

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION: AMENDMENT TO SPECIAL USE PERMIT FOR RUM RUNNER

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007); and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Special Use Permits; and

WHEREAS, Rum Runner has operated under a Special Use Permit since 2008 as a drinking establishment; and,

WHEREAS, Rebecca Horner, Planning Director has reviewed the application to amend the Special Use Permit for the addition of more square footage to Rum Runner for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property located at 7007 S 181st Street #106, Omaha, NE and legally described as follows:

Lot 3 Sunridge Replat Three, Sarpy County, Nebraska.

WHEREAS, the Board has previously approved the Special Use Permit application for Rum Runner on July 22, 2008, by Resolution No. 2008-192, which Resolution authorized Rum Runner to operate as a drinking establishment in the General Business (BG) zoning district

inclusive of an outdoor beer garden, with restrictions on the beer garden relating to lighting, noise, hours of operation, fencing construction and occupancy.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the amendment to the Special Use Permit Application was held before the Sarpy County Planning Commission on April 21, 2010 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding the amendment to the Special Use Permit Application was held by this Board.
- III. Notice of each of the Public Hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 1997), and the proof of publication has been filed in the Office of the Sarpy County Clerk.
- IV. The Planning Director has made a recommendation as noted in the attached Exhibit "A", which Exhibit "A" includes the Planning Director report dated April 29, 2010 and the site plan.
- V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan and the Zoning Regulations.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the amendment to the Special Use Permit for the expansion of the Rum Runner drinking establishment to include a kitchen, storage space, an office and a pool table room as described in the Planning Director report and interior site plan. Further, all of the conditions on the beer garden from Resolution No. 2008-192 are still in force.

Dated this 4th day of May, 2010.

Moved by Rich Jansen seconded by Rusty Hike, that

the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

Rusty Hike _____
Rich Jansen _____
Tom Richard _____
Patrick J Thomas _____

none

none

ABSTAIN:

none

Approved as to form:

County Attorney

Dorothy Wright
 County Clerk



Sarpy County
 County Board of Commissioners Report
 Meeting Date: May 4, 2010
 Staff Report Prepared: April 29, 2010

Subject	Type	By
Special Permit for an amendment to an existing special use permit for a Drinking Establishment, AKA Rum Runner at 7007 S. 181 st Street legally described as Lot 3 Sunridge Replat Three located in the NE ¼ of Section 17, T14N, R11E of the 6 th Prime Meridian, Sarpy County, Nebraska	Resolution and public hearing	Rebecca Horner, AICP Planning Director

- History
 - July 22, 2008 the County Board approved a Special Use Permit to operate a Drinking Establishment for Rum Runner.
 - The Planning Department staff recently received a request for an expansion to an existing liquor permit for Rum Runner. It was determined that the existing special use permit must be amended to include the new area. The applicant then applied to amend the existing Special Use Permit to include the new premises area.
- Comprehensive Plan
 - The Comprehensive Plan shows the area as Mixed Use Center. (Figure 5.1)
- Zoning
 - The existing zoning is BG, General Business.
 - This is a request to amend the existing permit to add area to the premises for a kitchen, office, pool table and storage.
 - The BG District allows the Drinking Establishments as a permitted special use which means the use may be granted with a special use permit.
 - The expansion is minor and includes the addition of a kitchen, storage space, pool table and office. The impact of the addition is minor. No additional seating is proposed.
- Summary of Request
 - This request is to amend an existing special use permit to add an interior area to the existing Drinking Establishment. This request does not otherwise modify the original approval and all requirements of the original approval in 2008 still apply.
- Planning Commission Action

*Bliss moved, seconded by Lichter to approve the modification to the existing Special Use Permit for a drinking establishment as shown in the attached interior site plan, AKA Rum Runner, as it conforms to the Comprehensive Plan, Zoning and Subdivision Regulations of Sarpy County. **Ayes:** Bliss, Fenster, Lichter, Stuart, Thompson, Torczon, Wear, Labart, Vanek and Whitfield. **Nays:** None. **Abstain:** None. **Absent:** Dunbar. **Motion carried.**(10-0)*
- Recommendation

Recommend approval to the modification to the existing **Special Use Permit** for a drinking establishment, AKA Rum Runner, as shown in the attached interior site plan, as it conforms to the Comprehensive Plan, Zoning and Subdivision Regulations of Sarpy County.

Respectfully submitted by:

Rebecca Horner, AICP
 Planning Director

RUM
RUNNER
8-19-09

