

*Check*

**REPORT TO CITY CLERK  
SPECIAL DESIGNATED LICENSE APPLICATION**

Log # 244

- Police
- City Attorney
- Bureau of Fire Prevention
- Health Department

DATE: 6/12/08  
Return by: 6/13/08

CATERER: X

NON-CATERER:

APPLICANT NAME & ADDRESS: **DOWN THE HATCH, INC. DBA DOWN THE HATCH BY  
LINDSAY KROGER, 5601 NW 1<sup>ST</sup> STREET**

LOCATION OF EVENT: **OUTDOOR EVENT (DANCE) IN PARKING LOT IMMED. ADJ. TO 5601  
NW 1<sup>ST</sup> STREET**

DATE (S) & TIME(S) OF EVENT : **JULY 19, 2008; 7:00 P.M. TO 1:00 A.M.**  
Alternate Dates: None

=====

**RECOMMENDATION OF APPROVAL OR DENIAL**

=====

APPROVED

CONDITIONS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DENIED

REASON(S) FOR \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

(If needed, use back for additional space)

**PUBLIC HEARING BEFORE COUNCIL:** *6/23/2008*  
*@ 5:30 p.m.*  
*to CC*

(SDLRPT.JER)

*Appealed denial of pub dance permit and  
on-day liquor license.*

**APPLICATION FOR SPECIAL DESIGNATED LICENSE**

244

Submit to: **City Clerk's Office**  
555 S. 10<sup>th</sup> Street, Lincoln, NE 68508  
(402) 441-7436

PLEASE TYPE OR PRINT; APPLICANT MUST COMPLETE ALL SECTIONS OF THIS FORM

**INSTRUCTIONS**

FILED  
CITY CLERK'S OFFICE  
2008 JUN 5 PM 2:52  
CITY OF LINCOLN  
NEBRASKA

- All Applications must be received in the City Clerk's Office **21 CALENDAR DAYS PRIOR** to the date of the event (the day of the event, is **not counted**)
- Complete and return the **ORIGINAL and THREE COPIES** to the City Clerk's Office
- FEES:** If applicant does not have a liquor caterer's license, then a license fee of **\$40 is due** (per day) and **made payable to the Nebraska Liquor Control Commission** and a license fee of **\$80 is due** (per day) **payable to the City of Lincoln**
- TWO SEPARATE CHECKS**
- INDOOR EVENTS** for Special Designated Licenses are approved by the City Clerk
- OUTDOOR EVENTS** for Special Designated Licenses may require City Council approval. Applicant is required to attend a public hearing if Council approval is required

1. **Type of Beverage(s) to be served:**  Beer  Wine  Distilled Spirits *Inside Only*

2. **Name and Full Address of Applicant:** *Lindsay Kroger 11901 N 79<sup>th</sup> St. Lincoln NE 68517, Lancaster*  
(City, State, County, Zip) *Down The Hatch* License number and Class (Example C/K) → **I/74131**  
*5601 NW 1<sup>st</sup> St Lincoln, Lancaster, 68521*

3. **Address or location of premises to be covered by license:**  
(City, County, Zip Code)

4. Is this **PREMISE** currently licensed under the Nebraska Liquor Control Act?  Yes  No

5. **Name and Address of the owner or lessee** and name of principal occupant of the premises for which the license is requested.  
*C.T.P., Lindsay Kroger 11901 N 79<sup>th</sup>, Lincoln NE 68517*

6. **Please list the name and telephone number of the primary event supervisor**, who will actually be present at the location of the event when it occurs, that can be contacted by law enforcement before and during the event, and who is responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to. **Supervisor must sign on Page 2.**  
*Lindsay Kroger 402-499-4548*

7. **Date(s) of Event:** (If a Sunday, sales are limited to 12 noon to 1am the following Monday)  
*7-19-08*

**List Alternate Date or Location** in the Event of Bad Weather: *7-26-08*

8. **Time(s) of Event:** (Example 8am to 1am, is considered one day)  
**FROM:** *7pm* **TO:** *1am*

9. **Describe the Type of Activity** to be carried on during the time period for which the license is requested.  
*Dance*

10. **Provide an Estimated Number of Attendees at this Event** *400*. If the number of attendees is over 150, attach a separate page indicating the steps that will be taken to prevent underage persons access to alcoholic beverages.

11. **List the Number of SDL's** that you have applied for at this specific location in the last six months *0*.

12. **Description of the Premises:**  Inside Building  Outdoor Area →  Attach City Supplemental Form

Dimensions of the area (in feet) to be covered by license: 170' x 170'. Please draw in the space provided below, the area where liquors will be sold and consumed. (Length) (Width)

See Attached

If outdoor area, how will premises be separated from areas open to the general public?  Fence  Tent  Other  
If marked Fence, please describe the type: Snow fence (double 5ft. apart)  
If marked Other, please explain:

Outdoor Events require the City Supplemental Form to be attached.

13. Is the premises to be covered by the license located within the city limits?  Yes  No
14. Is the premises to be covered by the license within 150 feet of any church, school, hospital, or home for the aged or indigent persons or for veterans, their wives or children?  Yes  No
15. Is the premises to be covered by the license within 300 feet of any university or college campus?  Yes  No
16. Explain how alcoholic liquors will be purchased by the licensee. If purchased from a retail licensee, please give the name and license number.  
Down the Hatch
17. Will the premises to be covered by the license comply with all Nebraska sanitation laws?  Yes  No
18. Are there separate toilets for both men and women?  Yes  No
19. Will there be any games of chance operating during the event?  Yes  No  
Notice: Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non-Profit Organizations. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.
20. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

Signature Lindsay Kroger Owner 6-5-08 402-499-4548  
(Authorized Representative/Applicant) (Title) (Date) (Phone)

Signature Lindsay Kroger Owner 6-5-08 402-499-4548  
(Supervisor) (Title) (Date) (Phone)

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the City Clerk of Lincoln, Nebraska.

In Compliance with ADA, this form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format. <http://www.dol.org/home/NLCC/>

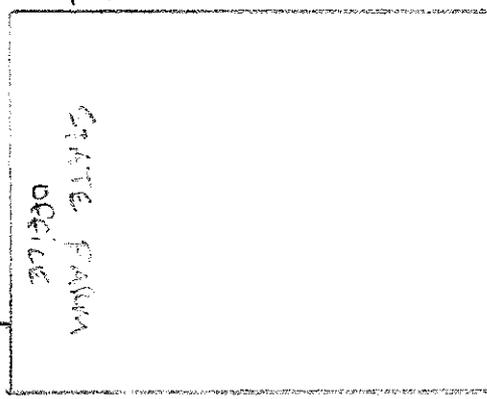
--- FENCE  
 --- Posts  
 5 ft Apart

N ↑

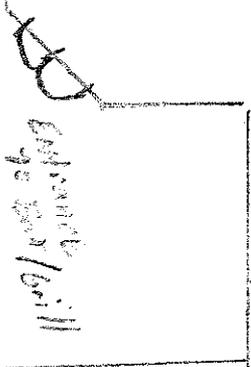
Post in ground for fence support.

170 ft

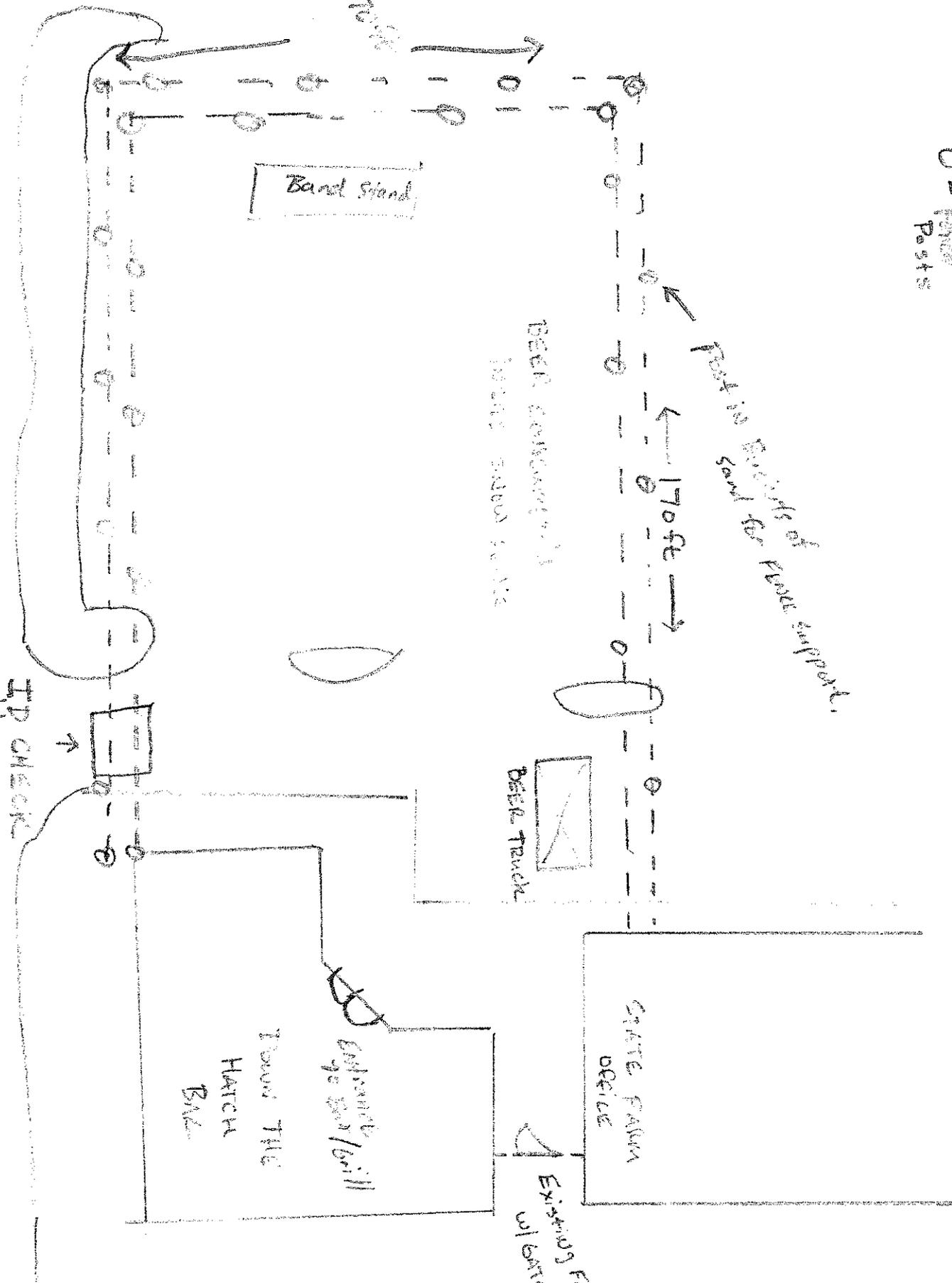
BEER COMPANY'S  
FENCE AND POSTS



Existing Fence  
w/ gate



TP CHECK



**\* THE FOLLOWING SUPPLEMENTAL FORM IS REQUIRED FOR ALL OUTDOOR EVENTS \***

**SPECIAL DESIGNATED LICENSE APPLICATION  
SUPPLEMENTAL FORM**

The Special Designated License process is not intended to be used as a means to expand the existing licensed premise.

Name of Event: DOWN THE HATCH STREET DANCE  
Applicant and Sponsoring Organization or Person (if applicable): Lindsay Kroger / Down the Hatch  
Date of Event: 7-19-08 Time of Event: 7pm - 1am

Has the applicant applied for and received liquor liability insurance?  Yes  No

Number of persons expected to attend: 400 Number of persons under 21 expected: 0

Is the event open to the public?  Yes  No

How will you ensure that minors will not be served or consume beverages containing alcohol: No minors  
will be allowed in.

Will food be served?  Yes  No

If yes, please list food to be served: Hamburgers, Hot dogs, chips

Will non-alcoholic beverages be served:  Yes  No

If yes, please list non-alcoholic beverages to be served: Water

Please identify the beverages containing alcohol that will be served: Inside Only  Wine  Beer  Distilled Spirits Inside Only

Will this be a cash or complimentary bar?  Cash  Complimentary

Who will serve the beverages containing alcohol? Employees of Down the Hatch

Have the designated servers received responsible beverage service training?  Yes  No

Will there be a charge for admission?  Yes  No

In the last 12 months, have you received notice of a liquor law violation that occurred during an event at which you were the special designated licensee?  Yes  No

If so, explain: \_\_\_\_\_

Lindsay Kroger  
Applicant's Signature

6-5-08  
Date

**\*THE FOLLOWING SUPPLEMENTAL FORM IS REQUIRED FOR ALL OUTDOOR EVENTS\***

**SUPPLEMENTAL FORM FOR SITE PLAN INFORMATION**

Please provide a drawing showing the following. Provide as much detail as possible to ensure your application is not returned to you for more information. Attach additional drawings, dimensions if necessary.

1. Number of Entry & Exit Points & Dimensions: 2 Entry 2 exits - See Attached  
(height & width) ( ) x ( )
2. Size & location of tent(s): NA  
(heights, width, depth) ( ) x ( ) x ( )
3. Size of area being used: See Attached  
(height & width) (170' x 170')
4. Location & type of cooking equipment (if used) Gas Grill
5. Location of tables & chairs: NA  
(If stage for band provided & dance area, show dimensions & site on drawing.)
6. Height & type of fencing to be used: snow fence - double  
(height) ( )

See Attached

Rick Peo/Notes  
06/12/2008 08:35 AM

To Teresa J Meier/Notes@Notes  
cc Chuck J Schweitzer/Notes@Notes, Janet K English/Notes@Notes, Joan E Ross/Notes@Notes, Joe Rupp/Notes@Notes, Lpd270@cjis.ci.lincoln.ne.us,  
bcc  
Subject Re: Down the Hatch - Appeal - Event Date: 7/19

History: This message has been replied to.

She has the right to appeal. however That appeal will be limited to the question of whether or not your decision to deny the permit because she doesn't meet the zoning requirements is correct. The council can't waive zoning

Teresa J Meier/Notes



Teresa J Meier/Notes  
06/11/2008 03:42 PM

To Rick Peo/Notes@Notes, Joe Rupp/Notes@Notes  
cc Joan E Ross/Notes@Notes, Chuck J Schweitzer/Notes@Notes, Lpd270@cjis.ci.lincoln.ne.us, Lpd454@cjis.ci.lincoln.ne.us, Janet K English/Notes@Notes, Shawn M Johnson/Notes@Notes, Lpd742@cjis.ci.lincoln.ne.us, Lpd342@cjis.ci.lincoln.ne.us, Lpd618@cjis.ci.lincoln.ne.us, Lpd737@cjis.ci.lincoln.ne.us  
Subject Down the Hatch - Appeal - Event Date: 7/19

Hello, gentlemen!

I received & processed a 1 Time Public Dance Permit Application for the establishment Down the Hatch located at 5601 NW 1st St. to have an outdoor event on July 19th. I referred it on to the appropriate departments. As you will see, the Bureau of Fire Prevention is denying it because part of their review process includes the zoning. It was discovered that this establishment is in a B-2 zone which prohibits this type of event.

The applicant now wishes to appeal it to Council. However, in visiting with Joan, questions were raised...

- 1) Whether or not she could even appeal this to Council? LMC Chapter 5.20 allows for appeal to Council when the dance permit is denied. But with it being denied because of zoning, we were not sure she could even appeal to Council.
- 2) If she can appeal this to Council, can they overrule the zone restrictions?

I've attached her application & all related documents. Please let me know as soon as possible if her appeal can proceed to the City Council so that we may get it on the Council's Agenda as soon as we can. Thanks!



Down the Hatch Appeal File.PDF

Teresa J. Meier  
Deputy City Clerk  
City of Lincoln, Nebraska  
(402) 441-7437

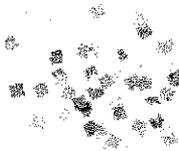
*(CONFIDENTIAL) - NOTICE: This e-mail message including any attachments is*

**Chuck J Schweitzer/Notes**  
06/16/2008 10:16 AM

To Joan E Ross/Notes@Notes  
cc Joyce L Jensen/Notes@Notes, lpd843@cjis.ci.lincoln.ne.us,  
Teresa J Meier/Notes@Notes  
bcc  
Subject Re: Down The Hatch - SDL application

Joan,  
I am recommending denial of this application based on the zoning research done by Michele Williamson in Building and Safety Department. This activity is not allowed in this district.  
thanks,

Chuck Schweitzer  
Bureau of Fire Prevention  
Lincoln, Ne 68508  
402-441-6441  
Fire Inspector/Investigator  
Joan E Ross/Notes



**Joan E Ross/Notes**  
06/12/2008 09:48 AM

To Teresa J Meier/Notes@Notes, Chuck J Schweitzer/Notes@Notes, lpd843@cjis.ci.lincoln.ne.us,  
Joyce L Jensen/Notes@Notes  
cc  
Subject Down The Hatch - SDL application

This application will be placed on the City Council's agenda of 6/23 @ 5:30 p.m. meeting. There is a street dance application in addition to the SDL.  
The street dance application has been denied and has been appealed to the City Council.  
Email responses accepted.  
Thanks All of You.



Down the Hatch.PDF

Russ - A copy of this application is in your folder.

Joan Ross, CMC  
City Clerk  
402/441-7438  
Fax: 402/441-8325

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**CITY OF LINCOLN**  
**NEBRASKA**

**MAYOR CHRIS BEUTLER**

lincoln.ne.gov

Office of the City Clerk  
Finance Department  
Don Herz, Director  
555 South 10th Street  
Suite 103  
Lincoln, Nebraska 68508  
402-441-7436  
fax: 402-441-8325

June 17, 2008

MS LINDSAY KROGER  
DOWN THE HATCH  
5601 NW 1<sup>ST</sup> STREET  
LINCOLN NE 68521

Re: Special Designated License Application

Dear Ms. Kroger:

The purpose of this letter is to advise you that your application for a Special Designated License (SDL) has been denied due to zoning restrictions.

I understand the Deputy City Clerk, Teresa Meier has advised you that your public dance permit in conjunction with this SDL has also been denied and that you have appealed this denial to the Lincoln City Council. The denial of the SDL and the public dance permit will be heard on **June 23<sup>rd</sup> at the 5:30 p.m.** Council meeting.

If you have any questions with regard to this, please do not hesitate to contact me.

Sincerely,

Joan E. Ross, CMC  
City Clerk  
Enclosures