

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 07049**, requested by Dan Lesoing d/b/a DJ's Bartending, for authority to sell alcoholic beverages for consumption on the premises located at 710 Hill Street.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/07/07  
Administrative Action: 11/07/07

**STAFF RECOMMENDATION:** Conditional approval.

**RECOMMENDATION:** Conditional Approval (8-0: Cornelius, Esseks, Sunderman, Carroll, Strand, Larson, Krieser and Carlson voting 'yes'; Taylor absent).

### **FINDINGS OF FACT:**

1. This is a request for a special permit to allow the sale of alcoholic beverages for consumption on the premises in that portion of the Bison Youth Sports Complex used as a banquet hall located at 710 Hill Street. The building consists of a gym and a banquet hall. The banquet hall is proposed to be the licensed premises for alcohol, and is the only area where alcohol would be allowed to be stored, sold or consumed. The applicant states that events involving alcohol at the banquet hall do not occur at the same time as events in the gymnasium. The two areas are physically separated by a wall and are not used in conjunction with one another. The applicant has been operating the banquet hall for over two years, with events involving alcohol permitted administratively by the City Clerk by Special Designated License (SDL). He stated that he would have more control of alcohol use at the events if given the special permit.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.9-11, concluding that the request for special permit complies with all applicable criteria set forth in the zoning ordinance for a special permit for the sale of alcohol for consumption on the premises. The staff presentation is found on p.13.
3. The applicant's testimony is found on p.13-14. The applicant stated that he would agree to an amendment to the conditions that no liquor could be sold during sporting events.
4. Testimony in opposition by Danelle Catlett, the owner and head coach of Solid Rock Gymnastics, located at 610 Hill Street, and by Steve Herrmann, who lives at 2651 S. 8<sup>th</sup> Street, is found on p.14-15. The issues of the opposition are the potential for accidents and liability to the Solid Rock Gymnastics facility, parking, safety, and litter. There is also concern about future use of the building in the event it is vacated by Bison Youth Sports Complex due to the special permit running with the land. Ms. Catlett requested that this special permit be limited to its use as a banquet hall. The e-mail dialog between the applicant, Danelle Catlett and city staff is found on p.27-38.
5. The Planning Commission discussion with staff and the applicant is found on p.15-17.
6. On November 7, 2007, a motion to amend to require that there be no concurrent "competitive" youth sporting event and social gathering with on-sale alcohol within the building, failed on a vote of 3-5. It was pointed out that the City Law Department discourages placing special and unique conditions on this type of special permit (See Minutes, p.17).
7. On November 7, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to adopt Resolution No. PC-01087 (p.4-7), approving Special Permit No. 07049, with the conditions set forth in the staff report.
8. On November 16, 2007, a letter of appeal was filed by Danelle Catlett as Owner and Head Coach of Solid Rock Gymnastics (p.2-3).

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

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

**REFERENCE NUMBER:** FS\CC\2007\SP.07049 Appeal

**DATE:** November 26, 2007

**DATE:** November 26, 2007



**"Solid Rock Gymnastics"**  
**<solidrock@neb.rr.com>**

11/16/2007 10:25 AM

To "J Ross" <JRoss@ci.lincoln.ne.us>

cc "m hunzeker" <mhunzeker@baylorevnen.com>, "planning"  
<plan@lincoln.ne.gov>, "Dan Lesoing"  
<dlesoing@windstream.net>, <JWalker@ci.lincoln.ne.us>.

bcc

Subject permit # 07049 appeal

Dear City Council,

My name is Danelle Catlett. I would like to appeal the planning commissions approval of special permit # 07049.

I trust you will receive a copy of my letter in opposition and the lengthy e mail dialogue between the applicant and myself. My main concern is the future / potential uses allowed by this permit. I obviously would not want a "Cheetahs" type of establishment next to my gymnastics school and I hope that you would not as well. While this type of establishment is not the intended use of this applicant, Dan Lesoing, the approval of this permit which remains with the property creates the potential for such in the future. While I have no reservations regarding the current applicants upright and moral character, I cannot say the same about a future tenant/owner. While I understand that Dan has no intentions, at this time, of serving alcoholic beverages during tournaments and other activities that are held the rear portion of this building (known as the Bison Youth Sports Complex), there is nothing in the permit that restricts or prohibits this now or in the future. When the current applicant ceases to be the tenant &/or management of the property changes hands who knows what could happen. In addition, an undesirable type of establishment would greatly reduce the property values in this area.

As the applicant stated in the planning commission hearing, with the permit he will be doing nothing that he hasn't already been doing for the last 2.5 years with regards to the Courtside Banquet Hall. He was even willing to rescind the application if he could be granted more or unlimited SDL's. It is my understanding, from the applicant, that the Lincoln Police Department does not want this and is forcing him to pursue an alcohol permit. It is my understanding that the reason the police department wants this permit is that it will allow the LPD to have more control and jurisdiction over the events and the establishment. I do not know if this is the case, but I would argue that the current management is doing a fabulous job running these events without incident for the past 2.5 years. I also do not buy that argument that the facility management has less control on an event with an SDL. I am not familiar with the process of obtaining an SDL, but I would assume the City has more control in approving the event in which liquor is to be sold. The management establishes hours of operation, rules and guidelines for facility rental just as I do when my gymnastics school is rented by an outside group.

Worst case scenario for the applicant, if the permit is denied, is he gets to keep doing what he has been doing. Worst case scenario for me, if the permit is granted, is a very undesirable type of establishment in the future that would greatly reduce my property value and hinder my ability to successfully operate. Dan has indicated that the Courtside Banquet Hall and Bison Youth Sports Complex is not his primary business or source of income. Solid Rock Gymnastics is my primary business, only source of income as well as a real estate investment and I need to protect it.

Planning would suggest that I opened myself up to this possibility by building in the I-1 zone. I would respond today just as I have 3 times previously in my own special permit procedures with the city. "Where else would you approve a 22' high, 16,000 square foot, metal building? In what other zone is land affordable enough for this large of a building for this, low profit margin, type of business? Why are gymnastics, dance and cheer facilities treated differently than other youth sporting facilities within the City. I have wrestled with the city about this issue since 1995. As I noted before the planning commission, I hope that something is being done to solve the inconsistencies that exist in the zoning codes, but back to the issue at hand.

I would prefer the permit not be issued at all. I have many customers who feel the same. I could easily fill the chambers at the council meeting with people against this permit but I prefer not to tie up the process this way and sit through an hour of oppositional testimony. I prefer that the applicant continue to do business the way he has been for the past 2 1/2 years. He can continue to obtain the SDL's for the events whose host would like to provide alcohol to their attendees. Going from the SDL's to a blanket permit only puts one business in jeopardy and that is Solid Rock Gymnastics

If the council considers granting this permit, I strongly recommend and request that the following amendment/condition be added to the permit. A similar condition was placed on the special permit associated with the banquet hall located in the old Hinky Dinky market in northeast Lincoln.

*Under special permit # 07049, for the authority to sell alcoholic beverages for consumption on the premises, on property described as lot 149 I.T., located in the SW 1/4 of Section 35-10-6, Lancaster County, Nebraska, located at 710 Hill Street, the following amendment shall be added and apply to the permit;*

*"The sale and consumption of alcoholic beverages will only be permitted during events/activities, including but not limited to wedding receptions, office parties, family reunions and gatherings, and by the patrons of those events, that utilize only the front / southern 7,684 square feet currently known as the Courtside Banquet Hall, located at 710 Hill Street. Alcoholic beverages may not be sold to or consumed by any persons during events /activities, including but not limited to wedding receptions, office parties, family reunions and gatherings, sporting, music, amusement or entertainment events that utilize either the entire physical building at 710 Hill Street including both the Courtside Banquet Hall and the Bison Youth Sports Complex or the rear / northern 29,066 square feet currently know as the Bison Youth Sports Complex exclusively."*

If the permit is issued, this amendment will allow the applicant to continue doing business as he has in the Courtsida Banquet Hall. It will prohibit him, or any future tenant/owner, from extending the sale and consumption of alcohol during concurrent events or events that utilize the rear portion exclusively or entire building. While only the Courtside Banquet Hall portion of this building would be licensed for sale and consumption, nothing prohibits an event attendee from consuming alcohol and then entering or reentering an event held in the back. You might as well permit the entire property if this going to be allowed. This is what I want prohibited. This will be a much safer scenario considering the number of children coming and going from these two facilities.

The applicant fully understands my concerns regarding future use and would not like to see the use of the building turn into something undesirable as well. While we both have concerns regarding the consumption of alcoholic beverages at youth sporting and other large events now and in the future. A blanket alcohol permit will provide no control on this. We have established a mutual respect and understand each must do what is in our own best interest. We agreed we must let the powars that be, in this case the city council, make the final decisions.

Thank you for your time and consideration.

I can be reached for further information, questions or comments at 402-440-1310.

Danelle Catlett  
Owner / Head Coach

Solid Rock Gymnastics  
402.476.4774  
[www.solidrockgymnastics.com](http://www.solidrockgymnastics.com)

**PLANNING COMMISSION FINAL ACTION  
NOTIFICATION**

**TO :** Mayor Chris Beutler  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** November 8, 2007

**RE :** **Special Permit No. 07049**  
(On-sale alcohol - 710 Hill Street)  
**Resolution No. PC-01087**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, November 7, 2007:

Motion made by Larson, seconded by Cornelius, to approve **Special Permit No. 07049**, with conditions, requested by Dan Lesoing d/b/a DJ's Bartending, for authority to sell alcoholic beverages for consumption on the premises generally located at 710 Hill Street.

Motion for conditional approval, carried 8-0: Moline, Esseks, Sunderman, Cornelius, Larson, Gaylor-Baird, Francis and Carroll voting 'yes' (Taylor absent).

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Dan Lesoing, 901 Oak Street, 68521  
Steve Miers, Down Home, Inc., 6000 S. 56<sup>th</sup> Street, 68516  
Danny Walker, South Salt Creek Community Org., 427 E Street, 68508  
Gary Irvin, South Salt Creek Neighborhood, 645 D Street, 68502  
Danelle Catlett, Solid Rock Gymnastics, 610 Hill Street, 68502  
Steve Herrmann, 2651 S. 8<sup>th</sup> Street, 68502

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RESOLUTION NO. PC- 01087

SPECIAL PERMIT NO. 07049

1           WHEREAS, Dan Lesoing dba DJ's Bartending has submitted an  
2 application designated as Special Permit No. 07049 for authority to sell alcoholic  
3 beverages for consumption on the premises generally located at 710 Hill Street, legally  
4 described as:

5           Lot 149 I.T., located in the Southwest Quarter of Section 35,  
6 Township 10 North, Range 6 East of the 6th P.M., Lancaster  
7 County, Nebraska; and

8           WHEREAS, the real property adjacent to the area included within the site  
9 plan for this permit to sell alcoholic beverages on the premises will not be adversely  
10 affected; and

11           WHEREAS, said site plan together with the terms and conditions  
12 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln  
13 Municipal Code to promote the public health, safety, and general welfare.

14           NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster  
15 County Planning Commission of Lincoln, Nebraska:

16           That the application of Dan Lesoing dba DJ's Bartending, hereinafter  
17 referred to as "Permittee", to sell alcoholic beverages for consumption on the premises

1 on property legally described above be and the same is hereby granted under the  
2 provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that  
3 operation of said licensed premises be in strict compliance with said application, the  
4 site plan, and the following additional express terms, conditions, and requirements:

5 1. This permit approves the sale of alcohol for consumption on the  
6 premises of the restaurant as designated by the cross-hatched shading on the site plan.

7 2. The construction plans must comply with the approved plans.

8 3. Before the sale of alcohol for consumption on the premises:

9 i. The Permittee shall submit five copies of the final site plan to  
10 the Planning Department for review and approval; and

11 ii. All development and construction must conform to the  
12 approved plans.

13 4. The site plan approved by this permit shall be the basis for all  
14 interpretations of setbacks, yards, locations of buildings, location of parking and  
15 circulation elements, and similar matters.

16 5. The terms, conditions, and requirements of this resolution shall be  
17 binding and obligatory upon the Permittee, its successors, and assigns. The building  
18 official shall report violations to the City Council which may revoke the special permit or  
19 take such other action as may be necessary to gain compliance.

20 6. The Permittee shall sign and return the City's letter of acceptance  
21 to the City Clerk within 60 days following approval of the special permit, provided,  
22 however, said 60-day period may be extended up to six months by administrative  
23 amendment. The City Clerk shall file a copy of the resolution approving the special

1 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
2 paid in advance by the Permittee.

3 7. Special Permit 07003 is hereby rescinded.

4 The foregoing Resolution was approved by the Lincoln City-Lancaster  
5 County Planning Commission on this 7th day of November, 2007.

ATTEST:

  
Chair

**COPY**

Approved as to Form & Legality:

  
Chief Assistant City Attorney

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for November 7, 2007 PLANNING COMMISSION MEETING

- P.A.S.:** Special Permit #07049 - 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.

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

**LEGAL DESCRIPTION:** See attached ownership certificate.

**LOCATION:** 710 Hill Street

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

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

North:	Standing Bear Park	P
South:	Commercial	I-1
East:	Vacant	I-1
West:	Commercial	I-1

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates industrial land uses for this site.

**BACKGROUND:** The applicant was granted a special permit (SP#07003) for consumption of alcohol on the premises at a different site located at 901 Oak Street on February 28, 2007. That permit allowed the storage of alcohol and equipment associated with the applicant's catering business. The applicant has stated that the majority of the catering was for events held at the proposed premises inside the Bison Youth Sports Complex. To serve alcohol at catered events, the applicant had to apply for a special designated license (SDL) for each event, but was limited to 12 per year at any given site. This permit would allow the applicant to have alcohol in conjunction with catered events and not be limited to 12 per year. If this request is approved, SP#07003 should be rescinded because it will no longer be required.

The building consists of a gym and banquet hall. The banquet hall will be the licensed premises for alcohol, and is the only area where alcohol is allowed to be stored, sold, or consumed. The applicant states that events involving alcohol at the banquet hall do not occur at the same time as events in the gymnasium. The two areas are physically separated by a wall and are not used in conjunction with one another.

**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 calculations are provided on the site plan and the number of spaces provided complies with the Zoning Ordinance parking provisions based upon the licensed premises and the remaining floor area.

<u>Floor Area</u>	<u>Req. # Parking Stalls</u>
Licensed Premises - 7,684 sq. ft.	77*
Remainder of bldg. - 29,066 sq. ft.	30 **
<u>Total # Stalls Req'd</u>	<u>Total # Stalls Provided</u>
107	107

\*Based upon the requirement of one space per 100 square feet of floor area.

\*\*Based upon the requirement of one space per 1000 square feet of floor area.

**(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.

**©) 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 a residential zoning district and a park in the area of the proposed licensed premises. The distance to the R-2 district to the east varies as the district boundary line extends at an angle. From the closest point on the south wall of the licensed premises the R-2 is approximately 190' away, and is approximately 180' away from the closest point on the north wall. Standing Bear Park is approximately 250' away to the north. There is no known day care facility, church or state mental health institution in the area.

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

The facility is existing and no new lighting is indicated with this permit. However, 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 indicated 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 main access door to the licensed premises faces south onto I-1 zoning. While the separation requirement does not apply to the emergency access door located on the east side of the building, it is separated from the R-2 zoning district to the east by more than 160'.

**(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.**

The premises fronts onto Hill Street, which in this area serves multiple businesses all located on land zoned I-1 Industrial. Hill Street connects to Van Dorn Street via South 6<sup>th</sup> Street, and intersects 9<sup>th</sup> Street. Hill Street 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:** The Public Works had no objection to 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 by the cross-hatched shading on the site plan.

General:

- 2. Before the sale of alcohol:
  - 2.1 The applicant will submit five copies of final site plan
  - 2.2 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.

4. Special Permit #07003 is hereby rescinded.

Prepared by:

Brian Will, 441-6362, [bwill@lincoln.ne.gov](mailto:bwill@lincoln.ne.gov)

Planner

October 24, 2007

**OWNER:** Steve Meiers  
Down Home, Inc.  
6000 South 56<sup>th</sup> Street  
Lincoln, NE 68516

**APPLICANT/  
CONTACT:** Dan Lesoing  
DJ's Bartending  
901 Oak Street  
Lincoln, NE 68506  
402.429.0920

## SPECIAL PERMIT NO. 07049

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 7, 2007

Members present: Cornelius, Larson, Esseks, Francis, Gaylor-Baird, Moline, Sunderman and Carroll; Taylor absent.

Staff Recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda due to a letter in opposition.

Staff presentation: **Brian Will of Planning staff** explained that this is a request for a special permit for on-sale alcohol at 710 Hill Street. It does meet all of the code provisions for the special permit for on-sale alcohol and staff is recommending conditional approval.

#### Proponents

**1. Dan Lesoing**, 6001 The Knolls, testified on behalf of Courtside as the applicant. Alcohol has been allowed in the banquet hall on the premises for 2.5 years. He does not plan to change the type of business that is currently being conducted on the premises. The Courtside Banquet Hall is in the front half of the building with the athletic gym in the back half. He is not requesting to sell alcohol during sporting events. The banquet hall is for wedding receptions, etc., and has been occurring for 2.5 years. The first year, people were allowed to provide their own alcohol as a private party rental, making the customer liable. The second year, in 2007, under DJ's Bartending, the applicant got a liquor permit and did 15 SDL's, with no problems. In 2006, they held 31 Courtside events and 24 athletic events. In 2007, they have had 36 Courtside events and 26 athletic events. He currently has reservations for 30 Courtside events scheduled for wedding receptions, graduations, etc., and 26 athletic events in 2008.

The purpose of this application for a liquor special permit and liquor license is to give the applicant more control for safety and consumption purposes. The owner will be able to monitor the situation more closely and monitor the clientele that is brought into the premises, including serving time, consumption, safety for the attendees, etc.

Lesoing indicated that he would agree to an amendment to the conditions that no liquor could be sold during sporting events. He has no intent to do so and he has never done so. They do not normally have sporting events at the same time as a Courtside event. The banquet hall is used as a concession hall during sporting events. They have never had two events at the same time.

Moline inquired whether there have been any safety problems. Lesoing indicated that there have only been three times during an event that the Police Department has been called, and all three times it was during a private rental event. They have not had any Police Department calls since they began doing SDL's.

Esseks wondered about young people from the separate gym facility trying to crash the wedding reception to get alcohol. Lesoing believes the special permit would prevent this type of activity because the owner would be responsible for the bartending. Uninvited guests would be asked to leave. It would be very easy to point out teenagers, plus they would be asked for an ID if they appear to be under-age.

## Opposition

**1. Danelle Catlett**, owner and head coach of Solid Rock Gymnastics, located at 610 Hill Street, testified in opposition. She cannot support this application because she believes it does increase the potential for accidents and liability at her facility. It increases the potential for an already bad parking situation. She knows that they do not intend to serve alcohol during their sporting events, but Solid Rock operates all evening on Saturdays and Sunday afternoons, so there are children constantly coming and going from Solid Rock during those times. She has no reservations about the integrity and character of the operators of this building, but this is a permit that stays with the property. There is no way to prevent it from becoming a sports bar, etc., in the future.

Cornelius asked whether Catlett has noticed any specific problems when there are wedding receptions as opposed to sporting events. Catlett acknowledged that she has not had any intoxicated patrons from the facility, but it is an area of town where they do experience some vandalism. The main issue has been the parking, primarily during the sporting events, but sometimes when there is a reception, also. They use her parking lot for overflow.

Catlett referred to the social hall on the north side of town where the Planning Commission restricted the permit to only activities held in the social hall. In this situation, she does have a concern that some future tenant might allow it to become a sporting activity with parents consuming alcohol in the banquet area. She understands that is not this applicant's current intent, but she is concerned about the future use. She does now know what the future holds for this building.

The students at Solid Rock range in age from three to eighteen. Solid Rock is open on Saturdays from 9 a.m. to 9 p.m. and Sundays from 12:00 Noon to 5:00 p.m. They host birthday parties during this time. 99% of the children are brought by their parents. Only two of the students at Solid Rock are currently of driving age.

**2. Steve Herrmann**, 2651 S. 8<sup>th</sup>, testified in opposition. He has witnessed people leaving their beer bottles in the parking lot and the field next to his house, and he has also witnessed drunk drivers. He believes that a lot of his neighbors would be here in opposition if they did not have to work. "This is our neighborhood and we do not want people serving alcohol as they have for the past two years." His back porch overlooks the front door and he has noticed many people coming out drunk and leaving their trash. He is not happy with alcohol being served around the corner from his home.

Cornelius inquired whether the police have been called when drunk driving was witnessed. Herrmann stated, "yes", but they do not get there in time. He is not sure whether anyone has reported the litter.

Moline asked Herrmann whether he is certain that all of this is coming from the banquet hall. Herrmann stated that he stands on his back porch and watches it regularly.

Moline suggested that if the owner were serving the alcohol, he may have more control of this situation. Herrmann agreed that it could be an improvement but it is a youth sports complex serving alcohol. He has never approached the owner because he speeds down the street at 35 mph.

### Staff questions

Cornelius asked staff to respond to the request to limit this special permit to the intended use and this applicant. Will confirmed that the special permit runs with the land and it stays with the land. He acknowledged that the Planning Commission did impose such a condition on the Hinky Dinky building, but staff has discussed this with the Law Department and the City Attorney is suggesting that such condition could be better handled by a private agreement between the owners of the two businesses versus being attached to the special permit. We need to avoid establishing the precedent of attaching very limiting and very specific conditions to these permits.

Esseks suggested that with the youth athletics, this might be a unique situation where the activities should not occur at the same time. Will stated that the Planning Commission has the discretion to make a finding and impose that condition. The staff is concerned because a liquor special permit is almost a conditional use. There is already a list of criteria that is fairly restrictive, and if the application meets that criteria, they should be granted the special permit. Will clarified that this is just a special permit for the sale of alcohol for consumption on the premises. No off-sale. It should also be remembered that the property in this case is zoned I-1 Industrial, which is a very permissive zoning district. There are certain uses that are prohibited. In fact, the Health Department often raises the question and concern about locating an athletic club or private school or the activities of such in an industrial district.

Larson does not believe there should be any litter outside of the building. Will agreed that it should be fully contained. On-sale defines the area where alcohol can be stored and consumed. Larson confirmed that with this special permit, the operator would be doing the liquor business part and would not open the facility for a SDL. Will clarified that if this permit is granted, the applicant would then apply for a permanent liquor license with the state and he could no longer allow private individuals to provide the liquor.

Will also clarified that there is no limitation on the number of SDL events. They could apply for an unlimited number, but they have to apply for each event separately.

Gaylor-Baird asked for an explanation of the zoning regulations for sale of alcohol. Will recited the requirements, including 1) on-street parking of 1/100 sq. ft. of gross floor area (the most restrictive parking requirement in the zoning ordinance and equivalent to a restaurant); 2) does not include off-sale; and 3) area designated as the licensed premises has to be located at least 100 feet from a day care facility, park, church, state mental health institution or residential district (in this case, there is a residential district to the east but it is more than 100 feet, and a park to the north, which is more than 100 feet).

Will stated that Solid Rock is across the parking lot so he would estimate that it is perhaps 60-70 feet away. There is no zoning regulation that restricts a special permit for alcohol in close proximity to a youth sports facility. Will also pointed out that a special permit is required to locate a private school in an industrial district.

Will also advised that there are requirements in the state statute for a liquor license separate and apart from this special permit requirement. The state regulations have different requirements, so there is another set of hoops before this will be approved.

Esseks noted that the opposition indicated that the principal concern is parking. Do we have some grandfather situations? Will stated, "no", they have to meet all of the parking requirements. This facility meets the requirements of the ordinance now. It is in the I-1 district. The use is subject to the parking requirements of 1/1,000 sq. ft. of floor area, with the exception of the license premises being subject to parking at 1/100 sq. ft.. Given even that, this application is showing 107 parking spaces, which meets this requirement in combination with the rest of the building. Will doesn't disagree that parking might be an issue on a very busy night; however, they do meet the requirements of the zoning ordinance.

Carroll observed that the City Council can revoke the special permit if there is any violation such as vandalism, drunkenness or litter at any time. Will concurred that for good cause shown, the City Council can revoke the special permit.

#### Response by the Applicant

Lesoing reiterated that he has been conducting this same business at this location for the last 2.5 years. There have been events with alcohol at the Courtside banquet hall for 2.5 years. He is not asking to do anything he has not been doing. If the liquor license is not granted, he can continue to do the SDL's. He started doing SDL's to have more control. This special permit will give him even more control. He has never had a complaint. The Bison Youth Sports Complex is mission-driven. It is not an income-generating business. The banquet hall allows he and his partner to potentially break even with this endeavor. Lesoing is a youth sports advocate. He would never jeopardize the integrity of youth sports. He has never had a complaint from a parent about the use of the Courtside for receptions. If he does not get a liquor license, that does not mean there will not be alcohol served, but instead, whoever rents the banquet hall will be in charge of that liquor. He would rather be in charge of the liquor. He wants to be in control of the safety issues and the litter. People will not be allowed to bring in their own alcohol.

As far as children playing in the parking lots, Lesoing has never witnessed people driving drunk, but people should not be playing in the parking lots and trespassing. There was a lot more vandalism and more trespassing when the skating rink was at this location. He believes he could have brought people to this hearing in support had he known there was going to be so much opposition. He did have two phone calls in support.

Lesoing believes that 60' to the edge of the Solid Rock building is accurate, but their front entrance is probably more than 150' around the corner of the building. He does the best he can to clean up any litter. With the special permit he will have more control because people will not be allowed to take alcohol in and out of the building.

Cornelius inquired whether neighbors can get in touch with Lesoing. Lesoing acknowledged that he probably does drive 35 mph when he is going home, but when his car is parked at the facility, anyone can come over and find him. He does not hide. The staff people will know how to reach and find him. He has been doing youth sports for 12 years on a volunteer basis with Cornhusker Shooting Stars. If there is a problem in the neighborhood, he wants to fix it.

Lesoing indicated that he understands the position of Solid Rock about any future use. And he would not object to a condition that during a sporting event, alcohol would not be allowed to be sold. He does sometimes bring the basketball team in to practice while there is a reception going on, but there are separate entrances and the doors can be locked.

**ACTION BY PLANNING COMMISSION:**

November 7, 2007

Larson moved to approve the staff recommendation of conditional approval, seconded by Cornelius.

Larson believes that the operator wants to operate this in the proper manner and he has to have control. If there are complaints or violations, the City Council can revoke the permit.

Esseks made a motion to amend that there be no concurrent “competitive” youth sporting event and social gathering with on-sale alcohol within the building, seconded by Cornelius. Esseks does not have a problem with teams being brought in to practice, but he does have a concern about unsupervised participants during a competitive youth event.

Carroll pointed out that the Law Department would prefer this condition not be imposed. Esseks believes it is the Planning Commission’s obligation to protect the public welfare. He does not believe that this rather limited constraint should be a problem.

Gaylor-Baird agreed. The spirit of the laws indicates that we do not want alcohol close to where our children are engaged in activities.

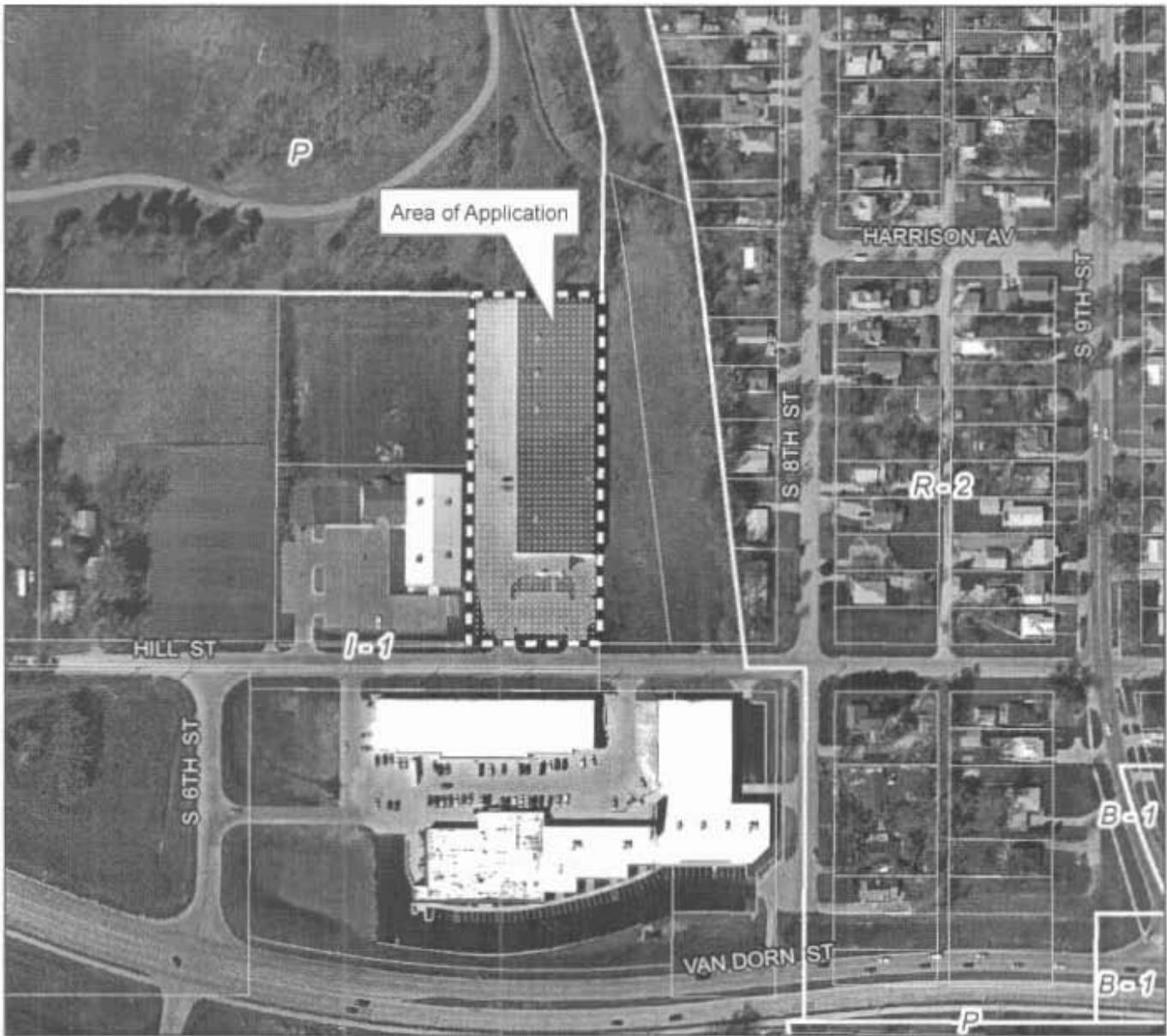
Cornelius believes this is a unique situation where we have both of these uses under one roof.

Carroll commented that since the two sections of the building are separated by locked doors, he does not believe there should be a limitation on use of the building. They are asking for the special permit for one section of the building only, and we are trying to dictate what they can do in the rest of the building. We should not take away this right. He is against the amendment.

Moline stated that he will also vote against the amendment. The applicant will still need to get a liquor permit from the state that will have more control over how the liquor is dispensed. The Law Dept is correct – sometimes we try to micro manage just a little bit too much.

Motion to amend failed 3-5: Cornelius, Esseks and Baylor-Baird voting ‘yes’; Larson, Francis, Moline, Sunderman and Carroll voting ‘no’; Taylor absent.

Motion to approve the staff recommendation of conditional approval carried 8-0: Cornelius, Larson, Esseks, Francis, Gaylor-Baird, Moline, Sunderman and Carroll voting ‘yes’; Taylor absent. This is final action unless appealed to the City Council within 14 days.



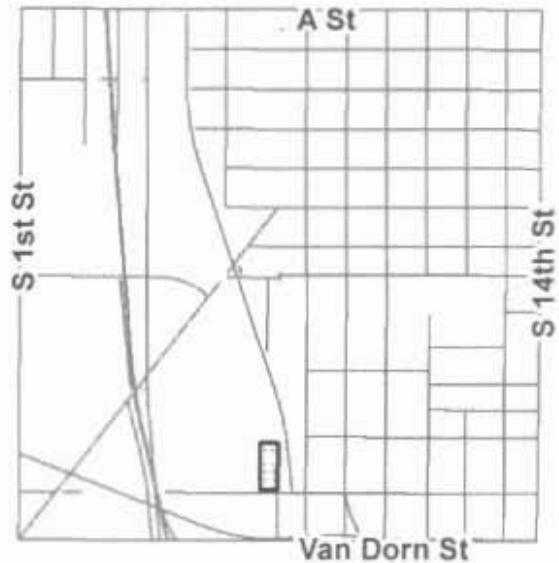
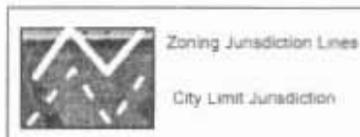
**Special Permit #07049**  
**710 Hill Street**

2005 aerial

**Zoning:**

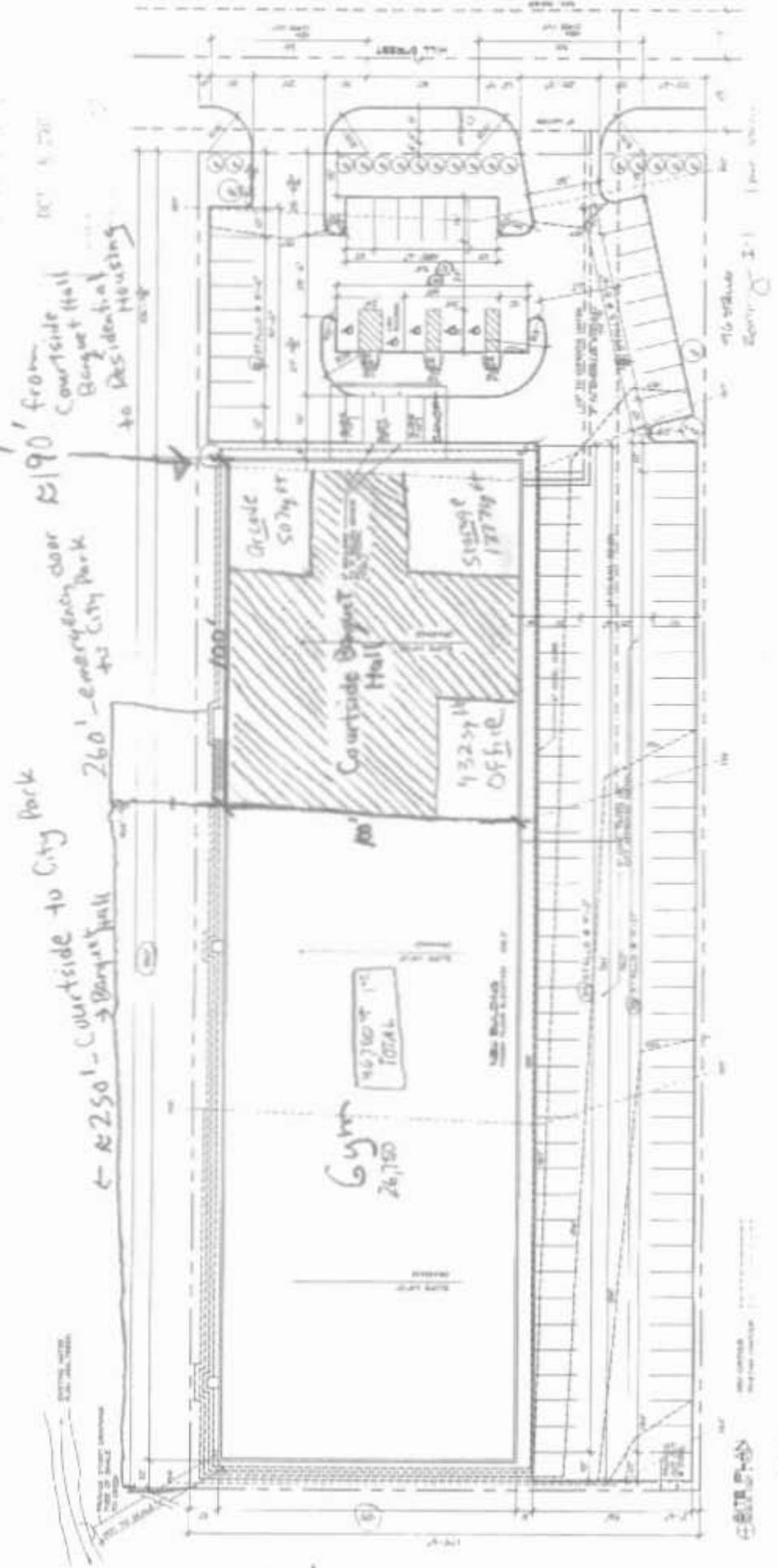
One Square Mile  
 Sec. 35 T10N R06E

- R-1 to R-4 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-6 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



m:\pamarcview\07\_apr\07049

Houses ↑



← 250' - Courtyard to City Park  
 ← 260' - emergency door to City Park  
 ← 190' from Courtyard Bayonet Hall to Residential Housing

Gym  
 26,700  
 46,700 TOTAL

Courtyard Bayonet Hall  
 1,320 sq ft office

Courtyard  
 50,700

Lot to be used for recreation

█ LICENSED PREMISES

█ SAND PAPER

█ STAIRS

█ LICENSED PREMISES - 7,684 sq ft  
 REMAINDER OF BLDG - 29,066 sq ft

107  
 107

LOT 149 I.T.

# DJ SALIA'S BARTENDING

901 Oak St  
Lincoln, NE 68521  
(402) 429-0920

October 29, 2007

To whom it may concern,

DJ's Bartending, is located presently at 901 Oak St in Lincoln, NE 68521 and currently licensed for special permits to conduct business for any lawful and legal business pertaining to bartending and alcohol sales. DJ's Bartending has conducted many events this past year, and with the majority of them being held at the Courtside Banquet Hall, which is part of the Bison Youth Sports Complex, has asked and been given authority, through a binding contract with DownHome, Inc., owners of the Bison Youth Sports Complex and Courtside Banquet Hall, to establish this building as it's new address of business. Within this lease, DJ's Bartending will be able to continue conducting regular events as in the past at this address (referred to as the Courtside Banquet Hall). This area within the banquet hall will be licensed for the sale of alcohol for future events. With all this in mind, DJ's Bartending would like to change locations and request a change of address to 710 Hill St. in Lincoln, NE 68502.

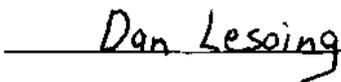
Within the contents of this folder is the proper forms, agreements and payment for fees for the change of address for this special permit. Please let us know if you have any questions and/or concerns. Thank-you.

Thank-you.

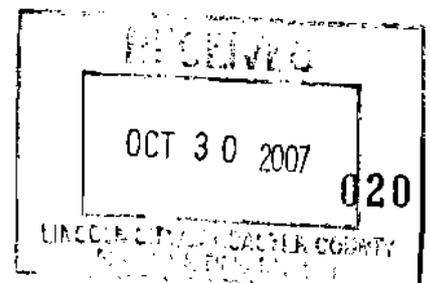
Sincerely,



\_\_\_\_\_, President, DJ Salia's Bartending



\_\_\_\_\_, President, DJ Salia's Bartending



**OWNERSHIP CERTIFICATE**

**FILE NO: 6041761**

**TO: Bill Krejci**

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:**

Lot One hundred Forty-Nine (149), Irregular Tract in the Southwest Quarter (SW 1/4) of Section 35, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska

**OWNER OF RECORD:**

Dowd Home, Inc., a Nebraska Corporation

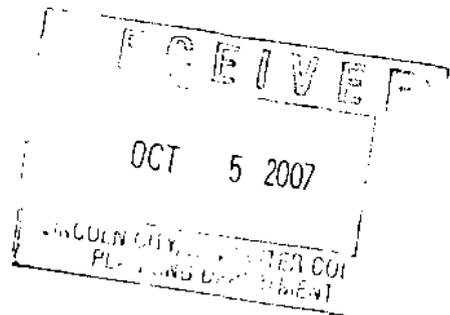
**Effective Date: September 16, 2007 at 8:00 am**

Nebraska Title Company

By: *Dieta M. Williamson*

Registered Abstractor

Please direct inquiries to: Joan Journey





Status of Review: **Approved**

Reviewed By

ANY

Comments:

---

Status of Review: **Active**

Reviewed By

ANY

Comments:

---

Status of Review: **Active**

Reviewed By **911**

ANY

Comments:

---

Status of Review: **Approved**

Reviewed By **Alltel**

ANY

Comments:

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Status of Review: **Active**

Reviewed By **Building & Safety**

ANY

Comments:

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Status of Review: **Active**

Reviewed By **Building & Safety**

ANY

Comments:

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Status of Review: **Active**

Reviewed By **Fire Department**

ANY

Comments:

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Status of Review: Approved

10/16/2007 3:21:57 PM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION

TO: Brian Will DATE: October 16, 2007

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: DJ Salia Alcohol Sales

EH Administration SP #07049

The Lincoln-Lancaster County Health Department has reviewed the special permit application and does not object to the approval of this application.

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Status of Review: Active

Reviewed By Law Department

ANY

Comments:

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Status of Review: Active

Reviewed By Lincoln Electric System

ANY

Comments:

---

Status of Review: Active

Reviewed By Lincoln Police Department

ANY

Comments:

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Status of Review: Active

Reviewed By Natural Resources District

Any

Comments:

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Status of Review: Active

Reviewed By Nebraska Department of Roads

ANY

Comments:

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Status of Review: Active

Reviewed By Parks & Recreation

ANY

Comments:

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023

Status of Review: **Complete**

Reviewed By **Planning Department**

**RAY HILL**

Comments:

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Status of Review: **Approved**

Reviewed By **Planning Department**

**COUNTER**

Comments:

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Status of Review: **Active**

Reviewed By **Planning Department**

**PLANNER**

Comments:

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Status of Review: **Active**

Reviewed By **Public Utilities - Wastewater**

**ANY**

Comments:

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Status of Review: Active

10/17/2007 10:59:48 AM

Reviewed By Public Works - Development Services

ANY

Comments: Memorandum□

□

L.

To:□Brian Will, Planning Department

From:□Charles W. Baker, Public Works and Utilities

Subject:□DJ Salia Alcohol Sales Special Permit #07049

Date:□October 17, 2007

cc:□Randy Hoskins

□

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the DJ Salia Alcohol Sales Special Permit #07049, located 710 Hill Street. Public Works sees no additional parking or changes in the parking lot layout, therefor has no opinion on the approval of this permit.

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SP07049 alcj.wpd

□□

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Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

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Status of Review: Active

Reviewed By Public Works - Watershed Management

ANY

Comments:

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025

Status of Review: Active

Reviewed By School District

ANY

Comments:

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Status of Review: Active

Reviewed By Urban Development

ANY

Comments:

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Status of Review: Active

Reviewed By Urban Development

ANY

Comments:

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Status of Review: Active

Reviewed By US Fish & Wildlife

ANY

Comments:

---

Status of Review: Active

Reviewed By US Post Office

ANY

Comments:

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"Solid Rock Gymnastics"  
<solidrock@neb.rr.com>

11/05/2007 12:30 PM

To <bwill@lincoln.ne.gov>

cc <dlesoing@alltel.net>

bcc

Subject sp permit # 07049

RE: Special Permit #07049 - DJ's Bartending

Dear Brain Will, Planning Commissioners and Concerned Parties,

My name is Danelle Catlett. I am the Owner and Head Coach of Solid Rock Gymnastics, located at 610 Hill Street. My property is adjacent to 710 Hill Street. Brian has been helpful in assisting me and answering my questions regarding permit # 070049 for the sale of alcoholic beverages for the property next door to me

This letter is to inform you that I will be present at the planning commission meeting on Wednesday Nov 7th, 2007 to answer any questions regarding my opposition to this permit.

I am against this permit for the following 4 reasons.

1) **Liability:** It increases my potential for liability law suits. Customers and event attendees from the Bison Youth Sports Complex and the Courtside Banquet Hall are constantly passing through my property and parking lot as well as parking in my lot. While I make every effort to maintain a clean and safe property, concrete parking stops and curbs exist. Intoxicated patrons create more potential for falls on my property, which increase the risks of being sued.

2) **Parking:** While it is my understanding from Brian, that the applicant meets the current parking requirements placed upon him, the parking is insufficient. I feel that the applicants use of this facility is not properly reflected by the zoning classification or category placed on it. The use of the building at 710 Hill Street is not for industrial purposes and therefore the industrial parking requirements should not apply. The use of my property was not for an industrial purpose and therefore I had more restrictive parking requirements placed on me. I was classified as a private school. I do not know Bisons classification, but I do not understand the difference. When I received my special permit, I was required to have 1 stall for every 3 participants in the building plus 1 stall for every employee. I was required to have 58 parking stalls for a 14,000 square foot building for gymnastics participants. Bison is a 36,000 square foot building for volleyball and basketball participants and they only have 107 stalls. The main use of the majority of the building is for Volleyball and Basketball tournaments and well as other youth sporting events. Gymnastics vs Volleyball and Basketball. Is there a difference ?? Bleachers are used for Bisons events for participants and spectators. If they need bleachers to seat all the spectators, then the requirement of 1 stall per 1,000 square feet is obviously insufficient. This is evident on Saturdays and Sundays. The entire area is wall to wall cars. The Bison lot is full. Vehicles are park on both sides of Hill Street from 9th all the way past my property down to Brandt Excavating at the end of Hill Street. Driveways are blocked as well as fire hydrants. I seriously doubt that an emergency vehicle could get through if needed. In addition, the empty lot to the East of the Bison facility is full of cars when snow and rainy conditions do not exist, and their event attendees park in my parking lot. Several times when Bison first opened, more than 1/2 my lot was full, leaving not enough parking for my customers. To protect our lot, I have since placed towing signs throughout my lot, but continue to have problems. When we do tow, we experience vandalism, verbal abuse and poor public relations. During the weekends, really becomes a place for public assembly. Parking requirements for public assembly is 1 stall per 50 square feet. The problem seems that there is very little consistency throughout the zoning codes of Lincoln with regard to sporting activities, lessons, events, etc. This issue has existed since I sought my first special permit in 1995. Not all sporting activities are being treated fairly or equally. I have been through the special permit process 3 times with the help of my attorney, Mark Hunzeker. I am quite knowledgeable regarding the history of this inconsistency and

situation. Steve Heinrichson of planning will confirm.

Anyway, bottom line is that the parking is insufficient for the use and the granting of this alcohol license will only create more parking problems. It frightens me to think of intoxicated people navigating the parking situation with so many children around. The parking problem needs to be addressed. I would think the Department of Building and Safety would have concerns. This leads to my 3rd reason for objection.

**3) Children:** The fact that my entire property and most of the property for this permit is dedicated to children's activities raises concerns. In addition to gymnastics, we host children's birthday parties on Saturdays and Sundays. Children are constantly coming to and from these 2 facilities. I do not have an immediate knowledge of all the zoning laws, but I thought there was some law about the distance between a "school" which is my city classification and the sale of alcohol. In addition, it is my earnest opinion that alcohol and youth sporting events do not mix. The NSAA recognizes this, as they placed the restriction of no liquor sales at youth sporting events held in the Qwest Center. Many parents are already out of control as is evidence in the media these days. We do not need to add liquor to this mix.

**4) Future Implications:** I understand that the banquet hall area of this building hosts wedding receptions, graduation parties, family reunions, etc. While the current intended use for the sale of alcohol on this property is obvious, I have concerns about future use. It is my understanding that once this permit is issued, it is a blanket permit allowing any legal consumption of alcohol. What would prevent the owners from turning this area into a sports bar or something similar in the future upon which the city and/or myself will have no control.

If this license is granted, I would strongly urge the planning commission to place the following restriction on the permit. **That the sale of alcohol is strictly limited to attendees of events held only in the banquet hall, and that no alcohol can be sold during sporting events held in the back portion.** While I understand that alcohol can only be stored, sold and consumed in the banquet hall area, no rules are in place to prohibit a patron from consuming the drink(s), becoming intoxicated and returning to the youth sporting events. If patrons are allowed to consume beverages in the allowable area and then attend events hosted in the back room, then the parking requirements should pertain to the entire 36,000 sq ft.

I have read through the planning department staff report and would like to make the following comments:

Regarding background:

I am in favor of the applicant having to receive an SDL for each occasion. Therefore the city has some control and say in approving each event in which alcohol is to be served, and I am much more in favor of dealing with the situation 12 times per year instead of a potential 104 times, every Saturday and Sunday.

Thank you for your time, public service and consideration,  
If you have any questions, please feel free to contact me at 402-440-1310

Thank You, Danelle Catlett

Solid Rock Gymnastics  
402.476.4774  
[www.solidrockgymnastics.com](http://www.solidrockgymnastics.com)



Jean L Walker/Notes  
11/06/2007 08:48 AM

To Marvin S Krout/Notes, Ray F Hill/Notes, Dennis D  
Bartels/Notes, Stephen S Henrichsen/Notes,  
smiers@6869@aol.com,

cc

bcc

Subject Item No. 1.1: Special Permit No. 07049: on-sale alcohol, 710  
Hill Street: Public hearing 11/07/07

Planning Commission:

Here is the applicant's response to the letter in opposition.

--Jean Walker, Administrative Officer  
City-County Planning Department  
441-6365  
555 South 10th Street

--- Forwarded by Brian J Will/Notes on 11/05/2007 02:41 PM ---



Dan Leasing  
<dleasing@windstream.net>  
11/05/2007 02:29 PM

To Solid Rock Gymnastics <solidrock@neb.rr.com>

cc bwill@lincoln.ne.gov

Subject Re: Fw: sp permit # 07049

Danelle-

We are only applying for a liquor license for the Courtside Banquet Hall. Approximately 9,000 sq feet. I have been doing Youth Sports for 11 years, on a volunteer basis and I hope you really are not thinking that I plan on selling alcohol during these sporting events. I have know desire to allow alcohol sales take place at the same time as a youth tournament of any sport at the BYSC.

From a business stand point we are not going to be running events at the same time. We will however, run a tournament from 8-5 and than have a wedding reception from 6-???. We have done this for the last two years, with or without a liquor license.

Our liquor license is for the Courtside Banquet Hall for our wedding receptions and private parties. We have now had 11-12 events that we have had and acquired a license for with know problems. In addition, other business's have obtained permits for alcohol at the Courtside as well. We have had a few problems with other weddings that brought in there own beverage as we couldn't monitor that as well as it was a private party. By acquiring a liquor license, we will be in charge of all events and the alcohol, thus actually giving us more control when to serve and not serve as well as to not serve particular individuals who are border line.

Please remember that this is a liquor license request, not a parking issue on the sports gym. I am in compliance with all the city's parking regulations and have worked with the LPD on the street parking issues last year.

I understand your concern about your parking lot, as I even put up a

very nice sign on your behalf to help you with this. As far as vandalism. I know for a fact that it's less than when the skating rink was in business at the same location. I have had multiple neighbors from the housing side contact me and tell me how much better it is down in the area since we took over.

The fact of the matter is that we will not be doing anything different that we have been doing the last year. Besides the parking issue, which really isn't a Courtside issue, what other problems have you had regarding the Banquet Hall? I am sure not many, as from dealing with you on other issues I am sure you would have brought them to my attention.

I will contact Brian Will as well and clarify if this is a liquor licenses hearing or a sporting event parking problem. As I see it, we are not going in Wednesday to discuss parking for our volleyball and basketball tournaments.

I appreciate your concern and I am sure with a meeting we could have came to an understanding on the Liquor license issue. I know you have a problem with the tournament parking situation we have, but I am in compliance with the city codes and was upfront with what we were doing at the BYSC with the city of Lincoln.

Dan



Jean L Walker/Notes  
11/06/2007 09:04 AM

To Marvin S Krout/Notes, Ray F Hill/Notes, Dennis D  
Bartals/Notes, smiers6869@aol.com, Stephen S  
Henrichsen/Notes,  
cc  
bcc

Subject Item No. 1.1: Special Permit No. 07049

Planning Commission members:

Further dialog on Special Permit No. 07049, for your information.

--Jean Walker, Administrative Officer  
City-County Planning Department  
441-6365

--- Forwarded by Jean L Walker/Notes on 11/06/2007 09:02 AM ---



"Solid Rock Gymnastics"  
<solidrock@neb.rr.com>  
11/05/2007 11:10 PM

To "Dan Lasoing" <dlesoing@windstream.net>  
cc <bwill@lincoln.ne.gov>

Subject Re: Fw: sp permit # 07049

Dan, thank you very much for your reply. I am so glad to hear you are not planning on selling the alcohol at the youth sporting events. Until now all the documents from the planning department contained no information regarding the intentions of the liquor license, only the restricted area for sale and consumption. No document indicated that sales would not be allowed at the youth events, and you had not provided me with any additional information or communication until now. I only became aware of the permit request after receiving the letter from planning on or about Tuesday, October 30th. It appears you applied sometime in September and therefore had plenty of time to contact me. A simple "just to let you know call " from you and I would have gladly met with you and shared my thoughts. Generally, in the special permit process (I have been through 3) the planning department requests and places the responsibility upon the applicant to contact the neighbors prior to receiving the commission agenda letter. I am surprised planning did not make this request or maybe you just got to busy, as I know we all are these days.

Since your intentions are to only serve alcohol at the activites held only in the banquet hall, I anticipate then, you would not object to the restrictions I have proposed.

I am well aware that this application is about liquor not parking. However the unequal treatment and tougher restrictions placed upon me and not you are unfair. This has been an on going battle since I received my first special permit in 1995. Infact, in 2005 I believe, Steve Heinrickson of the planning deparatment requested my expertise and had me speak before a joint committee involving several city departments and the city council to address such indescrapancies in the zoning. The city needs this issue brought to it's attention once again and use this as an example to change its classifications or catagories of our types of businesses and treat everyone fairly.

I am also aware of the limited chances I have to fight this permit. I do,

however, feel the restrictions I propose are resonable and very similar to the permit that was recently issued at a North Lincoln banquet hall in the old Hinky Dinky building.

In addition, for legal reasons and future recourses, I need to be on the public record and legal city documents as against this special permit.

Please understand, this is nothing personal. I am just protecting my property, business and investment. I appreciate your efforts on the sign you installed, but I continue to have your patrons park in my lot as they did so just this past weekend. The sign and cable barrier is just not enough of a deterrent. I have thought about fencing but this would be expensive and the cost is a big consideration for me. Would you consider splitting it with me?? Also, just so you know, I have had vandalism. One graffitti incident which was the result of a towing. The other I do not believe was related, but around October 5th, two cars had windows shattered and items stolen from them. I would not recommend that you leave cars in your lot late at night !

Feel free to respond or contact me if you'd like,  
Have a great day, Danelle

----- Original Message -----

From: "Dan Lesoing" <dlesoing@windstream.net>  
To: "Solid Rock Gymnastics" <solidrock@neb.rr.com>  
Cc: <bwill@lincoln.ne.gov>  
Sent: Tuesday, November 06, 2007 7:27 AM  
Subject: Re: Fw: sp permit # 07049

<  
> I understand your thinking. The reason I didn't notify you is that we  
> really aren't going to do anything we haven't been doing for the last two  
> years with weddings and sporting events. We have been coordinating them  
> so they don't overlap in time as that's best for our customers. We are  
> going to continue to do that. All this license is going to do for us is  
> allow us not to fill out paper work on every event as we are doing now and  
> allow us to require our customers to use us for their alcohol source. This  
> in itself, will give us more control and allow us to monitor events and  
> usage better. I really think this is a good way to make sure events don't  
> get out of hand as we control the alcohol usage to a degree. Customers  
> will not be allowed to bring in alcohol to their own event and control it  
> as they do now. We will control the alcohol on all events starting Jan 1  
> 2008.  
>  
> As far as vandalism, we have had it too. I had graffiti on our wall once,  
> and a few cars broke into this summer as well. This has been documented  
> by LPD. I am not sure that's a result from our business or yours, but  
> just an area that isn't patrolled much. I have heard from the neighbors  
> east of me that it is a lot better in the area because of our later events  
> and practices at night and the different type of clients we have than the  
> skating rink did.  
>  
> If you could share with me your recommendation I can let you know if I  
> agree with it. Maybe it's as simple as we just agree and have them put it  
> on the permit.  
>  
> I would agree to some type of language similar to this.  
> \*  
> "No alcohol sales on premises during any type of youth tournament of any  
> sport"  
> \*The sale is limited to only the Courtside area. I have already turned  
> down a casino night as the business wanting to use it wanted to be able to  
> take the beverage in the gym where the casino games would be and I told  
> them this would not be legal or allowed. Besides, you know how picky I am  
> with my gym. We only allow water in that area and no food, pop, or  
> coffee.  
>  
> Again, I have know intent to sale alcohol at youth sporting events. The  
> main reason is that it would go against my principals and what youth  
> sports are about. Secondly, as you already know, parents don't need  
> anything else to get them fired up about something. I couldn't even  
> imagine how parents would act a game if they were sitting in the courtside  
> having a few beers between games. I have know desire to bring that into  
> my facility. I can't control if they leave and go to a bar and come back,  
> but have know desire to make it easy for them.  
> \*  
> \*As in the past we are going to run a volleyball tournament  
> from 8-5 and than have a wedding reception from 6-???, but have done this  
> the past two years. The parking problem you are concerned about isn't  
> during the wedding reception as usually the lot isn't even full with  
> wedding reception, but the sporting event. We have no plans to run events  
> at the same time as parking would be an issue. We did once in our 2 years  
> and secured the parking lot across the street and had people out there  
> directing traffic as you did that day.  
> When we send out our information about tournaments and practice we include  
> information about where to park and where not to park. We request our  
> customers to obey all laws about parking on the street as well as not to  
> park in Solid Rock Parking Lot as it's a private and separate business.  
> We have a sign, we notify people, we are doing everything we can but  
> parking there cars.

> BYSC is no different than any of the HS with sporting events. Have you  
> been to SE or Northeast on a basketball game night. You would have to  
> agree that Jan-April or the worse months at the complex for you and other  
> than that we don't have many problems.  
> Let me know what type of language you are recommending and I can let you  
> know my thoughts. If we agree ahead of time on some type of limitation it  
> might be best for everyone. Again, I have no problem agreeing to  
> something as above in regards to liquor sales and sporting tournaments.  
>  
> Dan  
>  
>  
>



"Solid Rock Gymnastics"  
<solidrock@neb.rr.com>

11/06/2007 09:17 AM

To "Dan Lesoing" <dlesoing@windstream.net>

cc <bwill@lincoln.ne.gov>

Subject Re: Fw: sp permit # 07049

Dan & Brian,

My recommendation or restrictions were noted in my first response. Cut and pasted here: "If this license is granted, I would strongly urge the planning commission to place the following restriction on the permit. \*That the sale of alcohol is strictly limited to attendees of events held only in the banquet hall, and that no alcohol can be sold during events held in the back portion."

As noted earlier, I have been advised by legal council to be on public record as against this permit.

One other question I have. My permit stays with the property if I sell my business to someone else. Does a liquor license stay with the building/property, the business or individual applicant?? What happens if you sell your business to someone who lacks your high moral character??

BRIAN, maybe you could answer this one !!  
Let me know, Thank you, Danelle



"Solid Rock Gymnastics"  
<solidrock@neb.rr.com>

11/06/2007 10:44 AM

To "planning" <plan@lincoln.ne.gov>

cc

bcc

Subject Fw: Fw: sp permit # 07049

----- Original Message -----

From: "Dan Lesoing" <dlesoing@windstream.net>  
To: "Solid Rock Gymnastics" <solidrock@neb.rr.com>  
Cc: <bwill@lincoln.ne.gov>  
Sent: Tuesday, November 06, 2007 9:52 AM  
Subject: Re: Fw: sp permit # 07049

>I am fine with this amendment.

>  
> \*\*That the sale of alcohol is strictly limited to attendees of events held  
> only in the banquet hall, and that no alcohol can be sold during  
> tournaments or public gatherings (other than BYSC staff supervised  
> practice) held in the back portion." \*

>  
> /Sometimes during a wedding reception we will have one or two teams come  
> practice basketball or volleyball. Limited cars as parents usually drop  
> off before and pick up after. Doors are locked so there is know way for  
> participants to get from one side of the building to the other. We lock  
> the outside doors to the gym as well as we don't want wedding people to  
> mistake that door as the entrance. We don't do this very offer as most  
> people don't practice on Saturday night. 98% of the time they are my own  
> basketball team that I coach and I am there anyway so it makes sense for  
> me. Again, I have been doing this for the last 2 years. We also don't  
> allow this unless they are willing to pay for a BYSC staff person to be on  
> duty and present in the gym at all times for safety issues. I have  
> nothing to hide or a hidden agenda, I want to have more control over the  
> alcohol for the reason I have listed in previous emails. I am not  
> planning on doing anything I have not been doing for the past 2 years.  
> /\_No one would probably even know that I would have practice, but I have  
> nothing to hide and upfront with everything I do.\_

>  
> /I also have no problem if we were to put in there that if the business  
> switches hands they will have to fill out their own permit. That this  
> permit is only good if current ownership of the business is running the  
> facility. If the building and land is sold it doesn't transfer either  
> unless the business stays the same with current ownership. Do/n't know if  
> the City will allow that or not.

>  
> I am easy to get along with, I just know what I need to do my current  
> business as it's an important part of the business.

>  
> I am not sure why your legal council would advise you to appose this  
> liquor permit, as it seems to me that your issues with the city are all on  
> parking restrictions. I clearly am in line with the parking code with  
> this business, as the law is now, or I wouldn't have even been granted the  
> meeting. To me it would make more sense to make it public record that if  
> I agree to the following amendments that you have know problem with this  
> permit. The parking issue is a separate issue from the Liquor permit.

>  
> I am not saying that you don't have your reasons for not agreeing with the

> city on parking restrictions, but that's not my fault. I didn't make the  
> law and followed it. I hate to see me not have the opportunity to  
> succeed in my business because you have an issue with the city on it's  
> zoning laws with parking.  
>  
> Brian and Danelle thanks for your time and I will see you tomorrow.  
>  
> Brian could we make the following amendments or do we suggest them at  
> the time of the meeting. I would even make the amendment as I agree with  
> what I mentioned.  
>  
> Dan  
>  
>  
>  
>  
>  
>  
>  
>  
>



**Brian J Will/Notes**

11/06/2007 11:10 AM

To "Solid Rock Gymnastics" <solidrock@neb.rr.com>

cc bwill@lincoln.ne.gov, "Dan Lesoing"  
<dlesoing@windstream.net>, Jean L Walker/Notes@Notes

bcc

Subject Re: Fw: sp permit # 07049

Danelle,

Yes, once the special permit is approved it runs with the land and is in effect until it is either rescinded by the property owner or revoked by the City Council. Otherwise, the property can be bought and sold but the permit is still in effect.

Brian Will, AICP  
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"Solid Rock Gymnastics" <solidrock@neb.rr.com>