

City Council Introduction: **Monday**, March 3, 2003  
Public Hearing: **Monday**, March 10, 2003, at **1:30** p.m.

Bill No. 03R-59

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 2001**, requested by Charles Salem on behalf of FB Northstar, L.L.C., for authority to sell alcoholic beverages for consumption off the premises on property generally located east of the intersection of North 33<sup>rd</sup> Street and North 33<sup>rd</sup> Circle.

**STAFF RECOMMENDATION:** Conditional approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 02/19/03  
Administrative Action: 02/19/03

**RECOMMENDATION:** Conditional approval (6-0: Carlson, Duvall, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Krieser, Larson and Steward absent).

### **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 and is an appropriate land use at this location.
2. On February 19, 2003, this application was placed on the Planning Commission Consent Agenda and opened for public hearing. No one came forward to speak.
3. On February 19, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend conditional approval, as set forth in the staff report dated February 5, 2003. The conditions of approval are found on p.4-5.

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

**DATE:** February 24, 2003

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

**DATE:** February 24, 2003

**REFERENCE NUMBER:** FS\CC\2003\SP.2001

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Special Permit #2001

**DATE:** February 5, 2003

**SCHEDULED PLANNING COMMISSION MEETING:** February 19, 2003

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

**LAND AREA:** Approximately 1.02 acres.

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

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

**LEGAL DESCRIPTION:** See attached.

**LOCATION:** East of the intersection of North 33<sup>rd</sup> Street and North 33<sup>rd</sup> Circle.

**APPLICANT/  
OWNER:** FB Northstar, L.L.C.  
PO Box 81006  
Lincoln, NE 68501 (402) 476-3333

**CONTACT:** Charles Salem  
PO Box 81006  
Lincoln, NE 68501 (402) 476-3333

**EXISTING ZONING:** I-3 Employment Center District

**EXISTING LAND USE:** Vacant but being prepared for development.

### **SURROUNDING LAND USE AND ZONING:**

North:	Vacant	I-3
South:	Vacant	I-3
East:	Vacant	I-3
West:	Vacant	I-3

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

**UTILITIES:** Utilities are available to serve this site.

**TOPOGRAPHY:** The land is flat across this site.

**ANALYSIS:**

**OVERVIEW:** This site is east of the intersection of North 33<sup>rd</sup> Street and North 33<sup>rd</sup> Circle in an industrially-zoned district. This special permit request is to allow the sale of alcoholic beverages from the convenience food store/service station proposed for this site 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 is to be paved and complies with the requirements of LMC Section 27.67.020.

**(b) The sale of alcoholic beverages for consumption on 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. Authorization for on-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, residences or residential districts within 100' of the premises. The nearest residential district is to the north 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 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.**

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.**

The front door does not face a residential district, the nearest of which is in excess of 500 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 from North 33<sup>rd</sup> Circle, which 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 off the premises from the convenience store as shown on the site plan.

General:

2. Before receiving building permits:

- 2.1 The permittee shall have submitted a revised and 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

# SPECIAL PERMIT NO. 2001

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

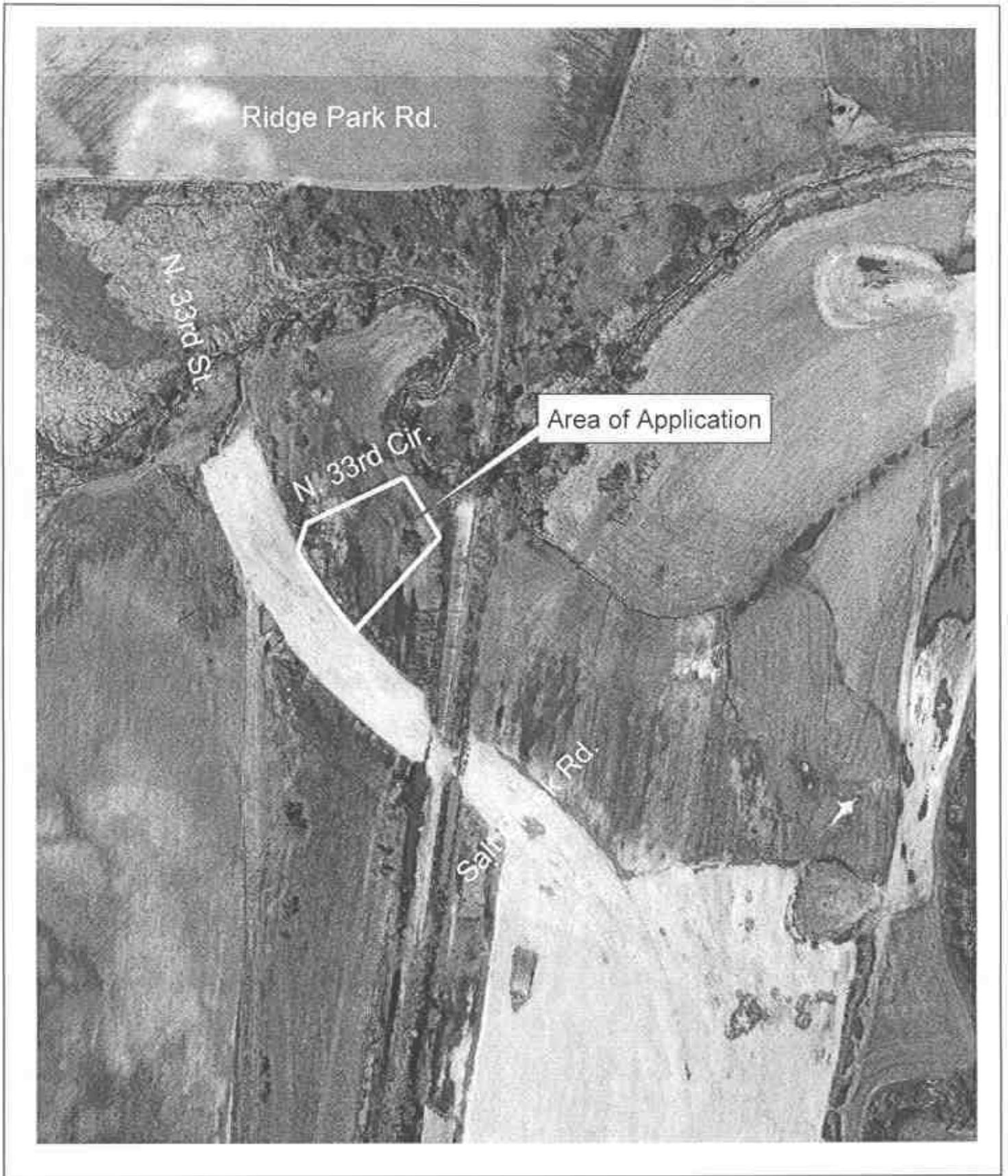
February 19, 2003

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

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 2001** and **STREET AND ALLEY VACATION NO. 03000**.

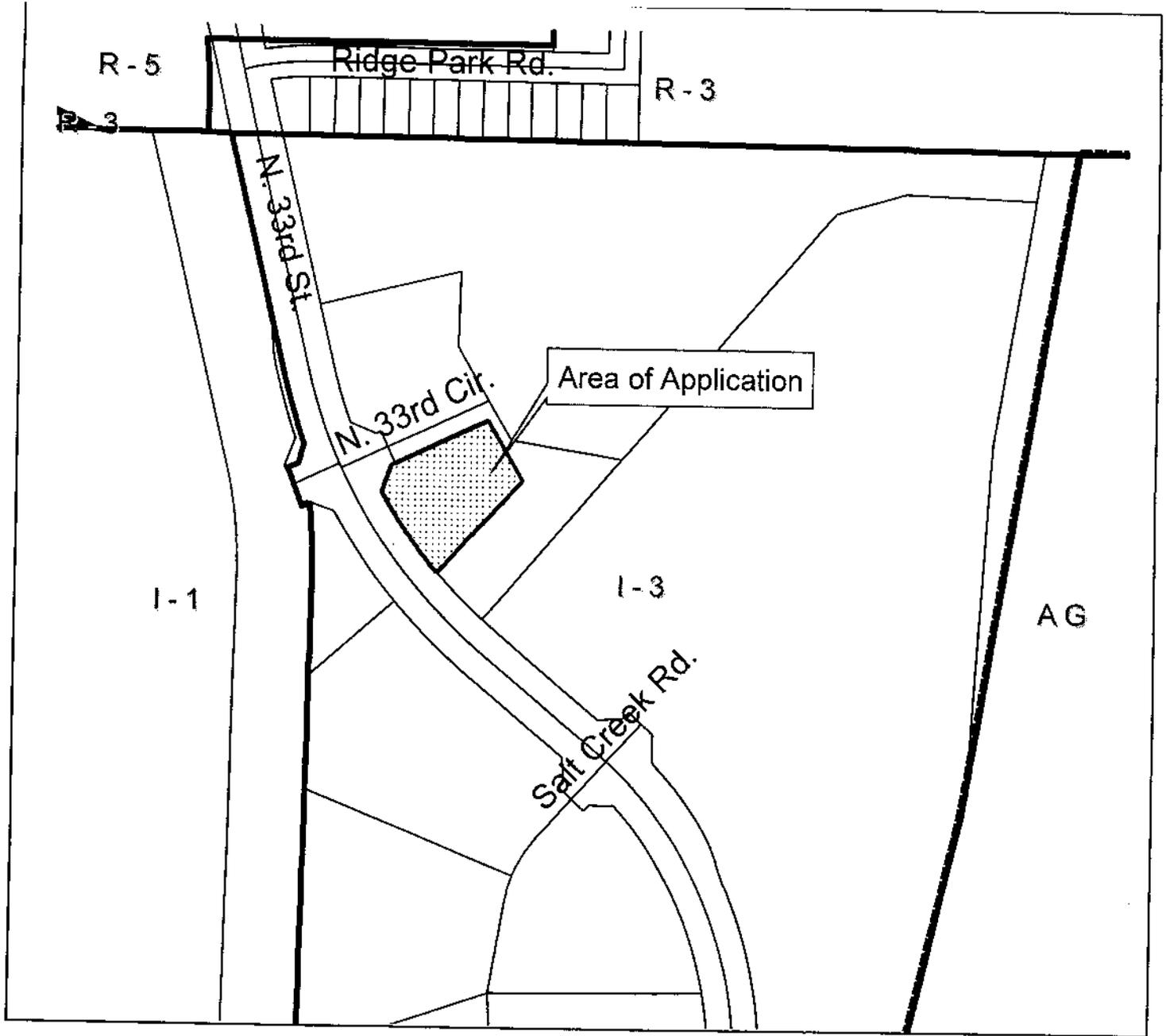
Schwinn acknowledged that Chuck Salem had called him and apologized for not being able to attend today's hearing.

Carlson moved to approve the Consent Agenda, seconded by Taylor and carried 6-0: Carlson, Duvall, Newman, Schwinn, Bills-Strand and Taylor voting 'yes'; Krieser, Larson and Steward absent.



**Special Permit #2001**  
**N. 33rd St. & N 33rd Circle**



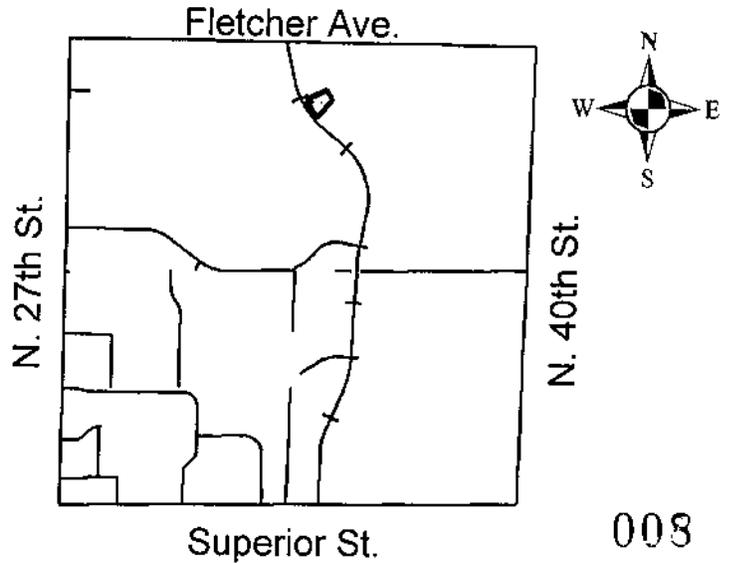
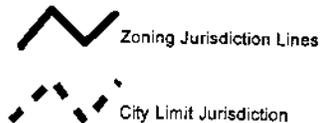


**Special Permit #2001**  
**N. 33rd St. & N 33rd Circle**

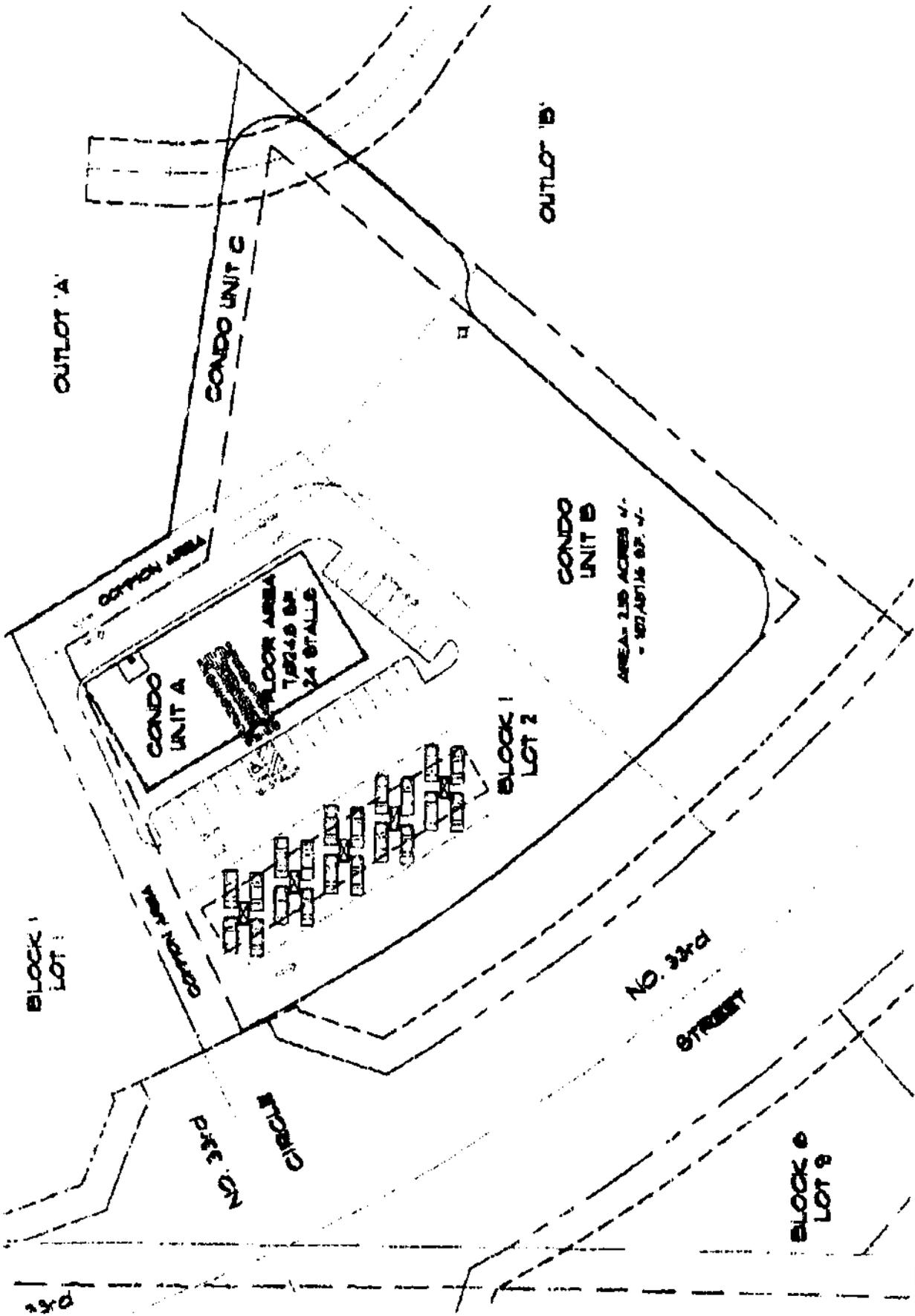
**Zoning:**

- R-1 to R-5 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. 6 T10N R7E



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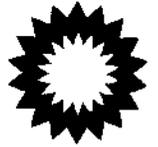
**SITE PLAN**  
 SCALE 1" = 60'  
 02.03.03



bp

## Salem Oil Company

Box 81006 • Lincoln, Nebraska 68501 • 402/476-3333



January 10, 2003

Brian Will  
City Planning Dept.  
555 South 10th Street  
Lincoln, NE 68508

RE: 5700 North 33rd Street

Brian:

The purpose of this project is to establish a full-service convenience store which will serve 1200 or more customers per day.

We intend to be open 6:00 A.M. to 12:00 P.M., and will have six to eight employees. Our store will probably include gasoline, convenience and snack items, coffee and fountain drinks, bottles of pop and specialty drinks, a pizza oven, a franchised sandwich area, a drop-off point for a local dry cleaners, an off-sale liquor store, and an expanded grocery area.

We feel that this facility will meet the needs of the population of that area.

Thank you,

A handwritten signature in black ink that appears to read "Chuck Salem".

Chuck Salem

Salem Oil CO

# M e m o r a n d u m

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**To:** Brian Will, Planning Dept.  
**From:** <sup>BB</sup> Bruce Briney, Public Works and Utilities  
**Subject:** Special Permit #2001, Landmark Corporate Center  
Salem Oil Company, Alcohol Sales Special Permit  
**Date:** January 24, 2003  
**cc:** Nicole Fleck-Tooze  
Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Special Permit #2001, Alcohol Sales for Salem Oil Company in the Landmark Corporate Center located at North 33rd Street and North 33rd Street Circle. Public Works has no additional comments.

# Memorandum



**To: Mr. Brian Will**  
**From: Sergeant Michael S. Woolman #737**  
**Date: January 21, 2003**  
**Re: Salem Oil Co. SP2001**

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Mr. Will,

The Lincoln Police Department has no objections to the Salem Oil SP 2001.

Michael S. Woolman

**LEGAL DESCRIPTION  
UNIT A**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 2 BLOCK 1 LANDMARK CORPORATE CENTER ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2, THENCE ON AN ASSUMED BEARING OF SOUTH 24 DEGREES 59 MINUTES 27 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2, SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF NORTH 33<sup>RD</sup> CIRCLE, A DISTANCE OF 33.00 FEET TO A WEST CORNER OF SAID LOT 2, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 65 DEGREES 00 MINUTES 33 SECONDS EAST ALONG A LINE 33.00 FEET SOUTH OF AND PARALLEL WITH A NORTHWEST LINE OF SAID LOT 2, A DISTANCE OF 200.91 FEET TO A POINT, THENCE SOUTH 30 DEGREES 53 MINUTES 49 SECONDS EAST ALONG A LINE 20.00 FEET SOUTHWEST OF AND PARALLEL WITH A NORTHEAST LINE OF SAID LOT 2, A DISTANCE OF 134.43 FEET TO A POINT, THENCE SOUTH 42 DEGREES 44 MINUTES 47 SECONDS WEST, A DISTANCE OF 244.73 FEET TO A POINT OF INTERSECTION WITH A SOUTHWEST LINE OF SAID LOT 2, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 950.00 FEET, ARC LENGTH OF 190.07 FEET, DELTA ANGLE OF 11 DEGREES 27 MINUTES 48 SECONDS, A CHORD BEARING OF NORTH 35 DEGREES 34 MINUTES 51 SECONDS WEST ALONG A SOUTHWEST LINE OF SAID LOT 2, SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF NORTH 33<sup>RD</sup> STREET, AND A CHORD LENGTH OF 189.75 FEET TO A WEST CORNER OF SAID LOT 2, THENCE NORTH 18 DEGREES 10 MINUTES 59 SECONDS EAST ALONG A WEST LINE OF SAID LOT 2, SAID LINE BEING THE EAST LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 54.74 FEET TO A WEST CORNER OF SAID LOT 2, THENCE NORTH 65 DEGREES 00 MINUTES 33 SECONDS EAST ALONG A NORTHWEST LINE OF SAID LOT 2, SAID LINE BEING A SOUTHEAST RIGHT-OF-WAY LINE OF NORTH 33<sup>RD</sup> CIRCLE, A DISTANCE OF 9.18 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 44,358.05 SQUARE FEET OR 1.0183 ACRES, MORE OR LESS.

June 4, 2002 (12:27PM)  
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