MEETING RECORD

NAME OF GROUP:	**CITY BOARD OF ZONING APPEALS**
DATE, TIME AND PLACE OF MEETING:	Friday, July 22, 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, Annette McRoy, and Scott Sandquist; Tim Sieh of the Law Department; Terry Kathe of the Building and Safety Department; Steve Henrichsen, Brian Will, George Wesselhoft 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 motion approving the minutes of the regular meeting held May 27, 2016. Motion for approval made by Francis, seconded by Hove and carried 5-0: Budell, Francis, Hove, McRoy and Sandquist voting 'yes'.

Sieh came forward to note that if the Board wishes to consider Item 1 and Item 2, the Election of Officers, at a later date, a motion must be made to do so.

McRoy moved to remove Items 1 & 2 from the agenda until the next City Board of Zoning Appeals Hearing, seconded by Francis and carried 5-0: Budell, Francis, Hove, McRoy and Sandquist voting 'yes'.

McRoy moved to reopen Public Hearing on Appeal No. 16001, seconded by Francis and carried 5-0; Budell, Francis, Hove, McRoy and Sandquist voting 'yes'.

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: **July 22, 2016**

There were no ex parte communications disclosed.

Mark Sroczynski, Administrator at Gateway Vista, came forward to be sworn in. He stated he would like to briefly review points made at the last hearing for the benefit of

the board member who was absent. The Staff Report from the May 27th hearing indicated that there are three entrance access points. There are only two; one is for employees and one for the public.

Hove asked if there are any plans to create the 3rd entrance. The initial plan was to extend the property sometime in the future to increase the independent living side along the northwestern side. Those plans are on hold.

Srocynski said the sign is being requested to serve as a marker to show location. The sign now is too small. Having that marker is important for helping customers find the building. At the last hearing, Mr. Francis brought up the point that the sign is intended to attract more business. That is not the case. This is truly intended as a marker for our patients and visitors. The building is located 150 yards from O Street and there are several buildings blocking it. The location chosen for the sign would create better visibility of our building.

Srocynski presented a letter from Kim Jardine. Her role is to bring patients in and she has had approximately 30 people call to say they could not find the building. The facility does around 350 admissions per year. That equates to approximately 9% that have called this particular phone line and talked to Kim. She is not even the main person taking calls at the facility.

Mr. Francis reiterated his concern from the last meeting that this sign is intended to drive business. Srocynski said he had to go to the owners to request upwards of $20,000 for this project. It will not drive revenue or bring in business. It is just a marker to make up for what the location is up against, including its entrance along a one-way street.

Srocynski concluded by saying that as people drive up and down O Street, the signs for other places of business give passers-by guidance and mark the location of the business. It is not as if Gateway Vista is a place where people would turn, expecting to purchase something; it is a place people come for patient care. Many times people are rushed to get to our location and they want to see family. This marker would serve the public.

Hove asked Mr. Srocynski what makes this property peculiar and necessitates this larger sign. Srocynski replied that the area was recently in the Journal Star and labeled as “filler” property. That means it filled a vacant area, but not right up against prime location. It is peculiar due to its location. The location is a good 250 yards off of O Street.

Sandquist asked how people are directed to get there. Srocynski said people either have to go up to Gateway and double back to 56th Street, or turn at the Hy-Vee entrance, go north to R Street, and then head back south on 56th Street.

Francis asked what year the original Gateway Manor started. Srocynski said in 1963. Francis noted that there has always been a commercial building in front. Srocynski replied that O Street was not as busy and Lincoln was smaller. Back then, patients were primarily from Lincoln. Now, it is all new people and a new generation placing their parents for care. There are Lincolnites who have never known this to be the location. Francis said that could be prohibitive. Srocynski said that is part of his point.

McRoy asked how many housing units there are. Srocynski said there are 54 apartments and 80 rehabilitation beds with an average stay of 21 days. There are approximately 350 admissions and it is a busy environment. Sandquist asked if that was per year. Sroncynski said 350 per year.

Budell noted the two existing entrances. He asked if one of them was a designated employee entrance. Srocynski said yes. Budell asked if that access was contiguous with the main check-in area. Srocynski said if people came from the employee entrance, they would be lost in the basements and have to go upstairs. Budell clarified that he wondered if the driveway was contiguous with the front area parking. Srocynski said there is no connection of the two lots. Budell asked if it was possible to make that connection. Srocynski stated it would not be possible without grading and the removal of significant trees. It would be about 150 yards. It would not alleviate the issue of visibility.

Hove asked why they did not choose a sign that was within regulations. Srocynski said the maximum allowed is 6' by 13', which would not be visible from O Street. The proposed sign is larger and higher up.

Sandquist said the variance is for the size of the sign. He wondered if it would be illuminated.

Brian Will of the Planning Department came forward and was sworn in. He stated this request is a variance to the sign requirements which allows zero wall sign, illuminated or otherwise. In other words, wall signs are not allowed.

Francis asked Sieh what the Municipal Code allows in terms of this request for variance. Sieh stated the jurisdiction of this body is to grant or deny the request based on whether or not there has been a showing that the variance, in this case the sign, is necessary to permit the owner reasonable use of the land.

Will said this relates to a question that was held over from last time. The amendment to the Special Permit on this property allowed for an expansion. Three access points were shown as part of that, and signs are allowed at each of those points. In the Staff Report, he was referring to what is potentially allowed on the site, not necessarily what exists today. Will also noted there is now a current 2016 aerial photo of the property available, but the one previously provided to this body was printed out at an earlier date in order to meet legal notification requirements.

Francis moved denial of the variance, seconded by Budell.
Sieh stated the motion must include the basis for moving for denial and the facts that support the motion.

Francis stated this does not meet the criteria under which this body can grant a variance.

Sandquist stated the motion has been made due to the fact that the circumstance in this case is not sufficiently unusual to justify a variance.

Budell said the facts presented via testimony do not allow us to approve, based on the authority granted to this body.

Francis said this sign is motivated by economics and is not a special need.

Sieh said that what he hears is that the denial of the variance is based on the fact that the request is being made for economic benefit and not as the result of some unusual or peculiar circumstance of the property itself. Francis agreed.

Motion for denial carried 3-2: Budell, Francis, and McRoy voting ‘yes’, Hove and Sandquist dissenting.

Francis moved to adjourn the meeting, seconded by Budell; motion carried 5-0.

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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