

City Council Introduction: **Monday**, May 12, 2003
Public Hearing: **Monday**, May 19, 2003, at **1:30 p.m.**

Bill No. 03R-122

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 2008**, requested by John Boehm on behalf of Red Robin International, for authority to sell alcohol for consumption on the premises, on property generally located northeast of the intersection of South 27th Street and Porter Ridge Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/30/03
Administrative Action: 04/30/03

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes').

FINDINGS OF FACT:

1. The staff recommendation to approve this request for authority to sell alcohol for consumption on the premises, with conditions, is based upon the "Analysis" as set forth on p.2-4, concluding that the request complies with the requirements of the Zoning Ordinance and is an appropriate land use at this location.
2. On April 30, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
3. On April 30, 2003, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend conditional approval, as set forth in the staff report dated April 16, 2003.
4. The conditions of approval are found on p.4-5.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 5, 2003

REVIEWED BY: _____

DATE: May 5, 2003

REFERENCE NUMBER: FS\CC\2003\SP.2008

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #2008

DATE: April 16, 2003

SCHEDULED PLANNING COMMISSION MEETING: April 30, 2003

PROPOSAL: A special permit to allow the sale of alcoholic beverages for consumption on the premises.

CONCLUSION: This request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption on the premises and is an appropriate land use at this location.

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

LEGAL DESCRIPTION: See attached.

LOCATION: Northeast of the intersection of South 27th Street and Porter Ridge Road

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Vacant	H-4
South:	Commercial	H-4
East:	Vacant	H-4
West:	Commercial	B-2

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area for commercial land use.

UTILITIES: Utilities are available to serve this site.

ANALYSIS:

OVERVIEW: This site is northeast of the intersection of South 27th Street and Porter Ridge Road in a commercially-zoned district. This special permit request is to allow the sale of alcoholic beverages for consumption on the premises at a restaurant proposed for this site.

1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.685: 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. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which can be waived by the City Council:

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

The parking provided exceeds this requirement.

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

This application is for a special permit to allow for the sale of alcohol for consumption on the premises only. Authorization for off-site consumption of alcohol is not being requested.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district 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.

There are no day care facilities, residential districts or residences within 100' of the premises. The nearest residential district is southeast of the site in excess of 500' away.

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

Any new lighting will be required to comply with the Design Standards for parking lot lighting (Design Standards Chapter 3.45, Section 3.8).

(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 the restaurant.

(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.

An amplified outside noise source is not shown as part of this request.

(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 district within 150' of this site. 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 this site is from an internal private roadway that serves the larger commercial development at this location, and it is not 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.

Planning Commission review and City Council approval is required for this use.

2. POLICE RESPONSE: The Police Department has no objections to this special permit request.

3. PUBLIC WORKS RESPONSE: Public Works and Utilities had no objections to this special permit request.

CONDITIONS:

Site Specific:

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

General:

2. Before receiving building permits:

2.1 The permittee shall have submitted a reproducible final plan with 5 copies.

2.2 The construction plans shall comply with the approved plans.

Standard Conditions:

3. The following conditions are applicable to all requests:

3.1 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.

- 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.3 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
Planner

APPLICANT: Red Robin International
5575 DTC Parkway Suite 110
Greenwood Village, CO 80111 (303) 846-6000

OWNER: South Ridge Village, LLC
2929 Pine Lake Road Suite C
Lincoln, NE 68516

CONTACT: John Boehm
811 South 13th Street
Lincoln, NE 68508 (402) 475-0811

SPECIAL PERMIT NO. 2008

CONSENT AGENDA

PUBLIC HEARING AND ADMINISTRATIVE ACTION:

April 30, 2003

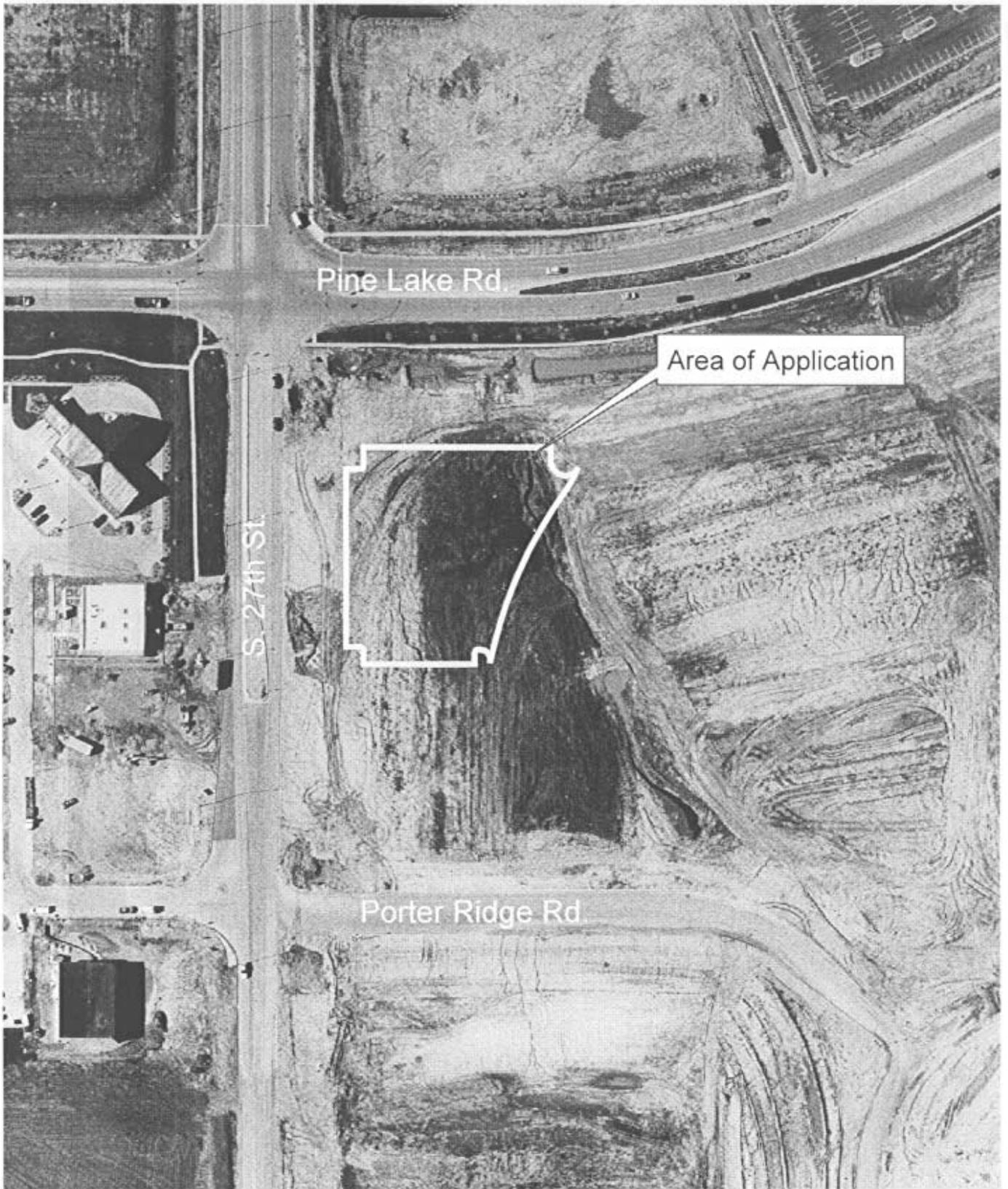
Members present: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3403; CHANGE OF ZONE NO. 3404; CHANGE OF ZONE NO. 3405; MISCELLANEOUS NO. 03002; MISCELLANEOUS NO. 03003; SPECIAL PERMIT NO. 846B; SPECIAL PERMIT NO. 2007; SPECIAL PERMIT NO. 2008; SPECIAL PERMIT NO. 2009; SPECIAL PERMIT NO. 2011; WAIVER NO. 03006; FINAL PLAT NO. 02012, MECHLING'S WILDERNESS PARK ESTATES; FINAL PLAT NO. 02045, HARTLAND HOMES SOUTHWEST 1ST ADDITION; and FINAL PLAT NO. 02049, VINTAGE HEIGHTS 14TH ADDITION.**

Item No. 1.3a, Change of Zone No. 3405; Item No. 1.3b, Miscellaneous No. 03002; Item No. 1.3c, Miscellaneous No. 03003; and Item No. 1.7, Special Permit No. 2009, were removed from the Consent Agenda and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Newman and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

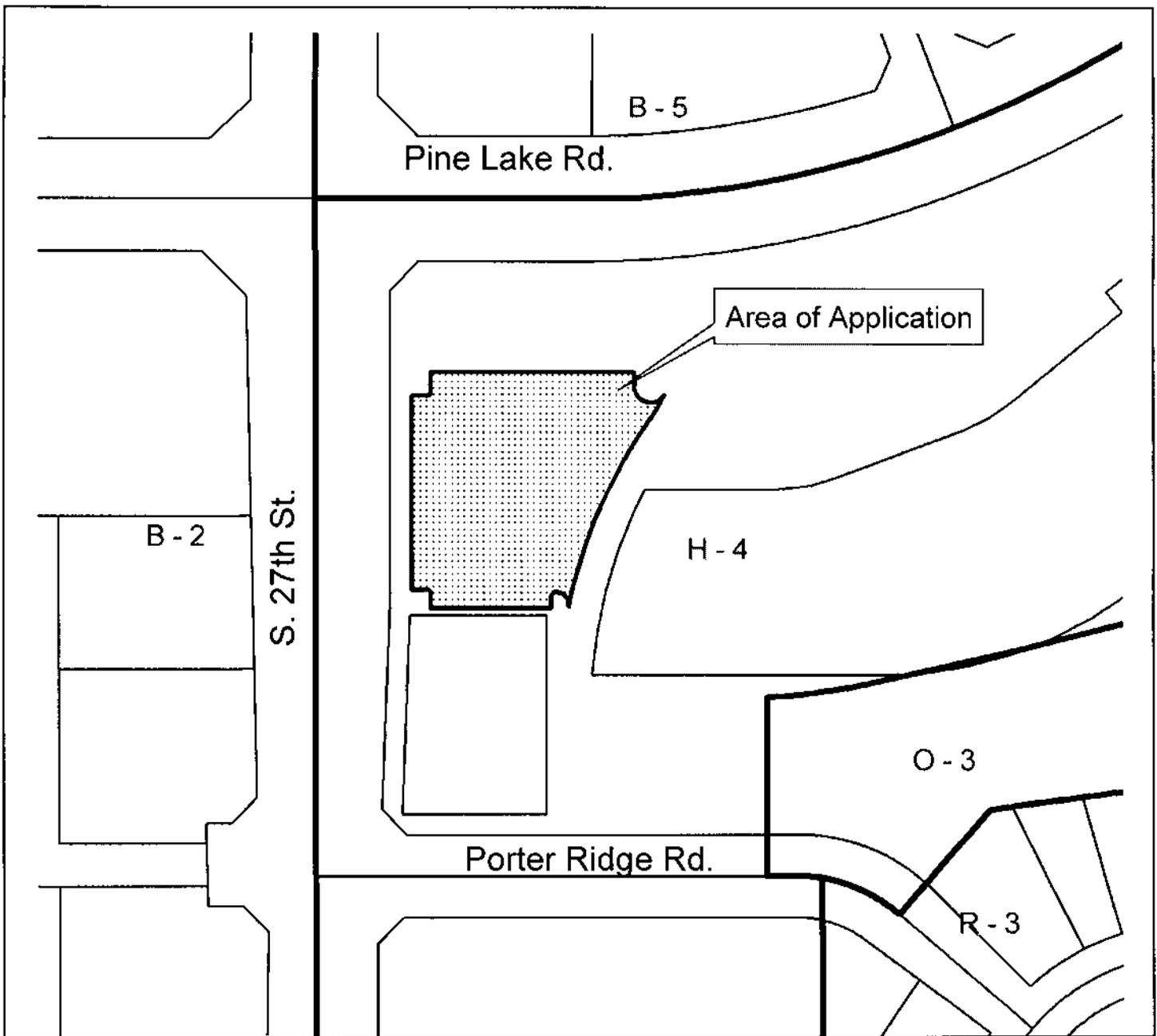
Note: This is final action on Special Permit No. 846B, the Mechling's Wilderness Park Estates Final Plat No. 02012, the Hartland Homes Southwest 1st Addition Final Plat No. 02045 and the Vintage Heights 14th Addition Final Plat No. 02049, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Special Permit #2008
S. 27th & Porter Ridge Rd.**



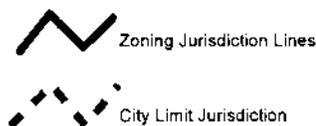
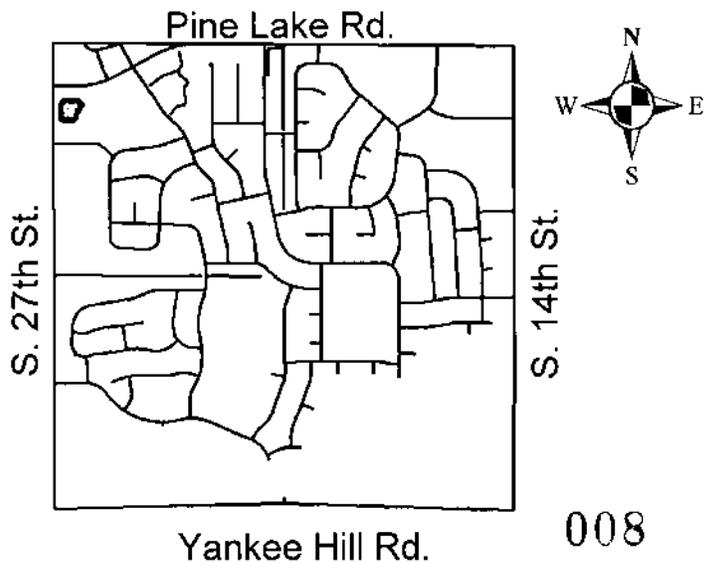
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Special Permit #2008
S. 27th & Porter Ridge Rd.
Zoning:

- 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 T9N R7E



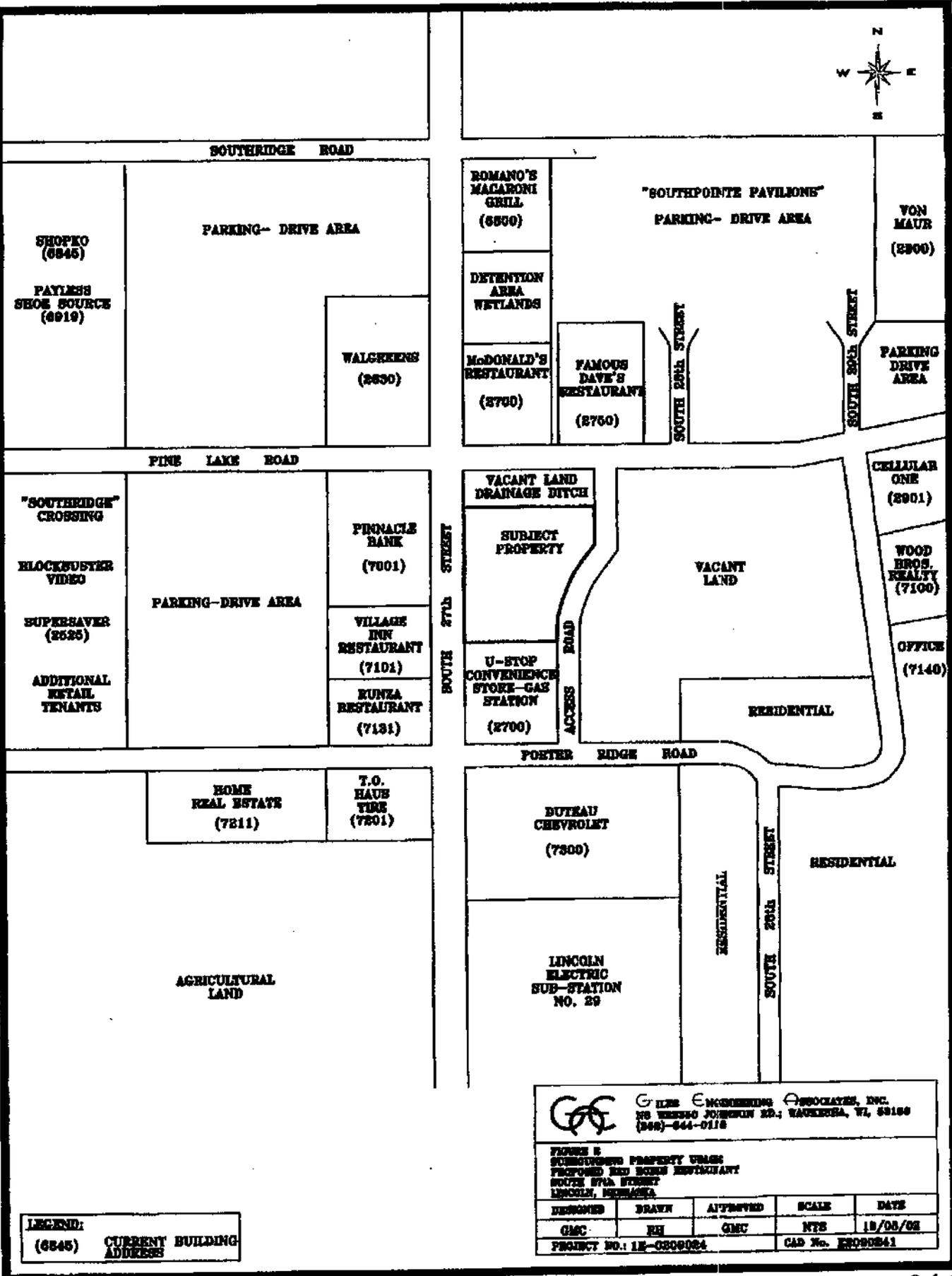
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RED ROBIN PURPOSE STATEMENT

Red Robin is a restaurant that is part of a national chain numbering in the nineties. Two restaurants recently opened in Omaha. The Lincoln restaurant will be the third restaurant opened in Nebraska. Red Robin specializes in gourmet burgers and other sandwiches along with ice cream drinks and treats. It is especially popular with families and children. The restaurant offers a full range of alcoholic beverages to its adult guests for consumption on the premises. The restaurant will employ approximately 105 to 125 employees. It is open from 11:00 a.m. to 11:00 p.m. seven days a week. Average guests for a Monday lunch are 300, and for a Monday dinner are 500. Average guests for a Friday lunch are 500 and Friday dinner 800. The parking requirements are more than adequately met with 90 spaces available compared to the 64 required. There is no drive-up window. The premises are not located within 100 feet of any daycare facility, residential district or residential use, nor is it located within 150 feet of any residential district.

PART OF OUTLOT A, SOUTH RIDGE VILLAGE 8th ADDITION, LINCOLN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE WESTERLY MOST NORTHWEST CORNER OF SAID OUTLOT A; THENCE SOUTHERLY ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH 27th STREET, ON AN ASSIGNED BEARING OF S 002'24"E A DISTANCE OF 101.91'; THENCE EASTERLY, N 8957'36"E 21.61', TO THE POINT OF BEGINNING; THENCE EASTERLY, N 8957'36"E 15.50', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 3.00' AND A CENTRAL ANGLE OF 9000'00"; THENCE NORTHEASTERLY ON THE CHORD OF SAID CURVE, N 4457'36"E 4.24', TO THE POINT OF TANGENCY; THENCE NORTHERLY ON SAID TANGENT, N 002'24"W 20.00'; THENCE EASTERLY, N 8957'36"E 199.00'; THENCE SOUTHERLY, S 002'24"E 13.62', TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 15.00' AND A CENTRAL ANGLE OF 5409'17"; THENCE SOUTHEASTERLY ON THE CHORD OF SAID CURVE, S 2707'02"E 13.66', TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY ON SAID TANGENT, S 5411'41"E 1.01', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 15.00' AND A CENTRAL ANGLE OF 10035'36"; THENCE NORTHEASTERLY ON THE CHORD OF SAID CURVE, N 7531'08"E 23.09', TO A POINT ON A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 134.00' AND A CENTRAL ANGLE OF 1218'27"; THENCE SOUTHWESTERLY ON THE CHORD OF SAID CURVE, S 2951'31"W 28.73', TO A POINT OF REVERSE CURVATURE WITH A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 466.00' AND A CENTRAL ANGLE OF 2427'46"; THENCE SOUTHWESTERLY ON THE CHORD OF SAID CURVE, S 2346'52"W 197.45', TO A POINT ON A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 15.00' AND A CENTRAL ANGLE OF 2444'52"; THENCE NORTHERLY ON THE CHORD OF SAID CURVE, N 049'27"W 6.43', TO A POINT OF COMPOUND CURVATURE WITH A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 10.00' AND CENTRAL ANGLE OF 7650'31"; THENCE NORTHWESTERLY ON THE CHORD OF SAID CURVE, N 5137'08"W 12.43', TO A POINT OF TANGENCY; THENCE WESTERLY ON SAID TANGENT, S 8957'36"W 3.49', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 3.00' AND A CENTRAL ANGLE OF 9000'00"; THENCE SOUTHWESTERLY ON THE CHORD OF SAID CURVE, S 4457'36"W 4.24', TO THE POINT OF TANGENCY; THENCE SOUTHERLY ON SAID TANGENT, S 002'24"E 12.50'; THENCE WESTERLY, S 8957'36"W 118.00'; THENCE NORTHERLY, N 002'24"W 15.50', TO A POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 3.00' AND A CENTRAL ANGLE OF 9000'00"; THENCE NORTHWESTERLY ON THE CHORD OF SAID CURVE, N 4502'24"W 4.24', TO THE POINT OF TANGENCY; THENCE WESTERLY ON SAID TANGENT, S 8957'36"W 15.50'; THENCE NORTHERLY, N 002'24"W 186.00', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 42,924.59 SQUARE FEET OR 0.99 ACRES MORE OR LESS.



LEGEND:
 (6845) CURRENT BUILDING ADDRESSES

GCE GILBE ENGINEERING ASSOCIATES, INC.
 18 WINDSO JOHNSON RD., WAUKESHA, WI, 53186
 (262)-644-0118

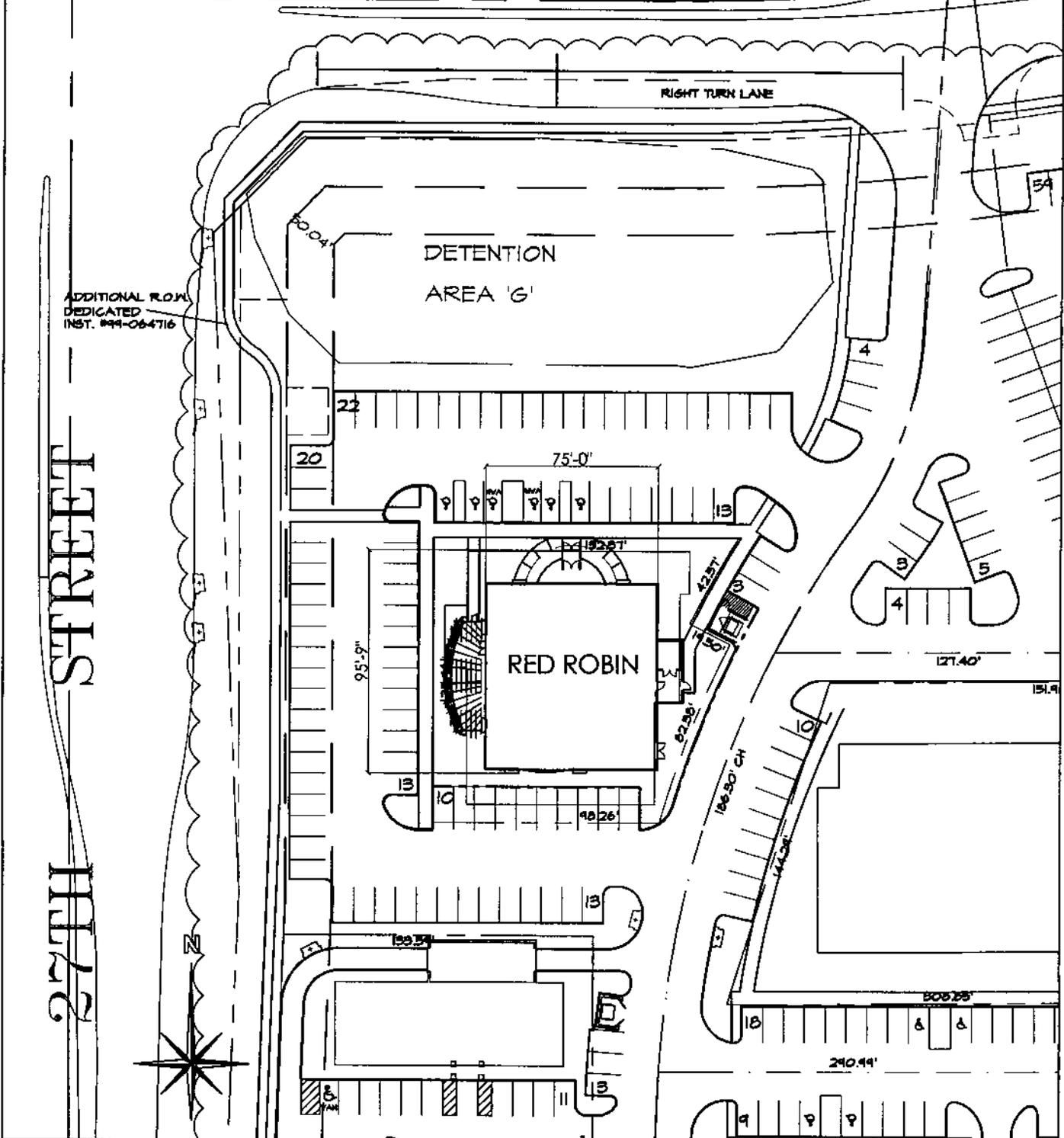
FIGURE 5
 SCHEDULED PROPERTY USES
 PROPOSED AND EXISTING RESTRICTIONS
 SOUTH 27th STREET
 LINCOLN, WISCONSIN

DESIGNED	DRAWN	APPROVED	SCALE	DATE
GMC	RH	GMC	NTS	12/08/02

PROJECT NO.: 1E-0209024 CAD No. E0209024

PROPOSED RED ROBIN: 6,349 SQ. FT.
 LOT AREA: 16,394 SQ. FT.
 PARKING SPACES: 98
 REQUIRED SPACES: 64

PINE LAKE ROAD



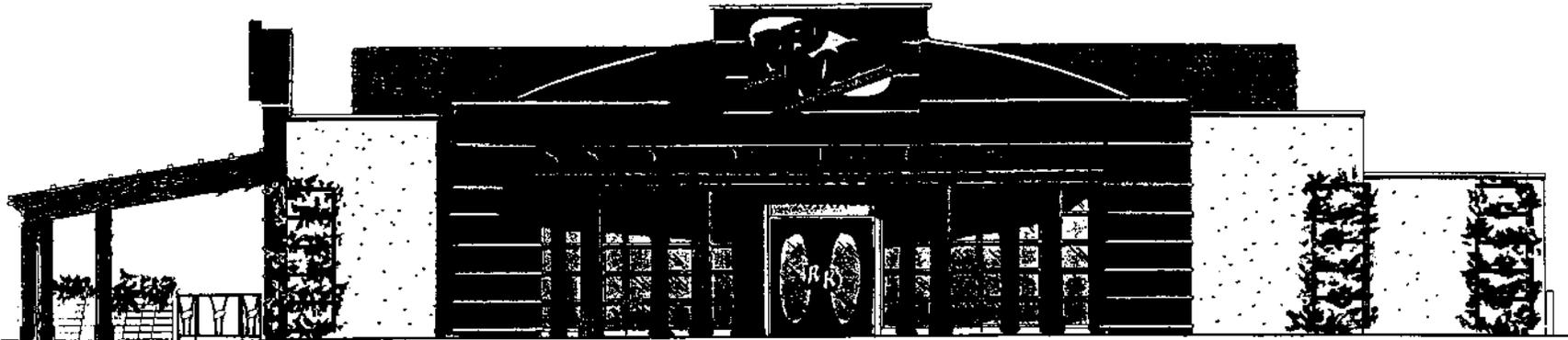
RED ROBIN
 27TH STREET & PINE LAKE ROAD
 LINCOLN, NEBRASKA

LIQUOR PLAN

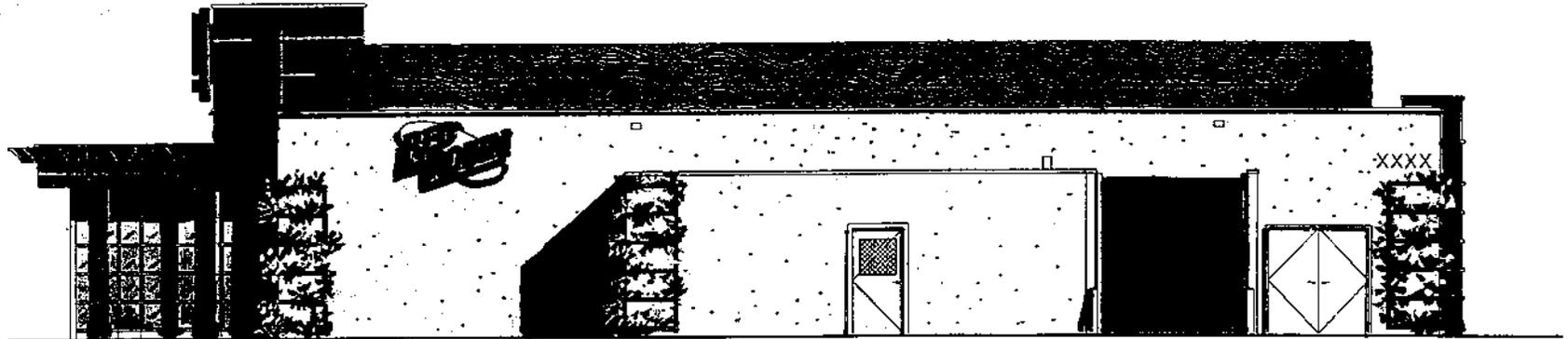
CHIPMAN ADAMS LTD

ARCHITECTS
 1550 NORTH NORTHWEST HIGHWAY PARK RIDGE, ILLINOIS 60068-1463
 T 847 298 6900 F 847 298 6968
<http://www.ca-ltd.com>

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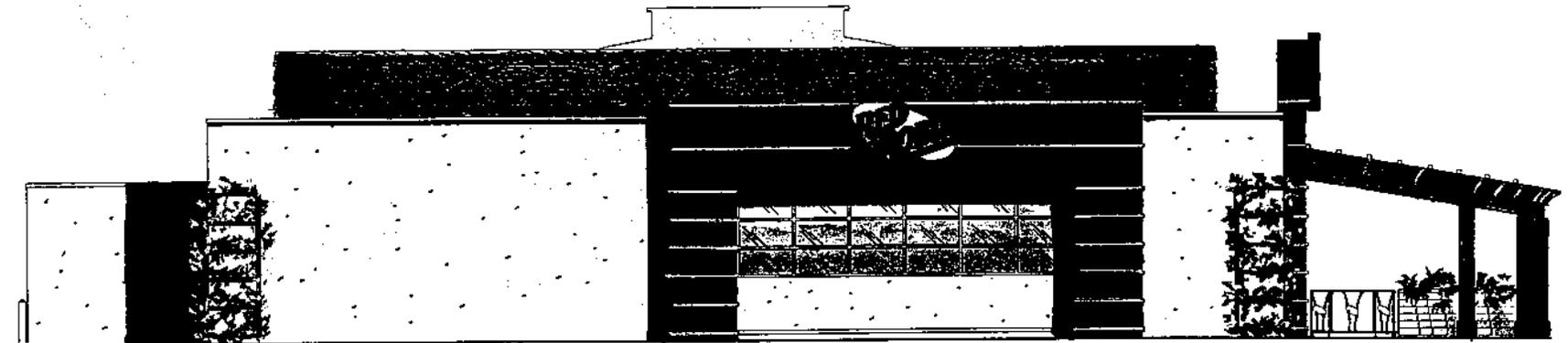
FRONT ELEVATION



RIGHT ELEVATION

RED ROBIN
PROTOTYPE 99.9

CHIPMAN ADAMS LTD.
1550 N. NORTHWEST HWY.
PARK RIDGE, ILLINOS 60068



REAR ELEVATION



LEFT ELEVATION

RED ROBIN
PROTOTYPE 99.9

CHIPMAN ADAMS LTD.
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