

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 11, 2006 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #07003 - DJ's Bartending

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

CONCLUSION: This request complies with all applicable criteria for a special permit for the sale of alcohol for consumption on the premises.

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

LEGAL DESCRIPTION: Lot 90 I.T., located in the southeast 1/4 of Section 14, R10E, T6N, Lancaster County, Nebraska.

LOCATION: 901 Oak Street.

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: Commercial

SURROUNDING LAND USE AND ZONING:

North:	Commercial	H-3
South:	Open Space/Salt Creek	H-3, P
East:	Commercial	H-3
West:	Commercial	H-3, P

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates commercial land uses in this area.

BACKGROUND: The building on the site is used for commercial purposes. Additionally, the applicant operates a catering business and parks the trailer that contains the catering supplies, including alcohol, in the 10' x 10' area in the building. To cater with alcohol, the applicant is required to have a State liquor license. However, a stand-alone catering license does not exist. Rather, catering is allowed in combination with an existing class of license, such as a Class I license for on-sale alcohol. Modified to allow catering, the Class I license becomes a Class IK license.

The applicant does not intend to sell alcohol for consumption on the premises, rather he selected the Class I license because of those available, it most closely described his activity. Because the license does allow on-sale alcohol, the City Attorney has determined that a special permit for the sale of alcohol for consumption on the premises is required. The 'licensed premises' is confined to a 10' x 10' area within the building where the trailer will be parked.

ANALYSIS:

1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC)

27.63.680: 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 the following conditions:

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

Parking is provided in compliance with LMC.

(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 application is for a special permit to allow the sale of alcohol for consumption on the premises. The sale of alcoholic beverages off the premises is not a part of this proposal and is not being requested.

(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 100 feet from a day care facility, park, church, state mental health institution, or a residential district (except where such use is accessory to a golf course or country club).

There is no day care facility, park, church, state mental health institution, or residential district within 100' of this use. The nearest of any of these is a park (Oak Lake Park) to the southwest, more than 400' away.

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

No new lighting is proposed. Any new lighting on site is subject to compliance with the City of Lincoln Design Standards and is reviewed at the time of building permits.

(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 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.

There are no such devices 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 site.

(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 the premises is from Oak Street which 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.**

Planning Commission approval is required for this use.

2. DEPARTMENT RESPONSES:

POLICE: The Police Department had no objection to this request.

PUBLIC WORKS: Public Works and Utilities had no comment on this request.

HEALTH: The Health Department had no objection to this request.

CONDITIONS:

Site Specific:

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

General:

2. The construction plans comply with the approved plans.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before the sale of alcohol for consumption on the premises, all development and construction is to comply with the approved plans.

- 3.2 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.
- 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 3.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-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, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
February 12, 2007

OWNER: D.J. Salia
901 Oak Street
Lincoln, NE 68521
402.477.3552

**APPLICANT/
CONTACT:** Dan Lesoing
6001 The Knolls
Lincoln, NE 68516
402.429.0920



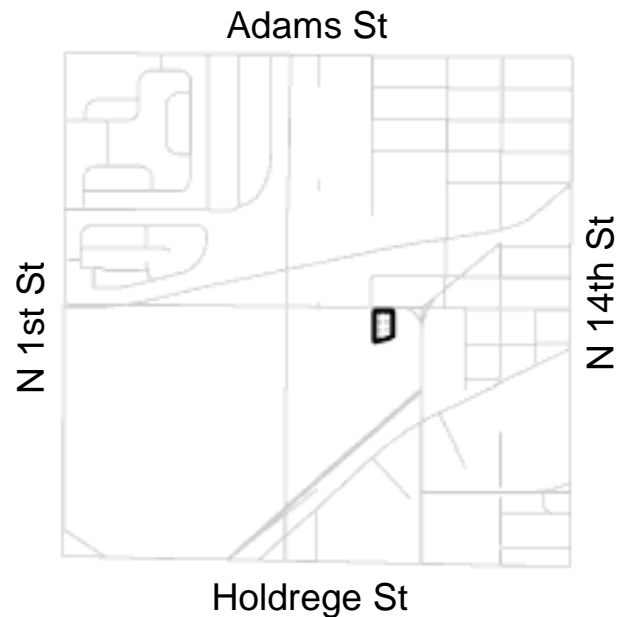
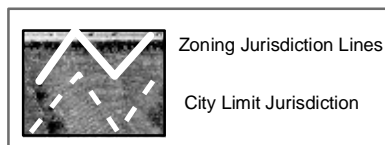
**Special Permit #07003
N 9th & Oak St**

2005 aerial

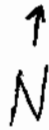
Zoning:

- 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. 14 T10N R06E



Att: Mary Messman

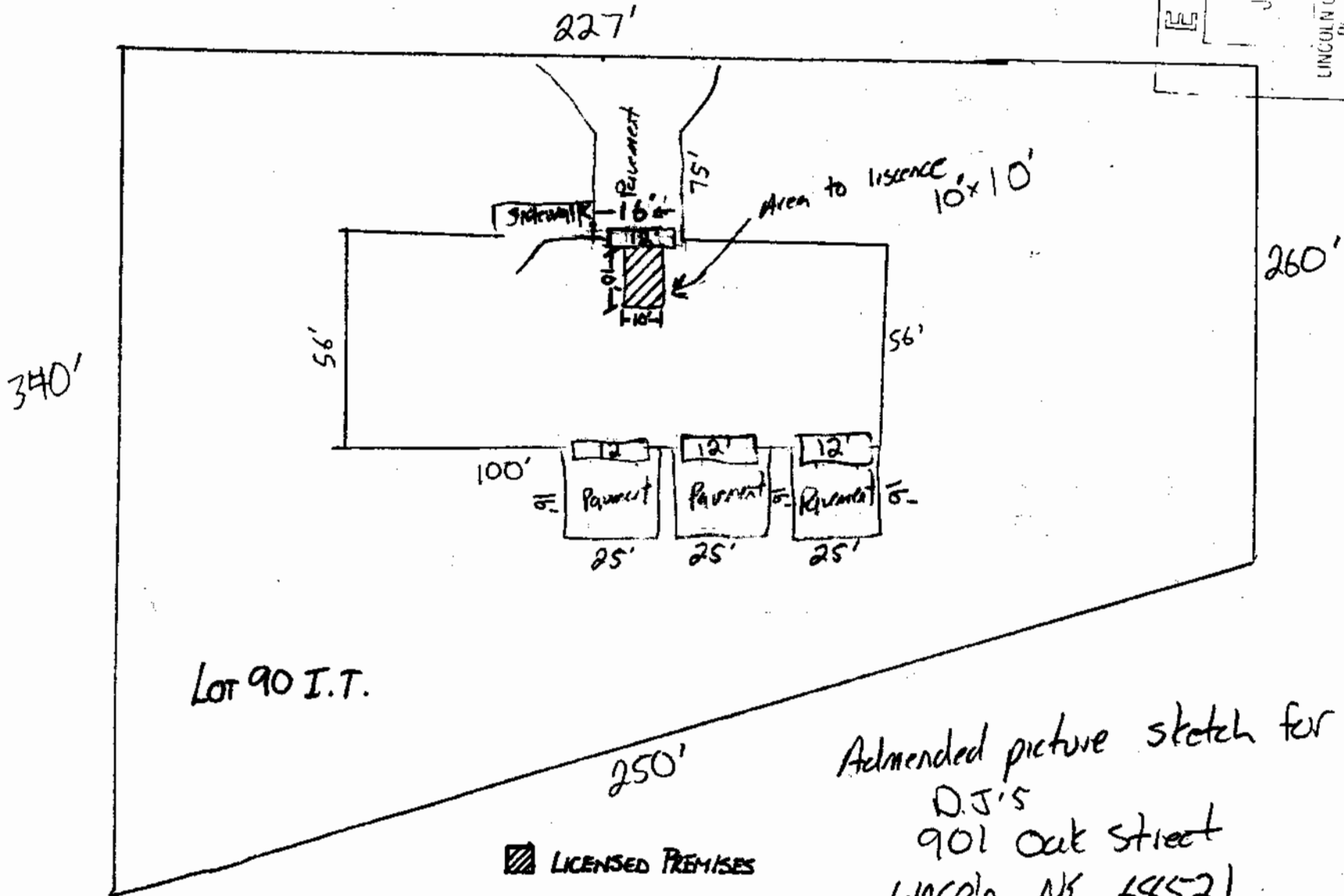


DJ SALIA

RECEIVE

JAN 31 2007

LINCOLN CITY PLANNING DEPARTMENT



Admended picture sketch for
D.J.'S
901 Oak Street
Lincoln, NE 68521

1-30-07

To whom it may concern:

DJ Salia would like to license a 10'X10' area of the building owned by DJ Salia at 901 Oak Street in Lincoln, NE (Lot 90 I.T.) for a liquor license.

This area will be used for storage of product and material used in its mobile bartending/catering service. The product will be stored in an enclosed utility trailer that can be transported to and from events. We have no intentions of selling any alcohol at this location, as all of our events will be off location.

Any questions please feel free to call me at 402 429 0920.

Thanks for your time and consideration,

Dan Lesoing
DJ's Bartending Service

