



Bar owner challenges much higher impact fee on 'drinking places'

By NANCY HICKS / Lincoln Journal Star | Posted: Monday, August 15, 2011 9:30 pm

The way things stand, a Lincoln bar pays almost twice as much in impact fees as a restaurant that serves drinks.

That much higher impact fee is unfair, according to Lincoln bar owner Ameeta Martin, who is appealing an impact fee for a new bar she plans to open at 27th Street and Pine Lake Road.

Martin must pay an additional \$12,000 because she is changing the use of the space from retail to bar.

The impact fees are based on traffic created by a type of business between 4 p.m. and 6 p.m., the peak traffic hours.

Martin, who owns the red9, said 99 percent of that downtown bar business comes after 9 p.m. and doesn't impact the peak driving hours.

The council agreed that Martin may have a point and decided to give her two weeks to prove her point with facts and numbers.

Under the city's impact fee system, "drinking places" pay a one-time fee of \$7.31 per square foot, while restaurants that serve drinks pay \$3.62 per square foot.

The impact fee for "drinking places" is 80 percent higher than every other class, including retail, said Martin.

The fees are based on national data showing average traffic for specific businesses between 4 p.m. to 6 p.m., peak traffic time.

Streets are built to accommodate peak traffic, and impact fees are used to help pay for the streets, explained Rick Peo, chief assistant city attorney.

The traffic produced by a bar is certainly not 80 percent higher than a sit-down restaurant during those peak 4 p.m. to 6 p.m. hours, Martin said.

"Maybe in other cities, bars have fantastic happy hours and draw big crowds," she said.

"I don't believe that methodology applies to Lincoln," she said.

Impact fee decisions can be appealed to the council but the burden is on the applicant to show that it is not fair, said Peo.

Martin brought her impressions, but no factual evidence to the Monday council meeting.

"We need some substantiation," said Councilman Jonathan Cook.

Martin actually has paid the fee so she can move forward on her business and said she is appealing the fee on principle.