

# **City of Scottsbluff, Nebraska**

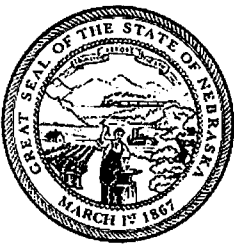
**Monday, January 4, 2021**

**Regular Meeting**

## **Item Public Inp2**

**Council to discuss and consider action on approving an indoor area approximately 130 x 25 including outdoor area approximately 25 x 9, located at 1820 Broadway for BDS3C, LLC d/b/a Flyover Brewing Company to their existing class L, C, and K Liquor Licenses.**

**Staff Contact: Kim Wright, City Clerk**



Pete Ricketts  
Governor

**STATE OF NEBRASKA**  
**NEBRASKA LIQUOR CONTROL COMMISSION**

**Hobert B. Rupe**  
*Executive Director*  
301 Centennial Mall South 5<sup>th</sup> Floor  
P.O. Box 95046  
Lincoln, Nebraska 68509-5046  
Phone (402) 471-2571  
Fax (402) 471-2814 or (402) 471-2374  
TRS USER 800 833-7352 (TTY)

November 20, 2020

Scottsbluff City Clerk  
2525 Circle Drive  
Scottsbluff, Ne 69361

Dear Clerk:

Please present the following application for **Addition** to your board and send us the results of that action.

ADDITION: INDOOR AND OUTDOOR AREA

**LICENSE #: L-122207 AND CK-122206**  
**LICENSEE: BDS3C LLC**  
**TRADE NAME: FLYOVER BREWING COMPANY**  
**ADDRESS: 1824 BROADWAY AND 1820 BROADWAY**  
**CITY/COUNTY: SCOTTSBLUFF/SCOTTS BLUFF COUNTY**  
**CONTACT NUMBER: 308-225-0275**  
**CONTACT PERSON: JOSEPH MARGHEIM**  
**EMAIL: JOE@FLYOVERBREWINGCO.COM**

**REQUEST: ADDITION OF INDOOR AREA APPROX 130 X 25 INCLUDING OUTDOOR AREA APPROX 25 X 9**

**MAKING THE NEW DESCRIPTION READ: ONE STORY BUILDING APPROX 140 X 50 INCLUDING OUTDOOR AREA APPROX 10 X 50 PLUS INDOOR AREA 1820 BROADWAY APPROX 130 X 25 INCLUDING OUTDOOR AREA APPROX 9 X 25**

**APPROVED** \_\_\_\_\_ **DISAPPROVED** \_\_\_\_\_

Tracy Burmeister  
Licensing Division

**APPLICATION FOR ADDITION  
TO LIQUOR LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)

Office Use

**RECEIVED**

NOV 20 2020

**NEBRASKA LIQUOR  
CONTROL COMMISSION**

**Application:**

- **Must include processing fee of \$45.00 check made payable to the Nebraska Liquor Control Commission or you may pay online at [www.ne.gov/go/NLCCpayport](http://www.ne.gov/go/NLCCpayport)**
- **Must include a copy of the lease or deed showing ownership of area to be added. This is still required even if it's the same as on file with original application**
- **Must include simple hand drawn sketch showing existing licensed area and area to be added, must include outside dimensions in feet (not square feet), show direction north.  
NO BLUE PRINTS**
- **May include approval from the local governing body; no addition shall be approved unless endorsed by the local governing body**
- **Check with your local governing body for any additional requirements that may be necessary in making this request for addition**

LIQUOR LICENSE # 122207 and 122206 CLASS TYPE L, C and K  
BDS3C LLC  
LICENSEE NAME Flyover Brewing Company  
TRADE NAME 1824 Broadway. Addition is currently addressed at 1820 Broadway  
PREMISE ADDRESS Scottsbluff 69361 Scotts Bluff  
CITY ZIP CODE COUNTY  
Joseph Margheim  
CONTACT PERSON 308-225-0275  
PHONE NUMBER OF CONTACT PERSON joe@flyoverbrewingco.com  
EMAIL ADDRESS OF CONTACT PERSON

CK 1539  
45<sup>00</sup> PD  
11/20/2020



**RECEIVED**

FORM 110  
REV JULY 2015  
Page 1 of 2

1. What is being added?

**Explain the type of addition that is being requested, i.e. beer garden, adding to building**

The back portion of the building will be used for canning and cold storage for distribution. The middle portion will be dry storage and office space. The front portion of the building will be a reservable room for private events as well as additional patio space.

2. Will this addition cause the location to be within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

☐

YES

☒

NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1).

Must include supplemental Form 134 found at this link: <http://www.lcc.ne.gov/formsdiv.html>

If proposed location is within 300 feet of a campus, the Commission may waive this restriction upon written approval from the governing body of the college or university. (Rev. Stat. 53-177)(1).

Must include supplemental Form 135 found at this link: <http://www.lcc.ne.gov/formsdiv.html>

3. Include a sketch of the area to be added showing:

- ✓ existing licensed area with length & width in feet
- ✓ area to be added with length & width in feet
- ✓ direction north

4. If adding an outdoor area explain:

- ✓ type of fencing
- ✓ height of fence
- ✓ length & width of outdoor area in feet

*12.07 Outdoor area shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors and which is contained by a permanent fence, wall or other barrier approved by the Commission and shall be in compliance with all building and fire, or other applicable local ordinances.*

*Rule Chapter 2-012.07*

I acknowledge under oath that the premises as added to comply in all respects with the requirements of the act. Neb Rev Stat §53-129

Joseph Margheim, member  
Signature of Licensee or Officer

State of Nebraska

County of Scotts Bluff

The foregoing instrument was acknowledged before me this

17 Nov 20

Date

by

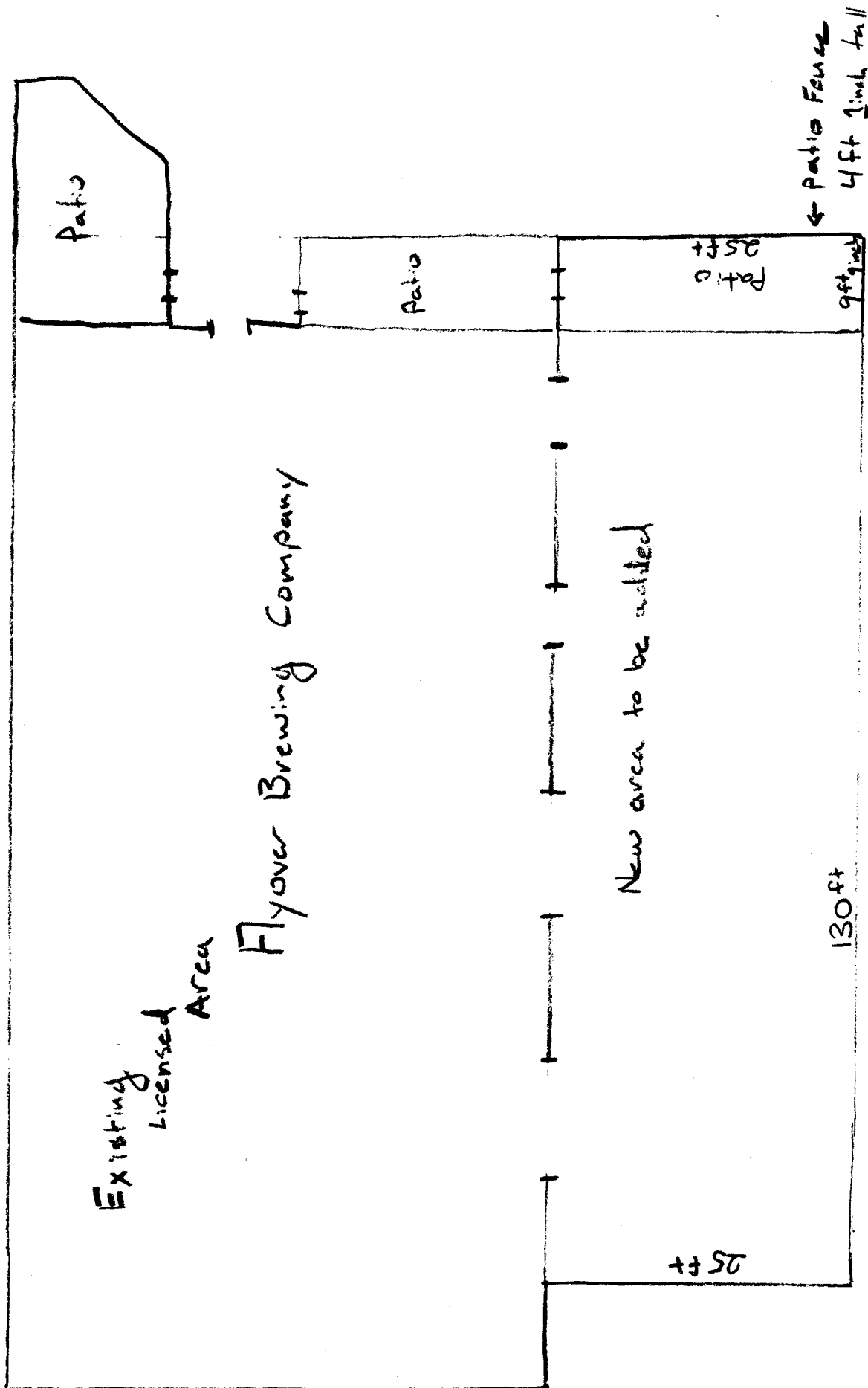
Joseph Margheim

name of person acknowledged (individual(s) signing document)

Not currently Reg.

Notary Public signature

Affix Seal



1N

Client  
Copy

RETURN:  
Philip M. Kelly  
105 East 16<sup>th</sup> Street  
Scottsbluff, NE 69363-0419

### WARRANTY DEED

**JASON L. FRANK, a single person, Grantor, in consideration of One Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, conveys to BDS3C, LLC, a Nebraska Limited Liability Company, Grantee, the following described real estate (as defined in Neb. Rev. Stat. § 76-201):**

**Lot 22, Main Street Addition to the City of Scottsbluff, Scotts Bluff County, Nebraska**

**SUBJECT TO easements, restrictions, reservations and rights of way whether apparent or of record.**

**GRANTOR covenants (jointly and severally) with the GRANTEE that GRANTOR:**

- (1) is lawfully seized of such real estate and that it is free from encumbrances subject to easements, reservations, covenants, and restrictions of record;**
- (2) has legal power and lawful authority to convey the same;**
- (3) warrants and will defend the title to the real estate against the lawful claims of all persons.**

**EXECUTED:** 28th day of October, 2020.

  
JASON L. FRANK

STATE OF NEW YORK, COUNTY OF New York SS:

The foregoing instrument was acknowledged before me on this 28th day of October, 2020 by **JASON L. FRANK.**

