

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION: SPECIAL USE PERMIT FOR BROOK DILL FOODS INC. d/b/a**  
**LINOMA BEACH BAR.**

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, Bruce Fountain has reviewed Brook Dill Foods Inc's (d/b/a/ Linoma Beach Bar) application for a Special Use Permit for a drinking establishment for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property located at 17106 S 255<sup>th</sup> Street and legally described as follows:

Tax Lot C1, Section 29, Township 13N, Range 10, of the 6<sup>th</sup> P.M. in Sarpy County, NE.

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 Special Use Permit Application was held before the Sarpy County Planning Commission on April 18, 2012 and further, the Planning Commission gave their recommendation.
- II. A public hearing regarding 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 his report.

V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan.

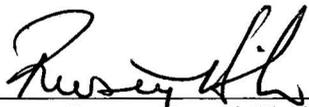
FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the Special Use Permit for a drinking establishment on the above described property on the condition that the operating hours remain consistent with the quiet hours of the adjacent camp ground which is closing time at 10:00 PM on weeknights (Sunday – Thursday) and closing time of 12:00 AM on weekend nights (Friday and Saturday).

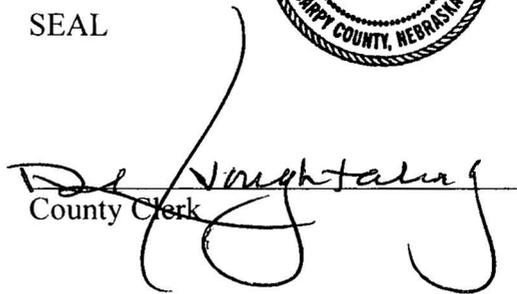
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 1st day of May, 2012.

Attest



SEAL

  
Sarpy County Board Chairman

  
County Clerk

**Sarpy County Board of Commissioners Report**  
**Staff Report Prepared: April 25, 2012**  
**County Board Date: May 1, 2012**

Subject	Type	By
Special Use Permit to allow the serving of alcohol at a drinking establishment within the BG (General Business) zoning district	Resolution	Bruce Fountain, AICP, EDFP Planning Director

➤ **Summary and Purpose of Request:**

- Brook Dill Food, Inc. (dba Linoma Beach Bar) has submitted an application for a Special Use Permit to allow the serving of alcohol at a drinking establishment at Linoma Beach located off of Highway 6 and 255<sup>th</sup> Street (17106 S. 255<sup>th</sup> St.).
- The property is zoned BG (General Business). Drinking establishments require a Special Use Permit in the BG district.

➤ **Background and Analysis:**

- The detailed staff report on this application was presented to the Planning Commission at their April 18, 2012 meeting and is attached for your information and review.

➤ **Staff Recommendation:**

- Staff recommends **APPROVAL** of the Special Use Permit for Brook Dill Food, Inc. (dba Linoma Beach Bar) for a drinking establishment to be located at Linoma Beach (17106 S. 255<sup>th</sup> St.) as specifically described in their Operations Statement and application as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County. Staff recommends the following change in their Operations Statement regarding hours, however, which the applicant has agreed to:
  - the operating hours will be consistent with the quiet hours enforced within the adjacent camp ground which would mean closing times set for 10:00 pm on weeknights and 12:00 am on weekend nights (Friday & Saturday).
- Staff also recommends that approval of the Special Use Permit be contingent upon the applicant providing the Planning Department proof of an approved liquor license from the State of Nebraska and proof of an approved inspection of the food/drinking establishment by the Nebraska Department of Health.

➤ **Planning Commission Recommendation:**

- On April 18, 2012 the Planning Commission voted 7-0 to recommend **APPROVAL** of the Special Use Permit application submitted by Brook Dill Food, Inc. (dba Linoma Beach Bar) to allow a drinking establishment at Linoma Beach located off of Highway 6 and 255<sup>th</sup> Street (17106 S. 255<sup>th</sup> St.) as specifically described in their Operational Statement and application.

*Whitfield moved, seconded by Vanek, to recommend approval of a Special Use Permit for Brook Dill Food, Inc. (dba Linoma Beach Bar) to allow a drinking establishment at Linoma Beach located off of Highway 6 and 255<sup>th</sup> Street (17106 S. 255<sup>th</sup> St.) as specifically described in their Operational Statement and application as it is consistent with the Comprehensive Development Plan and meets the requirements of the Sarpy County Zoning Regulations with the following conditions:*

- 1) the operating hours will be consistent with the quiet hours enforced within the adjacent camp ground which would mean closing times set for 10:00 pm on weeknights and 12:00 am on weekend nights (Friday & Saturday); and,*
- 2) the applicant provide the Planning Department proof of an approved liquor license from the State of Nebraska and proof of an approved inspection of the food/drinking establishment by the Nebraska Department of Health.*

*Ballot: Ayes – Fenster, Vanek, Stuart, Ferrell, Torczon, Thompson, Whitfield. Nays – none.  
Abstain – none. Absent – Bliss, Mohr, Lichter, Murante. Motion carried 7-0.*

Respectfully submitted by:



Bruce Fountain, AICP, EDFP  
Planning Director

# ADDITIONAL INFORMATION

**SARPY COUNTY BOARD OF COMMISSIONERS**

**May 1, 2012**

**Special Use Permit**

**To operate a drinking establishment at Linoma Beach**

**Attachments: (Part of Exhibit A of Resolution)**

**Board Report**

**Additional Attachments**

**Planning Commission Recommendation Report**

**Application with operation statement and map**

**Zoning Map**

**Current Future Land Use Map**

**Support letter from owner of Linoma Beach**



**SARPY COUNTY PLANNING  
& BUILDING DEPARTMENT**

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**RECOMMENDATION REPORT**

**SPECIAL USE PERMIT (SUP 12-0002) – Brook Dill Foods, Inc.  
To allow a Drinking Establishment use in a BG (General Business) District  
Linoma Beach – 17106 S. 255<sup>th</sup> Street, Gretna, NE 68028**

**PLANNING COMMISSION HEARING OF: APRIL 18, 2012**

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**I. GENERAL INFORMATION**

**A. APPLICANT:**

Brook Dill Food, Inc. (dba Linoma Beach Bar)  
Brook Dill  
1617 Dawes St.  
Ashland, NE 68003

**B. PROPERTY OWNER:**

Linoma Lighthouse LLC  
1442 Silver St.  
Ashland, NE 68003

**C. SUBJECT PROPERTY LOCATION:** Subject property is the Linoma Beach area located off of Highway 6 and 255<sup>th</sup> Street (17106 S. 225<sup>th</sup> St.)

**D. GENERAL LEGAL DESCRIPTION:** Tax Lot C1, Section 29, Township 13N, Range 10, Sarpy County, NE

**E. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:**

- Future Land Use Designation: Greenway
- Zoning: BG (General Business District)

**F. REQUESTED ACTION(S):**

- To approve a Special Use Permit to allow the serving of alcohol at a drinking establishment within the BG (General Business) zoning district.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The site is currently a sand beach and swimming area with restroom facilities, a concessions building which will be used for storage, and an outdoor covered area where food and beverages will be served. The vacant restaurant building at Linoma Beach is not a part of this application area.

**B. GENERAL VICINITY AND LAND USE**

- North, East, and South: farmland which is zoned AG-FP (Agriculture – Flood Plain)
- South: Thomas Riverside Acres subdivision zoned RD-50 (Two-family Residential District).
- West: Platte River

**C. RELEVANT CASE INFORMATION:**

- The applicant leased the area last year and opened the beach and swimming area to the public. He also served food to patrons and had music on their outdoor speakers as well as live acoustic music on Sunday afternoons.

- The applicant plans to run the same type of operation this season and has applied for a license to serve alcohol as well.
- The applicant has indicated that all patrons will enter through a single gate with a window at the gate. Every patron will be banded with waterproof, tyvek tamperproof bracelets. The color will change for security reasons and will denote minors and adults.
- The applicant's Operations Statement indicates they will be open 7 days a week from 11:00 am until 12:00 am (midnight). They have indicated that midnight is the beginning of quiet hours for the rest of the lake's camping area and they will be observing this as well. The swimming area will be closed at dusk and the applicant indicated that like last year the waters' edge will be ringed with tikki torches and staff will enforce the closure.
- In researching this application, the property owners indicated to staff that quiet hours for the camping area actually begin at 10:00 pm on weeknights and 12:00 am on weekends.
- All liquor serving employees will be "TIPS" (Training for Intervention Procedures) trained through the State of Nebraska program.
- The beach area is fenced and topped with barbed wire.
- Night time lighting will be from existing outdoor lights that have been in place for a number of years – no additional lighting is planned.
- There is currently adequate parking provided on the sand/gravel lot just outside the fenced area.
- All floatation structures have been removed from the swimming area.

**D. APPLICABLE REGULATIONS:**

- Sarpy County Comprehensive Development Plan
- Current Zoning District: Section 20, Zoning Ordinance, regarding the BG (General Business) District

**III. ANALYSIS / STAFF COMMENTS**

**A. COMPREHENSIVE PLAN:**

- The Comprehensive Plan shows the area as Greenway (Figure 5.1) which would allow outdoor, recreational uses.

**B. TRAFFIC AND ACCESS:**

- Access to the subject property will be from the existing driveway off of 255<sup>th</sup> Street.

**C. OTHER AGENCY REVIEW/COMMENTS:** The applications were sent to each of the five cities in Sarpy County as well as jurisdictional agencies or departments that may have an interest.

- Responses received indicated they had no comments or objections to the application.

**D. GENERAL:**

- According to the current Sarpy County Zoning Regulations, a drinking establishment serving alcohol is only allowed with a Special Use Permit in the BG (General Business) district.
- This type of operation will also require that the applicant be approved for a liquor license from the State of Nebraska as well as pass an inspection of the food/service area by the Nebraska Department of Health.

**IV. STAFF RECOMMENDATIONS:**

- Staff would recommend the Planning Commission further discuss the hours of operation with the applicant at the public hearing and consider making weeknight closing times consistent with the quiet hours of the adjacent camp ground.
- Staff recommends **APPROVAL** of the Special Use Permit for Brook Dill Food, Inc. (dba Linoma Beach Bar) for a drinking establishment to be located at Linoma Beach (17106 S. 225<sup>th</sup> St.) as described in their Operations Statement and application as it conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County subject to the following condition:
  - the operating hours will be consistent with the quiet hours enforced within the adjacent camp ground which would mean closing times set for 10:00 pm on weeknights and 12:00 am on weekend nights (Friday & Saturday).
- Staff recommends that approval of the Special Use Permit be contingent upon the applicant providing the Planning Department proof of an approved liquor license from the State of Nebraska and proof of an approved inspection of the food/drinking establishment by the Nebraska Department of Health.

**V. PLANNING COMMISSION RECOMMENDATION:**

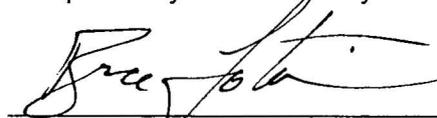
**VI. ATTACHMENTS TO REPORT:**

1. Application and Operations Statement
2. Support Letter from Property Owner
3. Current Zoning Map
4. Current Development Structure Plan – Figure 5.1 of Comprehensive Plan (showing subject property area)

**VII. COPIES OF REPORT SENT TO:**

1. Brook Dill Food, Inc. (applicant)
2. Linoma Lighthouse, LLC (property owner)
3. Public Upon Request

Respectfully submitted by:



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Bruce A. Fountain, AICP, EDFP  
Director, Planning & Building Dept.



# SARPY COUNTY PLANNING

• 1210 GOLDEN GATE DRIVE PAPILLION, NE 68046  
• PHONE: 402-593-1555 • FAX: 402-593-1558 • E-MAIL: [PLANNING@SARPY.COM](mailto:PLANNING@SARPY.COM)

## SPECIAL USE PERMIT APPLICATION

In order for your application to be considered **COMPLETE**, please answer all applicable questions and provide the following:

1. Submit complete Special Use Permit Application
2. Submit Non-Refundable Fee of \$250.00 made payable to Sarpy County Treasurer
3. 1 full sized site plan drawings (Folded)
4. 25 reduced size site plan drawing (8.5 x 11)
5. Detailed operational plans

### PLANNING STAFF USE ONLY:

APPLICATION NO.: \_\_\_\_\_  
 DATE RECEIVED: \_\_\_\_\_  
 CP DESIGNATION: \_\_\_\_\_  
 ZONING DESIGNATION: \_\_\_\_\_  
 FEE: \$ \_\_\_\_\_ RECEIPT NO. \_\_\_\_\_  
 RECEIVED BY: \_\_\_\_\_  
 NOTES: \_\_\_\_\_

### APPLICANT INFORMATION:

NAME: Brook Dill Foods Inc.

E-MAIL: Brook@brookdill.com

ADDRESS: 1617 Doves St.

CITY/STATE/ZIP: Ashland, NE 68003

MAILING (IF DIFFERENT)  
ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: 340-998-5502

FAX: \_\_\_\_\_

### PROPERTY OWNER INFORMATION: (If multiple owners, attach separate sheet)

Please check box if attaching separate sheet with owner information.

NAME: Lincoln Lighthouse LLC

E-MAIL: Lettonlw@yahoo.com

ADDRESS: 1442 Silver street

CITY/STATE/ZIP: Ashland, NE 68003

MAILING (IF DIFFERENT)  
ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: 402-944-3383

FAX: 402-944-2211

### ENGINEER INFORMATION:

NAME: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

MAILING (IF DIFFERENT)  
ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

**PROJECT DESCRIPTION:** (Describe the project in detail, including physical features of the site, proposed improvements, proposed uses or business, operating hours, number of employees, anticipated customers, etc. – Attach additional sheets if necessary.) **PLEASE NOTE:** A detailed project description is essential to the reviewing process of this request.

Lincoln Beach Bar owned by Brook Hill Foods inc will be open 6-1-12 thru 10-30-12  
Seven days a week weather permitting from 11am-12am. This is swim at your own  
risk beach. We will have 8-10 employees depending on volume. My forecast is about  
50 ppl a day on weekdays and 100-200 ppl on weekends and will be closed if it rains.  
Please see email for additional information

**PROJECT SITE INFORMATION:** Complete each section in its entirety. If a question is not applicable to your project, please indicate this to show that each question has been carefully considered.

**ASSESSOR'S PARCEL NUMBER:** \_\_\_\_\_

**ADDITIONAL PARCEL NUMBERS** \_\_\_\_\_

**LEGAL DESCRIPTION:** (Describe property to wit:)

Lot I in tax lot C2, located in the South half of Section 29, Township  
13 N, Range 10 East of the 6th P.M., Sarpy CO NE

**GENERAL PROPERTY LOCATION:** 17106 South 255<sup>th</sup> Street Gretna NE 68028

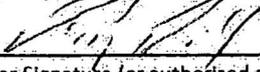
**ADDITIONAL INFORMATION:** Please use this space to provide any other information you feel is appropriate for the County to consider during review of your application. Attach extra sheets if necessary.

All alcohol serving employees are "TIPS" trained. Area to be considered is enclosed  
by a 7ft fence topped with barbed wire. All customers will be asked for identification  
and all customers will be wristbanded for age purposes. please see email  
for more information.

**PLEASE NOTE THE FOLLOWING PROCEDURES:**

1. The Planning Commission will hold a public hearing and make a recommendation to the County Board.
2. County Board will hold a public hearing and make a final decision on the Special Use Permit.
3. All necessary agreements will be recorded with the Sarpy County Register of Deeds, the cost of which will be borne by the Special Use Permit applicant or the property owner.

I, the undersigned, understand a sign will be posted on my property and will remain until the public hearing process at the Planning Commission and County Board is complete. I further understand the Special Use Permit process as stated above and I authorize County Staff to enter the property for inspection related to the specific request during this process.

  
Owner Signature (or authorized agent)

3-28-12  
Date

Owner Signature (or authorized agent)

Date

## Linoma Beach Bar Operations Statement

Linoma Beach Bar will be open 7 days a week 11am until 12 am. Midnight is quiet hour on the lake and we will be observing this. Last year we had music on our outdoor speakers and did not encounter any problems. All patrons will enter through a single gate with a window at the gate. Every patron will be banded with waterproof tyvek tamperproof bracelets. The color will change for security reasons and will denote minors and adults. At dusk the beach will be closed for swimming. Just like last year, we ringed the waters' edge with tikki torches and staff enforced the fact. Live acoustic music will be every Sunday afternoon just as we did last year.

From the start, I will only have a few employees and will grow the business as needed. 2 door people, 2 cooks, 2 bartenders. Last year I was present and worked every day I was open. I will repeat this again this year. Lighting levels at night will be from the existing outdoor lights at Linoma that have been there for 10 years or more. They are not stadium bright but are bright enough to walk the beach comfortably. Last year on our busiest day, we still had a half full parking lot, so I believe parking is sufficient.

All liquor serving employees as well as myself are "TIPS" trained. This is a State of Nebraska designed class to ensure proper alcohol serving. TIPS (Training for Intervention ProcedureS) are a dynamic, skills-based training program designed to prevent intoxication, drunk driving and underage drinking by enhancing the fundamental "people skills" of servers, sellers and consumers of alcohol. TIPS gives individuals the knowledge and confidence they need to recognize potential alcohol-related problems and intervene to prevent alcohol-related tragedies.

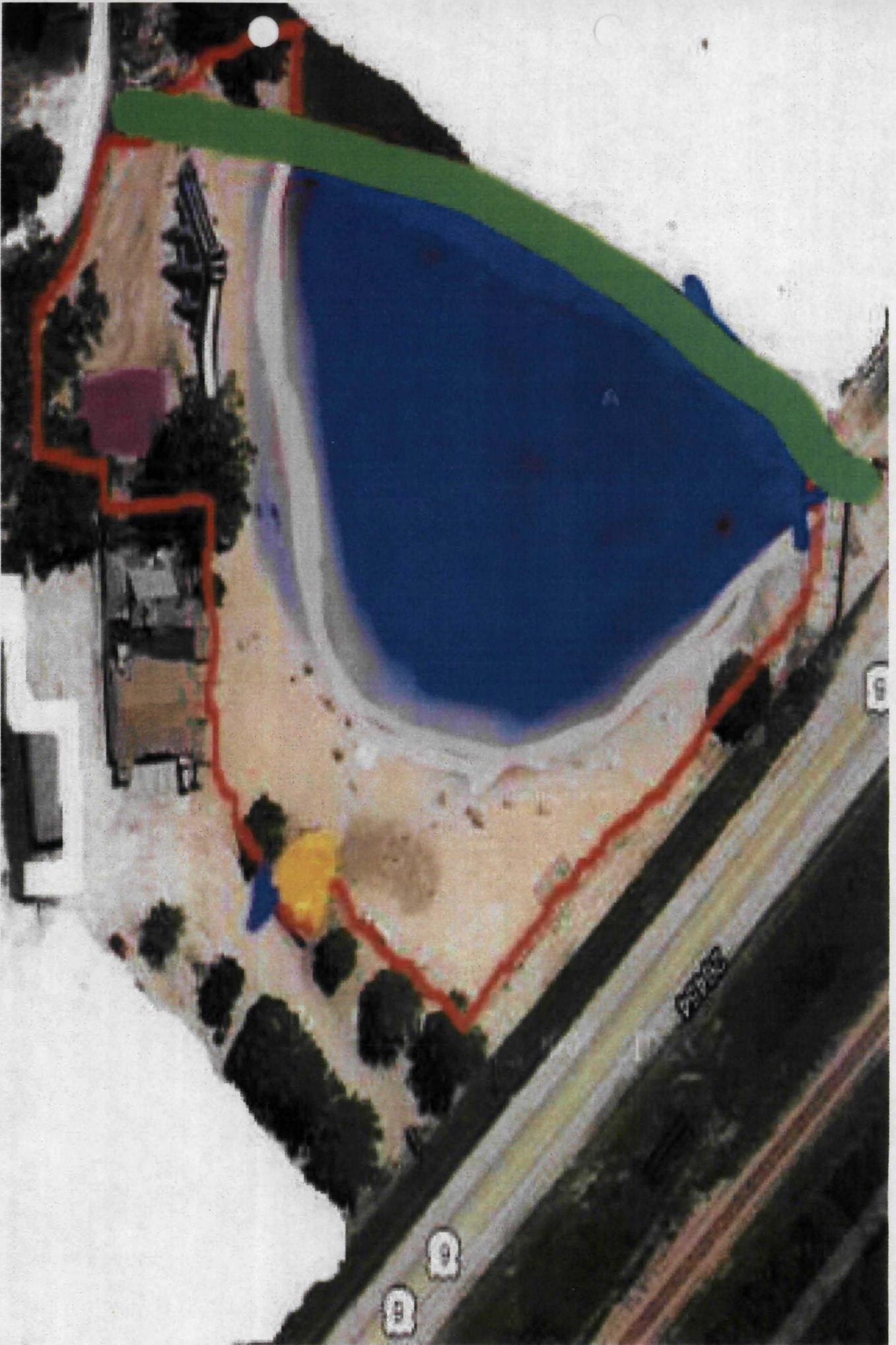
The grounds to be considered are fenced and topped with barbed wire. The Beach has a large float buoy rope sufficient to keep boats out of the swimming area and not allow for another entry to the establishment.

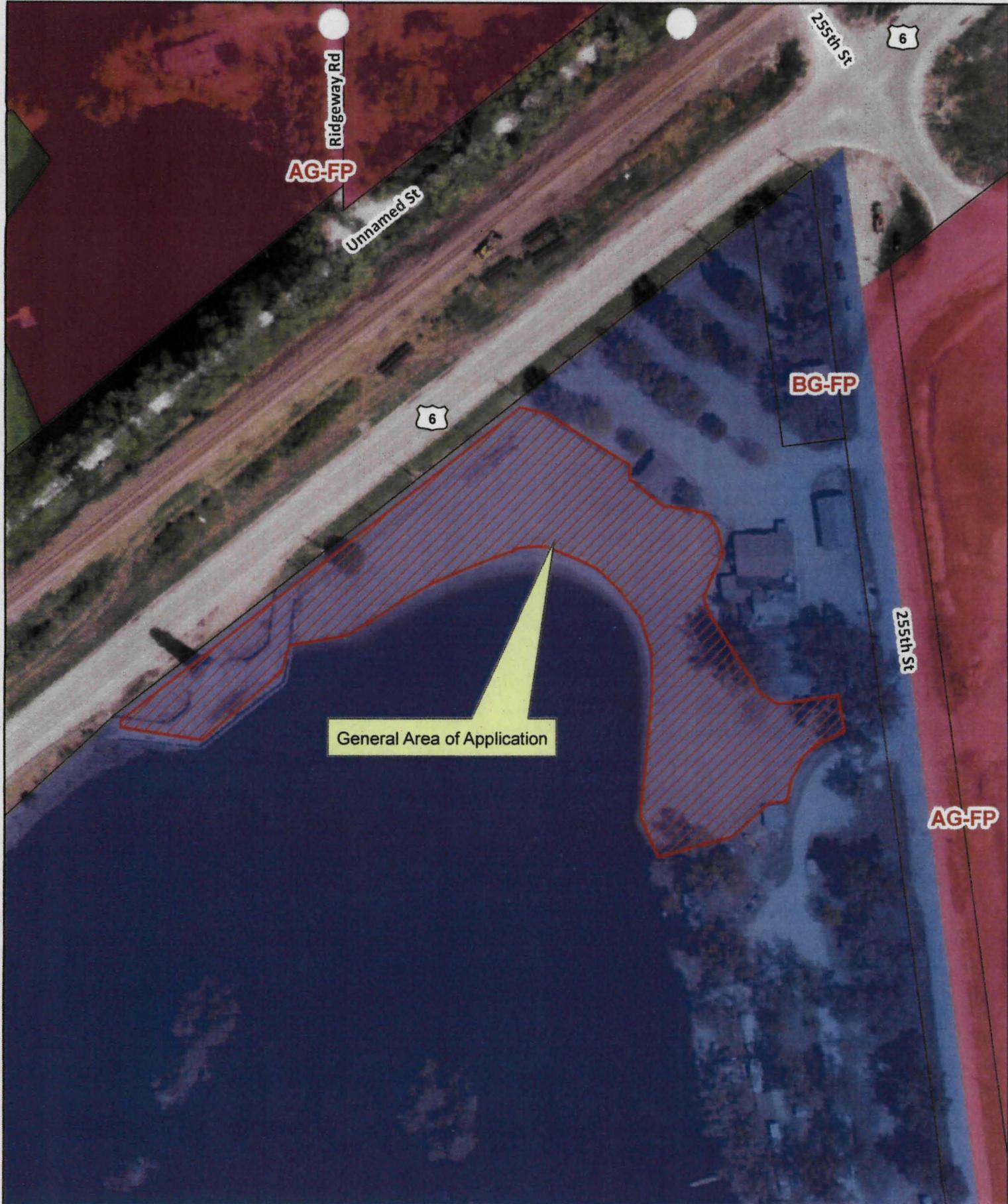
The attached photo is the view of the property I am leasing for Linoma Beach Bar. The red line indicates where the 7ft fence topped with barbed wire encloses all of the area to be considered for a liquor license. The Yellow highlighted area is the concession building that where all liquor

deliveries will be made and all liquor will be stored and secured. The Blue area denotes the entrance used for patrons. The Purple area is the outdoor, covered area where I am going to place the bar and tables. All cooking and serving of alcohol will be done outside. No patrons will be allowed access inside of any building on property except the restrooms. Our drink list will be canned beer and a few rum drinks mainly all served either in the can or plastic cups. No dishes or beverages will be served on reusable wear. The beach is 660 feet long and 400 feet wide. In this picture there are several water features as well as a waterside. I will not have any of these on property, for safety reasons. I am just trying to make Linoma a place where people can come and enjoy the beach in Nebraska.

Brook Dill

Brook Dill Food, Inc.  
dba Linoma Beach Bar

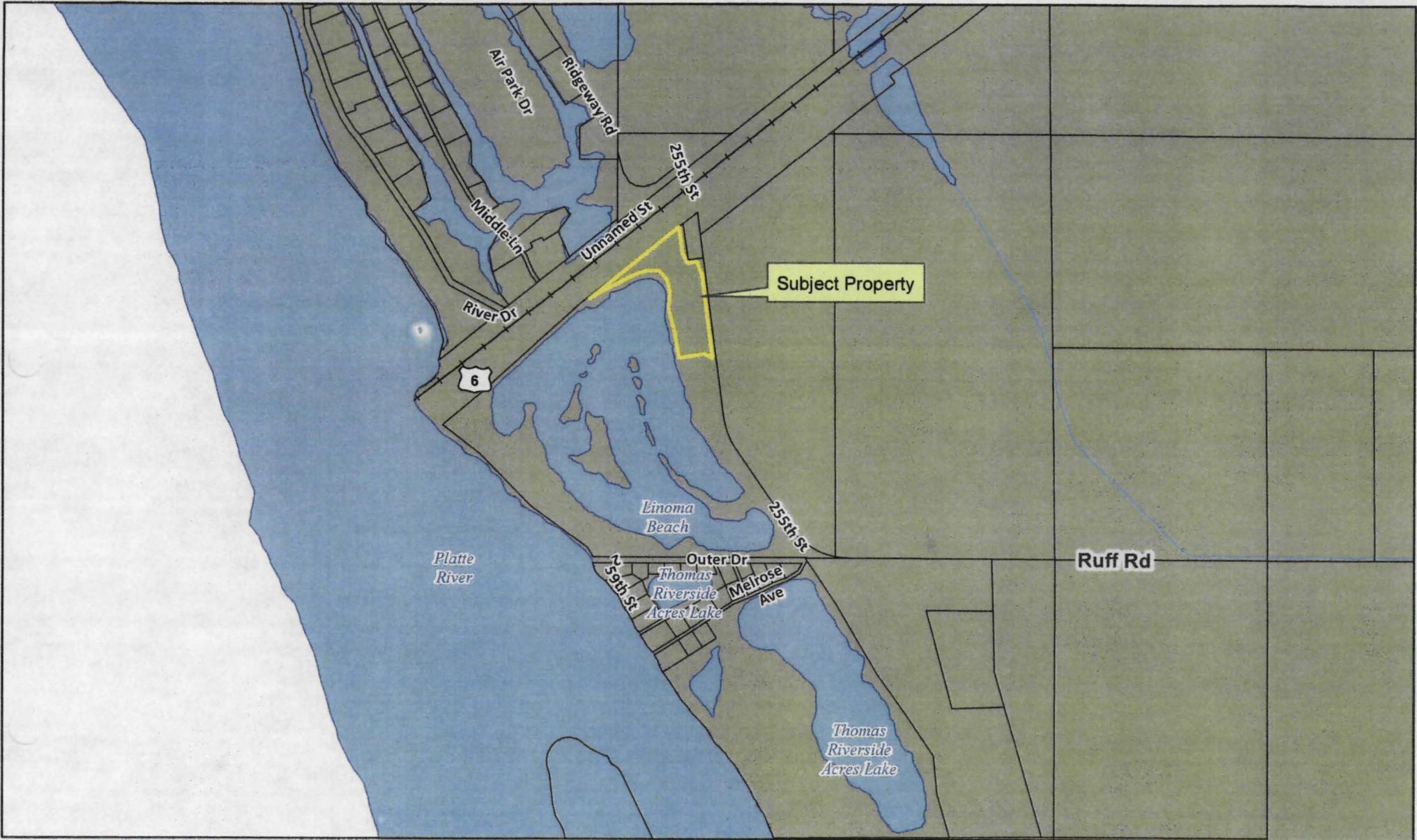




# Zoning Map

Brook Dill Food, Inc (dba Linoma Beach Bar) S.U.P.





### Current FLU - Sarpy Co

0 375 750 1,500 Feet



Comprehensive Development Plan  
**Figure 5.1: Development Structure Plan**  
 Sarpy County, Nebraska

#### Legend

- |                          |                                 |                       |
|--------------------------|---------------------------------|-----------------------|
| Bellevue Future Growth   | Long Term Residential Growth    | Cross County Arterial |
| Business Park            | Mixed Use                       | City Limit            |
| Civic                    | Mixed Use Center                | City ETJ              |
| Conservation Residential | New Richfield Village           |                       |
| Estate Residential       | Park/School Site                |                       |
| Greenway                 | Plug Interchange Development    |                       |
| Industrial               | Residential - Community Systems |                       |
| Light Industrial/Storage | Urban Residential               |                       |
|                          | Urban Residential II            |                       |

Amended 3-07-2012

**LUTTON LAW OFFICE**  
CITIZENS NATIONAL BANK BUILDING  
1442 SILVER STREET  
ASHLAND, NEBRASKA 68003

CLAUDE D. LUTTON (1941-1999)  
DAVID N. LUTTON

April 5, 2012

TELEPHONE 402-944-3383  
FAX 402-944-2211  
luttonlaw@yahoo.com

Sarpy County Administration  
Bruce Fountain, Director Planning  
1210 Golden Gate Dr.  
Papillion, NE 58046

Dear Mr. Fountain:

This letter comes in support of the proposed liquor license for Brook Dill Foods Inc. Brook leases Linoma Beach from our LLC. Last year he rented and showed appropriate supervision over the beach and the area leased from us. He operated a grill which was a great addition and well used by the surrounding area. The addition of a liquor license will help his business considerably.

There will be no nighttime swimming at the beach. Its use will be limited strictly to a bar and grill. Hopefully this will alleviate concerns about alcohol at the location.

If you have any questions please feel free to contact me.

Sincerely,



David N. Lutton

APR - 5 2012

PLANNING DEPARTMENT  
SARPY COUNTY  
PAPILLION, NEBRASKA

**SARPY COUNTY  
PLANNING DEPARTMENT**  
1210 Golden Gate Drive  
Papillion, NE 68046  
Phone (402) 593-1555  
Fax (402) 593-1558  
Bruce Fountain, AICP,  
Planning Director

**NOTICE OF PUBLIC  
HEARING  
SARPY COUNTY BOARD  
OF COMMISSIONERS**

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, May 1, 2012, at 3:00 P.M. in the Sarpy County Board Room, Sarpy County Administration, Papillion, Nebraska. **Brook Dill Foods, Inc., 1617 Dawes Street, Ashland, NE, requests approval of a Special Use Permit to operate a drinking establishment in a BG (General Business) Zoning District. (Linoma Beach, 255th & Hwy 6)** An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office.

**Proof of publication**

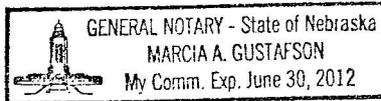
**AFFIDAVIT**

State of Nebraska, County of Douglas, ss:

Tracy Thompson, being duly sworn, deposes and says that he/she is an employee of The Omaha World-Herald, a legal daily newspaper printed and published in the county of Douglas and State of Nebraska, and of general circulation in the Counties of Douglas, and Sarpy and State of Nebraska, and that the attached printed notice was published in the said newspaper on the 20 day of April, 2012, and that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge. The Omaha World-Herald has an average circulation of 145,620 Daily and 179,203 Sunday, in 2012.

(Signed) Tracy Thompson Title: Account Executive

Subscribed in my presence and sworn to before me this 20<sup>th</sup> day of April, 2012.



Marcia A. Gustafson  
Notary Public

Printer's Fee \$ \_\_\_\_\_  
Affidavit \_\_\_\_\_  
Paid By \_\_\_\_\_