

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 04060**, requested by J.D. Burt of Design Associates on behalf of Cheryl Dubas, to develop and operate an early childhood care facility for 140 children in the O-3 Office Park District, on property generally located east of N. 24th Street and south of Superior Street.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/24/04
Administrative Action: 11/24/04

RECOMMENDATION: Conditional Approval (8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting 'yes'; Bills-Strand absent).

FINDINGS OF FACT:

1. This is a request for a special permit for an early childhood care facility in the O-3 Office Park zoning district at No. 24th Street and Northview Road. The applicant is requesting to waive the requirement that the facility be located on an arterial street.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposal is in conformance with the zoning ordinance and the Comprehensive Plan. The waiver is justified due to the location within an office district and the proximity to the arterial roadway.
3. The applicant's testimony is found on p.6. The applicant is in agreement with the proposed conditions of approval, including the requirement for a sidewalk connection south of the screening and entrance drive to North 24th Street.
4. The record consists of two letters in support from the Landons Neighborhood Association and Regal Building Systems, the owner of the lot approved for senior housing adjacent to the subject property. However, both letters in support strongly urge the installation of a traffic signal at 24th & Superior Streets.
5. The Public Works & Utilities Department is not opposed to the installation of a traffic signal at 24th & Superior Street, although the traffic counts at this intersection currently do not meet the standard warrant requirements for a traffic signal. Chad Blahak of Public Works indicated that Public Works will continue to analyze this intersection as further development occurs and traffic increases.
6. There was no testimony in opposition.
7. On November 24, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend conditional approval, as set forth in the staff report dated November 10, 2004.
10. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 6, 2004

REVIEWED BY: _____

DATE: December 6, 2004

REFERENCE NUMBER: FS\CC\2004\SP.04060

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 24, 2004 PLANNING COMMISSION MEETING

- P.A.S.:** Special Permit #04060 - Early Childhood Care Facility
- PROPOSAL:** To develop an early childhood care facility for 140 children in the O-3 District.
- LOCATION:** Generally located east of N. 24th Street and south of Superior Street.
- WAIVER REQUEST:**
Requirement to be located on an Arterial Street
- LAND AREA:** 1 acre, more or less.
- CONCLUSION:** In conformance with the Comprehensive Plan and Zoning Ordinance. The waiver is justified due to the location within an office district and proximity to the arterial roadway.

<u>RECOMMENDATION:</u>	Conditional Approval
Waive requirement to be located on an arterial street	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: O-3, Office Park.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Bank	O-3, Office Park
South:	Undeveloped	R-4, Residential
East:	Commercial	I-1, Industrial
West:	Office	O-3, Office Park

HISTORY: Special Permit #1821 for a 118 person child care facility was approved by City Council on February 22, 2000 with a waiver to the arterial street frontage requirement.

Use Permit/Special Permit #12 for a 59, 930 square foot office park with a restaurant was approved by the City Council on January 21, 1997.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as commercial (F-25).

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (F-42)

Centers should contain a mix of residential, office, service and retail uses. In addition, other “residential” uses such as multi-family, single family attached, child care centers, and recreational facilities should be integrated within the development. Single use projects, such as office parks, are to be discouraged. Where properly sited, light manufacturing uses may be a part of larger commerce centers, except for neighborhood centers. Centers should create a pedestrian oriented environment in the physical arrangement of their buildings and parking. (F-42)

TRAFFIC ANALYSIS: N. 24th Street and Northview Road are local streets.

ALTERNATIVE USES: Office and other permitted uses in the O-3 district.

ANALYSIS:

1. This is a request for a special permit for an early childhood care facility in the O-3 district. The applicant requests to waive the requirement that the facility be located on an arterial street. The applicant noted in their attached letter that the site is located 200 feet south of an arterial in an office park and does not believe the minor shift toward the arterial street would provide an additional benefit to the surrounding area. The applicant stated that the existing facility has 49 children.
2. There is an existing special permit for an early childhood care facility located south on N. 24th Street, however the owner of that property has expressed interest in developing the property into townhomes, which would include rescinding the daycare use. The special permit for 118 children presently remains in effect. A waiver of the arterial street requirement was granted for that permit.
3. The Public Works and Utilities Department indicated that traffic comparisons between a 6,485 square foot office building (the amount presently approved on the site) and a 140 child care facility indicates that the child care facility would generate more peak hour traffic than general office.
4. The waiver to the arterial street requirement is reasonable because the location is an office/commercial district only a couple hundred feet off the arterial street. There may be cases where a request for this waiver is not appropriate, depending on location and proximity to a residential neighborhood and relationship to the arterial street. This case presents a location offset from the residential neighborhood, near an existing school within an office district and very near an existing arterial street. Planning staff believes a waiver is justified.
5. The Comprehensive Plan calls for integration of child care facilities in commercial centers and residential neighborhoods.
6. The Public Works and Utilities Department, Fire Department, and LES did not have any objections or revisions.

7. An additional sidewalk connection is necessary on the south side of the entrance drive off N. 24th Street, connecting to the side along the west side of the building.
8. Lincoln Lancaster County Health Department had several comments in their attached memo.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 A sidewalk connection south of the screening and entrance drive to N. 24th Street.
 - 1.1.2 Information as requested by the 11/12/04 Lincoln Lancaster County Health Department memo.
2. This approval permits an early childhood care facility for 140 children with a waiver to requirement the facility be located on an arterial street.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised final plan including 7 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plans shall be approved by the City.
 - 3.4 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
 - 3.5 The administrative amendment #04090 is approved.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 4.3 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.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-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.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: November 10, 2004

APPLICANT: Cheryl Dubas **OWNER:** Lincoln Federal Savings Bank
Little Munchkinland 1101 N Street
4920 N. 26th Street Lincoln, NE 68508
(402)742-4776

CONTACT: J.D. Burt
Design Associates
1609 N. Street, Suite 100
(402)474-3000

SPECIAL PERMIT NO. 04060

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 24, 2004

Members present: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson; Bills-Strand absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing due to receipt of additional information.

Ray Hill of Planning staff submitted a letter from Carol Brown on behalf of Landons Neighborhood Association in support; however, they have a concern about the traffic and would like the city to consider a traffic light at 24th and Superior Street.

Ray Hill also submitted a letter from Marty Fortney of Regal Builders in support of the application; however, he also points out the increased traffic and need for a traffic signal. There was a larger day care center approved in the general vicinity and he may be interested in withdrawing that application.

Proponents

1. J.D. Burt of Design Associates, 1609 N Street, appeared on behalf of the applicant. This application is exclusively to move the day care from the north side of Superior Street to the south side and to increase the size. This plan has been presented to the neighbors and has been shared with Regal Building Systems. Some additional screening has been included at the request of one of the owners on Dodge Street to take care of the headlight trespass.

Burt indicated that this applicant also shares the neighborhood concern about the traffic signal. This is one of the reasons the applicant wants to get to the south side of Superior. However, he is not sure how this applicant can address the traffic signal issue since the condition exists today and the neighbors have been requesting this signal for quite some time. This applicant would support a traffic signal at 24th & Superior Streets.

The applicant had no objections to the conditions of approval. The applicant agrees that the sidewalk being required is a good idea and they will comply.

There was no testimony in opposition.

Marvin asked staff to address the 24th & Superior traffic light issue. Chad Blahak of Public Works indicated that Public Works has been aware of the request and would consider the traffic signal at that location as development continues and warrants for the signal are met. Carlson asked what would

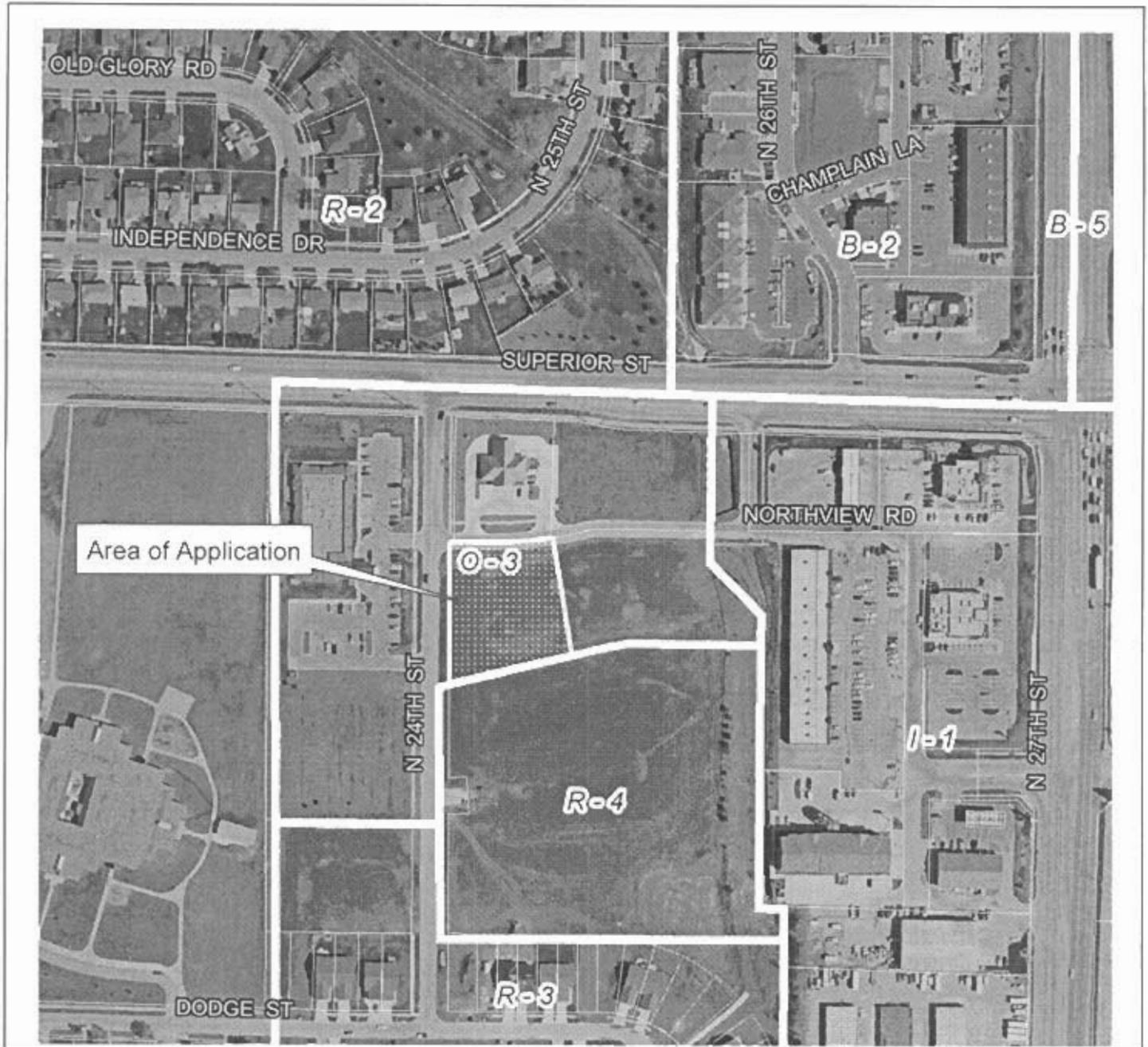
trigger the installation of this traffic signal. Blahak stated that the triggers are the standard traffic warrants having to do with traffic volumes. Public Works will continue to monitor and analyze the traffic volumes at that intersection as facilities such as this and other businesses develop in the vacant areas and traffic is increased.

Taylor wondered whether a traffic signal could be coordinated for specific times of the day such as when schools are opening and closing. Blahak did not know whether the national accepted guidelines address such a specific situation. He could not speak to whether Lincoln has signals that operate under that kind of system currently. There are pedestrian signals that operate on an “as needed” basis. But in this case, where it’s an actual street intersection, he does not know if there is a policy of operating in such a manner as far as turning them on and off at certain times of the day. Blahak advised that the most current traffic counts do not meet the standard warrants for a traffic signal, but Public Works will continue to analyze the intersection as more development comes forward.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 24, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Marvin and carried 8-0: Carroll, Krieser, Sunderman, Pearson, Marvin, Taylor, Larson and Carlson voting ‘yes’; Bills-Strand absent. This is a recommendation to the City Council.



2002 aerial

Special Permit #04060 N. 24th & Superior ST Little Munchkin Land Zoning:

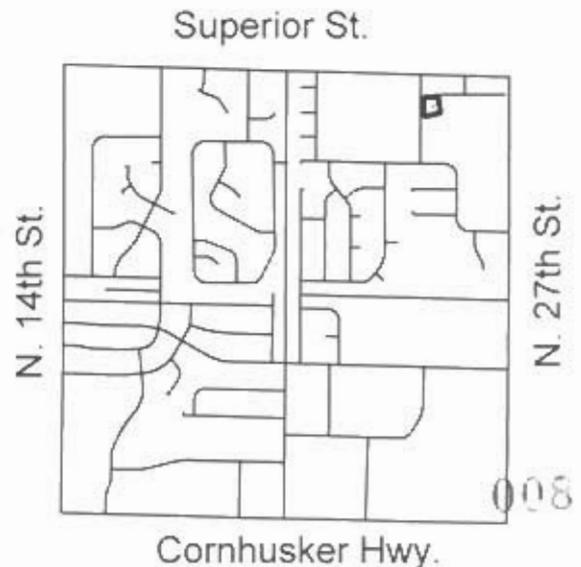
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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

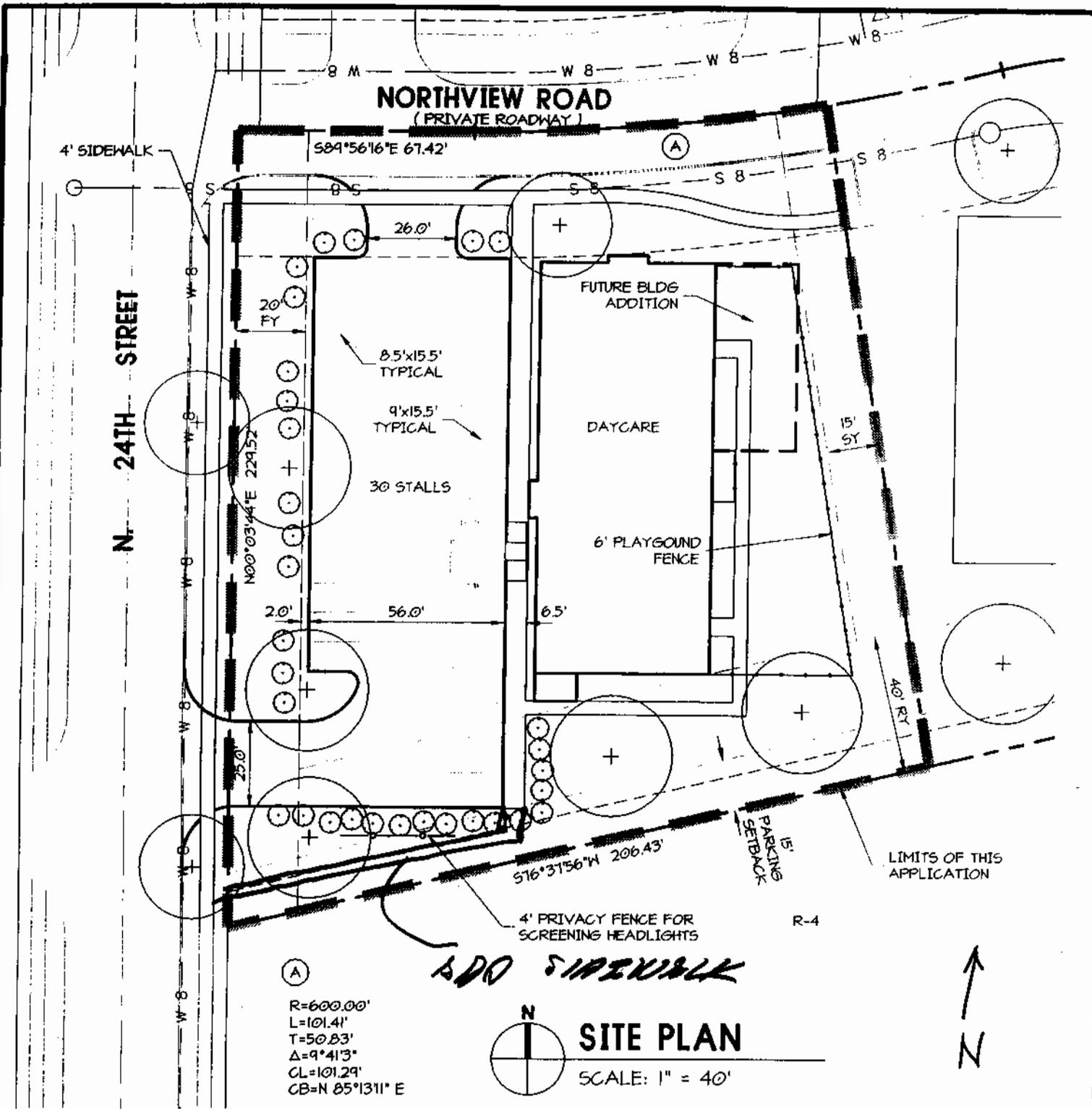
One Square Mile
Sec. 12 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction





(A)
 R=600.00'
 L=101.41'
 T=50.83'
 Δ=9°41'3"
 CL=101.29'
 CB=N 85°13'11" E



SITE PLAN

SCALE: 1" = 40'

ZONING

O-3 OFFICE PARK DISTRICT WITH USE PERMIT UP18, AND SPECIAL USE PERMIT SP/PI2, CONDITIONS BASED ON ORIGINAL PER CONSTRUCTION SITE PLAN, PER CITY OF LINCOLN, BUILDING & SAFETY DEPT.

WAIVERS

1. A WAIVER IS REQUESTED TO ALLOW THIS FACILITY ON A NON-ARTERIAL STREET.

LEGAL DESCRIPTION

A portion of

LOT 3, BLOCK 2,
 NORTHVIEW 1ST ADDITION
 LINCOLN, LANCASTER, NEBRASKA

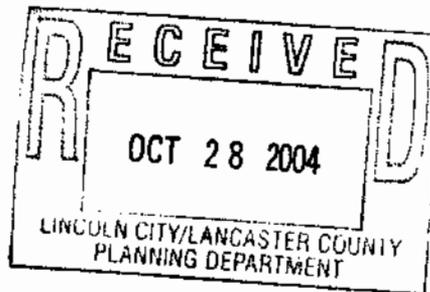
009

Design Associates of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

October 28, 2004

Marvin Krout
City of Lincoln Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Northview Addition Amendment to Special Permit/Use Permit #12
Special Permit-Early Childhood Care Facility

Mr. Krout,

On behalf of the property owner, Lincoln Federal Savings Bank, and Cheryl Dubas, contract purchaser, attached please find executed forms and plans for the following land use applications:

- Amendment to Special Permit/Use Permit #12, site plan revisions
- Special Permit to allow an Early Childhood Care Facility with sixteen or more children in the O-3 zoning district

Special Permit/Use Permit #12

This application, on behalf of Lincoln Federal Savings Bank, requests approval of revised site and landscape plans for the existing special permit/use permit. The amendment proposes the addition of an interior lot line, reconfiguration of building envelopes and associated parking, and reduction of the parking setback along the south property line from 40' to 15'. Review of the setback requirements for the O-3 zoning district shows this area is prohibited from buildings but does allow parking. This amendment proposes parking within 15' of the rear lot line with a landscaping screen planted at 90% between 2' and 4' adjacent to the adjacent R-4 zoned property. The total building area within the amendment remains as previously approved. These revisions are proposed to accommodate the proposed childhood care facility that accompanies this application. This amendment is limited to property described as Lot 3, Block 2, Northview 1st Addition.

Special Permit-Early Childhood Care Facility

This application, on behalf of Cheryl Dubas, dba Little Munchkinland, contract purchaser of property located at the southeast corner of 24th and Northview Road, requests approval of a special permit to operate a childhood care facility to be licensed for 140 children.

Little Munchkinland is a family owned childhood care facility that has been located on 26th Street, north of Superior Street since 2002. Their current facility is licensed for 49 children. Prior to 2002, Little Munchkinland provided licensed childhood care for over 8 years in their current residence.

The Little Munchkinland operation provides childhood care for both scheduled times and for 'drop-in' children. This dual-purpose operation allows more flexibility for parents and tends to reduce peaking characteristics for parking and traffic that have been observed at other childhood care facilities. Their hours

of operation are from 6:00 A.M. to 1:00A.M. Monday through Saturday. Their business success and growing demand for daycare are the basis of the proposed expansion.

Little Munchkinland proposes a childhood care facility to be licensed for 140 children ranging in age from 6 weeks to 12 years with a staff of 15. The actual number of staffing will vary and is dependent upon the number and ages of children present at the facility. Staffing will consist of present employees and several new positions. On-site parking is provided in excess of one stall per each 10 children plus one stall for each employee.

The site is located in proximity to Superior Street to encourage use of Superior Street at either 24th or 26th Streets in an effort to discourage use of residential streets. Little Munchkinland is proposed on a corner lot with access on both frontages. These driveways are expected to reduce congestion and provide better internal circulation.

A meeting was conducted with area residents to discuss the development prior to finalization of submittal documents. Discussion of the facility was positive with one minor exception. A revision was requested by a neighbor residing on Dodge Street to include provisions to reduce light trespass from vehicle headlights during the evening hours of operation. A privacy fence 4' in height has been added south of the parking lot landscaping to address that neighbor's concern.

A single waiver is requested with the special permit application. Section 27.63.070(c) that states: "...Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities".

In this case, the site is located 200 feet south of an arterial street (Superior Street) in an office park where access to the adjacent arterial street has been relinquished. Compliance with this requirement would require this childhood care facility to be located on the opposite side of the street. This minor shift would not appear to provide any additional benefit to the surrounding area with respect to reducing traffic related issues. This site was selected due to its closeness to the existing facility; reduced distance to Campbell School that will allow children to walk to and from school; and ability to reduce vehicle conflicts due to the driveways on both frontages. Based upon the non-residential nature of the area located between Little Munchkinland and Superior Street, and that the location has frontage along a commercial private street and frontage along the non-residential portion of 24th Street, the proposed site appears to meet the intent of frontage and access to an arterial street.

A certificate of ownership and application for final plat will be made under separate covers.

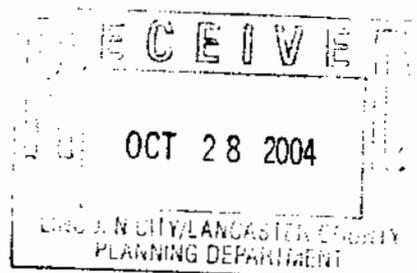
On behalf of Lincoln Federal Savings Bank and Little Munchkinland, we would like to thank you in advance to your favorable consideration. Please feel free to contact our office if additional information is desired.

Best regards,



J.D. Burt
For the firm

Attachments: Site/Landscape Plan



Richard J Furasek
11/05/2004 03:07 PM

To: Rebecca D Horner/Notes@Notes
cc:
Subject: Little Munchkinland

Upon review of special permit # 04059, we find it acceptable from the perspective of our department.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292

Memorandum

To:	Becky Horner, Planning Department
From:	Charles W. Baker, Public Works and Utilities
Subject:	Little Munchkinland Special Permit #04060
Date:	November 10, 2004
cc:	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Little Munchkinland Day Care Special Permit #04060 located at North 24th and Northview Road. Public Works has no objection to the request of the waiver to not be located on an arterial street.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: November 12, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File

SUBJECT: Little Munchkinland

EH Administration

SP #04059

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application for the proposed childcare with the following noted:

- The LLCHD advises that I-1 zoning is located approximately 300 feet to the east from the proposed childcare facility. The LLCHD recommends that the applicant develop an emergency response plan, both written and drawn, including a house-in-place scenario and an off-site evacuation. The LLCHD may provide technical assistance in this matter.
- Per City of Lincoln Design Standards Chapter 3.90 Section 2.1. Plans as submitted show a 6 foot fence but do not state whether or not it is opaque. Facility is adjacent to an R-4 zone on its south side.
- **Parking:** Applicant should specify "drop-off-only" parking spaces directly in front of main entrance so that children do not cross through parking lot to access the facility. Use a ratio of 1 stall for every 10 children of total capacity. One parking stall per employee during largest shift shall be also available.
- Facility must meet all State of Nebraska standards for Childcare Centers.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



"Carol B"
<carolserv@hotmail.com>
m>

To: rhorner@lincoln.ne.gov, plan@ci.lincoln.ne.us, mkrou@ci.lincoln.ne.us
cc:
Subject: Special Permit No. 04060

11/24/2004 10:36 AM

Dear Planning Commissioners and Staff,

I am writing in behalf of the Landons Neighborhood Association. Landons is in support of the Special Permit No. 04060 for an early childhood care facility, with request to waive the requirement to be located on an arterial street, on property generally located at N. 24th Street and Superior Street. As you remember this land area has been under scrutiny by Landons for quite some time. This is an excellent location for the daycare that we were promised years ago. The daycare will be in close proximity of Campbell School making it highly utilized by parents already transporting their children to and from school. We were pleased to have met with JD Burt and Cheryl Dubas of Munchkinland to share concerns Landons may have had on this project.

The only concern expressed by Landons Neighborhood was with the development of this property and the adjacent Eyecare Center, we would like to request the city consider placing a traffic stoplight at the 24th and Superior Street location. This would be not only a convenience issue for the residents of this area so we can access Superior Street, but a safety issue for commuters to and from the businesses and Campbell School. Landons Neighborhood and Reglton, which are directly adjacent to this property, have seen increased traffic through our neighborhoods to other streets to get out of our development. Having a traffic light that would be sensitive to anyone that drives up to the 24th and Superior Street intersection and would like to get out onto Superior Street would also be adding to the safety of that intersection. I have witnessed many many close calls of residents and parents of the school children jarting out into traffic in their cars onto Superior after waiting a significant period of time. Campbell Elementary School already has 600 students in attendance and with the developments that is going on at this location the light is sorely needed.

Thank you,
Sincerely,
Carol Brown
Secretary, Landons Neighborhood Association



"Carol B"
<carolserv@hotmail.com>
m>

To: JWalker@ci.lincoln.ne.us
cc:
Subject: Re: Special Permit No. 04060 - Support

11/24/2004 11:17 AM

Jean,

Although we are in support of this Special Permit we would like it pulled for discussion on the traffic issue. We really want the light issue to be addressed by the commission members. It is very important to us. We will not have any representation at the meeting it being a holiday and I am working, but we discussed it with JD and if he is there they could ask him about the interest in the light. Marty Fortney also is asking about the light progression because he wants to plan something for his area. All the businesses that abut the area of Superior at 24th are also very interested in this light. I also have around 500 signatures in support of the light from Campbell parents and teachers. I have not yet had the opportunity of getting the signatures of Landons or Regalton residents but that would be approx another 500.

Thank you,
Carol Brown

>From: JWalker@ci.lincoln.ne.us
>To: "Carol B" <carolserv@hotmail.com>
>CC: MKrout@ci.lincoln.ne.us, RHill@ci.lincoln.ne.us,
>RHorner@ci.lincoln.ne.us, jdburt@inebraska.com,
>DBartels@ci.lincoln.ne.us, RHoskins@ci.lincoln.ne.us
>Subject: Re: Special Permit No. 04060 - Support
>Date: Wed, 24 Nov 2004 10:41:17 -0600

ITEM NO. 1.2: SPECIAL PERMIT NO. 04060
(p.15 - Consent Agenda - 11/24/04)



1901 SW 5th STREET· SUITE 100· LINCOLN, NE 68522· PHONE (402) 435-3550· FAX (402) 435-5070
www.regalbuildingsystems.com rhs@regalbuildingsystems.com

November 24, 2004

City-County Planning Commission
Planning Department
Marvin S. Krout, Director

Re: Special Permit No. 04060

Dear Sir:

I am taking a neutral position for approval on this project.

I welcome a daycare facility as a function for the neighborhood. I own a lot approved for senior housing next to the subject property. Both facilities would be a good fit in the area.

One concern is the increased traffic from the day care facility and the lack of a traffic signal at 24th & Superior. How do you plan to address the increased traffic concerns?

Another concern I have is regarding Lot A Block 1 that I own. It is currently approved for a 118-child daycare facility. This parcel along with Lot 2 Block 2 (approximately 6 acres) & 122 townhome lots were negotiated by Jerry Maddox & the adjoining neighborhoods. I purchased all the land described above as a package deal. Unfortunately, the approved daycare lot (Lot A Block 1) sits too far off Superior Street for marketing feasibility. The thought process at the time between Mr. Maddox & the neighbors was that the proximity to the school would be good for a daycare facility. However, the regional & many local daycare operators I spoke with would not consider the site due to the distance and lack of visibility from Superior Street.

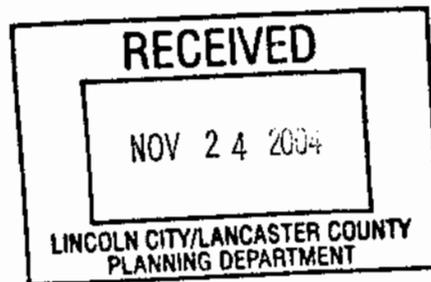
In conclusion, the daycare lot (Lot A Block 1) will need to have another approved use. It has been demonstrated this was not the appropriate land use even with the best intentions from the previously mentioned parties.

I will come forward with another use on this lot (Lot A Block 1) in the future.

Regards,

Marty Fortney, Owner
Regal Building Systems, Inc.

Attachment: Site Plan





Lancaster County

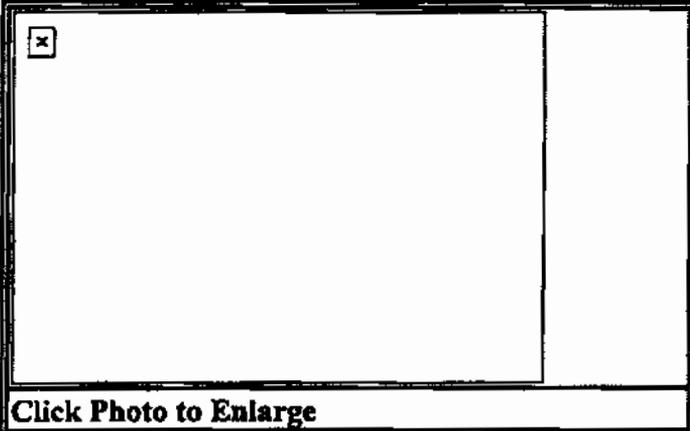
County Assessor/Register of Deeds
Property Information

InterLinc

Parcel Identification No: 11-12-221-007-000

Taxing District:	0001 LINCOLN	Property Owner:	REGAL BUILDING SYSTEMS INC
Property Class:	C COMMERCIAL		1901 SW 5 ST
Neighborhood:	NCR01 NO. CENT.; RETAIL; INC MOD 01		LINCOLN NE 68522-1737
Situs Address:	4301 N 24 ST LINCOLN		
Final Value Summary for Tax Year 2004			
Total Value:	130,419		

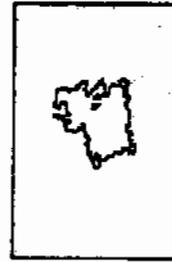
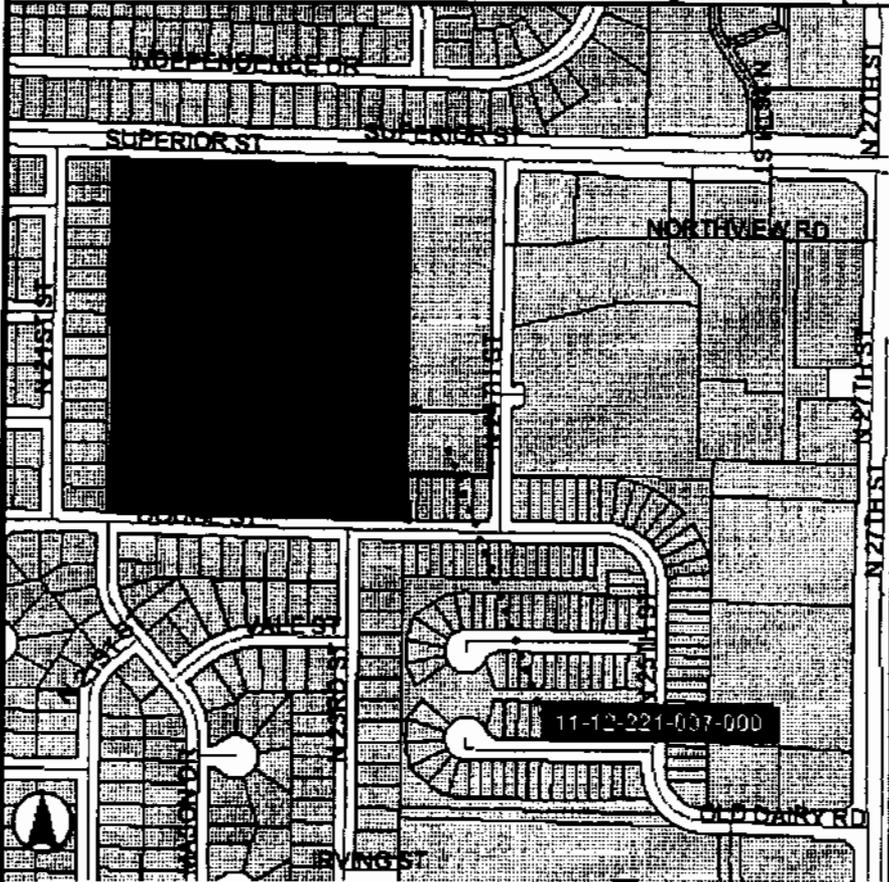
Legal Description:
NORTHVIEW 3RD ADDITION BLOCK 1 OUTLOT A



Sale History:		
Instrument #	Sale Date	Sale Price
02-087911	11/27/2002	760,000

- [Land and Miscellaneous](#)
- [Map](#)
- [Treasurer's Information](#)

Lancaster County Parcel Map



Legend

-  Lakes/Streams
-  Parcels
-  Streets
-  Schools
-  Parks
-  City Limit
-  County

Norman H. Agena

County Assessor/Register of Deeds
 555 South 10th Street
 Lincoln, NE 68508
 402-441-7463
 assessor@co.lancaster.ne.us

This map is intended to show as accurately as possible the relationship of parcels, but it is not intended to be construed as survey accurate in any manner.