

City Council Introduction: **Monday**, April 15, 2002  
Public Hearing: **Monday**, April 22, 2002, at **1:30 p.m.**

Bill No. 02R-79

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1963**, requested by Salem Oil Company, to permit the sale of alcoholic beverages for consumption off the premises, on property generally located northeast of the intersection of N.W. 12<sup>th</sup> Street and West Adams Street.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 04/03/02  
Administrative Action: 04/03/02

**STAFF RECOMMENDATION:** Conditional Approval.

**RECOMMENDATION:** **Conditional Approval** (8-0: Newman, Duvall, Bills-Strand, Steward, Carlson, Krieser, Larson and Schwinn voting 'yes'; Taylor absent).

**ASSOCIATED REQUESTS:** None

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that this request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption off the premises. The conditions of approval are set forth on p.5.
2. On April 3, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. On April 3, 2002, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated March 15, 2002.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** April 8, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 8, 2002

**REFERENCE NUMBER:** FS\CC\2002\SP.1963

**CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1963

**DATE:** March 15, 2002

**PROPOSAL** A special permit to allow the sale of alcoholic beverages for consumption off the premises.

**LAND AREA:** Approximately 1.6 acres.

**CONCLUSION:** This request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption off the premises.

<b>RECOMMENDATION:</b>	Conditional Approval
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**GENERAL INFORMATION**

**LEGAL DESCRIPTION:** See attached.

**LOCATION:** Northeast of the intersection of Northwest 12<sup>th</sup> Street and West Adams Street.

**APPLICANT:** Salem Oil Company  
2825 Stratford Avenue  
Lincoln, NE 68502

**OWNER/  
CONTACT:** Charles and Sherene Salem  
2825 Stratford Avenue  
Lincoln, NE 68502

**EXISTING ZONING:** H-1 Interstate Commercial District

**EXISTING LAND USE:** A convenience food store/service station that includes a car wash is located on this site.

**SURROUNDING LAND USE AND ZONING:**

North	Commercial	H-1
South	Commercial	H-3
East	Commercial	H-1
West	Commercial	H-3

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

## **ANALYSIS**

**OVERVIEW:** This site is northeast of the intersection of West Adams Street and Northwest 12<sup>th</sup> Street near the I-80/Cornhusker Highway interchange. It is located in a commercially-zoned district, and developed with a convenience food store/service station with an attached car wash. This special permit request is to allow the sale of alcoholic beverages from the convenience food store for consumption off the site.

**1. SPECIAL PERMIT REQUIREMENTS PER 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, which can be waived by the City Council:

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

The parking provided appears to comply with the requirements of LMC Section 27.67.020. However, as noted in the Public Works and Utilities Department review, the site plan must be amended to show the required dimensions for parking spaces and drive isles.

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

This application is for a special permit to allow for sales of alcohol for consumption off the premises, and must be approved before sales are authorized.

**(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, residences or residential districts within 100' of the premises. The nearest residential district is to the southeast across I-80 in excess of 1,000' 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 (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 convenience food store.

**(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 with this special permit. Nearest residential district is in excess of 1,000 feet away.

**(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 front door does not face a residential district. The nearest residential district is in excess of 1,000 feet 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 provided off of Northwest 12<sup>th</sup> Street, and there are no residential streets 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.**

**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:** In addition to noting the lack of parking space and drive isle dimensions, the Public Works and Utilities Department review includes the advisory comment that a permit is required for the demolition of existing curb as shown on the site plan. Otherwise, no objections are stated.

**CONDITIONS:**

Site Specific:

1. This approval permits the sale of alcohol for consumption off the premises at the convenience store located at 3100 Northwest 12<sup>th</sup> Street.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
    - 2.1.1 A revised site plan showing parking space and drive isle dimensions consistent with City of Lincoln Design Standards.
    - 2.1.2 A reproducible final site plan with 5 copies as approved.
  - 2.2 The construction plans comply with the approved plans.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying these structures 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 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, AICP  
Planner

# SPECIAL PERMIT NO. 1963

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

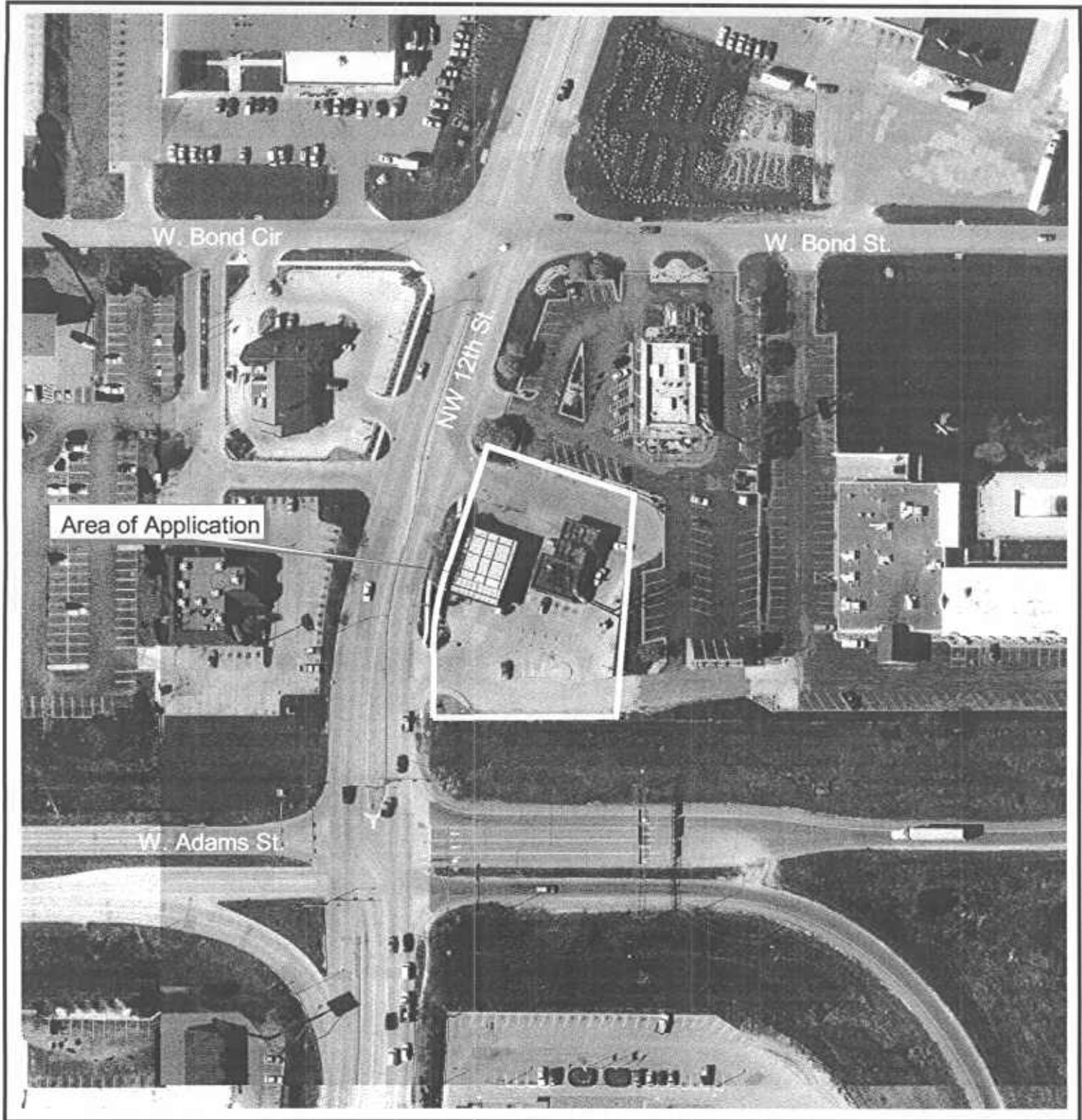
April 3, 2002

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3361; SPECIAL PERMIT NO. 1951, HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01020, HARTLAND HOMES SOUTHWEST; MISCELLANEOUS NO. 01011; PRE-EXISTING USE PERMIT NO. 9S; PRE-EXISTING SPECIAL PERMIT NO. 23E; SPECIAL PERMIT NO. 1962; SPECIAL PERMIT NO. 1963; SPECIAL PERMIT NO. 1774A, AMENDMENT TO THE WILDERNESS ESTATES 3<sup>RD</sup> ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 1952, HAWKSWOOD ESTATES 1<sup>ST</sup> ADDITION COMMUNITY UNIT PLAN; and PRELIMINARY PLAT NO. 01024, HAWKSWOOD ESTATES 1<sup>ST</sup> ADDITION.**

**Item No. 1.3, Pre-Existing Special Permit No. 23E**, was removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Newman and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor absent.



**Special Permit #1963  
NW12th & Adams St.**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

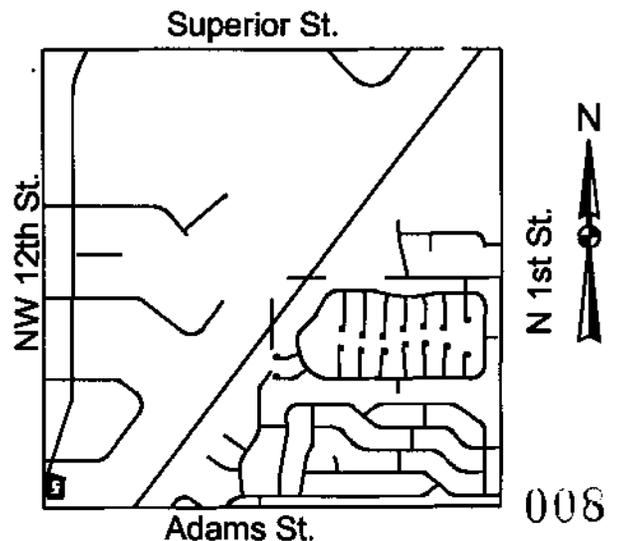
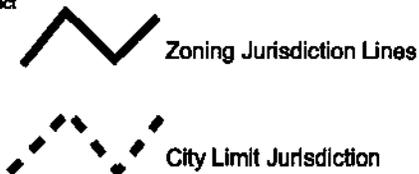


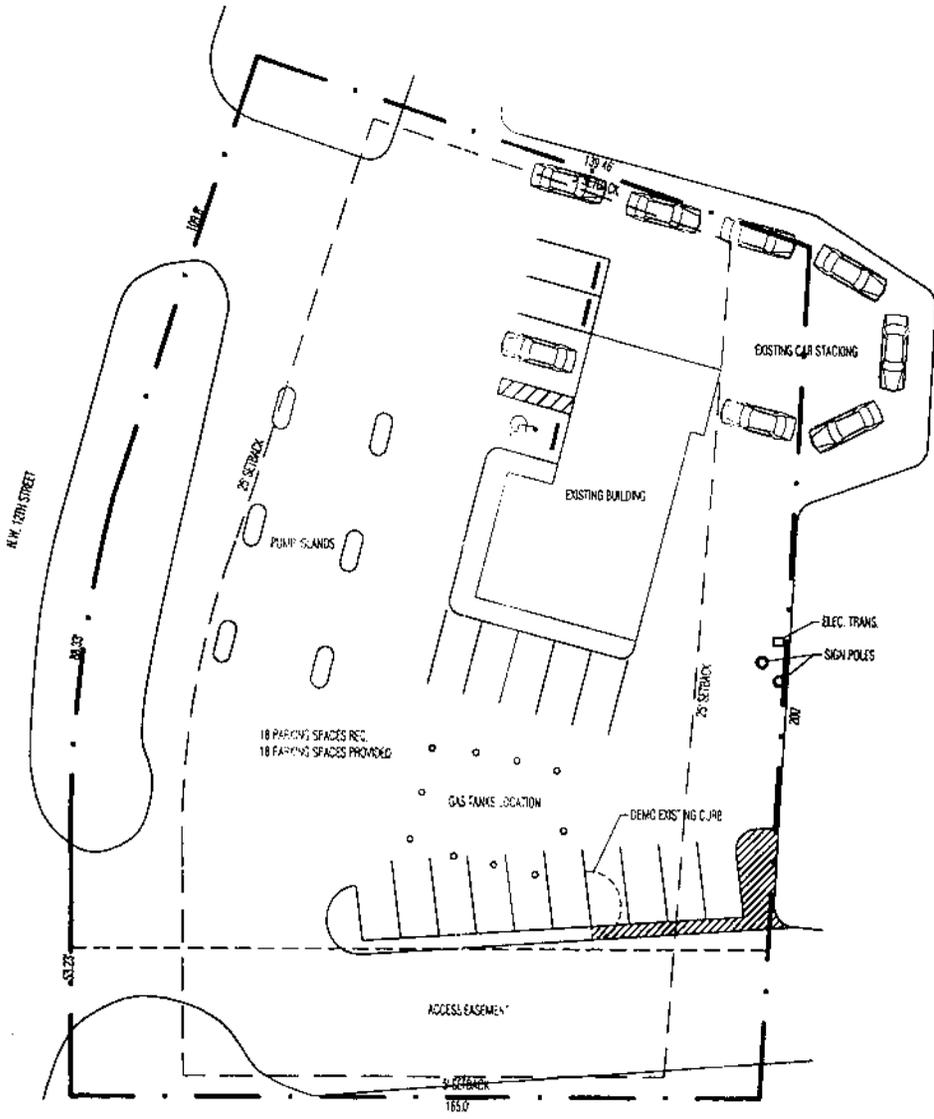
## Special Permit #1963 NW12th & Adams St.

### 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. 10 T10N R6E





01  
A1.01

**SITE PLAN**  
SCALE: 1"=20'-0"

Issued for _____	Date _____

Interior Remodel  
**Salem Oil - Airport Amoco**  
 Lincoln, Nebraska  
 Site Plan

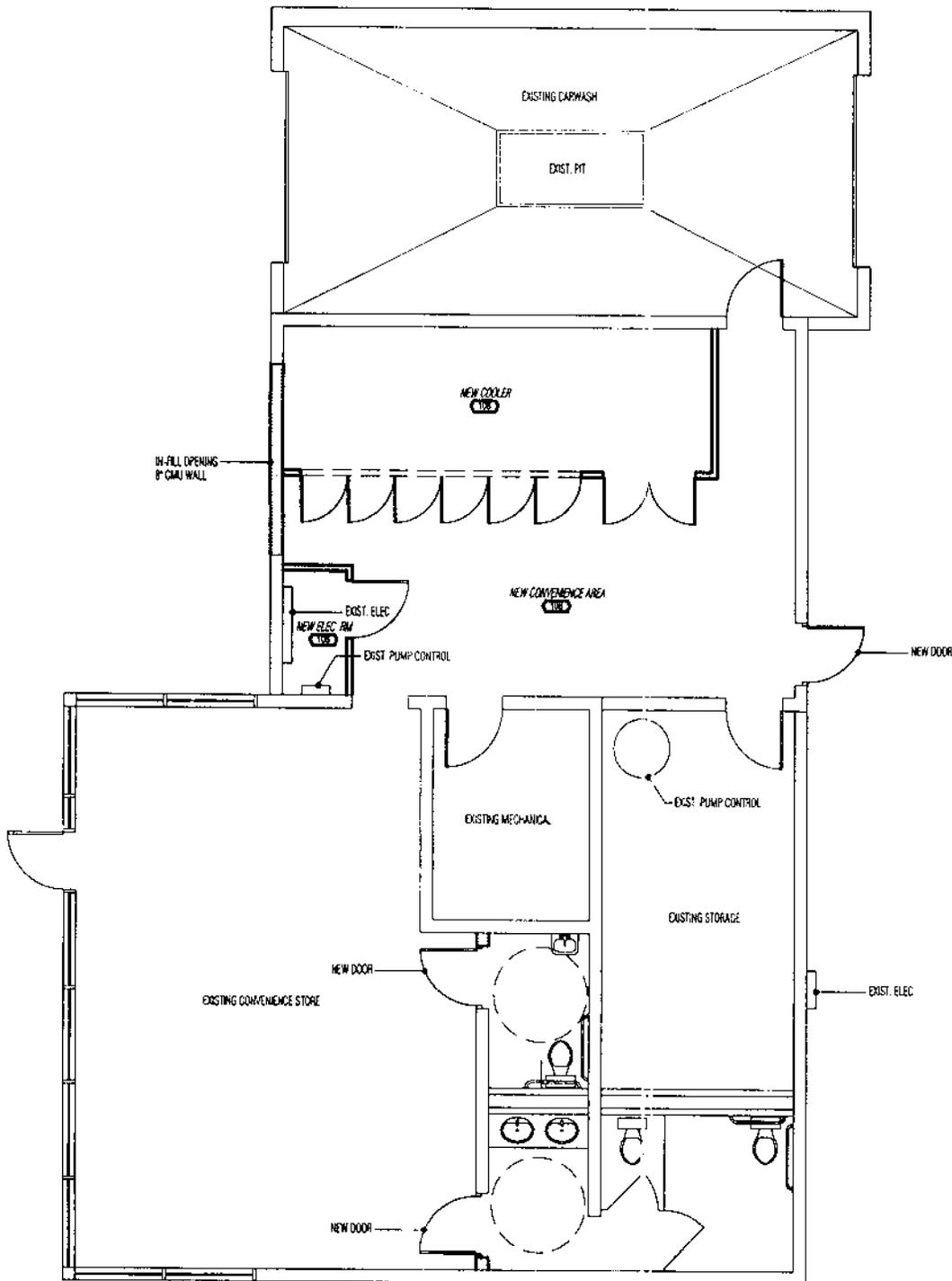
**Ayars & Ayars**  
ARCHITECTS

6500 Holmgren Street  
Lincoln, Nebraska 68516  
402.435.8190  
www.ayarsayars.com

Erickson - Owner	

Ayars & Ayars, Inc. The Drawing and associated Specifications is copyright and shall remain in the property of the Architect. No part of these drawings shall be reproduced in any form or any means without written permission from the Architect.	
Project: 2007	Start Date: 10/2/07
Drawn: rjm	Sheet: A1.05
Checked: _____	

009



N  
 01  
 A2.01  
**FLOOR PLAN**  
 SCALE: 1/4"=1'-0"  
 RE

010

Issued for:	Date:
Interior Remodel	
<b>Salem Oil - Airport Amoco</b>	
Lincoln, Nebraska	Floor Plan
 <b>Ayars &amp; Ayars</b> <small>ARCHITECTS</small> 6500 Holdrege Street Lincoln, Nebraska 68505 402-435-6802 www.ayarsayars.com	
Lincoln - Omaha	
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Project: 2007	Start Date: 10/26/01
Drawn: fjm	Sheet #: A2.01
Checked:	

**CERTIFICATE OF OWNERSHIP**

**TO: Richard P. Garden -- Cline, Williams, Wright, Johnson & Oldfather**

**NEBRASKA TITLE COMPANY**, authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 56, hereby certifies that the records of Lancaster County, Nebraska have been carefully examined with reference to the following described property, and from such examination finds as follows:

**LEGAL DESCRIPTION:**

Beginning at the Southwest corner of Lot One (1), Block Four (4), of Union Pacific Addition, Lincoln, Lancaster County, Nebraska, thence North 89 degrees 29 minutes 30 seconds East (assumed bearing) along the Northerly right-of-way line of I-80 a distance of 165.0 feet, thence North 04 degrees 29 minutes 30 seconds East a distance of 200.0 feet; thence North 71 degrees 57 minutes 35 seconds West a distance of 139.46 feet to a point on the Easterly right-of-way line of NW 12<sup>th</sup> Street; thence South 18 degrees 09 minutes 54 seconds West along said right-of-way line a distance of 109.80 feet to the point of curve; thence along a circular curve to the left having a radius of 227.40 feet and subtended by a chord 87.58 feet in length and bearing South 09 degrees 01 minutes 00 seconds West; thence South 00 degrees 11 minutes 00 seconds East along said Easterly right-of-way line a distance of 53.23 feet to the point of beginning.

**OWNER OF RECORD:**

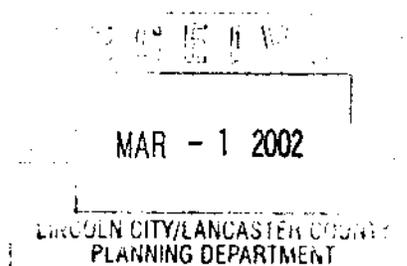
Charles R. Salem and Sherene L. Salem, husband and wife

Dated this 28<sup>th</sup> day of February, 2002 at 8:00 A.M.

**NEBRASKA TITLE COMPANY, Bonded-Registered Abstracters**

By: *Paul F. Journey*  
Registered Abstractor

X63465



# M e m o r a n d u m

MAR 12 2002

CLERK OF THE CITY ENGINEER'S OFFICE



**To:** Brian Will, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CBW*  
**Subject:** Special Permit # 1963, Alcohol Sales  
**Date:** March 12, 2002  
**cc:** Roger Figard  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for Alcohol Sales Special Permit # 1963 at the Salem Oil Airport Amoco, 3100 Northwest 12th Street. Public Works has the following comments:

- The site plan does not detail the required dimensions of the parking stalls or drive aisles. The plan also shows demolition of some existing curb which will require a permit through the Department of Building and Safety

# Memorandum

**To:** Brian Will  
**From:** Sergeant Michael S. Woolman #737  
**Date:** March 6, 2002  
**Re:** Salem Oil Company (SP1963)

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Brian,

The Lincoln Police Department has no objections to the Salem Oil Company SP 1963.

A handwritten signature in cursive script, appearing to read 'Michael S. Woolman', is written above the typed name.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department