

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

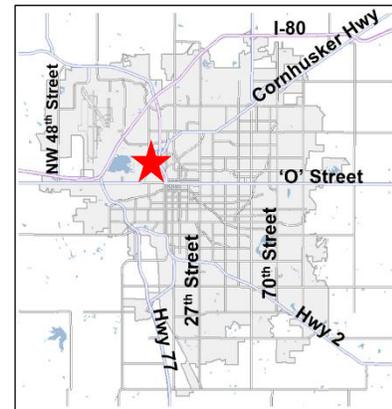
APPLICATION NUMBER Special Permit #15019B	FINAL ACTION? Yes	DEVELOPER/OWNER Red Strike, Inc.
PLANNING COMMISSION HEARING DATE February 19, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 321 Victory Lane

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a special permit to allow for an expansion of both the sale of alcohol for consumption of alcohol on and off the premises. The applicant, Sun Valley Lanes bowling alley, is proposing to add a 1.16 acre lot to the south to allow for an expansion of the facility. The added lot will allow for indoor mini golf in an existing 5,300 square foot building, three outdoor sand volleyball courts, and additional parking.

The sale of alcohol has existed at this location in the 29,000 square foot bowling alley prior to the adoption of the alcohol regulations in 1994. However, the subsequent expansions in 2015 and 2019 were both subject to the special permit requirements for the sale of alcohol, as is this proposed addition.



JUSTIFICATION FOR RECOMMENDATION

Provided the existing lease agreement with a neighboring property is amended to help satisfy the off-street parking requirement, this request otherwise complies with all applicable criteria for special permits for the sale of alcohol for consumption both on and off the premises.

APPLICATION CONTACT

Nate Burnett
(402)-484-7342
nate@regaeng.com

STAFF CONTACT

Brian Will
(402) 441-6362
bwill@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This allows a well-established use in an industrially-zoned center to expand in an effort to provide better services to its customers. It is located in an area which is properly zoned for the proposed use. The siting criteria of the special permit seek to locate such uses in areas like this, and away from neighborhoods and residential areas. Siting in this area is consistent with the goals of the Comprehensive Plan.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

Pg 1.9 - The Future Land Use Map of the Comprehensive Plan designates commercial land uses for this site.

Pg. 5.14 - Strategies for Commercial Infill

-Discourage auto-oriented strip commercial development and seek opportunities for residential mixed use -- redevelopment and/ or transit oriented development of existing commercial strips.
-Develop infill commercial areas to be compatible with the character of the area.

-Maintain and encourage businesses that conveniently serve nearby residents, while ensuring compatibility with adjacent neighborhoods.
-Avoid encroachment into existing neighborhoods during expansion of existing commercial and industrial uses, and take steps to ensure expansions are in scale with the adjacent neighborhood, are properly screened, fulfill a demonstrated need and are beneficial to health and safety.
-Ensure the priority in older areas is on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as reduced parking requirements, shared parking, additional on-street parking, or the removal of commercial structures should be explored.

ANALYSIS

The subject property is located off of Sun Valley Blvd at 321 Victory Lane, approximately three blocks north of West O Street. The subject lots, and all those surrounding it, are zoned either I-1 Industrial or H-3 Highway Commercial. Surrounding land uses are all commercial or light industrial in nature.

This request seeks special permits for both on and off-sale alcohol to include the area of the proposed expansion. The criteria for both permits are addressed individually below.

1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680: The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O-3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

Parking must be provided at the rate specified in the Zoning Ordinance. The required parking for on-sale alcohol is higher than that of bowling alley/indoor recreation. Parking must be provided at the rate of one space per 100 square feet of floor area for any enclosed areas where alcohol will sold and/or consumed.

The parking calculations shown on the site plan are correct with one exception. The area for mini golf will need to be calculated at the higher rate of 1:100 for alcohol sales and not the rate for indoor recreation. The mini-golf area is in the area to be licensed for alcohol so it must comply with 1:100. This will require an additional 12 parking spaces being added to the overall total.

A lease with a neighboring property for additional parking was required with the 2019 expansion, as the total number of required number of spaces could not be accommodated on site. As before, if additional parking required by this amendment cannot be fully accommodated onsite, the lease for additional parking with the neighboring property owner will need to be amended.

Evidence of the executed lease is included as a condition of approval, and will be required prior to issuance of building permits.

(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 is a request for both the sale of alcohol for consumption on and off the premise. The criteria for off-sale alcohol are addressed later in this report.

(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 (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

None of these criteria are within 100' of the licensed premises. The nearest of the criteria is R-2 Residential zoning located approximately 950' feet away to the west.

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

Most facilities are already existing, but any new construction will require building permits and all lighting is reviewed at the time of building permits for compliance with the lighting Design Standards.

(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 a 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.

No such devices are shown 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.

There is no residential zoning district within 150' of the business.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, 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.

This property is accessed by Victory Lane and West P Street, both of which serve multiple commercial and industrial uses and neither 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.

2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.685: Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, 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:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

The parking requirement for off-sale is as per the zoning district rather than 1:100 for on-sale, and so the parking calculation using this standard is much lower than what is required for on-sale. As a result, meeting the requirement for on-sale will exceed the off-sale requirement.

(b) The sale of alcoholic beverages for consumption on the premises shall not be permitted without issuance of a permit under LMC Section 27.63.680 of this code.

This request is for both on and off-sale alcohol, as noted and addressed previously in this report.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

The proposed licensed premises is located in an industrial park zoned I-1 and developed with a variety of commercial uses which ranges from office to light industrial. The nearest of any of the location criteria to the licensed premises is the residential zoning over Capitol Beach neighborhood, in excess of 950' away to the west.

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

Most facilities are already existing, but any new construction will require building permits and all lighting is reviewed at the time of building permits for compliance with the lighting Design Standards.

(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 being proposed on the site plan.

(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.

No such devices are proposed 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.

There is no residential zoning district within 150' of the facility.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, 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.

This property is accessed by Victory Lane and West P Street, both of which serve multiple commercial and industrial uses and neither is not considered 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.**
- (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.**

3. The lease for the additional off-site parking will need to be amended to account for the additional spaces and the additional property being added. Also, due to the shared parking arrangement among separate lots, a Transfer of Ownership Restriction Agreement (TORA) needs to be executed and filed with the Register of Deeds. Subject to the recommended conditions of approval, this request for the sale of alcohol for consumption on and off the premises complies with all applicable requirements of the Zoning Ordinance, and is consistent with the Comprehensive Plan. It is compatible with surrounding uses and is an appropriate use of land at this location.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Commercial

I-1

SURROUNDING LAND USE & ZONING

North: Industrial I-1
South: Commercial H-3, I-1
East: Vacant, Commercial I-1
West: Parking, Commercial I-1

LEGAL DESCRIPTION: Lots 1 and 2, Block 1, Westgate Park for Business & Industry 2nd Addition, and Lot 1, Westgate Park for Business & Industry 6th Addition, located in the SE 1/4 of Section 22-1-6, Lincoln, Lancaster County, Nebraska, generally located at 321 Victory Lane

Prepared by

Brian Will
bwill@lincoln.ne.gov or at
402-441-6362
February 6, 2020

Applicant/
Contact: Nate Burnett
REGA Engineering
601 Old Cheney Road
Lincoln, NE 68512
402-484-7342

Owner: Red Strike, Inc.
321 Victory Lane
Lincoln, NE 68521
402-475-3469

CONDITIONS OF APPROVAL - SPECIAL PERMIT #15019B

This approval permits the sale of alcohol for consumption on and off the premises per LMC Section 27.63.680 and 27.63.685.

Conditions:

Site Specific

1. The applicant shall cause to be prepared and submitted to the Planning Department a revised final plot plan including 2 copies with all required revisions and documents as listed below.
 - 1.1 Modify the parking summary table to show the indoor mini golf area calculated at the rate of one space per 100 square feet of floor area.
2. Prior to building permits and occupying the area of expansion:
 - 2.1 Provide the City with a copy of the executed lease agreement for the required minimum number of parking spaces.
 - 2.2 Provide evidence that a Transfer of Ownership Restriction Agreement (TORA) has been approved by the City and recorded with the Register of Deeds.

General

3. The following conditions are applicable to all requests:
 - 2.1 Before the sale of alcohol for consumption on the premises, all development and construction is to substantially comply with the approved plans.
 - 2.2 The physical location of setbacks, yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 2.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. The sale of alcohol is not authorized unless the letter of acceptance has been filed.



City of Lincoln Lancaster County, NE

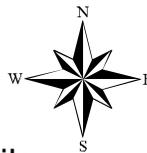
2018 aerial

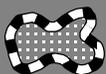
Special Permit #: SP15019B
Sun Valley Lanes
Sun Valley La & Victory La

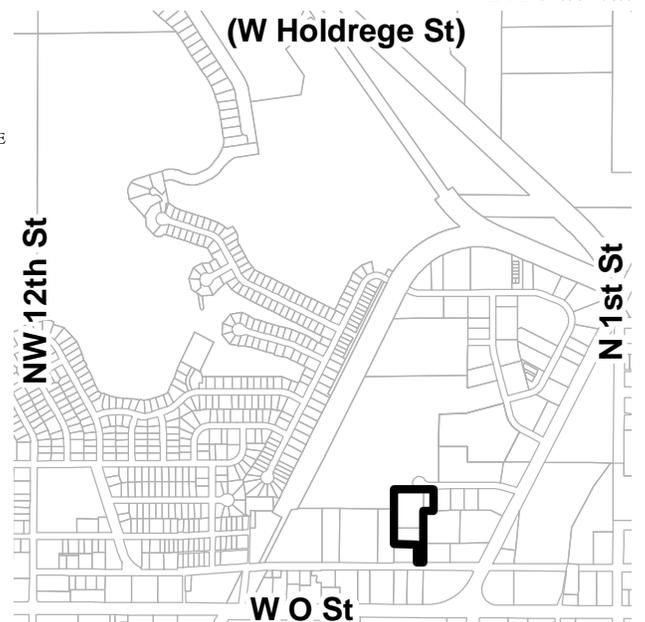
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential 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.22 T10N R06E



	Area of Application
	Zoning Jurisdiction Lines
	Lancaster County Jurisdiction



January 22, 2020

Mr. David Cary
Director of Planning
Brian Will, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: SUN VALLEY LANES
SPECIAL PERMIT #15091B APPLICATION

Dear David,

On behalf of Sun Valley Lanes of Lincoln, we are submitting an amendment to the Special Permit for the properties at 321 Victory Lane and 320 West P Street. This amendment includes adding 320 West P Street in to the special permit. The proposed work consists of a remodel within the existing 320 West P Street building envelope as well as showing minor building additions (62 sf and 216 sf), proposed patio/pedestrian area (1,800 sf) and proposed sand volleyball courts (12,050 sf). The previously approved 1,000 sf Mezzanine area is removed with this amendment.

General Note #5 on the Site Plan (Sheet 1 of 2) has been included to show that the sale of alcohol is permitted on or off premises provided it meets the requirements of 27.63.680 and 27.63.685.

The existing uses for 321 Victory Lane structure are bowling, arcade and lounge, all currently licensed for the sale of alcohol. The proposed outdoor patio area(s) are intended to offer the sale of alcohol. The proposed remodel and additions to the 320 West P Street structure will have multiple uses; currently planned for outdoor sand volleyball, indoor mini-golf and lounge.

Parking Calculations are shown on the Site Plan (Sheet 1 of 2). A previous written agreement between the property owner and adjacent property owner (Speedway Properties / B & J Partnership LTD) has resulted in a written parking agreement to utilize parking for overflow as needed as the two uses are typically non-concurrent. This agreement was filed earlier this year as instrument number #2019016947.

The existing properties are within the floodplain. The Grading Plan (Sheet 2 of 2) shows the proposed grades with the building addition, patio areas and other adjacent grades. All existing or proposed interior floor elevations are above the Base Flood Elevation of 1152.20. Calculations are also included for the 40% Salt Creek Storage Area.

REGA

ENGINEERING
GROUP, INC.

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Please contact me if you have any questions or comments.

Sincerely,



Nathaniel Burnett, PE

Cc: Red Strike Inc.

Enclosures: Application Form
Legal Description
Application Fee of \$988.00