
Lincoln City - Lancaster County

PLANNING COMMISSION AGENDA

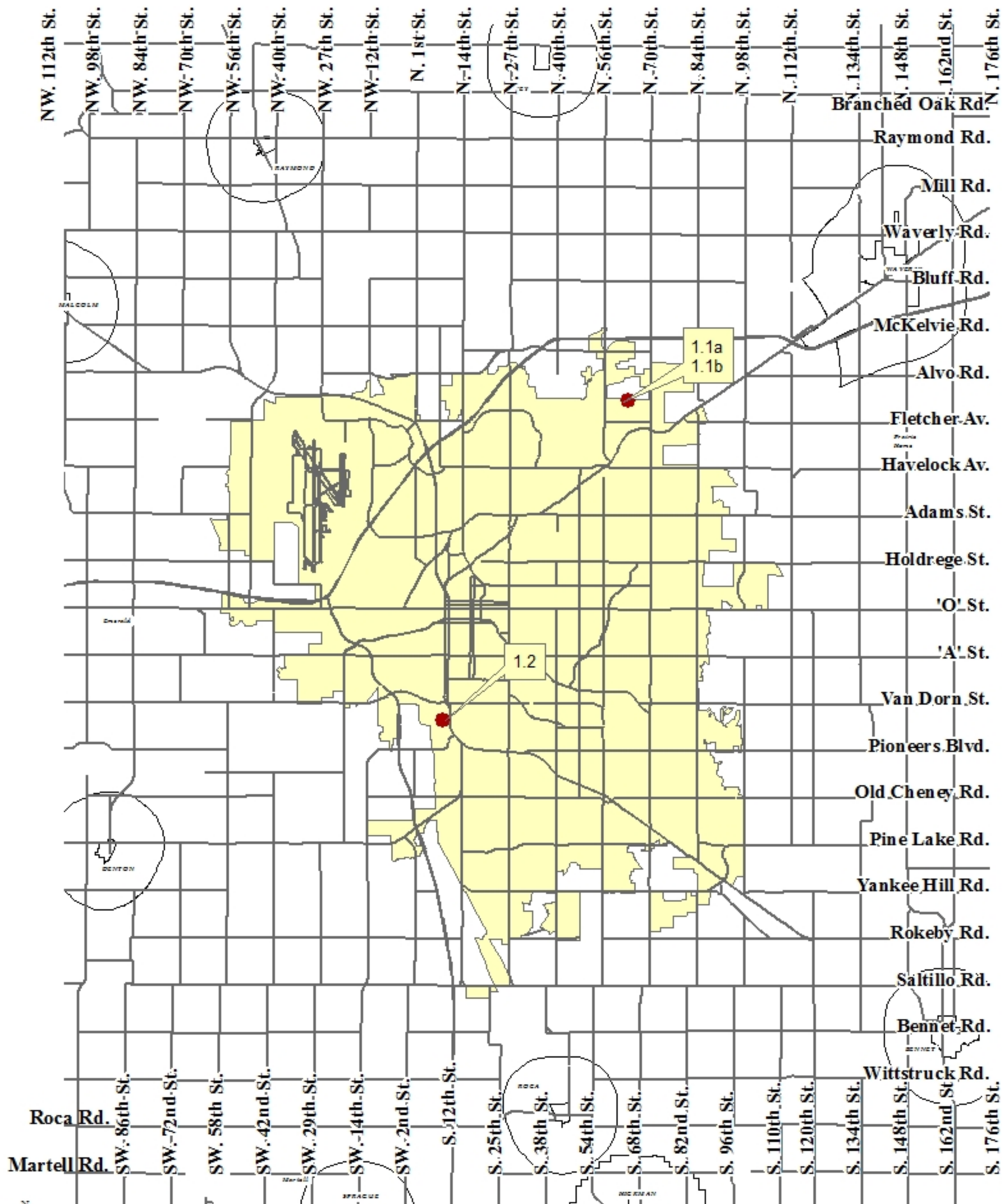
PLANNING COMMISSION

Chris Hove: Chair
Dennis Scheer: Vice-Chair
Cathy Beecham
Michael Cornelius
Tracy Corr
Maja V. Harris
Jeanelle R. Lust
Lynn Sunderman
Ken Weber

PLANNING STAFF

David R. Cary: Acting Director
Geri Rorabaugh: Administrative Officer
Amy Huffman: Office Specialist

October 14, 2015



NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, October 14, 2015, at 1:00 p.m., in Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of "FINAL ACTION". Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission.

The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA

WEDNESDAY, OCTOBER 14, 2015

Approval of minutes of the regular meeting held September 30, 2015.

1. CONSENT AGENDA (Public Hearing and Administrative Action):

ANNEXATION AND RELATED CHANGE OF ZONE:

Page 01 1.1a Annexation No. 15009, to annex approximately 4 acres, more or less, on property generally located at North 56th Street and Alvo Road.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

Page 01 1.1b Change of Zone No. 15026, from AG Agricultural District to R-3 Residential District, on property generally located at North 56th Street and Alvo Road.
Staff recommendation: Approval
Staff Planner: Rachel Jones, 402-441-7603, rjones@lincoln.ne.gov

SPECIAL PERMIT:

Page 11 1.2 Special Permit No. 15062, to sell alcoholic beverages for consumption on and off the premises, on property generally located at 3235 South 10th Street. ****FINAL ACTION****
Staff recommendation: Conditional Approval
Staff Planner: Brian Will, 402-441-6362, bwill@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL:

3. ITEMS REMOVED FROM CONSENT AGENDA
(Public Hearing and Administrative Action):

3.1 _____

3.2 _____

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION

**AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM
NOT ON THE AGENDA, MAY DO SO**

*** * * * ***

Adjournment

PENDING LIST: *None*

Planning Dept. staff contacts:

Stephen Henrichsen, <i>Development Review Manager</i>	402-441-6374		shenrichsen@lincoln.ne.gov
David Cary, <i>Acting Director and Long Range Manager</i>	402-441-6364		dcary@lincoln.ne.gov
Paul Barnes, <i>Planner</i>	402-441-6372		pbarnes@lincoln.ne.gov
Michael Brienzo, <i>Transportation Planner</i>	402-441-6369		mbrienzo@lincoln.ne.gov
Tom Cajka, <i>Planner</i>	402-441-5662		tcajka@lincoln.ne.gov
Brandon Garrett, <i>Planner</i>	402-441-6373		bgarrett@lincoln.ne.gov
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Rachel Jones, <i>Planner</i>	402-441-7603		rjones@lincoln.ne.gov
Brian Will, <i>Planner</i>	402-441-6362		bwill@lincoln.ne.gov
Kellee Van Bruggen, <i>Transportation Planner</i>	402-441-6363		kvanbruggen@lincoln.ne.gov
Ed Zimmer, <i>Historic Preservation Planner</i>	402-441-6360		ezimmer@lincoln.ne.gov

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**The Planning Commission meeting
which is broadcast live at 1:00 p.m. every other Wednesday
will be rebroadcast on Sundays at 1:00 p.m. on 5 City TV, Cable Channel 5.**

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**The Planning Commission agenda may be accessed on the Internet at
<http://www.lincoln.ne.gov/city/plan/pcagenda/index.htm>**

ACCOMMODATION NOTICE

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln, please contact the Director of Equity and Diversity, Lincoln Commission on Human Rights, at 402 441-7624 as soon as possible before the scheduled meeting date in order to make your request.

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for October 14, 2015 PLANNING COMMISSION MEETING

PROJECT #: Annexation No. 15009
Change of Zone No. 15026

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: To annex approximately 4.02 acres and change the zoning from AG Agricultural to R-3 Residential.

LOCATION: N. 56th Street and Alvo Road

LAND AREA: AN15009: 4.02 acres, more or less
CZ15026: 4.02 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: This annexation and change of zone are in conformance with the Comprehensive Plan. The property is contiguous to the City limits on the north and the change of zone to R-3 is consistent with the Future Land Use Map.

RECOMMENDATION:

Annexation	Approval
Change of Zone	Approval

PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT: District #1

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Vacant (undeveloped) land

SURROUNDING LAND USE AND ZONING:

North:	R-3	Open space, Single Family Residential
South:	AG	Undeveloped land
East:	AG, P	Undeveloped land, Salt Creek, N. 48 th Street Construction and Demolition Debris Landfill
West:	AG	Undeveloped land

HISTORY:

This property is part of the Northbank Junction development located north and south of Alvo Road and west of N. 56th Street. Preliminary Plat #03004 for Northbank Junction was approved in April 2004. Areas to the north and east within Northbank Junction were annexed and re-zoned from AG to R-3 and H-4 in April 2004. Final platting for those areas was approved as part of the Northbank Preserve Addition Final Plat and the Northbank Preserve 1st Addition Final Plat. This property is currently in review for final platting under Northbank Preserve 2nd Addition Final Plat #15107.

COMPREHENSIVE PLAN SPECIFICATIONS:

This area is shown as Urban Residential in the Future Land Use Plan of the 2040 Comprehensive Plan (p.12.3)

Continue the City's growth policy of contiguous urban growth; urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure (p.11.2)

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

UTILITIES:

All utilities are existing and available at this site. A public sanitary sewer trunk and water main were constructed in association with the Northbank Junction Conditional Annexation and Zoning Agreement for a previous phase of the Northbank Junction development north of this property and south of Alvo Road. Water and sewer lines have been extended south and are constructed approximately 0.1 miles north of this property along N. 50th Street. Extension of the water and sewer lines will continue south along N. 50th Street. Lincoln Electric System already serves this area. Because N. 50th Street is a local street and utilities are available, the developer would be responsible for the cost of installing utilities and street paving on this property.

TOPOGRAPHY:

The site is generally flat, and slopes up slightly from north to south.

TRAFFIC ANALYSIS:

N. 56th Street is classified as a Principal Arterial in the 2040 Comprehensive Plan.

PUBLIC SERVICE:

The nearest Lincoln Fire and Rescue station is located at Touzalin Avenue and Benton Street.

AESTHETIC CONSIDERATIONS: There are no residential or commercial design standards for this area.

ALTERNATIVE USES: The Comprehensive Plan shows this area as Urban Density Residential on the Future Land Use Map. This is a requested change of zone from AG to R-3 with the intention of constructing single-family residential. Therefore, the annexation and change of zone are in agreement with future land use identified for the area, and no alternative uses are suggested.

ENVIRONMENTAL CONCERNS:

This property is adjacent to Salt Creek and was previously located within the FEMA 100-year floodplain. However, a Letter of Map Revision Based on Fill (LOMR-F) was approved in October 2006 to remove the property from the designated floodplain.

There are existing wetlands on the property. The owners entered into a Conservation Easement Agreement with the City in April 2007. The Agreement protects flood storage capacity by restricting development and future use of certain areas (the Easement Area) within the part of Northbank Junction east of N. 56th Street and south of Alvo Road. The

owner agreed to maintain the Easement Area as required by the Corps of Engineers permit #NE2002-11389, in order to preserve the wetlands by restricting the use of the easement area to open space or area that will not significantly impair or interfere with the preservation of the wetlands. The Easement Area is adjacent to this property on the east and southwest sides.

ANALYSIS:

1. This request is to annex approximately 4.02 acres and a change of zone from AG to R-3 over the same area. The land is contiguous to the City limits on the north. This land is covered by a previous annexation agreement.
2. The purpose of the change of zone and annexation is to allow the property owner to continue with the next phase of Northbank Junction Preliminary Plat #03004, which is on the south end of the project. The City has a policy of not changing the zoning on property from agricultural to commercial, industrial or residential unless the property is annexed.
3. The Future Land Use Map in the 2040 Comprehensive Plan identifies this area as Urban Density Residential.
4. The property owner will need to extend a sanitary sewer line to the property. The water main will not be extended until further development occurs on the site. Currently the nearest City water main and sanitary sewer line are approximately 450 feet to the north of this property within the Northbank Junction Preliminary Plat.
5. It is possible that if Final Plat #15107 is approved, the land could be automatically annexed and this annexation can be withdrawn.
6. The area of annexation is contiguous to the City limits on the north. The area of annexation is within the future service limits and Tier One Priority A as identified in the 2040 Comprehensive Plan. Tier I reflects the "Future Service Limit" where urban services and inclusion in the City limits is anticipated within the 30-year planning period. Tier I includes three Priority Areas for phasing development. Priority A is comprised of undeveloped land within the City limits as well as areas that are not yet annexed but which have approved preliminary plans. Priority A serves as the "future urban area" for purposes of annexation per state statute, and these areas are appropriate for immediate annexation upon final plat approval. A previous annexation agreement covers the necessary infrastructure to serve the area.

Prepared by:

Rachel Jones
Planner

DATE: September 30, 2015

APPLICANT: REGA Engineering Group, Inc.
601 Old Cheney Road, Suite A
Lincoln, NE 68512

OWNER: Roger H. Schwisow Revocable Trust
1354 Pelican Bay Place
Lincoln, NE 68528

CONTACT: Marcia L. Kinning
601 Old Cheney Road, Suite A
Lincoln, NE 68512

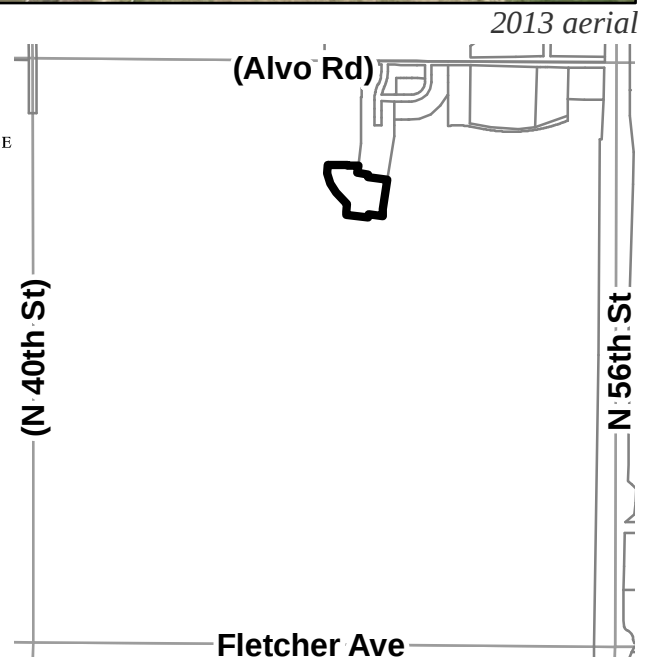
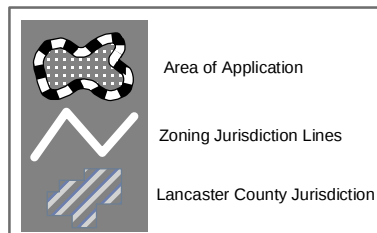
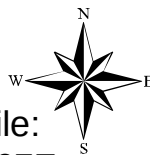
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**Change of Zone #: CZ15026 (AG to R-3) and
Annexation #: AN15009
Northbank Preserve
N 56th SSt & Alvo Rd
Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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.32 T11N R07E



File No. 151257

September 11, 2015

Mr. David Cary
Acting Director of Planning
Tom Cajka, Planner
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: NORTHBANK JUNCTION
CHANGE OF ZONE FROM 'AG' TO 'R-3' and ANNEXATION

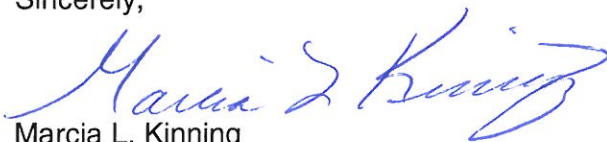
Dear David,

On behalf of Roger Schwisow, we are requesting a change of zone from 'AG' to 'R-3' and annexation on the next phase of Northbank Junction Preliminary Plat #03004 which is on the south end of the project. The change of zone consists of 4.02 acres within Lot 22 of Irregular Tracts in Section 22, Township 11 North, Range 7 East.

An administrative amendment to the preliminary plat and a final plat are being applied for separately, however they are related to this application.

Please contact us if you have any questions or concerns.

Sincerely,



Marcia L. Kinning

Cc: Roger Schwisow

Enclosed: Application Form
Application Fee of \$792.00
Change of Zone and Annexation Exhibit
Legal Description

NW CORNER, NE1/4
SEC 32, T11N, R7E



NORTH

ALVO ROAD

N 51ST ST

BECKYS WAY

R-3

AG

LOT 22 I.T.

OUTLOT 'B',
CORRECTED
PLAT OF
NORTHBANK
PRESERVE
1ST
ADDITION

LOT 22 I.T.

AG

P

'AG' TO 'R-3'

AG

LOT 22 I.T.

NORTHBANK PRESERVE CHANGE OF ZONE FROM 'AG' TO 'R-3' & ANNEXATION EXHIBIT

REGA

ENGINEERING
GROUP, INC.

601 OLD CHENEY ROAD
SUITE A
LINCOLN, NEBRASKA 68512
(402).484.7342

- ENGINEERING
- PLANNING

DRAWN BY: MLK

CHECKED BY: LLL

SCALE: 1"=300'

DATE: 9/1/15

JOB NUMBER

SHEET

151257

10F1

**NORTHBANK PRESERVE
CHANGE OF ZONE FROM 'AG' TO 'R-3'
& ANNEXATION
LEGAL DESCRIPTION**

A legal description of a portion of Lot 22 of Irregular Tracts located in the Northeast Quarter of Section 32, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 32 and extending thence S00°00'17"W along the west line of said Northeast Quarter a distance of 945.02 feet; Thence S89°37'24"E, a distance of 27.35 feet to the **POINT OF BEGINNING**;

THENCE continuing S89°37'24"E, a distance of 180.00 feet;

THENCE S00°22'36"W, a distance of 2.16 feet;

THENCE S89°37'24"E, a distance of 100.00 feet;

THENCE S08°57'36"W, a distance of 66.75 feet;

THENCE S81°02'24"E, a distance of 100.00 feet;

THENCE S08°57'36"W, a distance of 22.20 feet;

THENCE S81°02'24"E, a distance of 180.00 feet;

THENCE S08°57'36"W, a distance of 265.00 feet;

THENCE S01°37'08"W, a distance of 65.54 feet;

THENCE N81°02'24"W, a distance of 128.37 feet;

THENCE S08°57'36"W, a distance of 22.26 feet to a circular curve to the left, having a radius of 470.00 feet, a central angle of 01°13'59" and whose chord (10.12 feet) bears S08°20'37"W;

THENCE on the arc of said circular curve 10.12 feet;

THENCE N82°16'23"W, a distance of 197.04 feet;

THENCE N00°03'43"E, a distance of 27.09 feet;

THENCE N02°38'56"E, a distance of 70.61 feet;

THENCE N45°02'39"W, a distance of 142.16 feet;

THENCE N32°14'02"W, a distance of 97.50 feet;

THENCE N14°04'48"W, a distance of 97.66 feet;

THENCE N00°22'36"E, a distance of 73.01 feet to the **POINT OF BEGINNING**, containing a calculated area of 175,209.46 square feet or 4.02 acres.

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 14, 2015 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #15062 - Blue Blood Brewing Company at Robbers Cave

PROPOSAL: To authorize the licenses premises for the sale of alcoholic beverages for consumption on and off the premises per Sections 27.63.680 and 27.63.685.

CONCLUSION: This request complies with all applicable criteria for the special permits for the sale of alcohol for consumption on and off the premises. This is an appropriate land use at this location.

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

LEGAL DESCRIPTION: Lot 3, Robbers Cave Addition, Lancaster County, Nebraska.

LOCATION: 3235 South 10th Street

EXISTING ZONING: I-1 Industrial **EXISTING LAND USE:** Vacant

SURROUNDING LAND USE AND ZONING:

North:	Industrial	I-1
South:	Commercial, Industrial	H-3, I-1
East:	Commercial	H-3, I-1
West:	Industrial	I-1

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

BACKGROUND: This is a request to allow the sale of alcohol for consumption both on and off the premises in conjunction with a craft brewery. The facility will include a brewery, a warehouse, a restaurant, and a tap room for tasting. The facility is named for Robbers Cave, which is intended to be incorporated into the facility.

The provisions for special permits require that separate special permits be granted for each on and off-sale use, recognizing the requirements of each are slightly different. This report contains the reviews of the requirements for both special permits.

ANALYSIS:

- 1. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (LMC) 27.63.680:** The sale of alcoholic beverages for consumption on the premises may be allowed in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts and on the premises of a restaurant in the O- 3 district upon the approval of a special permit subject to the requirements of the respective districts, all applicable ordinances, and the following conditions:

(a) Parking shall be in conformance with Chapter 27.67 Parking.

The required parking for on-sale alcohol is calculated a one space per 100 square feet of floor area for the restaurant area (3,000 square feet), and one space per 1,000 square feet of floor area for the brewery and warehouse (9,263 square feet). Based upon that 40 stalls are required, and the site plan shows 61 spaces, 21 more than the number required.

With regard to either on or off-sale alcohol, staff finds both to be appropriate at this location as the entire lot meets all separation criteria for the sale of alcohol. However, one limitation regarding future expansion may be the ability to provide required parking. Per Sections 27.63.680 and 685, indoor expansions can occur by right and no amendment to the permit is needed. Following that rationale, this permit approval includes the provision that the facility can be expanded without the need to amend these permits. However, this business is unique because it includes several components, and as a result no single parking standard applies. Due to its unique characteristics, also included is the provision to allow future parking to be determined by the Planning Director at the time of building permits.

(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.

The issuance of a separate special permit to allow the sale of alcohol for consumption off the premise has also been requested and is included in the second half of this report.

(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 (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district (except where such use is accessory to a golf course or country club).

The proposed licensed premises is located in a larger commercial/industrial area zoned either H-3 or I-1 extending along the west side of South 9th Street. The area includes a main rail road line, a grain elevator, and a variety of commercial uses. The licensed premises meets the 100' separation requirement as there is no first-floor residential use, day care facility, park, church, state mental health institution, or residential district located that close. The nearest of these is Van Dorn Park, located to the north approximately 300' away.

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

No lighting is shown, but all lighting is subject 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.

No such devices are shown 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.

The entrance to the facility faces H-3 zoned-property to the east. There is no residential zoning district within 150'.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, 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 subject premises is from Robbers Cave Road 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.

2. SPECIAL PERMIT REQUIREMENTS PER LINCOLN MUNICIPAL CODE (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:

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

In this case, the parking calculations for both on and off-sale are the same. As previously noted, adequate parking is shown on the site plan.

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

The issuance of a separate special permit to allow the sale of alcohol for consumption on the premise has also been requested and is included in the first half of this report.

(c) The licensed premises of any building approved for such activity must be located no closer than (i) 100 feet from the property line of a premises used in whole or in part for a first-floor residential use, day care facility, park, church, or state mental health institution, or (ii) 100 feet from a residential district.

As note previously, the proposed licensed premises is located in a larger commercial/industrial area zoned either H-3 or I-1 extending along the west side of

South 9th Street. The area includes a main rail road line, a grain elevator, and a variety of commercial uses. The licensed premises meets the 100' separation requirement as there is no first-floor residential use, day care facility, park, church, state mental health institution, or residential district located that close. The nearest of these is Van Dorn Park, located to the north approximately 300' 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 shown, but lighting is reviewed at the time of building permits and must comply with Design Standards at that time.

(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 being proposed on the site plan.

(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 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.

The entrance to the facility faces H-3 zoned-property to the east.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible, 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 subject premises is from Robbers Cave Road 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.
3. One unusual component of this business might be the below-ground on and off-sale alcohol. The applicant has discussed the future option to use the cave for parties, tours, and receptions. Due to this unusual aspect, parking may be hard to determine as there is no single parking standard which applies. For this reason, any future parking requirement should be determined by the Director of Planning after a review of the proposed use.

CONDITIONS:

This approval permits the sale of alcohol for consumption both on and off the premises over all of Lot 3. Future expansion is allowed and no amendments to these permits are required provided all other applicable requirements of the Zoning Ordinance are met at the time of building permit. Parking shall be determined by the Planning Director.

Standard:

1. The following conditions are applicable to all requests:
 - 1.1 Before the sale of alcohol for consumption on and off the premises, all development and construction is to substantially comply with the approved plans.
 - 1.2 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.
 - 1.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 1.4 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling

fees therefore to be paid in advance by the applicant. The sale of alcohol shall not commence until the letter of acceptance has been returned.

Prepared by:

Brian Will, AICP, 441-6362, bwill@lincoln.ne.gov
Planner
September 30, 2015

OWNER/

APPLICANT: Blue Blood Brewing Company, Inc.
500 West South Street
Lincoln, NE 68522
402-477-2337

CONTACT:

Brian Podwinski
Blue Blood Brewing Company, Inc.
500 West South Street
Lincoln, NE 68522
402-477-2337

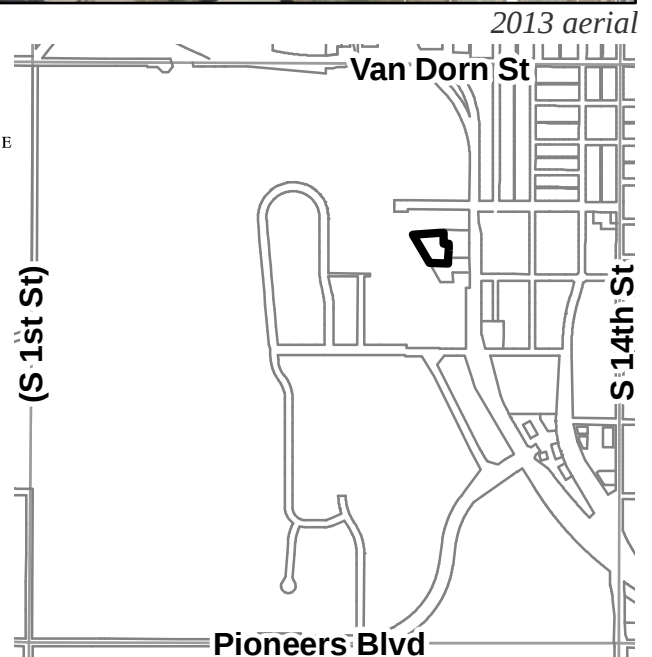
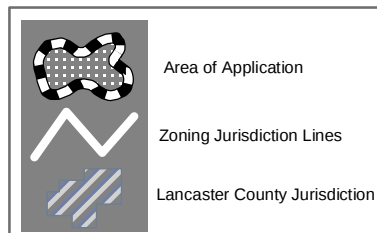
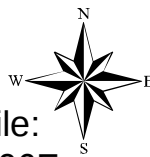


Special Permit #: SP15062
Blue Blood Brewing - Robbers Cave
S 10th & High St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential 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.02 T09N R06E



C-1 TITLE SHEET
C-2 GRADING PLAN
C-3 PAVING ELEVATIONS
C-4 UTILITY PLAN
C-5 TO C-6 CROSS SECTIONS

BRIAN PODWINSKI
BLUE BLOOD BREWING COMPANY
500 WEST SOUTH STREET, STE B
LINCOLN, NE 68522
PHONE (402) 477-2337

MAINELLI WAGNER & ASSOCIATES, INC.
6920 VAN DORN, SUITE A
LINCOLN, NE 68506
PHONE (402) 421-1717

This is a historical map of a portion of Manhattan, New York City. The map shows a grid of streets, with major thoroughfares like Broadway and Fifth Avenue clearly visible. Numerous individual lots are outlined and labeled with numbers or names. Several church buildings are depicted and labeled, including St. Paul's Church and St. George's Church. A large, irregularly shaped area in the upper right corner is labeled 'Central Park'. The map is oriented with North at the top.

9263 SQ. FT. BREWERY AND WAREHOUSE
1 STALL / 1000 SQ. FT. = 10 STALLS

3000 SQ. FT. RESTAURANT/TAP ROOM
1 STALL/100 SQ. FT. = 30 STALLS

TOTAL STALLS REQUIRED = 40
STALLS SHOWN = 61

I-1 ZONING

LSP 101 STORM DRAINAGE INLET, TYPE A-2*
LSP 178 INLET PROTECTION (2 SHEETS)
LSP 185 BROODING
LSP 186 WASTEWATER SERVICE
LSP 220 T.C. COLLARS, THRUST BLOCKS, ANCHORAGES,
TEE BLOCKS AND FLUG BLOCKS (2 SHEETS)
LSP 600 CURB RAMPS (6 SHEETS)
LSP 651 CURB DETAILS
LSP 650 CONCRETE PAVEMENT JOINT DETAILS (2 SHEETS)
LSP 660 PAVEMENT REPLACEMENT FOR UTILITY CONSTRUCTION

[illegible]

MAINELLI WAGNER & ASSOCIATES, INC.
 6920 VAN DORN, LINCOLN, NEBR. 68506
 LOT 3, ROBBERS
 CAVE SUBDIVISION
 SEC. 2-79N-46E, CITY OF LINCOLN,
 LANCASTER COUNTY, NEBRASKA
 LOCATED IN THE NE 1/4 OF

REVISION

1000

ENT PLAN E

Table 1

III.1

SHEET NO.

Blue Blood Brewing Company, Inc
500 W. South Street Suite 8
Lincoln, NE 68522
402-477-2337

September 16, 2015

City of Lincoln
Planning Commission
555 S 10th Street
Lincoln, NE 68508

Dear Members of the Planning Commission:

In accordance with Lincoln Municipal Code under Title 27 section 63.290, Blue Blood Brewing Company is requesting a special permit under Title 27 section 47.030 to sell alcoholic beverage for consumption on premise located at 3235 S 10th, Robbers Cave. If approved we will be operating our Craft Brewery along with a restaurant on the property, selling beer and other alcoholic beverages for consumption both on and off premise.

The legal description of the property is:

ROBBERS CAVE SUBDIVISION, Lot 3

Sincerely,

A handwritten signature in black ink, appearing to read 'B Podwinski', with a stylized flourish at the end.

Brian Podwinski