

DENIAL

Item No. 11

Introduce: 3-12-18

RESOLUTION NO. A-\_\_\_\_\_

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

2 That after hearing duly had as required by law, consideration of the facts of this  
3 application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

- 4 a. If the applicant is of a class of person to whom no license can be issued.
- 5 b. If the existing population of the City of Lincoln and the projected population  
6 growth of the City of Lincoln and within the area to be served are adequate to  
7 support the proposed license.
- 8 c. If the issuance of the license would be compatible with the nature of the  
9 neighborhood or community.
- 10 d. If existing licenses with similar privileges adequately serve the area.
- 11 e. If there are any existing motor vehicle and/or pedestrian traffic flow issues in the  
12 area or if this application would cause motor vehicle and/or pedestrian traffic flow  
13 issues.
- 14 f. If there is an adequate number of existing law enforcement officers in the area.
- 15 g. If there are zoning and/or distance restrictions that prevent the issuance of a  
16 license.
- 17 h. If there are sanitation and/or sanitary conditions on or about the area.
- 18 i. If a citizens' protest has been made.

19 The City Council recommends to the Nebraska Liquor Control Commission that the application  
20 of Casey's Retail Company dba Casey's General Store #2744 for a Class "D" liquor license at  
21 4335 N. 70<sup>th</sup> Street, Lincoln, Nebraska, be denied. The City Council has determined that the  
22 application should be denied for one or more of the following reasons:

- 1 a. The applicant is unfit, unwilling, and/or unable to properly provide the service  
2 proposed within the City of Lincoln.
- 3 b. The applicant cannot conform to all provisions and requirements of and rules and  
4 regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent  
5 City ordinances.
- 6 c. The applicant has not demonstrated that the type of management and control to  
7 be exercised over the premises described in the application will be sufficient to  
8 insure that the licensed business can conform to all provisions and requirements  
9 of and rules and regulations adopted pursuant to the Nebraska Liquor Control  
10 Act, and pertinent City ordinances.
- 11 d. The applicant has not demonstrated that the issuance of the license is or will be  
12 required by the present or future public convenience and necessity.

13 BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of  
14 this resolution to the Nebraska Liquor Control Commission.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2018:

\_\_\_\_\_  
Mayor