MEETING RECORD

NAME OF GROUP:	**CITY BOARD OF ZONING APPEALS**
DATE, TIME AND PLACE OF MEETING:	Friday, May 26, 2017, 1:30 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Andrew Budell, Chris Hove, Annette McRoy and Tim Francis; Scott Sandquist absent. Rick Peo of the Law Department; Ron Rehtus of the Building and Safety Department; Brian Will and Amy Huffman of the Planning Department.
STATED PURPOSE OF MEETING:	Regular Board of Zoning Appeals meeting

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

Hove called for a motion approving the minutes of the City Board of Zoning Appeals hearing of April 28, 2017. Motion for approval made by Budell, seconded by McRoy and carried 4-0: Budell, McRoy, Francis and Hove voting 'yes'; Sandquist absent.

APPEAL NO. 17006 - REQUESTED BY SUPERIOR INVESTMENT, LLC, FOR AN EXCEPTION TO PARKING TO ADJUST THE REQUIREMENT FROM 61 TO 32 PARKING SPACES, ON PROPERTY GENERALLY LOCATED AT 4900 NORTH 32ND STREET.
PUBLIC HEARING: **May 26, 2017**

There were no ex parte communications disclosed.

DaNay Kalkowski, Seacrest & Kalkowski, came forward as legal representative for Superior Investment, LLC. Staff did a good job of laying out the facts in their analysis. The 18,750 square foot building is anticipated for warehouse use which required 19 stalls. At the time of the application, there were two national tenants proposing to occupy the space. The larger tenant that would take up almost 11,000 square feet. They are a national HVAC wholesale operation only selling to licensed contractors and not open for sales to the general public, so they have a small customer parking need at any given time. Additionally, the majority of the space is used for storage of inventory. There are a few offices and a conference room for three to four employees. They potentially only need around 12 stalls at a time.

The owners just learned that the second tenant that would have used 7,100 square feet fell through, but it was another contractor supply chain with only a small percentage of

sales made to the public. Even with this specific user is now out of the picture, the owner anticipates a similar business taking its place so warehouse-appropriate parking is still anticipated.

The reason for the request for the exception is that Building and Safety must still consider the retail component of the tenants and thus requires the 1/300 requirement, meaning the 61 stalls. There are two factors that distinguish this from general retail. The customer base is very limited. The known occupant does not sell to the general public so customers are not coming and going, they way they would for typical retail. Also, the nature of their products demands high square footage to store larger supplies. The reality is that the construction supply business simply does not generate the same demand for parking. The building is in the H-4 Zone and surrounded by mainly warehouse or warehouse/office uses. I-1 District is to the south and will always have warehouses. Some of the neighbors were visited and none expressed concern. There is no detrimental impact to surrounding uses. We are fine with the restriction proposed by Staff that this exception would be limited to primary sales of contractor services.

Hove asked what would happen if a retail business came in to the vacant space. Kalkowski said there is a very high likelihood that it will be a warehouse, but the owner wants to keep the opportunity to have contractor/marketer, so the reduction is requested for the entire building rather than just the known tenant. If the other use ends up being only warehouse, then the exception would not need to be applied.

Rick Peo, Law Department, came forward to suggest that based on the change in circumstances, the draft resolution before the Board needs to be modified slightly in Paragragh 2 to say that the building “has or will have” two tenants. That is a suggested amendment to make when this body is ready to make a motion.

Francis moved for approval of the exception, as amended, with the understanding that the exception applies only to this lower traffic use. Motion was seconded by McRoy and carried, 4-0: Budell, Francis, McRoy and Hove voting ‘yes’; Sandquist absent.

There being no further business, the meeting was adjourned at 1:43 p.m.

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