

DENIAL

Item No. 7

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 Ross Capital, Inc. dba Corky Canvas/Corky Boards for a Class "I" liquor license at 3700 S. 9<sup>th</sup>  
21 Street, Suite C, 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:

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Approved as to Form & Legality:

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

Approved this ___ day of _____, 2018:   _____ Mayor
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