City Council Introduction: **Monday**, February 11, 2008
Public Hearing: **Monday**, February 25, 2008, at **5:30** p.m.

Bill No. 08R-50

FACTSHEET

TITLE: **PRE-EXISTING USE PERMIT NO. 07001A,** requested by Steve Glenn of MGG Enterprises, to allow 16,000 sq. ft. of commercial floor area and an adjustment to the required parking, on property generally located southwest of the intersection of Van Dorn Street and South 70th Street.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATES REQUESTS: Change of Zone No. 07061 (08-11).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 12/19/07, 01/16/08 and 01/30/08
Administrative Action: 01/30/08

RECOMMENDATION: **Denial** (6-2: Moline, Cornelius, Francis, Sunderman, Larson and Carroll voting 'yes'; Esseks and Taylor voting 'no'; Gaylor-Baird absent).

FINDINGS OF FACT:

1. This application was heard before the Planning Commission in conjunction with the associated Change of Zone No. 07061 from B-1 to B-2.

2. The purpose of this proposed amendment to the pre-existing use permit is to allow an outdoor temporary structure for lawn and garden sales associated with the existing hardware store and to seek an adjustment to the parking requirements from 53 spaces to 32 spaces.

3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-6, concluding that the City's parking requirements are regulated by zoning district rather than use. Throughout the range of allowed uses, the actual parking demands among those uses will vary and some will have a higher or lower demand than the average. The applicant states that his particular business is one that has a lower demand. The reduced parking requirement will allow the applicant to erect a temporary structure for outdoor sales in the parking lot and eliminate several parking spaces. If it is demonstrated that the parking reduction reduces traffic safety or negatively impacts off-street parking on adjacent lots, the temporary structure should be removed and the area returned to use as parking. The staff presentation is found on p.8-9.

4. The letter submitted by the applicant with the application is found on p.20, and the applicant's testimony is found on p.10-11 and 14-17. The e-mail containing additional conditions to which the applicant would agree to mitigate the concerns raised by the property owner to the south is found on p.27, including a) attempting to lease 12 parking spaces off-site for employees; b) providing a security guard during the peak months of April, May and June; and c) purchasing a sign telling customers that they cannot park on the property to the south or risk being towed.

5. The revised site plan submitted by the applicant on January 29, 2008, showing 32 parking spaces, is found on p.21-22. The comments by the Building & Safety Department on the revised site plan are found on p.26.

6. Testimony in opposition by Dr. Jayne Snyder, the property owner immediately to the south, is found on p.11 and 16. Her concerns have to do with parking, safety and outdoor storage. The applicant requested a continuance on January 16, 2008, to work with Dr. Snyder; however, she continued to have concerns at the continued public hearing on January 30, 2008.

7. Commissioner Esseks attempted a motion for conditional approval, with amendments to require that a certified security person be on duty from 10:00 a.m. to 4:00 p.m., Monday through Sunday, and that all parking spaces be striped. That motion failed 2-6.

8. On January 30, 2008, the majority of the Planning Commission disagreed with the staff recommendation, finding that there is not enough area to accommodate sufficient parking nor to address the traffic and safety concerns with the temporary outdoor structure, and voted 6-2 to recommend denial (Moline, Cornelius, Francis, Larson, Sunderman and Carroll voting 'yes'; Esseks and Taylor voting 'no'; Gaylor-Baird absent). See Minutes, p.17.

9. On January 30, 2008, the Planning Commission also voted 5-3 to recommended denial of the associated change of zone request.

FACTSHEET PREPARED BY: Jean L. Walker **DATE**: February 1, 2008
REVIEWED BY:_____ **DATE**: February 1, 2008
REFERENCE NUMBER: FS\CC\2007\PEUP.07001A+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 19, 2007 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the pre-existing use permit application.

PROJECT #: Change of Zone #07061
Pre-existing Use Permit #07001A

PROPOSAL: From B-1 to B-2 for approximately 16,000 square feet of commercial floor area.

LOCATION: Southwest of the intersection of Van Dorn and South 70th Streets.

LAND AREA: Approximately 1 acre.

EXISTING ZONING: B-1 Local Business

WAIVER REQUEST: Adjust required parking from 53 spaces to ~~37~~ 32 spaces.

CONCLUSION: The City's parking requirements are regulated by zoning district rather than use. Throughout the range of allowed uses, the actual parking demands among those uses will vary and some will have a higher or lower demand than average. The applicant states that his particular business is one that has a lower demand. The reduced parking requirement will allow the applicant to erect a temporary structure for outdoor sales in the parking lot and eliminate several parking spaces. If it is demonstrated that the parking reduction reduces traffic safety or negatively impacts off-street parking on adjacent lots, the temporary structure should be removed and the area returned to use as parking.

RECOMMENDATION:

Change of Zone #07061	Approval
Pre-existing Use Permit #07001A	***Conditional Approval***
Parking Adjustment:	***Conditional Approval***

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached legal description.

EXISTING LAND USE: Commercial.
SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-1 Local Business
South:	Commercial	B-1 Local Business
East:	Commercial	B-2 Local Business
West:	Office, Residential	O-2 Suburban Office, R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

Page 9 - Urban environment - Overall Form - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page 17 - The Future Land Use Map designates commercial land uses for this site.

Page 36 - Overall Guiding Principles - Encourage renovation and reuse of existing commercial centers. Infill commercial development should be compatible with the character of the area and pedestrian oriented. As additional centers are built, the City and developers should be proactive in redevelopment of existing centers to make sure that redevelopment is sensitive to the surrounding neighborhood and happens quickly to reduce vacancies.

Page 105 - Minor Arterial: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterial. This class interconnects with and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes.

HISTORY:

1979 - The zoning was changed from G Local Business to B-1 Local Business with the 1979 Zoning Update.

1953 - All four corners of the South 70th and Van Dorn Streets intersection were zoned G Local Business.

ANALYSIS:

1. The building was constructed in 1968, and complied with applicable requirements in effect at the time including off-street parking.

2. Commercial zoning was approved in 1953, and was updated to B-1 with the 1979 Zoning Update.

3. A portion of the subject lot adjacent to South 70th Street was acquired to accommodate the widening/improvement of the street. This eliminated a row of off-street parking spaces along the east edge of the parking lot. The use is considered nonstandard after the loss of parking as the required 53 spaces are no longer provided on the site. A retail use can continue to operate on this site as allowed under the provisions for a nonstandard use subject to the limitations of Lincoln Municipal Code (LMC) Chapter 27.61 Nonconforming and Nonstandard Uses.

4. Formerly a furniture store, the building is now a hardware store. The applicant is proposing to erect an outdoor, temporary structure for lawn and garden sales associated with the hardware store. The temporary structure is shown on the north side of the store in the parking lot and eliminates at least 10 parking spaces (8 spaces for the structure, 2 spaces for vehicles to turnaround). During permit review Building and Safety noted that a building permit for the structure could not be issued because it eliminated required parking spaces.

5. The applicant approached City staff seeking alternatives to adjust the required parking. He was advised that there were two ways to seek an adjustment to the parking requirement. First, he could appeal the building permit denial to the Board of Zoning Appeals (BZA). Second, he could seek a change of zone to B-2, and request an adjustment to the parking requirement as is allowed under the provisions of a use permit in the B-2 district.

6. The applicant was advised that the findings required by the BZA to grant a variance did not appear to exist in this case. He was also advised that if he sought B-2 zoning and a parking adjustment, he would need to justify the need for a reduced parking standard, and address potential concerns raised by neighboring business that may be impacted.

7. The provisions of the B-2 zoning district require a minimum site area of five acres unless the conditions under LMC 27.31.100(L) apply. Those conditions apply in this case as the lot was legally created prior to the adoption of this ordinance, and it has remained under separate ownership from other adjoining properties in the B-2.

8. The owner will be granted Pre-existing Use Permit #07001 for the site as it exists as allowed under LMC 27.31.100(K), assuming the approval of CZ#07061. This request, Pre-existing Use Permit #07001A to adjust the required parking, is an amendment to that pre-existing use permit.

9. The applicant has provided parking demand calculations based upon the specific use now operating, describing it as a 'convenience hardware store'. The term 'convenience hardware store' is meant to distinguish this use from similar retail uses such as home improvement stores or building supply stores. The parking analysis states that due to the unique nature of the use, the average parking demand is less than what is required by the Zoning Ordinance. Based upon historic customer counts and the average length of time a customer stays in the store, approximately five parking spaces are occupied at any given time during the week. It goes on to state that the peak demand can double on the weekends, and then approximately 10 parking spaces would be used, still well below the number provided on site. The applicant notes that he is competing with other similar stores in the area and that he would not request the reduction in parking if it wouldn't accommodate his customers and sustain his business.

10. Building and Safety notes several site conditions that do not comply with the Zoning Ordinance. All but C and E are accepted as existing conditions and allowed under the pre-existing use permit. Each is discussed below:

A. **The freestanding sign would need a waiver by City Council. This property does not have adequate frontage on the perimeter of the B-2 district to allow a sign. A freestanding sign require a 20 foot setback.**

This sign is allowed as part of the pre-existing use permit and a specific waiver/adjustment is not required for it to remain.

B. **B-2 requires not less than 5 acres. If added to the B-2 across the street then amendments would be needed to the existing Use Permit.**

Five acres of area are required unless the conditions under LMC 27.31.100(L) apply. Those conditions are: 1 - The lot was legally created prior to the adoption of this ordinance; 2 - The lot has remained under separate ownership from other adjoining properties in the B-2. This site meets these conditions, and as a result can be zoned B-2 without being made a part of the B-2 center across South 70th Street.

C. **Temporary structure shown would need to be 20 foot from the west property line for fire code.**

To comply with Uniform Fire Code the structure must be moved at least 20' to the east of the proposed location. This will displace approximately six more parking spaces (four to move the structure 20' to the east, and two to provide adequate area to allow cars in the last two parking spaces to be able to back out of the lot).

D**. Parking would need to be waived for the front yard in the B-2 parking district (UP)**.

As with the sign discussed in (A) above, while parking is not allowed in the front yard without a waiver, this is an existing condition and allowed as part of the pre-existing use permit, so a specific waiver/adjustment is not required for it to remain.

E. **B-2 district requires 20 foot setback from residential and the area shown fenced in on the southwest corner would need to be removed. This would be a side yard or rear yard abutting residential.**

Approximately the south 30' of this site is adjacent to R-3 zoning to the west. Both the B-1 and B-2 zoning districts have a required rear setback when adjacent to a residential zoning district, and this area is not allowed in either district to be used for commercial purposes. As a result, the rear yard must be open and undeveloped and not used for commercial purposes.

F. **Verify with Public Works that the parking layout on the north side meets design standards. It does not appear to have adequate area to back out of the farthest west stalls.**

In their review Public Works notes the need for an area for vehicles to back out of the parking spaces and exit the lot. This means that the last space in each row of parking adjacent to the temporary shelter must be dedicated for vehicle turnaround areas.

G. **All of their figures on parking are interesting, however if the sales from their garden center are 25% of their sales(in a six month period) and they have not been able to have these sales then the parking demand should increase with this structure and thus making all of their parking figures errant.**

Such temporary sales structures do not count as floor area for the purpose of determining the number of off-street parking spaces provided on a site. However, they are only permitted when the facility only eliminates excess parking spaces and therefore does not eliminate required spaces.

11. As noted in 10(F) above, Public Works states the need for an adequate turnaround area adjacent to the temporary structure. Their review comments also state that the parking spaces near the Van Dorn Street driveway have the potential to affect the function of the driveway, and will create an unsafe condition for the flow and safety of pass-by traffic in the right-of-way.

12. Staff estimates that 34 parking spaces will remain after the site plan is revised per staff comments. Based upon 16,000 square feet of floor area, the parking ratio is approximately one space per 470 square feet of floor area. For comparison, the required ratio for the B-2 zoning district is one space per 300 sq. ft. of floor area, and the B-3 zoning district is one space per 600 sq. ft. of floor area.

13. Staff has raised concerns with the proposed reduction in parking and they are noted, and as of the writing of this report staff cannot confirm there are no objections from neighboring businesses. Staff is recommending approval subject to several conditions, including one that allows City Council to revoke the permit if the parking reduction either creates unacceptable traffic safety hazards or negatively impacts neighboring properties with regard to off-street parking in the opinion of the Public Works Director.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits 16,000 square feet of commercial floor area with an adjustment to the parking requirement to allow a temporary outdoor structure in conjunction with the use of the building as a convenience hardware store as shown on the approved site plan.

2. The temporary structure for outdoor sales is only allowed so long as the reduced parking does not create a traffic hazard or negatively impact neighboring properties with regard to off street parking, and that the City Council upon report and recommendation of the Director of Public Works that the reduced parking creates a traffic hazard or negatively impacts neighboring properties may revoke the use permit after holding a public hearing thereon of which the permittee shall be notified.

3. The City Council approves associated request:

3.1 Change of Zone #07061

General:

4. Upon approval of the use permit by the City Council, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including **5** copies with all required revisions and documents as listed below before receiving building permits:

4.1 Revise the site plan as follows:

4.1.1 Show the temporary structure for outdoor sales setback 20' from property lines.

4.1.2 Revise the parking calculations on the site plan reflecting the relocated temporary structure, and include them in a table that also states a building floor area of 16,000 square feet.

4.1.3 Add a note to the site plan that states "THE USE OF THE TEMPORARY STRUCTURE FOR OUTDOOR SALES IS LIMITED TO THE USE OF THE BUILDING FOR A 'CONVENIENCE HARDWARE STORE'. THE USE OF THE TEMPORARY STRUCTURE FOR OUTDOOR SALES IN CONJUNCTION WITH ANY OTHER USE OF THE BUILDING MUST BE APPROVED BY ADMINISTRATIVE AMENDMENT BY THE PLANNING DIRECTOR.

4.1.4 Add a note to the site plan that states "THE TEMPORARY STRUCTURE FOR OUTDOOR SALES IS ONLY ALLOWED SO LONG AS THE REDUCED PARKING DOES NOT CREATE A TRAFFIC HAZARD OR NEGATIVELY IMPACT NEIGHBORING PROPERTIES WITH REGARD TO OFF STREET PARKING, AND THAT THE CITY COUNCIL UPON REPORT AND RECOMMENDATION OF THE DIRECTOR OF PUBLIC WORKS THAT THE REDUCED PARKING CREATES A TRAFFIC HAZARD OR NEGATIVELY IMPACTS NEIGHBORING PROPERTIES MAY REVOKE THE USE PERMIT AFTER HOLDING A PUBLIC HEARING THEREON OF WHICH THE PERMITTEE SHALL BE NOTIFIED."

4.1.5 Delete the fenced-in area at the south end of the lot labeled as 'Crushed Rock'.

4.2 The construction plans comply with the approved plans.

Standard:

5. The following conditions are applicable to all requests:

5.1 Before erecting the temporary structure all development and construction is to comply with the approved plans.

5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

5.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

5.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Brian Will
441-6362, bwill@lincoln.ne.gov
Planner
December 5, 2007

OWNER: MGG Enterprises
71006 625 Avenue
Pawnee City, NE 68420
402.458.9849

APPLICANT/ CONTACT: Steve Glenn
1212 O Street
Lincoln, NE 68508
402.458.9849

CHANGE OF ZONE NO. 07061
and
PRE-EXISTING USE PERMIT NO. 07001A

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 19, 2007

Members present: Larson, Moline, Taylor, Gaylor-Baird, Esseks, Francis, Sunderman, Cornelius and Carroll.

Ex Parte Communications: None.

Staff recommendation: Approval of the change of zone and conditional approval of the use permit.

Staff presentation: **Brian Will of Planning staff** explained that this is a request to change zoning to B-2 in conjunction with an application for pre-existing use permit southwest of the intersection of S. 70th Street and Van Dorn Street. The applicant had approached staff seeking alternatives to a dilemma. North of the existing building is a proposed outdoor temporary storage area for outdoor sales, which will eliminate required on-site parking spaces. Staff told the applicant that there are two alternatives: apply to Board of Zoning Appeals (however, it appeared that the findings that the Board of Zoning Appeals would have to make in order to grant a variance probably did not exist), or apply for B-2 zoning with a use permit.

Will noted that there were several concerns noted in the staff report which have been addressed. Public Works had concerns with adjusting the parking and the conditions it might create. Building & Safety noted that the temporary structure had to be moved further to the east to maintain the setback from 70th Street. Because this request reduces parking below the minimum number required, the staff wanted to make sure that it does not create a circumstance that causes parking problems for other neighbors in the area. To that end, one of the conditions of approval is that the City Council, upon report and recommendation of the Director of Public Works that the reduced parking creates a traffic hazard, could revoke this use permit.

Carroll pointed out that the entrance shown on the site plan off of Van Dorn does not look the same as it does on the aerial photograph. Will agreed that the site plan drawing does not include the additional area before getting to South 70th Street. Carroll believes the aerial shows the driveway considerably further west versus the site plan drawing. Carroll wondered how many parking spaces are west of the entrance. Will agreed that there appears to be a discrepancy.

Esseks inquired whether this has been done before. Will did not know if this has been done before and agreed that this condition is somewhat unique. The applicant has made the case for an adjustment and the staff does not find anything hard and fast to recommend denial. The staff is suggesting that should the situation arise, then the provision is in place to revoke the permit.

Esseks observed that it looks at though the major entrance is going to be very close to where the temporary facility will be located, creating a higher public safety risk. The
Planning Commission has the duty to protect the public. Will suggested that one can still enter off Van Dorn Street and exit. The temporary facility simply eliminates a number of the parking spaces.

Proponents

1. Steve Glenn, applicant and owner of the property, explained that the reality of this application is that they are trying to sell flowers. Every grocery store and drug store in this town sells flowers. He attempted to put up a tent for 90 days to sell flowers and the zoning ordinance would not allow it due to the parking. He removed the tent and that is why he is here today. Glenn's True Value is in the convenience hardware store business. The average transaction is $15. The average customer is in the store 12 minutes. For this whole year, they have had 70,000 customers, an average of 192 customers per day. Thus, they need 4.25 parking stalls per hour. During the busiest hours, they need 8.5 parking stalls per hour. They currently have 30 to 40 parking stalls. The flower and garden business is about 25% of their business so it is imperative that they have the ability to compete with the major box stores. This is a small business. They need the ability to compete – to sell flowers in the market place.

Glenn further stated that he has had a very positive response from the community for this store. In April, there was a very large response at the grand opening. He has since repaired the asphalt to add 10 parking stalls on the southern border. The old parking lines allowed the driveways to go north and south which caused congestion. Currently, he only allows south to northbound traffic through the property, which has improved the flow of traffic, with the majority coming in off 70th Street.

Glenn acknowledged that some of the traffic did flow onto the neighbor to the south during the grand opening; however, in the last six months, that problem has been addressed, especially with 4.25 parking spaces being used at any one time.

Larson inquired whether the building to the north is permanent. Glenn stated that it is not permanent – it is a clear tent that would only be used from March through June or July.

Cornelius inquired whether the large turnout for the grand opening was simply because this is a new store. Glenn stated that they had some real special things going on during the grand opening. He then pointed out that there are four major hardware stores within five minutes of this location. If he makes it hard to park or the customer cannot find a parking stall, then they will go to his competitor located 5 minutes away. If they can't park easily, he's going to have to deal with it or go out of business.

Cornelius ask Glenn to estimate how many parking spaces he will need while the tent is set up. Glenn believes it would be about 35. He will be required to move the tent 20 feet to the east, which will take out 4 or 5 stalls. Glenn also pointed out that 40% of the traffic comes to the store on Saturday and Sunday when the neighbor to the south is closed.

Francis inquired how the numbers were calculated. Glenn stated that the calculations were based on real numbers based on facts out of the cash register.

Gaylor-Baird noted that the staff was not able to confirm that the neighboring businesses did not have any objection. Glenn stated that he spoke with the neighbor to the south a month ago. He believes she may now have some concerns and is here today. Glenn wants to be good to his customers and wants to be a good neighbor, but he also has to run a business. He believes this is reasonable.

Moline indicated that he is struggling to understand why a 20' setback for the tent when the building itself is closer than that. Glenn stated that there is a professional building to the west. There are trees and a little slope at the northwest corner. He also does not understand why the building can be on the lot line and the tent needs a 20' setback. There are no buildings west of the tent. Moving the tent closer to the lot line would give him more parking.

Esseks expressed concern about traffic coming in right at the entrance of the tent. Glenn believes there is probably 70' from the opening to the tent, even if they move the tent.

Carroll pointed out that the aerial photo shows the driveway further west than the drawing, which reduces the parking by moving the structure 20' to the east. Glenn stated that there are two parking spaces between the opening and the corner. He did not know the number of parking stalls from the entrance to the west.

Opposition

1. Jayne Snyder, 810 Lakewood Drive, owner of the property south of the proposal, testified in opposition. She has been at this location at 2845 S. 70th for 17 years, and she currently owns the building. There are two businesses in this building, Snyder Physical Therapy and Nebraska Orthotic and Prosthetic Services, both of which deal with physically disabled clients. She is in opposition to any change that would decrease the parking stalls at the hardware store. At the time when this business opened, they did have some issues. It wasn't just with the grand opening. When they build this temporary tent on the north side, they would decrease the parking spaces considerably. She has had to staff the parking lot so that her patients can come for treatment. Sometimes patients had to leave and go without their normal treatments. Many times, her handicap parking spot directly adjacent to the hardware store is filled by customers of the hardware store. The data may be correct for the entire year, but the greatest business done by this store is in March or April through the summer. In July of 2007, she had to make arrangements to protect her handicap area from encroachment by the True Value customers, truck deliveries, and employees of the hardware store. She also noted that the owner of the store occupies parking stalls with rental equipment, pallets, and items of storage.

Moline inquired whether Snyder has marked her parking as "not available for hardware customers". Snyder stated that she monitors the parking lot. The handicap stalls are marked. They do put special signs up during the times of congestion; however, her parking is not permanently marked as for her business only. The convenience store parking is a real danger to her patients.

Carroll inquired whether the Snyder property shares a driveway with the property to the north. Snyder indicated that her business shares driveways south and north. The easement is across her parking lot to go south. There is legal sharing of the easement to enter on 70th Street.

Staff questions

Esseks appreciated the staff's effort to address the issues, but it looks like a problem. Surely we can come up with some better design features. Will stated that the site is pretty tight. The 20' setback is a uniform fire code requirement. It is not an adjustment or a waiver that can be granted. It is difficult to give a hard and fast number because the parking lot could be reconfigured and restriped. He estimates that there will be 34 parking spaces. There is concern with this. If this were a stand alone site that did not share any driveways, it would be easier to look at and suggest that the parking adjustment will not affect anyone else. As of the writing of this report, the staff did not have any knowledge of any concerns or parking problems.

Esseks wondered about voting to delay to allow the opportunity to come up with some conditions that might allow Mr. Glenn to conduct his business. Will agreed that to be a good idea. Staff could attempt to discuss other alternatives for laying out the parking lot. There may be other options. If the Planning Commission did delay, staff would be more than happy to work with the applicant and explore other alternatives.

Larson wanted to know who has jurisdiction over the setback. Will reiterated that to be a fire code requirement that cannot be waived. Larson thinks that the setback is the problem. If that could be changed, it might be a solution to this problem. Will stated that in general terms, the fire code exists for the health and safety of all, and he does not know whether there is a board that exists to adjust those requirements. That could also be explored. The applicant would be prohibited from storing anything in that area. To the south of the building identified as crushed rock, there is a chain link fence and it may have been used for storage in the past, but it is not allowed. If the zoning is changed to B-2, the applicant cannot store anything within 20' of that rear property line.

Moline wondered how someone would process a complaint. Rick Peo of the City Law Department acknowledged that the complaint process is not specifically spelled out. It is not intended that any individual complaint could go to the City Council. It is really meant to be a process for the City Traffic Engineer to be monitoring whether there is a traffic hazard out there or an adverse impact on neighboring properties not having access to parking. Once the City Traffic Engineer makes that determination, then they would set it on the Council agenda for a show cause hearing and all parties would have the opportunity to come forward and the Council would make a final decision. It could be set immediately on the City Council agenda, and would be a resolution with two readings. There would be notice to the property owner and the complaining parties. This process would take a maximum of four to six weeks.

Gaylor-Baird observed that potentially there is room by removing things that are currently being stored and reducing the size of the tent, etc. Will referred to the site plan. That is what is being proposed and that is what the staff report is based upon. If there is storage proposed to be on any of the parking spaces, it is not represented on the proposed site plan. The site plan would indicate that all of the parking spaces are open and available. The parking requirement in B-2 zoning would be 1 space per 300 sq. ft. of floor area. B-3 would allow 1 space per 600 sq. ft. of floor area. This proposal appears to fall somewhere in-between. He cannot address what the owner to the south has experienced.

Carroll wondered whether the staff could request an “as built” survey if this proposal is deferred. Will believes that if this were delayed, certainly the validity of the site plan could be addressed. He would ask the applicant to make revisions and resubmit. The intent is to bring a site plan to the Planning Commission that is accurate.

Larson wondered whether the placement of that tent could be turned that would provide more parking. Will reiterated that because the tent is temporary and free-standing, it needs to maintain the 20 ft. separation from the building and from both of the property lines. Larson observed that all of the parking both north and south of the tent will be lost. Will agreed.

Gaylor-Baird also observed that moving the tent 20 feet may result in loss of the handicap accessible parking. Will suggested that it depends on striping. Perhaps they could be moved. It appears that the building is some distance off the rear property line. To maintain that 20 ft. separation is going to remove 4-6 stalls and gets into the handicap stall.

Response by the Applicant

Glenn reiterated that “things have changed since April”. 10 parking spots were not available at that time. The parking for the business to the south was not signed. It is now marked. Whether we have 37, 42 or 35 parking spaces – even if our capacity goes up 50 or 100 percent – the hardware store needs an average of 8 to 10 stalls for customers, i.e. we need 1/4 of what we have. Things have changed dramatically since the grand opening – change in the flow of traffic and ten more stalls that have become usable for parking.

Larson asked whether the applicant could provide an hour-by-hour computation to determine the peak hours of business. Glenn observed that his neighbor to the south is closed Saturday and Sunday, and those are the peak hours of the hardware store (40-50 percent higher than mid-week). He cannot afford to have parking problems.

But, Esseks advised Glenn that the Planning Commission’s role is to be concerned about public safety and the neighbor to the south has expressed some real concerns that he cannot ignore. He is going to vote to defer so that hopefully something can be worked out to mutual satisfaction.

Esseks moved to defer four weeks, pending consultation by the Planning Department with Mr. Glenn and Ms. Snyder and other parties, seconded by Moline.

Moline grew up working at an Earl May store and knows how important this business can be. He wants to find a way to approve it but he has real concerns about the amount of parking. Today he would have to vote “no”, so he hopes something can be worked out.

Carroll requested that the Planning Commission be provided with an accurate site plan.

Motion to defer, with continued public hearing and action on January 16, 2008, carried 9-0: Larson, Moline, Francis, Taylor, Gaylor-Baird, Esseks, Sunderman, Cornelius and Carroll voting ‘yes’.

REQUEST FOR DEFERRAL: January 16, 2008

Members present: Esseks, Sunderman, Taylor, Gaylor-Baird, Larson, Moline, Francis and Carroll; Cornelius absent.

The Clerk announced that the applicant has requested a two-week deferral.

Motion made by Larson, seconded by Gaylor-Baird to defer two weeks, with continued public hearing and action scheduled for January 30, 2008, and carried 8-0: Esseks, Sunderman, Taylor, Gaylor-Baird, Larson, Moline, Francis and Carroll voting 'yes'; Cornelius absent.

There was no public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: January 30, 2008

Members present: Moline, Cornelius, Francis, Esseks, Larson, Taylor, Sunderman and Carroll; Gaylor-Baird absent.

Ex Parte Communications: Esseks stated that he visited the site twice in the last two weeks.

Staff recommendation: Approval of the change of zone and conditional approval of the amendment to the pre-existing use permit.

Staff presentation: **Brian Will of Planning staff** submitted a revised site plan and a copy of a letter from the applicant to Jayne Snyder, the owner of the property to the south.

Proponents

1. Steve Glenn, the applicant, explained that Glenn's True Value is a convenience hardware store at 70th & Van Dorn Street, which he purchased over a year ago. A big part of the convenience hardware business is the lawn and garden business (25%). He is here to sell flowers as part of the business. This store had 70,000 customers this last year, with an average transaction of $15.00; the average customer spends less than 15 minutes in the store, resulting in 1,356 customers a week, 192 customers a day on average. The store is open 83 hours a week, that being 17 customers an hour.

Glenn confirmed that the architect re-measured and has resubmitted the site plan, which now shows 32 parking spaces. 4.25 is the average number of parking stalls that he needs based on the numbers above. These are real numbers – not speculation – actual numbers from historical data.

Glenn stated that he is strongly committed to the good neighbor theory. He has talked to the neighbor to the south. He is also proposing to: 1) attempt to find off-street parking to lease on a long term basis for employee parking (although he has not reached any agreement yet); 2) he has been in contact with Silverhawk Investigations and Security about the possibility of paying a full-time security guard to be on-site during the April-May-June period to keep people from parking on the property to the south; and 3) post "no parking signs" where necessary. He believes this shows good faith.

Glenn suggested that the Commission consider the spirit of zoning based on the facts as opposed to the letter of the law. If we are focusing on the letter of the law, he has to have more parking stalls, but he would hope that the city would focus as much on the spirit of the law, i.e. what is really practical. The numbers are factual and practical and will allow him to operate as a small business in Lincoln, profitably.

Esseks is interested in allowing Glenn to be able to have this addition to the business which he has visited twice in the last two weeks. His concern is with the spirit of the law; that is, to prevent physical harm to the customers or harm to their vehicles. He referred to the comment from Public Works & Utilities indicating that this will create unsafe conditions for flow and safety of pass-by traffic in public right-of-way. He is concerned with the intersection of 70th & Van Dorn. He believes that people coming out of the property to go onto Van Dorn, either to the east or west, will be obstructed by those waiting for the traffic light to change. He suggested that it would be easy to enforce the no parking signs if there were a security person to facilitate the flow in and out. His concern is with people getting hit that have been to the flower tent. A security officer is a great idea, but we need to make sure he can come up to the north by the flower tent.

Larson sought clarification of the "flower" sales. Glenn stated that he is in the "convenience impulse flower purchase" – annual flowers. There will be very limited amount of shrubs and trees.

Glenn went on to state that if there is anything that makes it difficult for a customer to come in or leave the business, it hurts his business. If he has a major problem, he will have to take the tent down.

Moline inquired whether the store rents garden equipment. Glenn acknowledged that he does rent certain types of equipment and it goes out the north door.

Francis asked whether Glenn had considered making the Van Dorn Street an "exit only". Glenn had not considered it and agreed that it might be a good idea. He would need to do a traffic count to see how many come in that way. Ethan Allen had people parking both ways on each side of the building. He has made this a one-way to open up the flow.

Glenn asked the Commission to consider that he has made improvements and added to the parking since the grand opening.

Carroll wondered about designating the most southern parking stalls for employees only. Glenn would like to have the employees park off-site. Carroll suggested that designating the southern parking stalls for employees would eliminate people trespassing onto the southern property.

Glenn advised that the delivery trucks come either early in the morning or late. Now that the parking has become more sensitive, he will make sure the deliveries are done differently. Glenn acknowledges that the key is to be very sensitive to the parking concerns of his neighbor to the south.

Esseks suggested that all of the parking stalls be striped. He also noted that a full-time security person would be expensive, and suggested that a staff person be assigned this duty. Glenn stated that he was trying to show good faith by agreeing to hire a security guard. Esseks urged that there is a need to assign someone to traffic circulation control.

Opposition

1. Dr. Jayne Snyder, 810 Lakewood Drive, owner of 2845 S. 70th Street, the neighbor to the south, testified in opposition, stating that she still has some concerns. She is at her business about 12 hours a day, so she knows what happens along 70th Street. She has had her business there for 18 years and has owned commercial property in Lincoln for over 30 years. She suggested that Mr. Glenn's data is tainted. There are many times when there are no available parking stalls and part of the reason is that people do not always make a purchase. She is concerned about the 20' from the tent to Van Dorn Street – she has measured it and was under the assumption that that 20' was asphalt pavement, but it is actually an incline up to the sidewalk in Van Dorn Street. The 20' to the back of the tent actually goes up hill to some trees. The tent sits on the asphalt. She also believes the handicap area is unusable.

The area shown as "crushed rock" on the south side adjacent to her building is "grass" and it is a fenced-in area. Behind that chain link fence is rental equipment, scaffolding, bobcats, rototillers, pallets, and long flat trailers. She pointed out that the staff report indicates that both the B-1 and B-2 zoning would require that there be no items stored in that area, but yet it remains to be there. She has had several discussions with Mr. Glenn about this and the fence has encroached upon her property. She is not only concerned about the safety of people coming and going, but also about the items being stored, the large trash containers, the 20' storage trailer parked there, etc. Deliveries come during the day at least three times a week. When they have a sale, there is a semi-trailer parked there. The area is congested with many items other than just cars.

Dr. Snyder showed some photographs of the 20' trailer that has been sitting there for over a month, as well as an empty refrigerator. The delivery trucks make it difficult to park on the south side of the building.

In general, Dr. Snyder is still concerned. Her snow removal bill was $1,000 in December, and she spent over $6,000 repairing the parking lot. She does not do that to maintain her parking lot for another business. The parking lots are separate and under separate ownership. This property is not large enough to accommodate all this hardware "stuff". Now they are going to put a tent up that is going to take up more of the space.

Response by the Applicant

Glenn pointed out that the photographs were taken in December or January, when, based on the number of customers, he only needs three parking stalls in January. Is this a time we're moving goods in and out? Yes, we're moving all of our fertilizer in and our Christmas goods out. It comes down to the issue - am I going to do something that is not in the best interest of my customer? He disagrees that he is not a good neighbor.

Glenn understands that he will need to move the stored items off-site. They are low velocity items - things that are not rented daily. They are usually delivered to a job site. He could turn that area into more parking.

Glenn submitted that he is running a business. He has to have a trash receptacle. He also tries to recycle. There is a practical aspect of running a business and serving a customer. He is trying to do a good job of it and he is willing to commit the resources to be a good neighbor.

CHANGE OF ZONE NO. 07061
ACTION BY PLANNING COMMISSION: January 30, 2008

Moline moved to deny, seconded by Sunderman.

Moline grew up in an Earl May store and he would love to approve this, but in his mind and good conscience, he does not believe there is enough parking or space to handle all of those uses and the amount of traffic, and there is no way we can make that space bigger.

Esseks stated that he shares Moline's concern, but he will vote against the motion with the hopes to impose some conditions on the use permit that are acceptable to the applicant that might make the constrained space feasible.

Taylor understands the concerns of the neighbor, but he also appreciates the energy of the applicant in terms of what he plans to do. He understands the constraints, but he thinks that some of those things can be mitigated. You have to have confidence in the entrepreneur putting a business together. He believes that changes can be made and that this applicant will make those changes. He supports this application.

Carroll pointed out that this is an attempt to make this parcel fit into the five-acre designation of B-2 zoning. He believes that is a stretch for the conditions that have to be adjusted to make that work. It is too far to go for what we are trying to do.

Motion to deny carried 5-3: Moline, Cornelius, Francis, Sunderman and Carroll voting 'yes'; Esseks, Larson and Taylor voting 'no'; Gaylor-Baird absent. This is a recommendation to the City Council.

PRE-EXISTING USE PERMIT NO. 07001A
ACTION BY PLANNING COMMISSION: January 30, 2008

Esseks moved to approve the staff recommendation of conditional approval with two additional conditions: 1) a certified security person be on duty from 10:00 a.m. to 4:00 p.m., Monday through Friday (amended to Monday through Sunday), to guide traffic in and out of the property; and 2) all parking spaces must be striped. Motion was seconded by Taylor.

Cornelius stated that he will vote against the motion because, in his mind, there are too many conditions that would be required to make this work. He understands that the peak times are when the neighboring business is not open, but there are concerns by that property owner with regard to the use of her property during those times.

Carroll is opposed based upon the vote to deny the change of zone request.

Francis would like to see this small business be able to expand, but she has concerns with the parking issues that are not addressed to the neighbor's satisfaction. She is entitled to the use of her property by her own customers.

Moline would like to see this happen, but the neighbor to the south has property rights and she does not want to share parking.

Motion for conditional approval, as amended, failed 2-6: Taylor and Esseks voting 'yes'; Moline, Cornelius, Francis, Larson, Sunderman and Carroll voting 'no'; Gaylor-Baird absent.

Cornelius moved to deny, seconded by Francis and carried 6-2: Moline, Cornelius, Francis, Larson, Sunderman and Carroll voting 'yes'; Taylor and Esseks voting 'no'; Gaylor-Baird absent. <u>This is a recommendation to the City Council.</u>

Pre-Existing Use Permit #07001A & Change of Zone #07061 S 70th & Van Dorn St

2005 aerial

Zoning:

One Square Mile
Sec. 04 T09N R07E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

N

Zoning Jurisdiction Lines

City Limit Jurisdiction

m:\plan\arcview\07_up\peup07001a

November 21, 2007

To whom it may concern;

MGG Enterprises, Inc. is the owner of the property currently occupied by Glenn's True Value and is requesting a zoning change from B1 to B2 and a special use permit that will allow us to put up a garden center on the northwest side of our store at 2825 South 70th Street (former Ethan Allen store). Legal description: Lot 129 NE1/4, section 4, township 9, range 7, Lancaster County

MGG Enterprises, Inc. purchased the building in January 2007 and completely remodeled the building to allow for a full service hardware store. We moved into this property in March from our previous location at 70th and A Streets (Clocktower). Upon moving in we found out that because of parking requirements we would not be allowed to put up a small flower tent like we had at our previous location.

The lawn and garden segment represents almost 25% of our total sales and for us to have a successful hardware store it is imperative that we are able to offer a full line of lawn and garden supplies. Not being able to offer a garden center puts our company at a serious disadvantage in the marketplace.

It is our understanding that our current B1 zoning requires that we have 53 parking spaces. Because the building was constructed prior to the new zoning requirements it was grandfathered to allow us to have 43 stalls. With our proposed garden center we would be able to provide 37 parking stalls. The garden center would consist of a garden tent within a fenced in area.

It is important to note that Glenn's True Value is a convenience hardware store. Our average sales transaction is approximately $15 and the average customer is in the store for 15 minutes (rounded up). For the current year we have extrapolated a total customer count of 70,000 customers which represents an average of 192 customers per day or 1346 customer per week. Our store is open 83 hours per weeks which means that on average we have 17 customers visit our store per hour. Factoring in an average 15 minute store visit means that we are only using an average of 4.25 parking stells at any one time.

We have also factored into the equation that our sales and customer counts during Friday afternoons, Saturdays and Sundays can often be double those during the week. If we were to double our customer count to 34 visits per hour (using 8.5 parking stalls at any one time based on a 15 minute visit) means that our proposed parking stall numbers would be more than adequate to accommodate our customers.

It is important for you to understand that as a convenience hardware store we are not going to do anything possible to discourage our customers by not having enough parking. We fully understand that within 5 minutes of our store are 4 other hardware stores that customers will turn to if we do not make it easy for them to park and shop at our store.

With this in mind I hope that you will allow us the change in zone from B1 to B2 along with a special permit that would allow us to implement our garden center

Thank you for your consideration.

Respectfully,

Steve Glenn, President
Phone 402-440-2939 email stevegg@executivetravel.com

ARCHI + ETC. LLC
ARCHITECTURE ETCETERA

NOTICE OUR ETCETERA + BE INSPIRED BY OUR ARCHITECTURE

January 29, 2008

Steve Glenn
Glenn's True Value Hardware
2825 South 70th Street
Lincoln, NE 68506

RE: Re-Zoning for Special Permit Use

Dear Steve:

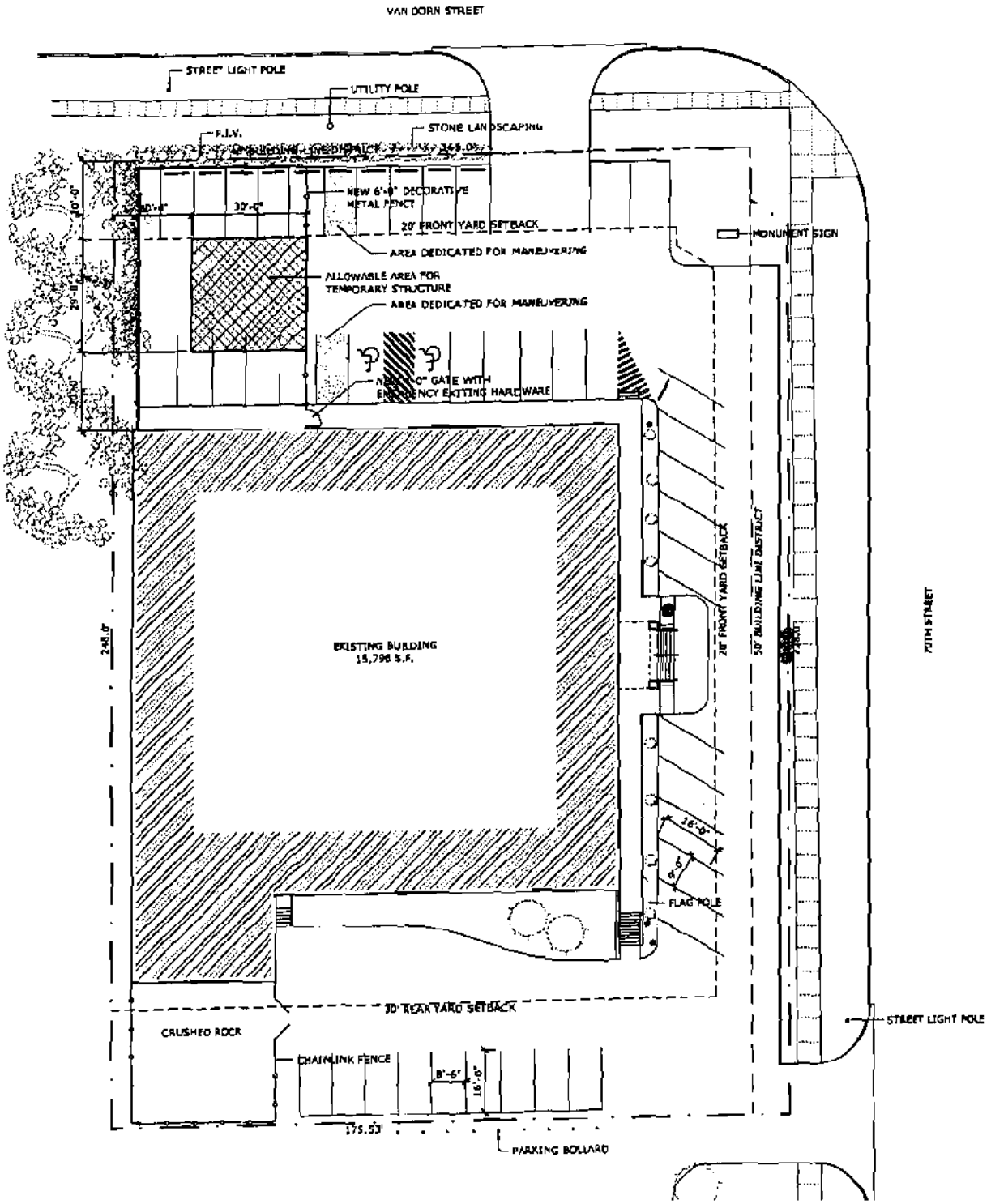
After our review of the current parking conditions for your hardware store located on South 70th Street, I am revising the original site plan submission to the Planning Commission. The original document showed 10 stalls along the south property line, but we determined that only 9 could effectively fit in the available space. I have attached the revised site plan with the appropriate parking spaces shown and also adjusted the parking matrix to reflect the new count.

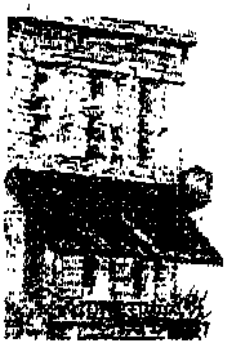
Very Truly Yours,

Craig P. Leibold
Architecture Etc. LLC

021

6500 holdrege street, suite 007, lincoln , NE 68505 tel: 402-435-8600 fax: 402-464-6810 www.archi-etc.net


VAN DORN STREET
STREET LIGHT POLE
UTILITY POLE
STONE LANDSCAPING
P.I.V.
NEW 6'-0" DECORATIVE METAL FENCE
20' FRONT YARD SETBACK
MONUMENT SIGN
AREA DEDICATED FOR MANEUVERING
ALLOWABLE AREA FOR TEMPORARY STRUCTURE
AREA DEDICATED FOR MANEUVERING
EXISTING BUILDING
15,798 S.F.
20' FRONT YARD SETBACK
50' BUILDING LINE DISTRICT
70TH STREET
FLAG POLE
30' REAR YARD SETBACK
CRUSHED ROCK
CHAINLINK FENCE
175.53'
PARKING BOLLARD
STREET LIGHT POLE
PARKING:



Stehlik Law

653 G Street, P.O. Box 187
Pawnee City, Nebraska 68420
Phone: (402) 852-2973
Fax: (402) 852-2940
E-mail: stehlliklaw@stehliklaw.com
www.stehliklaw.com

L. Joe Stehlik, Attorney at Law

Katherine L. Stehlik, ACP, Advanced Certified Paralegal
Sharon L. Strelt, Legal Secretary

November 21, 2007

Re: Certification of Ownership

To Whom It May Concern:

This is to certify that MGG Enterprises, Inc., a Nebraska corporation, is the owner of the following described real estate in Lancaster County, Nebraska, to-wit:

> Lot One Hundred Twenty-nine (129) of Irregular Tracts in the Northeast Quarter (NE¼) of Section Four (4), Township Nine (9) North, Range Seven (7) East of the 6th P.M., in the City of Lincoln, Lancaster County, Nebraska,

located at 2825 South 70th Street, Lincoln, Nebraska, and that Stephen V. Glenn and Marie G. Glenn, husband and wife, are the sole shareholders and directors of said corporation.

Respectfully submitted,

L. Joe Stehlik
Attorney at Law

LJS/kls
KS86G:107
#5439

Review Comments for Application # CZ07061

GLENN'S TRUE VALUE

Status of Review: Active

Reviewed By ANY

Comments:

Status of Review: FYI 11/27/2007 9:38:07 AM

Reviewed By Building & Safety Terry Kathe

Comments: The freestanding sign would need a waiver by City Council. This property does not have adequate frontage on the perimeter of the B-2 district to allow a sign. A freestanding sign require a 20 foot setback.

B-2 requires not less than 5 acres. If added to the B-2 across the street then amendments would be needed to the existing Use Permit.

Temporary structure shown would need to be 20 foot from the west property line for fire code.

Parking would need to be waived for the front yard in the B-2 parking district (UP)

B-2 district requires 20 foot setback from residential and the area shown fenced in on the southwest corner would need to be removed. This would be a side yard or rear yard abutting residential.

Verify with Public Works that the parking layout on the north side meets design standards. It does not appear to have adequate area to back out of the farthest west stalls.

All of their figures on parking are interesting, however if the sales from their garden center are 25% of their sales(in a six month period) and they have not been able to have these sales then the parking demand should increase with this structure and thus making all of their parking figures errant.

Status of Review: Active

Reviewed By Planning Department BRIAN WILL

Comments:

Status of Review: Routed

Reviewed By Planning Department COUNTER

Comments:

024

Status of Review: Complete

Reviewed By Planning Department RAY HILL

Comments:

Status of Review: Complete 11/28/2007 11:22:01 AM

Reviewed By Public Works - Development Services SIETDQ

Comments: Memorandum□□
□

To:□Brian Will, Planning Department
From:□Charles W. Baker, Public Works and Utilities
Subject:□Glenn's True Value Change of Zone #07061
Date:□November 28, 2007
cc:□Randy Hoskins
□
The City Engineer's Offica of the Department of Public Works and Utilities has reviewed the Glenn's True Value Change of Zone #07061 located at the southwest corner of 70th and Van Dorn Streets. Public Works recommends denial.

The parking requirement was reduced under the grandfather clause from 53 to 43. The owner requesting an additional reduction to a parking lot will not meet current standards with a dead end drive aisle that does not provide adequate turn around space, and parking stalls too close to the driveway has the potential to affect the function of the drive way off of Van Dorn. This will create unsafe conditions for the flow and safety of pass by traffic in the public right-of-way.

Status of Review: Active

Reviewed By School District ANY

Comments:

Status of Review: Active

Reviewed By US Post Office ANY

Comments:

025

Terry A Kathe/Notes
01/30/2008 01:23 PM

To Brian J Will/Notes@Notes
cc
bcc
Subject Re: Fw: Revisions

History: This message has been replied to.

Comment 1: Park One is zoned O-3 and a parking lot is not an allowed use, it is accessory to the use on premise. Leasing of parking off the property, outside the premise or non-joint parking is not allowed. B-2 only allows parking within 300 feet to be counted toward the requirement of minimum parking count.

Site Plan Comments;

a) Parking cannot be within 20 feet of the tent. Plan appears to show (estimated)12-15 feet.

b) enclosure on south end of the building still shown. Does not meet setbacks to use abutting residential zoning.

Terry Kathe
Zoning Coordinator
Dept. of Building & Safety

Brian J Will/Notes
01/30/2008 09:10 AM

To Marvin S Krout/Notes@Notes, Ray F Hill/Notes@Notes, Jean L Walker/Notes@Notes
cc
bcc
Subject Fw: Revisions

FYI - Revised plan for Glenn's True Value and a letter to his neighbor. I'd like to hand this out to PC today.

Brian Will, AICP
bwill@lincoln.ne.gov
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508
P(402).441.6362
F(402.441.6377
--- Forwarded by Brian J Will/Notes on 01/30/2008 09:06 AM ---

"Steve Glenn" <steveg@executivetravel.com>
01/29/2008 02:21 PM

To <snyderpt@navix.net>
cc "Matt Glenn" <matttruevalue@hotmail.com>, <BWill@ci.lincoln.ne.us>
Subject FW: Revisions

Jayne Snyder,

Yesterday you expressed concern that our previous site plan may not be accurate. Monday afternoon I contacted the architect and asked that they remeasure to make sure that we had an accurate map. After his measurements he did have to redraw the map. I have enclosed a copy for your review along with his cover letter to me. It would appear that the new layout would result in 32 parking stalls. This includes 13 on the north side of the building, 10 on the east side of the building, and 9 on the south side of the building. I have attached his letter and the new drawing.

During our meeting on Monday I also mentioned to you I was planning to do the following three things to address your concerns about potential overflow parking during our busy spring season. They include:

1) We have contacted the owners of the Park One office building accross 70th Street with the intent of leasing 12 parking spaces for employee parking.
2) We have preliminarily engaged Silverhawk Investigations and Security to provide manned security at our property line from 10am to 4pm Monday through Friday during our peek sales months of April May and June. This person will direct people not to park on your property.
3) We propose that we purchase a sign telling customers that they can not park on your property or risk being towed.

I hope from the items mentioned above that you will feel that we are acting in good faith and are committed to being a good neighbor. I hope you will consider supporting our request for a change of zone to allow us to put up a tent to sell flowers.

Thank you for your consideration.