

City Council Introduction: **Monday**, August 27, 2007

Public Hearing: **Monday**, September 10, 2007, at 1:30 p.m.

Bill No. 07-139

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07045**, from R-3 PUD to B-2 Planned Neighborhood Business District, requested by Realty Trust Group, on property generally located at the northwest corner of 84th Street and Old Cheney Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/15/07
Administrative Action: 08/15/07

STAFF RECOMMENDATION: Denial.

RECOMMENDATION: Denial (8-0: Strand, Taylor, Sunderman, Carroll, Esseks, Larson, Cornelius and Carlson voting 'yes'; Krieser absent).

FINDINGS OF FACT:

1. This is a request to change the zoning from R-3 Planned Unit Development (PUD) to B-2 Planned Neighborhood Business District on approximately 5.87 acres, more or less, generally located at the northwest corner of S. 84th Street and Old Cheney Road.
2. The staff recommendation to deny this change of zone request is based upon the "Analysis" as set forth on p.4-7, concluding that the proposed change of zone is not in conformance with the Comprehensive Plan and could have significant impacts on the adjacent road network and residential property owners. The current PUD plan offers a good mix of residential and commercial uses, while addressing any potential impact on neighbors and the adjacent road network. Staff would have preferred to see this corner develop with residential uses with access coming from Wendell Way and 83rd Street, and no access to either arterial street so close to the intersection. The PUD was developed as a compromise to allow limited commercial uses and traffic. The PUD site plan does provide flexibility so that the exact layout of the approved single family attached townhomes could be amended, including eliminating the rear loading garages. Approving the B-2 zoning and deleting the PUD would not be in the best interests of the adjacent property owners or community as a whole. The staff presentation is found on p.9.
3. The applicant's testimony is found on p.10, contending that the property cannot be developed in accordance with the approved PUD due to market conditions and the restriction on uses in the PUD.
4. There was no testimony in opposition other than the staff recommendation.
5. On August 15, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend denial (Krieser absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 20, 2007

REVIEWED BY: _____

DATE: August 20, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07045

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 15, 2007 PLANNING COMMISSION MEETING

- P.A.S.:** Change of Zone #07045
- PROPOSAL:** Change the zoning designation from R-3 Planned Unit Development (PUD) to B-2 Planned Neighborhood Business District.
- LOCATION:** Northwest corner, 84th Street and Old Cheney Road
- LAND AREA:** 5.87 acres, more or less
- CONCLUSION:** This change of zone is not in conformance with the Comprehensive Plan and could have significant impacts on the adjacent road network and residential property owners.

RECOMMENDATION:	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 90, 91, and 113 of Irregular Tracts, located in the SE 1/4 of Section 10 T9N R7E, Lancaster County, Nebraska

EXISTING LAND USE AND ZONING: Vacant R-3 Residential PUD

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwellings and an existing child care center	R-3 Residential
South:	Lincoln Christian School	R-3 Residential
East:	Office buildings (under construction) HiMark Golf Course	O-2 Suburban Office R-3 Residential
West:	Single-family dwellings	R-3 Residential

HISTORY:

- Sept. 2005 City Council approved a change of zone from AG Agricultural to R-3 PUD for the Pine Garden PUD. In May 2005, the Planning Commission voted to recommend conditional approval, consistent with staff conditions.
- Aug. 2001 The adjacent residential lots to the west and north were final platted in Hartland Homes East 4th Addition. Most of the adjacent single family and single family detached homes were built in 2002 or thereafter.
- Sep 2000 Change of Zone #3207 approved changing the zoning designation to B-2 Planned Neighborhood Business. However, this change was vetoed by the Mayor.

May 1979 The zoning update changed the zoning designation for this property from A-A Rural and Public to AG Agricultural.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Urban Residential.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies 84th Street as a Principal Arterial, Old Cheney Road as a Minor Arterial, and Wendell Way as a Local Street, both now and in the future. This development could potentially access 84th Street, Old Cheney Road, and Wendell Way.

Both 84th Street and Old Cheney Road are shown in the Comprehensive Plan for improvement to 4 through lanes plus turning lanes. The right-of-way standards for these improvements show 84th Street with 120 feet, and Old Cheney Road to the west with 100 feet. In addition, the intersection of arterial streets have greater right-of-way requirements which extend 2 blocks (approximately 700 feet) from the centerline. In this case, the right-of-way needs increase to at least 130 feet.

Public Works is very opposed to allowing an access within the right turn lane due to past safety concerns in similar situations. Crashes occur from drivers not knowing whether another vehicle is turning at the drive or the corner ahead. These can either be rear-end crashes or more serious right angle types. Crashes also occur when motorists pull out of the driveway and try to cross all the lanes to get into the left turn lane. With the previously approved PUD, the applicant limited the amount of development/trips from the project in order to limit potential conflicts. There was also a concern that anyone wanting to go north on 84th St would have to go through the existing residential neighborhood to the north and get out on Wendell Way. Limiting the development was a means of protecting the existing residences from excessive increases in traffic on Wendell Way.

The concern on Old Cheney is the closeness of the driveway to the intersection. There will be accelerating traffic leaving a signal as well as motorists slowing down to turn into the driveway. Sufficient storage and deceleration length for the right turn lane into the site must be provided.

UTILITIES: Utilities are generally available to serve this site.

ENVIRONMENTAL CONCERNS: There is an existing row of mature trees located at approximately the boundary between the residential and commercial uses. These trees should be retained to serve as a buffer between the different uses. Existing trees at the north boundary of the development should be retained as a buffer to existing single-family dwellings. The applicant did not submit a use permit to address buffering of the residential properties.

ALTERNATIVE USES: The existing R-3 PUD zoning is an appropriate urban zoning designation at this location. The most appropriate uses would be those permitted in the R-3 Residential district that generate minimal traffic without direct vehicular access to 84th Street and Old Cheney Road.

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg 9 - The 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.

Pg 17 - The Future Land Use map designates Urban Density Residential land uses for this site.

Pg 37 - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)

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.

Pg 48 - Strategies for Existing Commercial Centers

Maintain and encourage retail establishments and businesses that are convenient to and serve neighborhood residents, yet are compatible with but not intrusive upon residential neighborhoods.

Encourage mixed-use commercial centers, including residential uses on upper floors and at the rear of commercial buildings.

Pg 68 - Guiding Principles for Existing Neighborhoods - Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single family faces single family, change to different use at rear of lot. Commercial parking lots should not intrude into residential areas where residential uses predominate a block face. More intense commercial uses (gas stations, big box stores, car wash, fast food, etc.) may not be compatible due to impact on nearby housing. Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

ANALYSIS:

1. There are 15 adjacent single family attached and detached homes which were built in 2002 or thereafter. These property owners built these homes with the investment backed expectation that this property would develop also as residential. S. 83rd Street was built as a stub street south of Wendell Way in order to provide access to this land. This property has sufficient depth and width to allow for residential development and adequate screening and lot depth next to Old Cheney Road and S. 84th Street. It is reasonable to expect that the northwest corner of this intersection could develop residentially as has been the case at other intersections.
2. At 70th and Old Cheney Road there are three recent, nearby examples of residential development next to an intersection of two 4 lane arterial streets. The Hickory Crest, Edenton and Edenton South subdivisions all successfully developed residential lots at the intersection, with a church occupying the fourth corner.
3. In 2005, the City Council approved a mixed use project for this site and rezoned it from AG to R-3 PUD to allow for development of 28 dwelling units (only 20 shown) and 22,000 square feet of commercial/retail floor area. The PUD specifically excluded some high traffic generating uses and allowed a right-in on 84th Street. While there was concern about adding commercial development on this corner, the applicant's plan addressed these concerns successfully by keeping residential uses and adding a small amount of low traffic generating commercial uses.

The PUD site plan as previously approved:

- a. minimized the amount of commercial uses next to the existing residential lots, (only 2 of the 15 adjacent residential lots would border commercial uses)
 - b. minimized traffic impact on the existing homes and day care on Wendell Way via commercial traffic exiting onto Wendell Way to head north on 84th Street, since there was not a median opening for this land
 - c. minimized potential traffic conflicts on 84th and Old Cheney Road by limiting the total and type of commercial uses
4. This change of zone to B-2 would delete all the aspects of the previous approval. Since there is not a use permit associated with this application and the proposal is for all B-2 commercial uses, the impact of this project could be significantly increased:

This change of zone to B-2 has the potential to:

- a. impact all 15 adjacent residential lots with allowed commercial uses such as car washes, convenience stores, and restaurants (the side yard setback to residential uses is 20 feet)
 - b. impact on the existing homes and day care on Wendell Way via commercial traffic exiting onto Wendell Way to head north
 - c. create more traffic conflicts on 84th and Old Cheney Road by intensifying commercial use on this corner
5. In general, the Comprehensive Plan is encouraging larger planned Neighborhood Commercial Centers with access points at the 1/4 or 1/2 mile so that they can utilize the planned full median opening and traffic signals. The Plan also encourages neighborhood commercial uses to be convenient to the neighborhood. Two nearby commercial projects conform to both of these aspects of the Plan:
- a. Vintage Heights Neighborhood Center on southeast corner of 84th and Old Cheney is a planned 250,000 sq. ft. center providing neighborhood services such as a convenience store and restaurants with it's access to a median opening about 1/4 mile south on 84th Street.
 - b. Glynoaks PUD to the north at the 1/2 mile access point and median opening on 84th Street is planned to provide 258,000 sq. ft. of office and neighborhood retail and services.
6. These two new neighborhood centers also show that this neighborhood is well served by commercial development. Both of these centers are within walking distance of this

application and the surrounding homes. Also, both centers can be accessed by bike trail and the trail to the Vintage Heights center has two bike trail underpasses allowing pedestrians to avoid crossing two busy arterial streets at grade.

7. In some circumstances, the City has approved office uses on a small lot at the intersection of two arterial streets. There are two nearby recent examples: the southwest corner of 84th and Pioneers Blvd. and; the property immediately east of this application are all zoned O-2 Suburban Office. In both cases, the small lots were not provided access to the adjacent neighborhood streets and the properties were too small to develop residentially. This is not the case with this application, which has access to the neighborhood and is large enough for residential development.
8. This land is designated as urban residential in the Comprehensive Plan. Access to the site has already been established to come off Wendell Way to the north where homes have already been built. The proposal for the whole 5 acres creates the potential for access to 84th St into a future right hand turn lane. Having access into a right hand turn lane for such a commercial development is not a good practice and could provide for future traffic conflicts. Initially access into the right-hand turn lane was opposed. However, after long discussion, the access was agreed to because of the conditions limiting the intensity of the uses and traffic using the access point.
9. Since the access is into a right-hand turn lane, any commercial uses allowed should have very low demands on the peak hour. Land uses such as banks, restaurants and convenience stores have higher demands in the p.m. peak hour. This is the time when the right-hand turn lane would be at peak use. In addition to trying to keep the total number of trips low, there is the need to reduce the peak hour trips by prohibiting the types of uses which generate many trips in the peak hour. Thus, the prohibition on certain uses was included.
10. The applicant included a copy of the PUD site plan with their application for this change of zone to B-2. The site plan is not binding on this application and will be voided if the B-2 zoning is approved.
11. The applicant also included a letter from 2001 from Lincoln Christian School, which is to the south, supporting their request for commercial zoning.
12. Comments from the Public Works Department.
 - a. The application does not include a use permit or a proposed site plan so not enough information is available to analyze impacts. It is noted, however, that the right in - right out driveways to 84th Street and to Old Cheney Road were reluctantly approved by PWU only because of anticipated low traffic generation uses from the R3 PUD zoning. They are substandard for high volume driveways that typical B2 uses, such as fast food restaurants and drive thru banks, will generate. The original design of 84th and Wendell Way to the north of this area was originally designed to not have full turn movement access. Again, because of the relatively low traffic generation

from the approved R3 PUD, Wendell Way was redesigned to allow full access. PWU will recommend that left turns from Wendell Way be eliminated if traffic volumes warrant a signal at this location (similar to North 27th and Dan Avenue).

- b. If this application is allowed to continue, PWU recommends that a traffic impact study be required and a use permit be submitted. If conditions based on the site plan and impact study cannot be met, PWU may recommend revised street geometry or other traffic improvements or denial of the application. If the developer wants the application to move forward without this information, PWU recommends denial.

SUMMARY:

This application has the potential to impact 15 adjacent homes which were built several years ago with the investment backed expectation that the adjacent property would be developed residentially. This site has adequate size and width to facilitate and screen new residential development. The intersection of 70th & Old Cheney Road provides a nearby example of how this can be successfully accomplished.

This residential neighborhood has two nearby neighborhood commercial centers that conform to the goals of the Plan to provide a combination of services in a larger center with access at a median opening at the 1/4 or 1/2 mile point. This proposal will not have access to a median opening and could impact traffic movements. It could also send commercial traffic past adjacent homes onto Wendell Way wanting to get to the current median opening.

The current PUD plan offers a good mix of residential and commercial uses, while addressing any potential impact on neighbors and the adjacent road network. The PUD site plan does provide flexibility, so that the exact layout of the approved single family attached townhomes could be amended to suit the builder's plan, including eliminating the rear loading garages. Approving B-2 zoning and deleting the PUD would not be in the best interests of the adjacent property owners or community as a whole.

Prepared by:

Stephen Henrichsen
Planning Department
shenrichsen@lincoln.ne.gov or (402) 441 - 6374

Date: August 6, 2007

Applicant: Robert Weigel, Realty Trust Group
and 2300 South 48th Street
Owner: Lincoln, NE 68506
484 - 8484

Contact: Mike Marsh, Realty Trust Group
2300 South 48th Street
Lincoln, NE 68506
484 - 8484

CHANGE OF ZONE NO. 07045

PUBLIC HEARING BEFORE PLANNING COMMISSION

August 15, 2007

Members present: Sunderman, Larson, Carroll, Strand, Esseks, Taylor, Cornelius and Carlson; Krieser absent.

Ex Parte Communications: None.

Staff recommendation: Denial.

Staff presentation: Steve Henrichsen of Planning staff overviewed the history of the site, as well as the background on the staff recommendation of denial. Henrichsen also noted an e-mail received from one adjoining property owner who had several questions and the staff responded to those questions.

Henrichsen went on to state that the site is currently zoned R-3 PUD. 22,000 square feet of commercial has been approved on the southern end. There are single family lots to the north and to the west. All but two of those lots have residential uses or the detention pond immediately adjacent. There is an existing 83rd Street which is built today out to Wendell Way. Wendell Way does have a median opening. As approved today, the intent was that the access point would come down to the cul-de-sac and have residential lots developed around it. The access previously approved, having a right-in right-out, was based on limitations in the approved PUD that eliminated a lot of the more intensive traffic uses. A connection was maintained between the residential street that required several turns to slow and limit the amount of traffic.

Another reason for the recommendation of denial is that there are other commercial uses in the area, including 250,000 square feet for the Vintage Heights center immediately to the south with access to a median opening; immediately to the north is the Glynoaks PUD with a 258,000 square feet neighborhood center. Both Glynoaks and Vintage Heights have access to median openings.

Henrichsen also pointed out that there are many examples in the city of residential developments at the intersection of two arterial streets.

Henrichsen suggested that if the developer is not happy with the current approved PUD layout with its unique feature in terms of alley access on both the east and west side, both of those alley accesses could be removed providing a much more typical townhome development with garages in the front. Or the entire site could be developed in terms of residential uses without any further commercial uses.

Henrichsen also observed that the B-2 zoning would require median opening access and access back through Wendell Way. The staff does not believe it appropriate to bring the commercial traffic back through the neighborhood. Therefore, staff recommends denial of this change of zone request.

Proponents

1. Mike Marsh, Realty Trust Group, as the owner of the property, presented the proposal in support of the change of zone request. Marsh reminded the Commission that the B-2 zoning was approved by the City Council in 2000, and was subsequently vetoed by the then Mayor. This request goes back to what the owner had originally planned. The owner worked very hard with the City on this PUD for a couple years, but the developer has been unable to sell the townhome lots and there are too many restrictions on the commercial uses in the PUD, such as no banks. Basically, all of the restrictions on the commercial has not allowed the owner the opportunity to develop the property. The B-2 zoning is needed for flexibility of development. Marsh believes they have worked out all of the accesses as best they can. He believes it is a viable corner for B-2 zoning.

Esseks inquired as to the problems with the approved PUD design. Marsh stated that he “cannot give the townhomes away”. The idea of a live-work unit was kind of an experiment and there has been no interest. He has tried to compromise further without B-2, but it gets him to the same point. He has had other opportunities for the commercial development, but they are not allowed because of the restrictions on the commercial uses in the PUD.

Esseks stated that he would like to see a complete plan to make a decision on whether changing to B-2 would make sense. It would make it easier for the Planning Commission to judge the wisdom of the developer. Marsh suggested that the B-2 zoning will require that the site plan come back for review by the Planning Commission. Marsh believes that is the spirit of the B-2 zoning – the flexibility to develop it. Esseks believes that this is a very busy corner and there are some important public safety issues. Marsh suggested that the B-2 zoning would broaden what can be done. The specific uses will come before the Commission before it can be developed. The owner does not have a plan for the specific uses at this time. But the Commission will have an opportunity to review those uses in the future.

Strand confirmed with Marsh that he knows who the tenants are going to be, but he does not know how the site plan will lay out and be designed. Marsh agreed.

Marsh reiterated and emphasized that in the year 2000, the B-2 zoning was approved by the City Council.

There was no testimony in opposition.

Staff response

Henrichsen advised that typically, the Commission would have seen the use permit with the change of zone. If the zoning is approved up front, it would be approved for all uses allowed in B-2. The use permit is not a point where you prohibit uses. Access is also an issue. The main reason people would be using Wendell Way is because it is where the median opening is located. Public Works only agreed to the access point on 84th Street because of the fact that it was going to be mostly a residential development in the PUD. Public Works would not have agreed to that access point if this was going to be six acres of commercial uses. In terms of the

office uses, there are other cases where there has been a small amount of office development at the corner of an intersection and be quite successful. The southern 22,000 sq. ft. of this site is quite viable in terms of office use.

Chad Blahak of Public Works & Utilities gave a history on the access point on 84th Street. Public Works did reluctantly agree to the right-in right-out based on the limited uses that were approved in the PUD. In addition, the intersection at Wendell Way and 84th was also changed. It was a left-in right-out and not a full access, but due to the limited uses in the PUD, Public Works reluctantly agreed to change the plans to a full access point.

Strand inquired whether the Planning staff had recommended approval in September of 2000. Henrichsen stated that both the Planning staff and the Planning Commission had recommended denial and that the City Council approved it on a 4-3 vote. Henrichsen also pointed out that the residential lots all developed after that time, so there are now 15 adjacent residential lots being developed with the anticipation that the adjacent uses would be residential uses.

Carlson commented that because it is a PUD, "this stuff" can be moved around. Henrichsen agreed. The size of the cul-de-sac has already been reduced administratively to work out a better plan. If a townhome development wanted to have a different plan, that could be accommodated administratively.

ACTION BY PLANNING COMMISSION:

August 1, 2007

Carroll moved to deny, seconded by Sunderman.

Carroll commented that the development has gone on with the idea that this was going to be R-3 PUD. Public Works proceeded with their changes to 84th Street based partially on what this corner was going to be. This site design was approved in 2005. Carroll does not believe the economics have changed that much that this site design is not conducive to be successful. To change to B-2 and allow all of the uses creates too much traffic.

Esseks acknowledged that market conditions can change and he wants to be supportive of entrepreneurs that have to deal with those changes, but he really needs a site plan to decide whether a change of zone to B-2 is acceptable.

Motion to deny carried 8-0: Sunderman, Larson, Carroll, Strand, Esseks, Taylor, Cornelius and Carlson voting 'yes'; Krieser absent. This is a recommendation to the City Council.



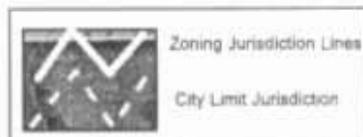
2005 aerial

Change of Zone #07045 S 84th St & Old Cheney Rd

Zoning:

- 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

One Square Mile
Sec. 10 T09N R07E



M e m o r a n d u m

To: Steve Henrichsen, Planning Department
From: Dennis Bartels, Public Works/Utilities
Subject: REVISED - Northwest Corner of 84th and Old Cheney - Change of Zone #07045
Date: July 30, 2007
cc: Randy Hoskins
Roger Figard

Public Works/Utilities (PWU) has reviewed the proposed change of zone from R3 PUD to B2 for the northwest corner of 84th and Old Cheney and has the following comments:

1. The application does not include a use permit or a proposed site plan so not enough information is available to analyze impacts. It is noted, however, that the right in - right out driveways to 84th Street and to Old Cheney Road were reluctantly approved by PWU only because of anticipated low traffic generation uses from the R3 PUD zoning. They are substandard for high volume driveways that typical B2 uses, such as fast food restaurants and drive thru banks, will generate. The original design of 84th and Wendell Way to the north of this area was originally designed to not have full turn movement access. Again, because of the relatively low traffic generation from the approved R3 PUD, Wendell Way was redesigned to allow full access. PWU will recommend that left turns from Wendell Way be eliminated if traffic volumes warrant a signal at this location (similar to North 27th and Dan Avenue).
2. If this application is allowed to continue, PWU recommends that a traffic impact study be required and a use permit be submitted. If conditions based on the site plan and impact study cannot be met, PWU may recommend revised street geometry or other traffic improvements or denial of the application. If the developer wants the application to move forward without this information, PWU recommends denial.



Learning about God's world,
in the light of God's Word.

5801 South 84th Street
Lincoln, NE 68516
(402) 488-8888
Fax (402) 486-41CS
www.lcs.k12.ne.us

June 13, 2001

The Honorable Don Wesely, Mayor of Lincoln
555 S 10th St
Lincoln, NE 68508

Dr. Wesley T. Shepard
Superintendent
Ext. 1

Levi H. Kroecker
Elementary Principal
Ext. 1

Mark T. Wilson
Secondary Principal
Ext. 2

David J. Pauff
Secondary Asst. Principal
Ext. 2

Peter L. Schroeder
Director of Development
Ext. 3

Dear Mayor Wesely,

Thank you for meeting with me.

It was just over a year ago that our friends at Realty Trust offered Lincoln Christian School the administrative use of the home located on the NW corner of 84th and Old Cheney Road for no charge. Since then we have "argued the case" but have been unsuccessful in gaining the support needed to occupy the facility. While we are disappointed we are not disillusioned as to the ongoing cost in time and resource of continuing this debate. Therefore we are relinquishing our request of the city to use this property at this time for LCS administrative purposes.

However we continue to support Realty Trust's ongoing request of a business/commercial zone for this property. You indicated that the Comprehensive Plan would be a major factor in the zoning request. I trust Mr. Robert Weigel and Mr. Mike Marsh will be given every consideration for the productive use of this property.

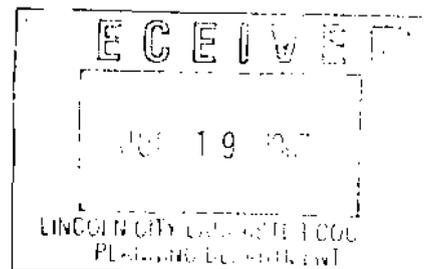
Thank you for your kind comments regarding Lincoln Christian School. God has been faithful to LCS for 50 years through the efforts of many people. We are proud to be part of our great city and look forward to an exciting 50th Anniversary year.

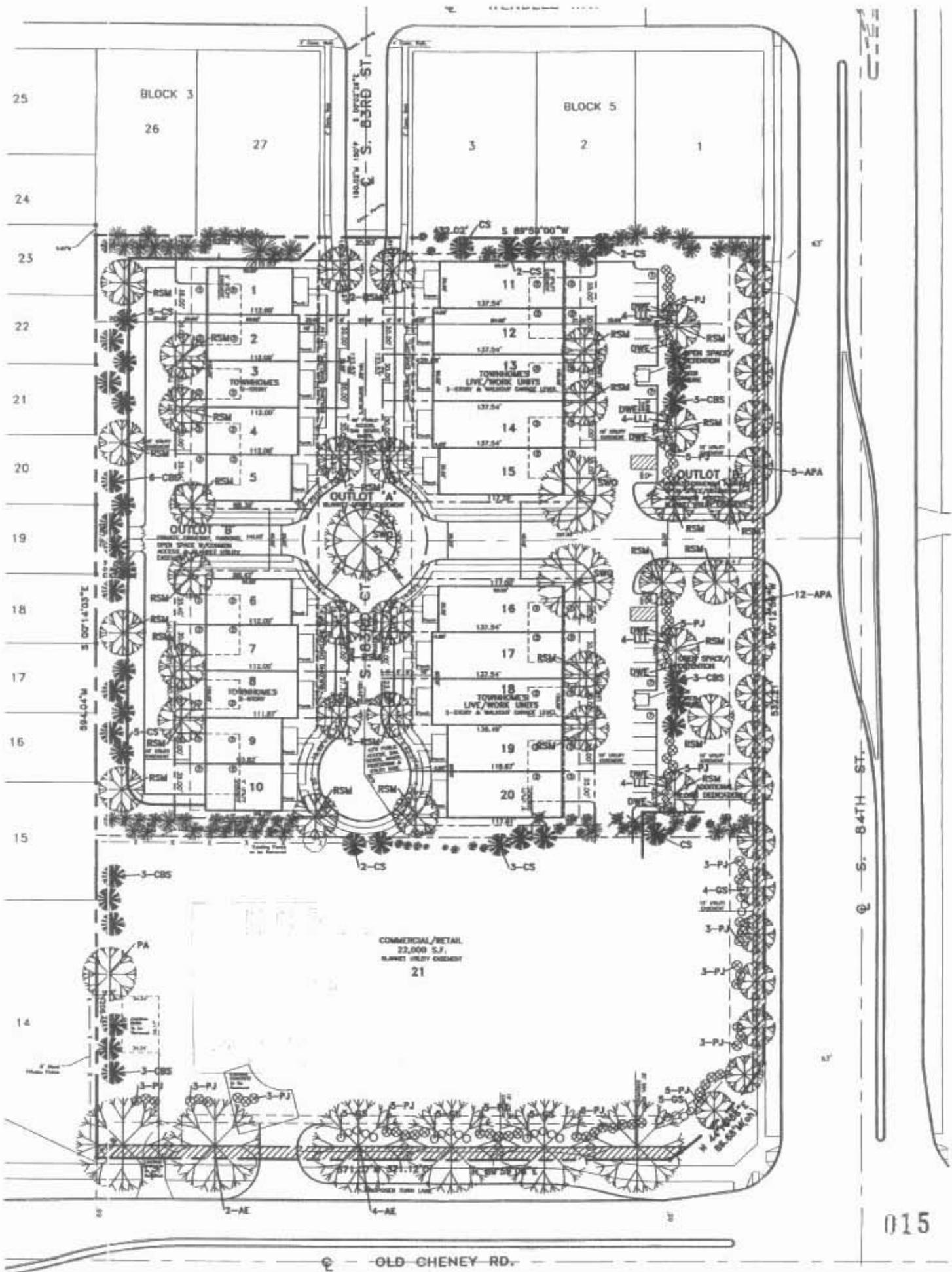
Thanks for the personal attention you have given to this matter.

Gratefully,

Peter L. Schroeder
Director of Development

cc: Ray Hill
Kent Seacrest
Realty Trust
Richard Duncan
Jim Davidson
Wes Shepard





BLOCK 3

BLOCK 5

S. 18th ST.

S 07°14'03" E

COMMERCIAL/RETAIL
22,000 S.F.
MARKET VALUE CREMENT
21

S. 84TH ST.

OLD CHENEY RD.

540 W. INDUSTRIAL LAKE DR.,
SUITE 1 LINCOLN, NE 68528
(402) 476-3020
(402) 476-3138 FAX

SURVEY RECORD
K&M *Inc.*
Land Surveying

BOB @ REALTY TRUST

PROJECT # 99B199
DATE: 8-19-99 B/P 86-51

Survey Of LOTS 90, 91, 92 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER
OF

Section 10, T 9 N R 7 E. of the 6th P.M. LINCOLN, LANCASTER County, Nebraska



Subject property apparently falls within the confines of Zone _____ as determined by the FEMA-FIA
Flood Rate Map community _____, date _____, revised _____

- 1 = Pinned
- 2 = Measured
- 3 = Found as noted
- 4 = Set 45 Rebar & L.S. #483 Cap
- 5 = Set Temp. Post

SURVEYOR'S CERTIFICATE

I hereby certify that I have accurately surveyed the property in the above plat. All dimensions are in feet and decimals of a foot.

Signed this day of 8-20 19 99

Billy Joe Kerr
Billy Joe Kerr, L.S. #483

