MEETING RECORD

NAME OF GROUP:	**CITY BOARD OF ZONING APPEALS**
DATE, TIME AND PLACE OF MEETING:	Friday, May 27, 2016, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Andrew Budell, Tim Francis, Chris Hove, and Scott Sandquist and (Annette McRoy absent); Tim Sieh of the Law Department; Christy Eichorn of the Building and Safety Department; Steve Henrichsen, Brian Will, Andrew Thierolf, Rachel Jones and Amy Huffman of the Planning Department.
STATED PURPOSE OF MEETING:	Regular Board of Zoning Appeals meeting

Chair Scott Sandquist called the meeting to order and acknowledged the posting of the Open Meetings Act posted at the back of the room.

Sandquist called for a nomination for the position of Chair. Francis nominated Sandquist, seconded by Budell. Nomination approved, 4-0; Budell, Francis, Hove and Sandquist voting 'yes'; McRoy absent.

Sandquist called for a nomination for the position of Vice Chair. Francis nominated Budell, seconded by Sandquist. Nomination approved, 4-0; Budell, Francis, Hove and Sandquist voting 'yes'; McRoy absent.

Sandquist called for a motion approving the minutes of the regular meeting held June 26, 2015. Motion for approval made by Francis, seconded by Budell and carried 3-0: Budell, Francis, and Sandquist voting 'yes'; Hove abstaining; McRoy absent.

APPEAL NO. 16001
REQUESTED BY GATEWAY VISTA
FOR A VARIANCE TO SIGN REGULATIONS TO ALLOW A SIGN WHICH EXCEEDS THE MAXIMUM SIGN AREA ALLOWED IN THE R-2 DISTRICT
GENERALLY LOCATED AT 225 NORTH 56TH STREET.
PUBLIC HEARING: **May 27, 2016**

There were no ex parte communications disclosed.

Mark Sroczynski, Administrator at Gateway Vista, came forward to state that he received the Staff Report yesterday. Point number 5 under the Staff Findings indicates that there are three access points. There are only two. There is a main access for

resident and visitor entry. The point at the back is for vendors or employees. If anyone else uses that back access, they are going to the basement of the facility.

Hove stated that he is also on the Planning Commission. As he recalls, when this site appeared before that body, the changes included a plan to add another access. Sroczynski stated that the Staff Report indicates the third access and there is some long-term strategic plan to build onto the existing structure. He has recommended that no additional units be added at this time because the market in Lincoln is flooded. Hove asked for confirmation that the plan that went through Planning Commission called for that additional access, but at this point, it is on hold. Sroczynski confirmed it is on hold.

Sroczynski stated that Point number 9 under the Staff Findings says the sign is needed to “increase visibility from O Street”, but it also notes that it is “not clear how a wall sign along a street with no access would help people to get to the facility from the access points available”. It states that the signs allowed at each entrance should “adequately identify the entrances”. They do not. One is for residents and visitors. The back entrance has a sign that indicates that it is for supplies.

Francis asked if the back access is along 52nd Street. Sroczynski said that is correct. The 56th entrance is off of a one way street. It has a stone wall fence, but that is not visible from O Street. Gateway Vista has grown in business in the last year from 54 apartments to 134. Despite the increased traffic, people do not know where their facility is located. If they are told the location is behind Cheddar’s on O Street, the sign would create a visual marker of where to go. Visitors have repeatedly stated that a sign is needed along O Street.

Point number 10 addresses the fact that the elderly housing complex has existed since the 1960s. There is some consideration as to why a sign is important now, after all this time. The people here now do not have any idea of what Gateway Manor was back in the 1960s. What they see is the unmarked side of a building. A sign normally allowed in the zoning district would be too small. The building sits 150-200 yards from O Street. The Home Real Estate complex has gone up in front of it. About 6 months ago, the front page of the Lincoln Journal Star pictured the area, highlighting the newer, infill buildings close to O Street. Gateway Manor also filled in that area. People drive up and down the street and do not see the entrance on 56th Street and that is a problem. They are approximately 93% occupied. People who come from outside the Lincoln area have a difficult time reaching the facility.

Point number 11 notes that other apartment complexes and facilities in Lincoln have not asked for any additional signage beyond what is normally allowed. The question is, why does our facility need it? Again, we are located so far off of the main street. Other competitors are located at high-traffic junctures where the building is highly visible. There would be no reason to spend the money to install the sign if it were not relevant.

Sroczynski concluded by presenting images to illustrate the distance from the main road and the neighboring buildings, including Cheddar's and the new Home Real Estate building.

Sandquist asked if there has been any discussion with the neighbors. Sroczynski replied that he has not met with neighbors.

Sroczynski reiterated there would be good visibility of the proposed sign from O Street, noting again the distance.

Hove wondered if it would create more confusion for people who saw the sign and wanted to turn in immediately from O Street, when there is no way to get from that parking lot to the building. Sroczynski said there is no doubt that a sign could cause people turn in from O Street, but the main problem now is that people cannot even identify or find the building. It is especially challenging for elderly people to find; they need a marker because they do not tend to use something like a smartphone to find the building. The sign is nice, elegant and understated, and simply serves as a marker to identify the building.

Hove asked if the sign is illuminated. Sroczynski said it would be backlit.

Hove noted the presence of many of trees near the main entrance on 56th Street. He wondered if those trees make the sign less visible. Sroczynski agreed there are lots of trees. The area is referred to as a 'vista' because it is a tree-lined drive. They have done a good job of keeping the sign free from trees.

Hove asked if they considered removing some of those trees to make the sign more visible from 56th Street. Sroczynski said that would take away from the nice campus. The trees that would need to be removed run east and west. The sign is farther to the east so not much would be gained.

Sandquist asked Sroczynski to describe how O Street traffic gets to the main entrance since it is on a one way street. Sroczynski said that if people come from the west, they have to do a U-turn after passing Cheddar's on the left side. He stated his in-laws came to visit him at work but gave up because they could not find the building.

Sandquist acknowledged that it can be awkward to enter the property due to the one way traffic. If people are eastbound on O Street the easiest solution might be to turn right on 56th and then cross on N Street to Cotner, and cross O Street again to head back. Sroczynski said the best way is to head north and do a rectangle around the entire area.

Hove asked if they own land all the way down to 52nd street. Sroczynski said he is not sure. Hove said that was part of the discussion at Planning Commission; there was the plan to create an entrance there, so it appeared that the property was under the same ownership. Sroczynski said they do own the land to the north. The plan he reviewed yesterday did appear to show a future 3rd entry, so that would require owning land farther north.

Hove said he thought it was more west. Sroczynski said it is north and west. He went on to say that if they were to add more independent living, they would have the space, but realistically, the market is not bearing that.

Hove asked why they could not add the additional entrance in the back. Sroczynski said it would be 400 yards or longer.

ACTION:

Francis stated he was prepared to make a motion of denial of the variance.

Tim Sieh came forward to state that part of the motion should include adding facts to the record as to why the motion was made.

Francis moved denial based on the fact that this does not appear to be a circumstance of hardship. The business was expanded, and perhaps it was overbuilt. He suggested that better instructions could be given to visitors, such as approaching from Vine Street, turning south onto 56th Street, and entering from the main, east entrance.

Sroczynski asked if he had the right to ask questions to understand the basis for the motion.

Sieh stated that technically, the public hearing is closed. The Board must make a motion. If there is no second, the motion dies and this body would move on to any other motions to be considered. This is not a time for further public testimony.

Hove asked if more information was needed.

Sandquist stated that this body needs to identify the scenarios that make this request a unique circumstance. In his mind, he thinks it is about as awkward as it could be to access the facility, though he does not know if that makes it adequately unique.

Hove stated that he is unsure that the sign would solve that issue.

Francis stated he is chagrined about comments regarding the inability of motorists from western Nebraska being unable to navigate the streets of Lincoln. Giving clearer instructions with a brochure including a map, and offering to offer help to get them to the right location is a better solution.

Sandquist agreed that solution seems plausible. He does not know how long it takes visitors to find the building, but he could see that it could take longer than normal, given the uniqueness of the entrances.

Francis stated he believe the sign gives better visibility to the business; it does not necessarily instruct people how to get there.

Sandquist countered that people would know where the building was located.

Budell said he sympathizes with the difficulty in getting to the building, but he is unsure that it rises to the level of a unique situation.

Francis said he read this appeal and thought the proposed location sounds like a good place for a what is essentially a billboard. He could see other places wanting that type of exposure without paying for it.

Sandquist said he does not know all of the specifics about sign codes.

Francis said he believed the motion needs a second. He asked Law Department if this is the last recourse for the appellant.

Sieh replied that after this board, the next step would be an appeal to the District Court. There is no other appeal to the City Council.

Francis said that what he hears is that the market is saturated and the business has expanded; he does not see what the problem is.

Hove stated he seconds the motion for denial in order to open the item for potential further discussion and vote.

Motion failed 2-2; Francis and Budell voting ‘yes’; Hove and Sanquist dissenting; McRoy absent.

Sieh stated that based on the vote, no action was taken since it requires three votes for either a denial or approval to move forward. In this case, the item is automatically carried over to the next scheduled Board of Zoning Appeals hearing. The board can reconsider and hope the fifth member is present.

Francis moved to adjourn the meeting, seconded by Budell; motion carried 4-0:

There being no further business, the meeting was adjourned at 2:03 p.m.

Note: These minutes will not be formally approved by the City Board of Zoning Appeals until their next regular meeting.

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