

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 #20032	FINAL ACTION? Yes	DEVELOPER/OWNER Antelope Park Center Company, LLC
PLANNING COMMISSION HEARING DATE September 16, 2020	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION 2510 South 48 th Street

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

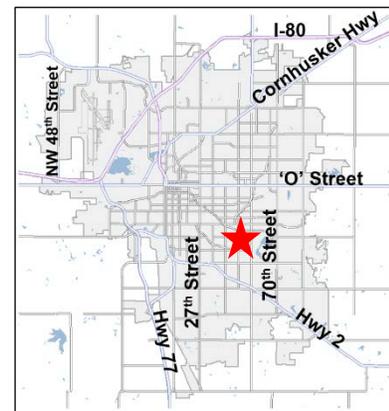
This is a request for a special permit to allow the sale of alcohol for consumption of alcohol off the premises. The applicant, Norm's on South 48th, is opening in the former Sinclair Service Station at 2510 South 48th Street. In addition to the service station, the plans include also having a convenience store that meets the requirements for a special permit of off-sale alcohol.

To meet the required separation from a City park, an additional 0.26 acres of land was acquired by the owner from the City. Those applications, CPC#20009 and CZ#20020 enlarged the site and rezoned the subject tract to B-1 so the site would meet the requirements for a special permit for off-sale alcohol. Those applications were considered by the Planning Commission on July 8, 2020 and were approved by the City Council.

The sale of alcohol in the City of Lincoln is regulated by both the State of Nebraska and the City of Lincoln. That is, in addition to the requirement for the issuance of a State liquor license, the sale of alcohol is also regulated by the Zoning Ordinance which requires a special permit in those districts where it is allowed.

JUSTIFICATION FOR RECOMMENDATION

Subject to the recommended conditions of approval, this request complies with all applicable criteria for a special permit for the sale of alcohol for consumption off the premises.



APPLICATION CONTACT

Stacey Sell
(402)-525-4254
staceysell@gmail.com

STAFF CONTACT

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

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This helps the applicant with re-use and upgrade of an existing facility and helps offer the full range of products typically expected by many of its customers. This request meets all the siting criteria of the Zoning Ordinance which seek to locate the sale of alcohol away from sensitive areas/uses. Siting at this location 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

1. **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 that of zoning district in which it is located, so in this case it is calculated at one space per 300 square feet of floor area as per the B-1 zoning district. The approximately 7,500 square foot building would require 25 parking spaces. The site plan provided shows 53 spaces, however it does not appear that all the spaces meet the design standards for parking, so the actual number will likely be slightly less.

It is also noted that a majority of the spaces shown are located on the property recently acquired from the City and have not been built. The owner will need a building permit to construct the parking spaces shown, and the overall parking plan will be reviewed at that time. The floor area/parking calculations that are submitted and approved by the Department of Building and Safety need to then be included on the site plan for this permit. This requirement is included as a condition of approval.

(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 only for off-sale alcohol, as the need for on-sale is not anticipated at this time and is not a part of this request.

(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 the B-1 zoning district. It is adjacent to an arterial street which is lined primarily with commercial zoning in this area. The nearest of any of the sensitive use listed under the location criteria is a City-owned park adjacent to the east.

The property recently acquired from the City is shown as part of the site plan submitted. The size of the parcel purchased by the owner was specifically delineated to meet the 100' separation requirement for a licensed premises for off-sale alcohol from a City park. As a result of including this parcel in the application and its re-zoning to B-1, the licensed premises meets the required separation to City park. The dimension from the closest point of the building to the closest point of the east property line (also the zoning district boundary for the adjacent P-Public zoning) needs to be shown.

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

No new lighting is shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

(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.

The entrance to the building faces South 48th Street. There is no residential zoning district within 150'.

(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.

Access to the site is from South 48th Street, which is not a residential street in this area.

(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. This request for the sale of alcohol for consumption off the premises complies with all applicable requirements of the Zoning Ordinance subject to the recommended conditions of approval, 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 B-1

SURROUNDING LAND USE & ZONING

North:	Commercial	B-1
South:	Commercial	B-1
East:	Park/Open space	P
West:	Commercial	B-1

LEGAL DESCRIPTION: Lots 3-5, Normal Park, and a portion of Outlot B, Normal Park as described in the attached description, Lancaster County, Nebraska.

Prepared by

Brian Will
bwill@lincoln.ne.gov or at
402-441-6362

September 3, 2020

Applicant/
Contact: Stacey Sell
Norm and Son, Inc.
3940 A Street
Lincoln, NE 68510
402-525-4254
staceysell@ymail.com

Owner Antelope Park, LLC
3940 A Street
Lincoln, NE 68510
402-525-4254
staceysell@ymail.com

CONDITIONS OF APPROVAL - SPECIAL PERMIT #20032

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

Conditions:

Site Specific

1. Before the sale of alcohol the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Show a consistent shading/cross-hatching over the entire building, and revise the legend with a label that identifies the shading as 'Licensed Premises'.
 - 1.2 Show the setbacks to the building from lot lines.
 - 1.3 Revise the parking plan consistent with plans approved for the building permit for the parking lot.
 - 1.4 Add the parking calculation/floor area table for the buildings as per the building permit for the parking lot.
 - 1.5 Add a north arrow.

Standard

2. 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.

F:\DevReview\SP\20000\SP20032 Norm's on 48th Off-sale.bjw.docx



City of Lincoln\Lancaster County, NE GIS

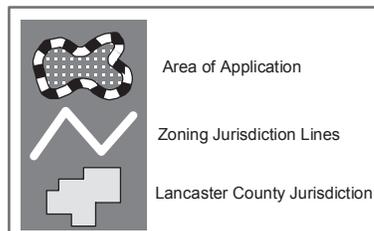
2020 aerial

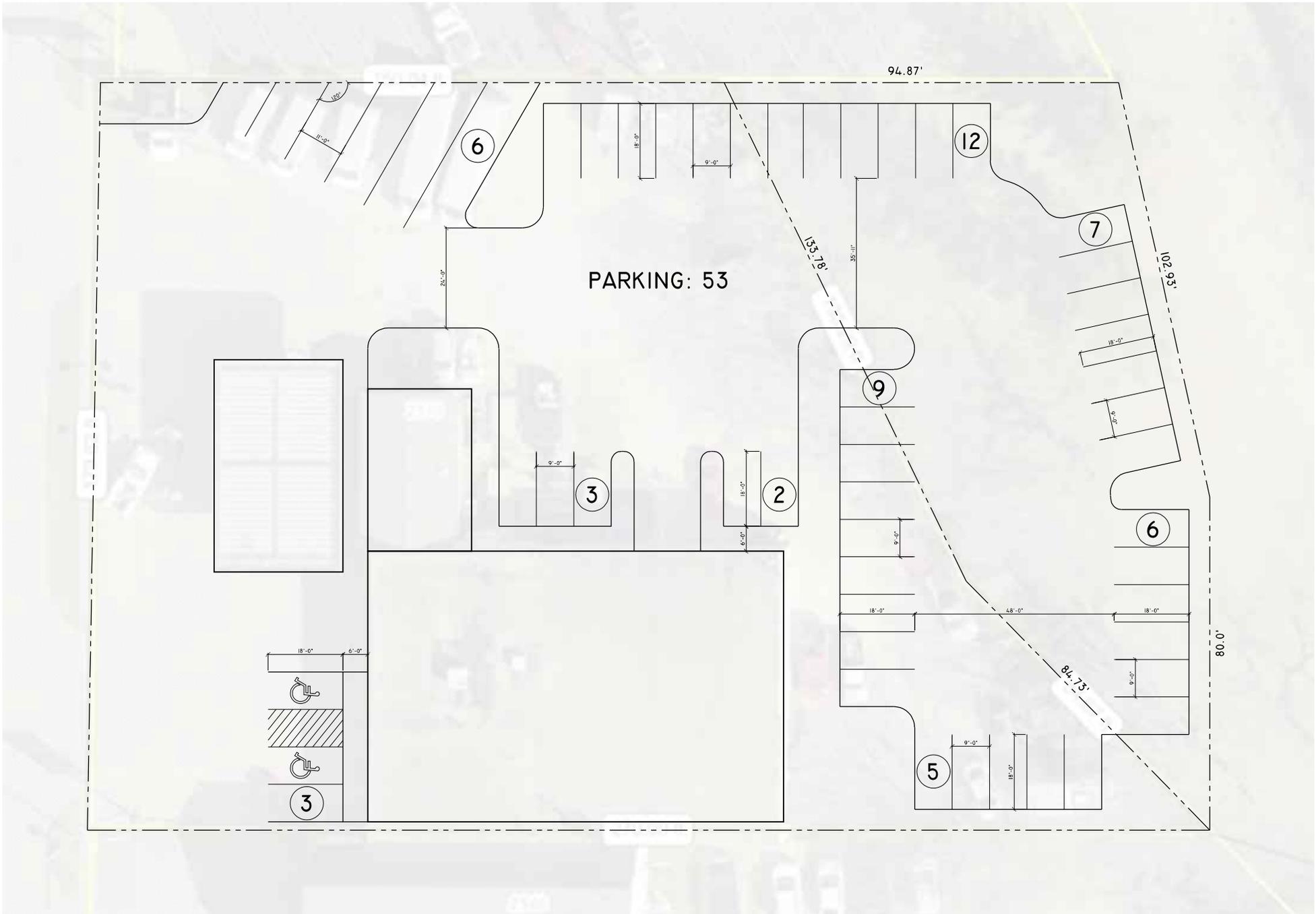
Special Permit #: SP20032
S 48th St & Normal Blvd

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.32 T10N R07E





PARKING: 53

94.87'

6

12

7

102'-93"

3

2

9

6

3

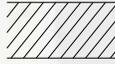
5

80'-0"

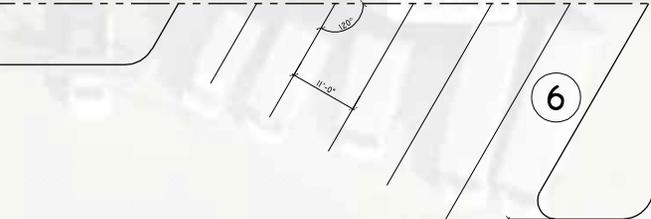
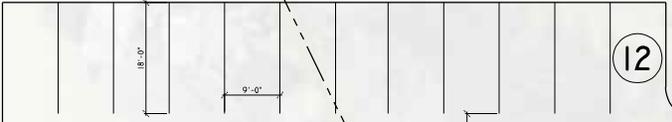
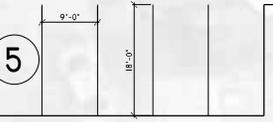
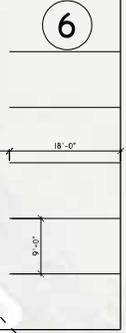
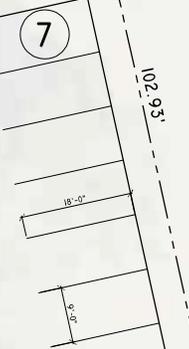
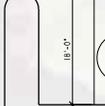
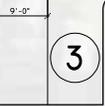
84'-73"

18'-0"

6'-0"



3



24'-0"

133'-78"

35'-0"

48'-0"

18'-0"

18'-0"

9'-0"

9'-0"

18'-0"

9'-0"

18'-0"

3'-6"

9'-0"

18'-0"

9'-0"

18'-0"

9'-0"





Norm & Son, INC

Norm's Car Care | 3940 A St, Lincoln, NE 68510 | (402) 483-2418 | www.NormsCarCare.com
Norm's on 48th | 2510 S 48th St, Lincoln, NE 68506 | (402) 261-8810 | www.Normson48th.com

August 12, 2020

Lincoln Planning Commission
555 S 10th
Lincoln, NE 68508

Subject: Purpose of Special Permit Application Sale of Alcoholic Beverages for Consumption Off the Premises at 2510 S 48th

Dear Planning Commission & City Council Members,

Norm & Son, INC, DBA as Norm's Car Care was established in 1958. Norm's provides full-service gas and auto mechanics on the northwest corner of 40th & A Street. Over the last 60 years, Norm's has built a large customer base with an outstanding reputation providing quality and honest car repair services.

In October 2019, Norm's has expanded our operations with a second location, Norm's on 48th at 2510 S 48th. The new location includes self-service gas and a convenience store. The property is owned by Antelope Park Center Company, LLC and is leased to Norm & Son, INC. Antelope Park Center Company LLC is in the process of purchasing city property to ensure the 100' minimum distance requirement from Park area will be fulfilled.

Since opening in November 2019, we have experienced substantial growth in this short time. We are continually adding new products and food service. There is not a liquor store in the immediate area and the customer inquiries have been significant. We expect to increase our sales an additional 30% with the ability to sell off-sale alcohol. The southwest section of the building is currently unused. Additional coolers and shelving will be installed, and the convenience store portion of the building will be expanded to utilize the unused portion of the building.

Thank you for your consideration. We are hopeful our application will be approved so as a local business we can continue to contribute to the growth and development of Lincoln and our community.

Sincerely,

Stacey Sell
Norm & Son, INC

LEGAL DESCRIPTION

A portion of Outlot B, Normal Park, located in the Southeast Quarter of Section 32, Township 10 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

BEGINNING at the southeast corner of Lot 5, Block 4, Normal Park;

Thence on an assumed bearing on the common line of said Outlot B and Lot 5, N44°43'39"W, a distance of 84.73 feet to a common corner of said Outlot B, Lot 5 and 4, Block 4, Normal Park;

Thence on the common line of said Outlot B and Lot 4, N26°20'29"W, a distance of 133.78 feet to a common corner of said Outlot B and Lots 2 and 3, Block 4, Normal Park;

Thence S89°54'31"E, a distance of 94.87 feet;

Thence S13°49'58"E, a distance of 102.93 feet;

Thence S00°21'00"W, a distance of 80.00 feet to the POINT OF BEGINNING and containing a calculated area of 11,330.29 square feet or 0.26 acres.

Permanent monuments have been placed at the described property corners.

Signed this 6th day of May, 2020.

Lyle L. Loth, L.S. 314
REGA Engineering Group Inc.
601 Old Cheney Road, Suite 'A'
Lincoln, NE 68512
402-484-7342



**PORTION OF
OUTLOT B
NORMAL PARK**

REGA
**ENGINEERING
GROUP, INC.**

601 OLD CHENEY RD.
SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

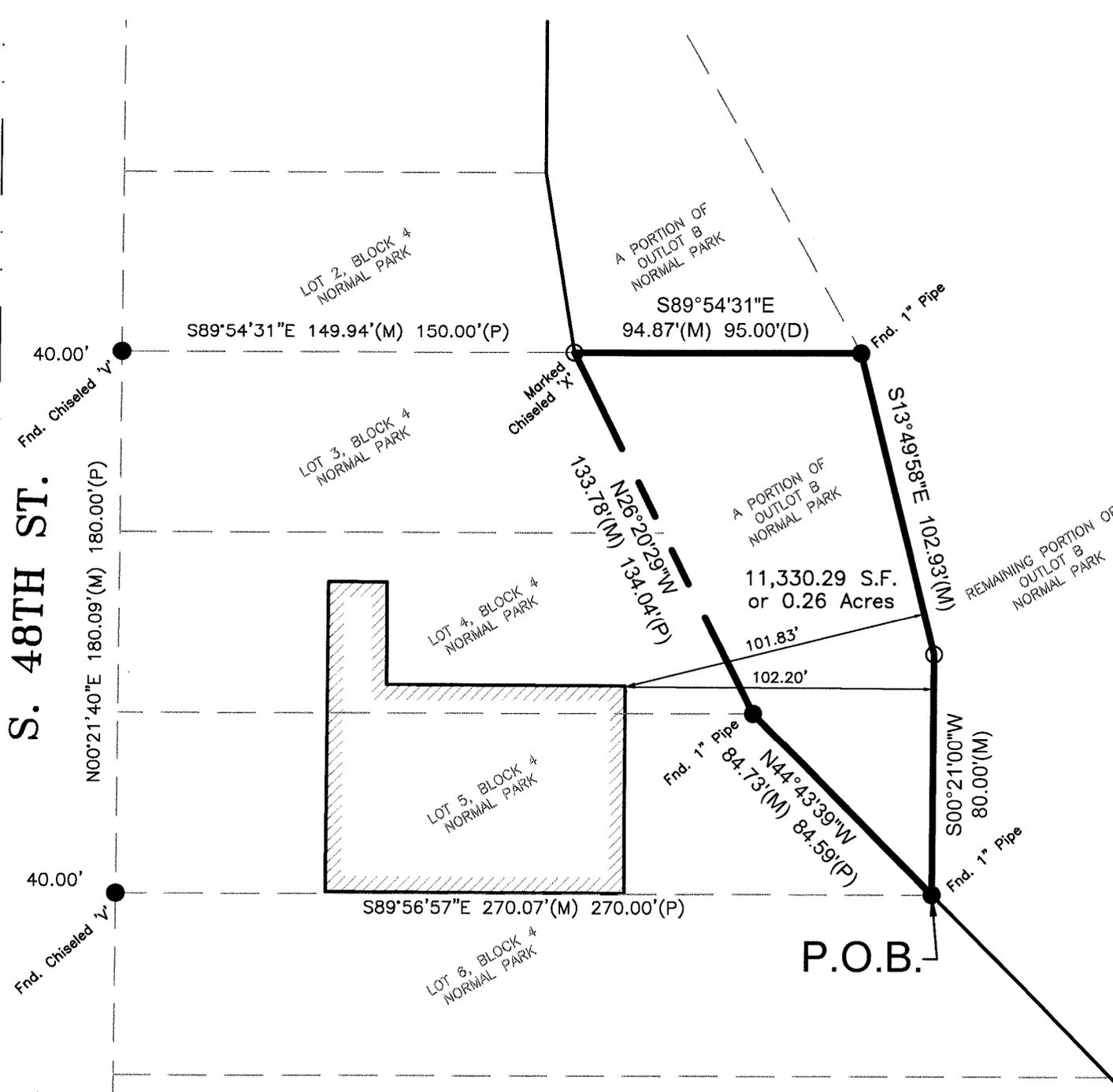
DATE:
05/06/2020

PROJECT
201033

SHEET NO.

1 of 2

S. 48TH ST.

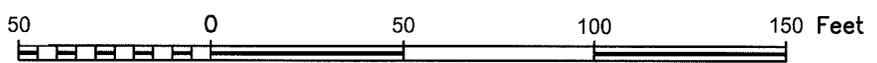


LEGEND

- CORNER FOUND (as Shown)
- CORNER SET (3/4"x24" Bar w/Cap or as Shown)
- (M) MEASURED DISTANCE
- (P) PLATTED DISTANCE
- (D) DEEDED DISTANCE



NORTH
SCALE 1" = 50'



**PORTION OF
OUTLOT B
NORMAL PARK**

REGA
**ENGINEERING
GROUP, INC.**

601 OLD CHENEY RD.
SUITE 'A'
LINCOLN, NE 68512
(402) 484-7342

- ENGINEERING
- PLANNING
- LANDSCAPE ARCHITECTURE
- LAND SURVEYING

DATE: 05/06/2020
PROJECT 201033
SHEET NO. 2 of 2