clearly state that on-sale alcohol is allowed as an accessory use to a golf course or country club. The first revision is to LMC Section 27.63.130 Permitted Special Use: Recreational Facility. This revision allows the sale of alcohol for consumption on the premises as an accessory use to a golf course or country club as part of the special permit for a recreational facility provided the applicable locational requirements of Section 27.63.680 have been met or waived by City Council.

4. The second amendment revises LMC Section 27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption on the Premises. The amendment to the preamble of this section allows on-sale alcohol as an accessory use to a golf course or country club to be approved as part of the special permit for the facility. This allows the on-sale of alcohol to be reviewed concurrently with the recreational facility eliminating the need for a separate special permit. The second sentence of this amendment requires that a special permit be approved to allow the sale of alcohol in the districts where either recreational facilities are allowed by right, or the facility is a pre-existing use.

5. The amendment to Section 27.63.680 goes on to modify sub-paragraph (c) by replacing ‘licensed premises’ with ‘designated area specified in a license issued under the Nebraska Liquor Control Act’, and adds the exception that the setback from a residential district is not applicable where such use is accessory to a golf course or country club. This provision attempts to further define that the clubhouse is used for purposes of measuring separation distance, and not greens and fairways. This accommodates those golf courses and country clubs that are located in residential districts and as a result cannot maintain the 100' separation.

OTHER DEPARTMENT REVIEWS:

Police: No objections. This review notes that historically the Police Department has not encountered problems on golf courses where alcohol is sold.

Mayor's Neighborhood Roundtable: It is City policy that all text changes to the Zoning Ordinance be presented to the Neighborhood Roundtable for their review. These proposed amendments are scheduled to be presented to the Neighborhood Roundtable at their October 10, 2002 meeting.

Prepared by:

Brian Will
Planner

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

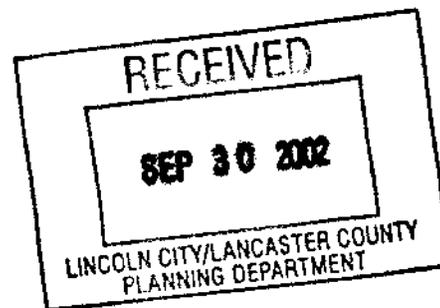
TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: cathie@sklaw.inetnebr.com

KENT SEACREST
DANAY KALKOWSKI

September 30, 2002

Brian Will
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

Rick Peo
Assistant City Attorney
575 South 10th Street
Lincoln, NE 68508



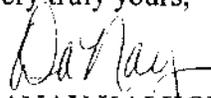
RE: Wilderness Ridge, L.L.C. Requested Amendment to Zoning Text

Dear Brian and Rick:

On September 19, 2002, our office submitted a request for a zoning text amendment to Lincoln Municipal Code § 27.63.130. In response to Kent's meeting with you on Friday, we are hereby amending our zoning text amendment request to include § 27.63.130 and 27.63.680. Enclosed please find two separate sheets which contain the requested amendment language. The amendments have been revised to limit the sale of alcoholic beverages for consumption on the premises to golf courses and country clubs, instead of including all recreational facilities.

Once you have had an opportunity to review the enclosed language, please call Kent or me if you have any comments or questions.

Very truly yours,


DANAY KALKOWSKI
For the Firm

cc: Carol Brown

27.63.130 Permitted Special Use: Recreational Facilities.

Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

(g) As part of the special permit for a recreational facility for a golf course or country club, the City Council may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the golf course or country club, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

27.63.680 Permitted Special Use: Sale of Alcoholic Beverages for Consumption on the Premises

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, unless waived by the City Council, the following conditions:

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

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

(c) ~~The licensed premises~~ 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, a residential district (except where such use is accessory to a golf course or country club) 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.

SEACREST & KALKOWSKI, P.C.

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KENT SEACREST
DANAY KALKOWSKI

September 19, 2002

HAND DELIVERY

Marvin Krout
Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508

Re: Amendment to Zoning Text and Amendment to Special Permit #1692A

Dear Marvin:

Our office represents Wilderness Ridge, L.L.C., the owner of the Wilderness Ridge Golf Course and Club House facilities located south of Yankee Hill Road between South 14th Street and South 27th Street. The Wilderness Ridge Golf Course and Club House is permitted as a recreational facility in the R-3 zone under Special Permit 1692A. Wilderness Ridge is submitting two separate items for review.

First, Wilderness Ridge, L.L.C. is requesting an amendment to Lincoln Municipal Code § 27.63.130 which is the special permit section for recreational facilities. The amendment requested would allow the City Council, as part of the special permit process for recreational facilities, to permit the sale of alcoholic beverages for consumption on site as an accessory use to a recreational facility; provided the applicable locational requirements of § 27.63.680 have been met or waived by the City Council. The majority of the privately owned golf courses within the City of Lincoln are located in residential districts. Many of them, including Wilderness Ridge, have an approved liquor license in effect that allows for the sale of alcoholic beverages for consumption on site within the boundaries of the golf course and club house facilities. The proposed amendment simply puts into place the zoning authority for uses that already exist as part of recreational facilities in residential districts.

The second request is an amendment to Special Permit #1692A to add a note indicating that the sale of alcoholic beverages for consumption on the premises of the recreational facility is permitted as an accessory use to the recreational facility, provided the applicable locational requirements of § 27.63.680 have been met or waived by the City Council. The amendment will

also include a legal description of recreational facility which identifies the area covered by the Wilderness Ridge Golf Course and Club House.

The time frame for processing the above requests is very sensitive to Wilderness Ridge, L.L.C. While we have not had an opportunity to meet with Planning Staff to discuss the requests, we have had numerous discussions with the City Law Department and have specifically discussed the zoning text amendment language with Rick Peo in the City Attorney's Office. We are in the process of setting up a meeting with Planning Staff to discuss the requested amendments.

Enclosed herein please find the following:

1. 16 Site Plans (Sheets 1 and 2) for Special Permit 1692B
2. Application for Zoning Text Amendment and Special Permit Amendment
3. Application fee in the amount of \$780.00

An ownership certificate has been ordered from Union Title and will be delivered within the next few days. We look forward to discussing the above requests with the City. In the meantime, if you have any questions about the above requests, please feel free to call me or DaNay Kalkowski in our office.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

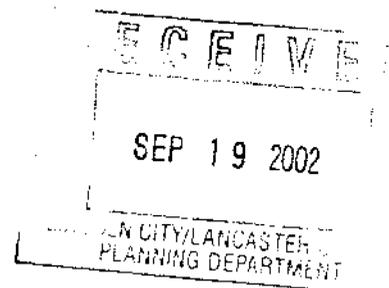
cc: Rick Peo
Ann Harrell

SUPERSEDED

27.63.130 Permitted Special Use: Recreational Facilities.

Recreational facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, and B-3 zoning districts, in conformance with the following conditions:

(g) As part of the special permit for a recreational facility, the City Council may permit the sale of alcoholic beverages for consumption on the premises as an accessory use to the recreational facility, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

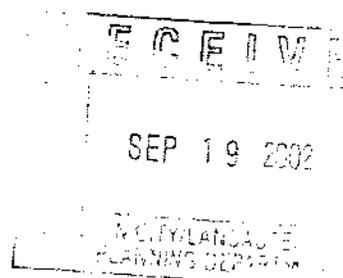


ADDED NOTE TO SPECIAL PERMIT 1692A:

The sale of alcoholic beverages for consumption on the premises of the recreational facility is permitted as an accessory use to the recreational facility, provided the applicable locational requirements of Section 27.63.680 have been met or waived by the City Council.

LEGAL DESCRIPTION OF RECREATIONAL FACILITY:

Outlots "A", "C", "F", "G", "H", "J" and "M", Wilderness Ridge Addition; Lot 1 and Outlot "A", Wilderness Ridge 1st Addition; and Outlot "B", Wilderness Woods Office Park Addition, all located in Lincoln, Lancaster County, Nebraska



Memorandum



To: Mr. Brian Will
From: Sergeant Michael S. Woolman #737
Date: September 30, 2002
Re: Wilderness Ridge SP 1692B / 1692A

Mr. Will,

I have reviewed the Alcohol Sales Permit for the Wilderness Ridge Use Permit # 1692B and 1692A. The Lincoln Police Department has no objections to the sale of alcohol in the area covered by the Wilderness Ridge Club House.

The permit also requests approval to sell alcohol on the Wilderness Ridge Golf Course. Historically we have not encountered problems on golf courses where alcohol is sold.

A handwritten signature in black ink, appearing to read "Michael S. Woolman".

Michael S. Woolman

