

City Council Introduction: **Monday**, February 25, 2008
Public Hearing: **Monday**, March 3, 2008, at **1:30** p.m.

Bill No. 08-17

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08003**, from O-2 Suburban Office District to B-3 Commercial District, requested by Olderbak Enterprises North, on property generally located northwest of the intersection of South 48th Street and Meredith Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/13/08
Administrative Action: 02/13/08

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (7-0: Gaylor-Baird, Carroll, Taylor, Cornelius, Esseks, Francis and Moline voting 'yes'; Larson and Sunderman absent).

ASSOCIATED REQUEST: Special Permit No. 08007 (08R-65)

FINDINGS OF FACT:

1. This change of zone request was heard by the Planning Commission in conjunction with Special Permit No. 08007 to expand a nonconforming use to increase the area where the sale of alcoholic beverages for consumption off the premises is allowed.
2. The purpose of this change of zone on one lot (Lot 10) to B-3 Commercial is to facilitate the expansion of the existing convenience store on Lots 11 and 12 to the east.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed change of zone will facilitate redevelopment and revitalization of an existing business in one of Lincoln's older business districts. The change to B-3 does not further expand the commercial district into the adjacent neighborhood, since the subject lot is already zoned O-2. Recommended conditions on lighting and screening in the associated special permit should help to mitigate any adverse impacts on the residential property to the west. This type of renovation activity is key to maintaining the viability and vitality of these older districts and is supported by the Comprehensive Plan. The staff presentation is found on p.5.
4. The applicant's testimony is found on p.5-6, and the record consists of a petition in support bearing approximately 96 signatures (p.13-17).
5. Testimony in opposition is found on p.6-7, with concerns about traffic and congestion in the alley, light pollution, lack of communication from the applicant about this proposal, snow removal, crime, vandalism, litter and garbage. The record also consists of a letter in opposition from Burch & Associates, Inc., the owner of the adjacent property along the alley between Lowell and Meredith (p.18).
6. The applicant's response to the opposition is found on p.7-8.
7. On February 13, 2008, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend approval of the change of zone request (Larson and Sunderman absent).
8. On February 13, 2008, the Planning Commission also voted 7-0 to adopt Resolution No. PC-01095, approving the associated Special Permit No. 08007 for authority to expand a nonconforming use.
9. On February 19, 2008, Keith Sackschewsky filed a letter requesting that Special Permit No. 08007 be appealed to the City Council (08R-65).

FACTSHEET PREPARED BY: Jean L. Preister
REVIEWED BY: _____
REFERENCE NUMBER: FS\CC\2008\CZ.08003+

DATE: February 20, 2008
DATE: February 20, 2008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for February 13, 2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #08003

PROPOSAL: From O-2 Suburban Office to B-3 Commercial

LOCATION: Northwest of the intersection of South 48th and Meredith Streets

LAND AREA: Approximately 7,100 square feet.

EXISTING ZONING: O-2 Suburban Office

CONCLUSION: If approved, this request facilitates redevelopment and revitalization of an existing business in one of Lincoln's older business districts. Already zoned O-2, a change to B-3 is not considered an expansion of the commercial district into the adjacent neighborhood. This type of renovation activity is key to maintaining the viability and vitality of these older districts and is supported by the Comprehensive Plan.

| | |
|------------------------|----------|
| RECOMMENDATION: | Approval |
|------------------------|----------|

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 10, Block 39, College View

EXISTING LAND USE: Office

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|-------------|-----|
| North: | Commercial | B-3 |
| South: | Residential | R-4 |
| East: | Commercial | B-3 |
| West: | Residential | R-4 |

ASSOCIATED APPLICATION:

SP#08007 - A request for a special permit to expand a nonconforming use.

HISTORY:

September, 1979 - CZ#1722 was approved changing the zoning from R-4 to O-2 for this lot.

ASSOCIATED APPLICATIONS:

SP#08007 - A special permit to allow the expansion of a nonconforming use located on Lots 11 and 12 adjacent to the subject property.

COMPREHENSIVE PLAN SPECIFICATIONS:

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

Page 29 - The community's primary focus for economic development should be retention and expansion of existing businesses — the key to Lincoln's job growth. (The greatest job growth in Lincoln is from existing businesses expanding.) In addition, attracting new businesses should be encouraged.

Page 36 - 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 48 - 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.

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.

ANALYSIS:

1. This request seeks to change the zoning from O-2 to B-3 for Lot 10, Block 39, College View.
2. The same entity owns Lots 11 and 12 adjacent to the east where a convenience store is located. This request is associated with a special permit that seeks to expand a nonconforming use to be sited on Lots 10, 11 and 12.
3. The sale of alcohol at the existing convenience store pre-exists 1994 when the current requirements for a special permit for off-sale alcohol were adopted. The sale of alcohol is nonconforming because the licensed premises is less than 100' away from the R-4 residential zoning district to the west.
4. A convenience store is not an allowed use in the O-2 zoning district. This request seeks to expand the B-3 zoning on Lots 11 and 12 so the convenience store can be expanded onto Lot 10.
5. Expansion of existing commercial areas into the adjacent neighborhoods is generally discouraged by the Comprehensive Plan. In this case, the zoning on Lot 10 was changed to O-2 in 1979. A change to B-3 does not result in the expansion of the existing commercial district, rather just expands the range of non-residential uses allowed on the lot.

6. While there is not guarantee that the subject lot will be developed as proposed by the applicant, it is unlikely the owner would use the lot for any use except to expand the convenience store facilities.
7. If approved, this request would allow an existing business to upgrade and modernize an aging facility. Such renovation and redevelopment is key to maintaining the viability of the older business districts located throughout the City and is supported by the Comprehensive Plan.

Prepared by:

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

January 30, 2008

**APPLICANT/
CONTACT:**

Chris Pischel
4001 South 8th Street, Ste 101
Lincoln, NE 68502
402.421.1502

OWNER:

Olderbak Enterprises North, LLC
2840 South 74th Street
Lincoln, NE 68506

**CHANGE OF ZONE NO. 08003
and
SPECIAL PERMIT NO. 08007**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 13, 2008

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

Ex Parte Communications: None.

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

These applications were removed from the Consent Agenda at the request of a member of the public.

Staff presentation: **Brian Will of Planning staff** advised that this is a request for change of zone and special permit. 48th Street is on the east and Meredith Street is on the south. The change of zone from O-2 to B-3 is for one lot and the special permit covers the entire area, the purpose of which is to expand a nonconforming use relating to the sale of alcohol. The intent of this request is to remove the existing convenience store located on Lots 11 and 12 and build a new facility over all three lots. Staff is recommending approval.

Proponent

1. Chris Pischel, Hutchinson Architects, appeared on behalf of the applicant. This change of zone is key in order for this project to happen. The existing O-2 zoning does not allow for the convenience store use. The special permit is to expand a nonconforming use for the sale of alcohol. The existing store currently sells alcohol – the purpose of this proposal is to carry that use and function from the old store to the new project.

Pischel submitted that this type of renovation is something supported by the Comprehensive Plan. It would be an improvement visually to the neighborhood as well as functionally. Two of the current exits to the site will be closed and the entrance will be moved further to the west away from 48th Street. The access off 48th Street will be combined with the alley and that portion of the alley will be paved.

Pischel understands that a project such as this is going to have an impact on the neighborhood, but he suggested that it will be a positive improvement to the neighborhood and to the city to allow such a business as Kabredlo's to be allowed to put some money back into the community and improve the neighborhood by providing additional conveniences and new products for their customers at this location.

The applicant agreed with the conditions of approval set forth in the staff report. There will be additional gas pumps with increased lighting, but flush mounted lighting will be utilized to minimize light pollution. An 8' privacy fence and planted screening materials will be provided in as many locations as possible to buffer and help mitigate the impact on the neighboring community to the west.

(Editorial Note: The discussions about a reduction to the setback have been eliminated as there is no setback reduction being requested on this application.)

Esseks inquired whether the applicant has had any contact with the neighboring residents. Pischel had not personally but he stated that Mike Olderbak, the owner of Kabredlo's, has been in communication with the neighborhood, informing the residents and speaking with them directly. He is unable to be here today.

2. Kelly Tollefsen, legal counsel for the applicant, testified in support. She submitted that this proposal is consistent with the Comprehensive Plan in that the applicant will be demolishing an older building and structuring a new building that would beautify the neighborhood. Alcohol is already sold on Lots 11 and 12, so this would not increase alcohol sales within the area.

Tollefsen submitted that the 8' privacy fence will protect the neighbor. The alley is also required to be paved. The applicant has also done everything possible to minimize traffic. The petition on file indicates that there is overwhelming community support for this new store at this location. The additional gas pumps will require additional lighting but it will be focused more toward the gas pumps and away from the neighborhood.

Opposition

1. Doug Krogman, Krogman Tile, owner of the building north of the convenience store, testified in opposition. He does not believe the petition in support is valid because it contains signatures of customers of the convenience store as opposed to the surrounding neighbors and businesses. The applicant has not talked with the business owners in the area. The applicant has not personally contacted the people that will be affected the most.

Krogman uses the alley as much as everyone else and he has to have the alley access because of his business. He has asked over and over that the beer and commercial trucks not park in the alley when making deliveries to this convenience store. They do not listen and they have done this for years. He acknowledged that he also uses the alley to unload trucks but not as much. If they pave the alley, it will bring more trucks into that location causing more traffic and more congestion.

Krogman supports the idea of having a new building, but his opposition has a lot to do with the people that own the building and how they run it. He displayed photographs of some rubbish and graffiti on the back of the building that has been there for two years. How long is the new building going to last? He also showed photographs of the garbage dumpster overflowing on the north side of the building. The wind blows all the garbage down the alley.

Krogman submitted a letter from Burch & Associates also in opposition (owner of the property running adjacent along the alley between Lowell and Meredith Streets). Harris Lawn did not know anything about this, but Krogman stated that they are also opposed.

Krogman requested that this proposal be deferred to require that the applicant discuss the plans with the businesses in the area.

2. Keith Sackschewsky, the owner of 4716 and 4718 Meredith, testified in opposition. His residential property abuts the proposed new building. His biggest concern is that Kabredlo's never plows their sidewalks or their lot. They don't pick up trash. The light pollution on his house is already unreal. Kabredlo's does not take care of the property they have now. He already has a problem with the noise. The back side of the building is a known location for kids to deal and do drugs. He has complained to the Police Department. Across the street on Meredith is a home with LOMAR kids in it; there is an apartment up the street with numerous little kids; and there is a rental next to him with little kids. Sooner or later with the cars coming up and down that street, someone is going to get run over. He has a problem at night with cars pulling into the parking lot and leaving their headlights on. He cannot even see to back out of his driveway. No one has contacted him about any of these plans. Why give them more when they don't take care of what they have?

Cornelius asked whether Sackschewsky has made complaints to Public Works about lack of snow removal. Sackschewsky stated that he has complained and the applicant might then shovel the sidewalk the next snow storm, but with the traffic it becomes ice by the time they do anything.

Sackschewsky has talked to all of his neighbors and there is not one in support.

Staff questions

(Editorial Note: While there was discussion about reducing the setback here, Will clarified that there were three Kabredlo's applications on today's agenda. One of them did seek an adjustment to the required yard; however, this is not the one because the applicant is requesting B-3 zoning in this case. This application meets the setback for this district.)

Cornelius sought confirmed that the normal advertising procedures were followed on these applications. Will confirmed. The Planning Department notice procedures include publication, posting of a sign and written notice to all surrounding property owners within 200 feet of the boundaries of the application property.

Response by the Applicant

Tollefsen responded to the business owner who is concerned about upkeep of the current building, suggesting that it would be very easy to put a wooden fence around the garbage containers, and she suggested that it could be added as a condition of approval. **(Editorial Note:** Later on in the discussion, it was clarified that the fence around the garbage containers is already a requirement.)

With respect to the condition of the building, the piping problems and the graffiti, Tollefsen suggested that to be one of the reasons this applicant has undergone the expense to purchase the

lot next door and to hire an architect to put a building up that will deal with these issues and beautify the neighborhood.

With respect to the snow removal, Tollefsen stated that she will visit with the applicant. There are ways to deal with this issue other than denying this request. She does not know that any complaints have been made to the applicant for failure to remove snow.

Tollefsen pointed out that the customers of this convenience store are also members of the local community and that is why they have signed the petition. The neighbors did receive written notice. She assured that the applicant will address any concerns with respect to removal of snow. This is a dilapidated building and that is why this application has been brought forward.

Francis inquired whether there is an individual manager for each store. Tollefsen advised that there is not. There are several different managers throughout the city managing several different stores. Francis suggested that perhaps the manager is not aware that the snow is not being removed. Tollefsen agreed that could be possible. On average, the managers try to spend 10-15 hours per store per location per week. She again assured that they will deal with the snow issue.

Tollefsen also submitted that paving the alley is going to assist. She agreed that it does get used by residents and the businesses, but the paving will help that. If the alley is being blocked by this applicant, Tollefsen assured that they will attempt to deal with that situation as well.

Gaylor-Baird inquired about the lighting and whether they are currently using the flush mounted lighting at this location. Tollefsen indicated that they are not currently using such lighting and that it would be an improvement over the current situation. She also pointed out that the 8' opaque fence will abut the residential property so that it should not be a situation where headlights would be coming through the fence.

Will confirmed that fencing around the garbage container is already a requirement and does not require an additional condition of approval.

CHANGE OF ZONE NO. 08003

ACTION BY PLANNING COMMISSION:

February 13, 2008

Taylor moved approval, seconded by Francis.

Taylor understands the neighbors' concerns and he thinks it would be good business for the applicant to take care of those issues. He is convinced that it will be helpful to have the paving and fencing in place.

Motion for approval carried 7-0: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor-Baird and Carroll voting 'yes'; Sunderman and Larson absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 08007

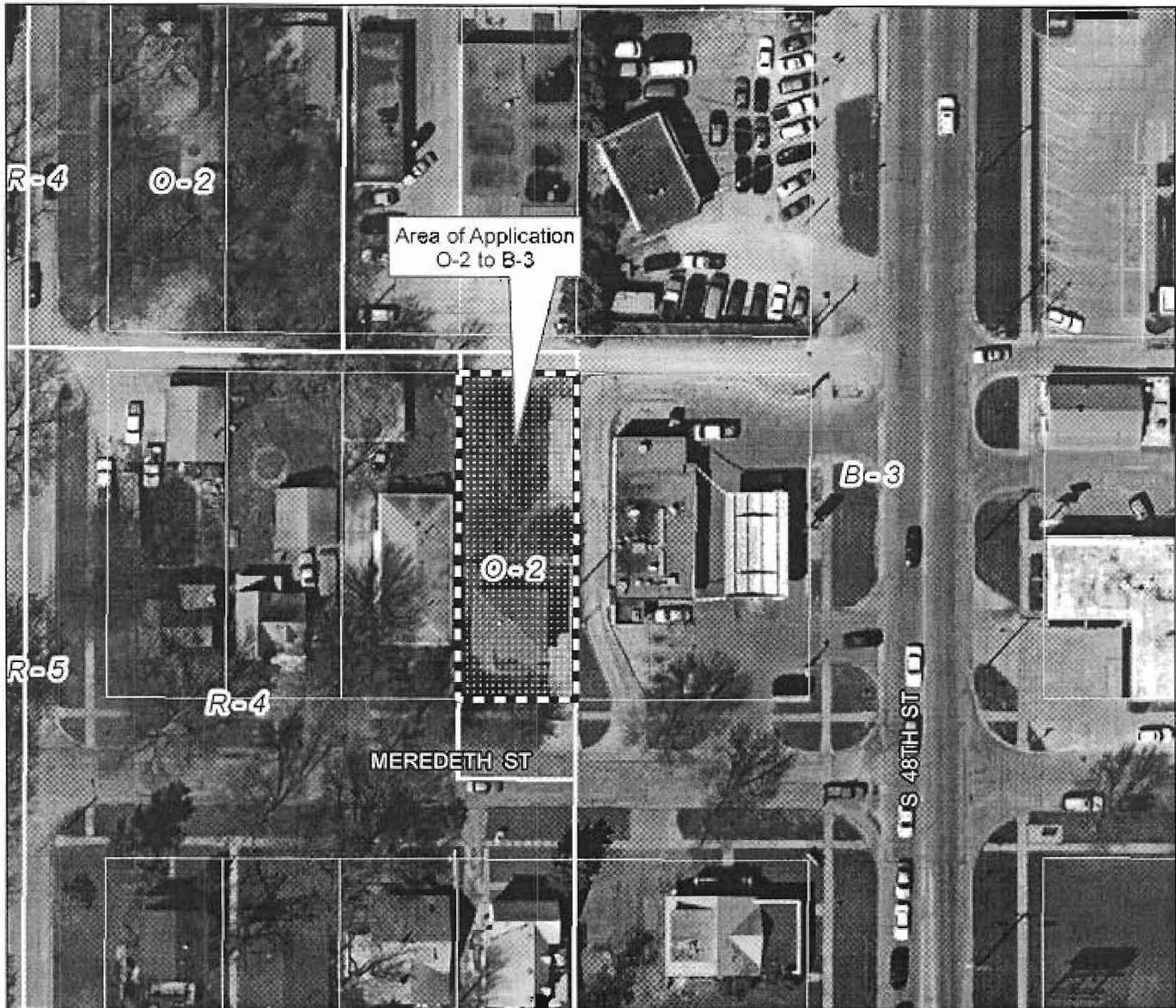
ACTION BY PLANNING COMMISSION:

February 13, 2008

Cornelius moved to approve the staff recommendation of conditional approval, seconded by Francis.

Cornelius pointed out that what the Commission has heard as objections, again, relate primarily to code enforcement, and he encouraged the opposition to take their complaints about snow removal to Public Works. There are other bodies that can address these enforcement problems.

Motion for conditional approval carried 7-0: Esseks, Francis, Taylor, Cornelius, Moline, Gaylor-Baird and Carroll voting 'yes'; Sunderman and Larson absent. This is final action, unless appealed to the City Council within 14 days.



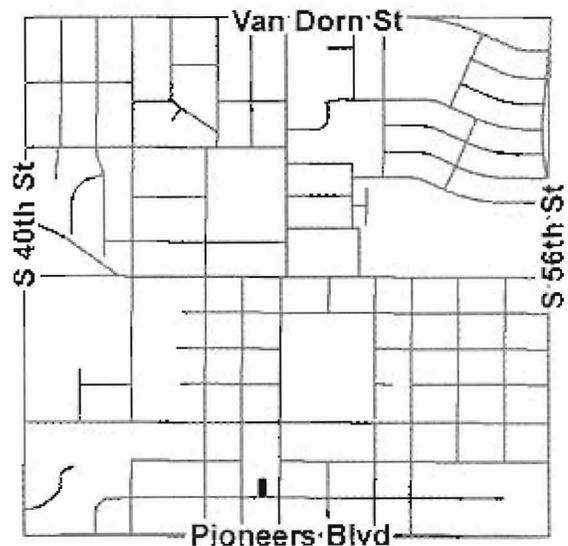
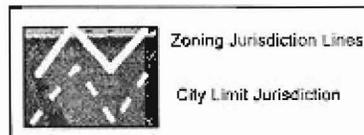
2007 aerial

**Change of Zone #08003
S 48th & Meredith St**

Zoning:

- R-1 to R-3 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
- II-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I Industrial District
- IP Industrial Park District
- LC Employment Center District
- P Public Use District

One Square Mile
Sec. 5 T09N R07E



CZ08003



4001 So. 8th Street Suite 101 Lincoln, NE 68502

Phone: (402) 421-1502 Fax: (402) 421-7835

January 16, 2008

Planning Commission
555 South 10th Street, Room 213
Lincoln, NE 68508

SUBJECT: Purpose of Change of Zoning Application RE: 4730 Meredith Street

Dear Planning Commission & City Council Members,

On behalf of Kabredlo's Inc., a longstanding and well loved local business, Hutchinson Architects, P.C. is requesting consideration & acceptance to a Change of Zone Request. Kabredlo's, a local Convenience Store Company, is seeking to demolish its existing aged facility at 4135 S 48th Street and re-construct a new, more updated & visually pleasing store on the adjacent lot to the West, at 4730 Meredith Street, which is presently zoned O-2. There are two main reasons we're asking for this change. One, to keep up with the changing times & to be able to provide the best possible products & services to the neighborhood & its customers, a new, larger store is desired. To have room to do this, we need to occupy this O-2 zoned lot, which is the only O zoned property in the area. Secondly, it is of utmost importance to the owners of Kabredlo's to not tear down & close their existing store for any longer than necessary, and to remain open and of use to the community. By rezoning this property at 4730 Meredith from O-2 to B-3, it would allow for the construction of a new store while allowing the existing one to remain open until near the end of completion of the new store. There would still be a 30 day or so period of closure to finalize the project, where neither store would be open, which is much better than several months without service. This is why it is vital that we are granted this change of zone. All operations and business conducted on the new site, in the new store, will be exactly the same as present and we are not asking for anything other than the chance to re-construct a better, more up-to-date, visually pleasing store on an adjacent piece of property. We're anxious that you'll agree to our request and allow us and a beloved local business to the chance to continue to develop and improve Lincoln, both financially & aesthetically.

Respectfully,
HUTCHINSON ARCHITECTS, P.C.

James R. Hutchinson, AIA
JRS:clp

9 48

KABREDLO'S STORE EXPANSION

We, the undersigned of the South 48th Street neighborhood, request that the city allow Kabredlo's, Inc. to demolish its existing facility at 4135 S. 48th and reconstruct a new, more updated and visually pleasing store. By signing this petition we are in support of the required setback and the special permit zoning.

| | NAME | ADDRESS | PHONE# | SIGNATURE |
|----|---------------------|-----------------------------|----------|-------------|
| 1 | Steven Stump | 4205 S. 52nd | 424-5867 | [Signature] |
| 2 | Roni Peterson | 4449 S. 48 | | [Signature] |
| 3 | [Signature] | 4224 S. 48th | | [Signature] |
| 4 | Juni Juni | 4310 Meredith | 202 7600 | [Signature] |
| 5 | Kent Keiser | 5035 Linden st. | | [Signature] |
| 6 | Dannell Turner | 3120 S. 46th St | | [Signature] |
| 7 | Edward y. Munoz III | 4443 S 51 st | | [Signature] |
| 8 | Larry Zimmerman | 4907 Bellhaver DR. | | [Signature] |
| 9 | [Signature] | 4138 S. 46 th ST | | [Signature] |
| 10 | JEEC CADWALLADER | 4138 S. 46 th #3 | | [Signature] |
| 11 | Brad Urbe | 4811 Neerandy dr | | [Signature] |
| 12 | Darin Shinaut | 5450 Linden | | [Signature] |
| 13 | Mark Tom | 5525 E 2nd St Pl | | [Signature] |
| 14 | Jason Potwin | 2710 Arlington | | [Signature] |
| 15 | [Signature] | 1433 Cedar Wagon | | [Signature] |
| 16 | [Signature] | 3001 S O S 1st | | [Signature] |
| 17 | | | | |
| 18 | | | | |
| 19 | | | | |
| 20 | | | | |

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| | NAME | ADDRESS | PHONE# | SIGNATURE |
|----|-------------------|-------------------------------------|----------|-------------------|
| 1 | Brent Gloria | 4601 madison | 960-5887 | Brent Gloria |
| 2 | Angela Reuling | 4101 LaSalle | 770-5083 | Angela Reuling |
| 3 | Tahira Ficke | 4931 London Rd | 601-3741 | Tahira Ficke |
| 4 | Amber Smith | 3835 ^{SO} 48 TH | 480 3530 | Amber Smith |
| 5 | Devin Danke | 4620 meredith st. | 489-9318 | Devin Danke |
| 6 | Meg Wehr | 2531 S. Sand | | Meg Wehr |
| 7 | James Murray | 2849 434 | | James Murray |
| 8 | Ryan Gross | 511 5054 TH | | Ryan Gross |
| 9 | Rick Johns | | | Rick Johns |
| 10 | Lucas Westphal | 2722 535 st | | Lucas Westphal |
| 11 | Lisa Hartman | 4940 Meredith | | Lisa Hartman |
| 12 | Jason Greis | 4615 Meredith | | Jason Greis |
| 13 | Erin Daniels | 3320 FRANKLIN | | Erin Daniels |
| 14 | Jail Guenther | 3515 Pierscopp | | Jail Guenther |
| 15 | Joe McPho | 4716 Meredith st. | | Joe McPho |
| 16 | Chris Summit | 5450 Linden St | | Chris Summit |
| 17 | MIKE MOFFITT | 5011 LOWELL AVE | | Mike Moffitt |
| 18 | Ben Kovarik | 5120 Pawnee St. | 411-7277 | Ben Kovarik |
| 19 | Yung Muneto | 4716 Meredith | 327 5057 | Yung Muneto |
| 20 | Colvin Kallibontz | 2955 South St. | | Colvin Kallibontz |

KABREDLO'S STORE EXPANSION

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| | NAME | ADDRESS | PHONE# | SIGNATURE |
|----|--------------------------|----------------------------|---------------------|----------------------------|
| 1 | Mike Freeman | 4211 Spruce | 484 8162 | <i>Mike Freeman</i> |
| 2 | Robert Holden | 5026 Golden Road | 402 310 5165 | <i>Robert Holden</i> |
| 3 | Charles Prince | 3840 S 46th | 402 601-8690 | <i>Charles Prince</i> |
| 4 | Nate DeMont | 3836 S 16th | 402-617-1370 | <i>Nate DeMont</i> |
| 5 | Sokey Morrison | 4621 Cooper | 327-8865 | <i>Rocky Morrison</i> |
| 6 | Michael Saper | 4601 Lakota St. | 483-2320 | <i>Michael Saper</i> |
| | Jessie Lick | 4609 Cassart #4 | 601-4620 | <i>Jessie Lick</i> |
| 8 | Melissa Schwaderer | 4833 S 45th | 613-1007 | <i>Melissa Schwaderer</i> |
| 9 | Kathryn Westerfield | 5127 S 53rd | 202-2450 | <i>Kathryn Westerfield</i> |
| 10 | Richard Olner | 4200 Pioneers Blvd | | <i>Richard Olner</i> |
| 11 | David Duncan | 3509 Allendale | 770-1773 | <i>David Duncan</i> |
| 12 | David Spencer | 5020 Lowell Ave | 217-3548 | David Spencer |
| 13 | Frazz Wyon | 4750 Stockwell | 610-1396 | <i>Frazz Wyon</i> |
| 14 | Judith L Novacek | 5401 Pioneers Blvd | 68506 | <i>Judith L Novacek</i> |
| 15 | Laura Podd | 5650 Hickory West Rd. | 416-3114 | <i>Laura Podd</i> |
| 16 | Chadley Gotfarch | | | <i>Chadley Gotfarch</i> |
| 17 | Nick King | 5007 S 32nd | 540-2691 | <i>Nick King</i> |
| 18 | Jamelle Anderson | 4711 SO 48 | 261-6244 | <i>Jamelle Anderson</i> |
| 19 | Jane Munnagh | 5103 Lowell | 8052432 | <i>Jane Munnagh</i> |
| 20 | Margy Morrison | 3140 Mayflower | 488-7070 | <i>Margy Morrison</i> |

KABREDLO'S STORE EXPANSION

We, the undersigned of the South 48th Street neighborhood, request that the city allow Kabredlo's, Inc. to demolish its existing facility at 4135 S. 48th and reconstruct a new, more updated and visually pleasing store. By signing this petition we are in support of the required setback and the special permit zoning.

| | NAME | ADDRESS | PHONE# | SIGNATURE |
|----|--------------------|------------------|--------------|--------------------|
| 1 | JL Elwell | 4121546th | 432 4982 | JL Elwell |
| 2 | Christine Walty | 3330 S. 39th | 304 41095 | Christine Walty |
| 3 | Joe Hayden | 4421 Merced St | 402 4503577 | Joe Hayden |
| 4 | T. Hester | 5527 S. 31st | 402-960-7591 | T. Hester |
| 5 | Christina Smith | | 525-1397 | Christina Smith |
| 6 | Debra Miller | | 217-7755 | Debra Miller |
| 7 | Russell Stevenson | | 432-5038 | Russell Stevenson |
| 8 | Colin J. Beersblom | | 601-1309 | Colin J. Beersblom |
| 9 | Cornelia Masson | 4558 Lowell | 601-6477 | Cornelia Masson |
| 10 | Michael Callaway | 800 Peach | | Michael Callaway |
| 11 | Julie Allen | 4907 Sherman | 309-9383 | Julie Allen |
| 12 | CHRISTOPHER BERRY | 4603 PRESOTT | 483-4086 | Christopher Berry |
| 13 | AUSTIN BOWEN | 4603 prescott | 483-4086 | Austin Bowen |
| 14 | Kristina Saltzman | 414 31st | | Kristina Saltzman |
| 15 | JEFF JEFFERS | 3861 STEWART | 488 3858 | Jeff Jeffers |
| 16 | JEFF PEARL | 4731 Sammons Dr. | 601-7216 | Jeff Pearl |
| 17 | Mike Caffey | 5135 Linden St | 483 1783 | Mike Caffey |
| 18 | Matt Paul | 4411 Merced St | 488-7218 | Matt Paul |
| 19 | TRACY McCLAW | 4549 Merced St | 601 6858 | Tracy McClaw |
| 20 | Erma Day | 3840 S 46 | 601 3875 | Erma Day |

KABREDLO'S STORE EXPANSION

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| | NAME | ADDRESS | PHONE# | SIGNATURE |
|----|------------------------------|--------------------|--------------|---------------------------------|
| 1 | Richard J Simpson Sr. | 4432 Touzlan | 466-1592 | <i>[Signature]</i> |
| 2 | Colleen Henley | 4615 Meredith #18 | | <i>[Signature]</i> |
| 3 | Dorsey Rwe | 34105 S. 418th | | <i>[Signature]</i> |
| 4 | Parent Timoth | 9620 Cowell Ave. | | <i>[Signature]</i> |
| 5 | Carrie Mazon | 3847 Linden | 327068 | <i>[Signature]</i> |
| 6 | Michelle Haskins | 4436 Pioneers Blvd | | <i>[Signature]</i> |
| 7 | Doreen M Lee | 2601 N Eden dr | | <i>[Signature]</i> |
| 8 | Judy Hartwig | 4921 S 045 | | Lincoln NE |
| 9 | <i>[Signature]</i> | 4643 Calvert St. | 617-0177 | <i>[Signature]</i> |
| 10 | <i>[Signature]</i> | 4810 So 47th | | |
| 11 | Fred Ellis | 4537 East Eden Dr. | | <i>[Signature]</i> |
| 12 | Steve Klinker | 3831 So 54th | | <i>[Signature]</i> |
| 13 | A. Small A. Small | | | Angela A. Small |
| 14 | Jeanette Smith | 2800 Culpe Ave. | 401-2548 | Jeanette Smith |
| 15 | Susan Stibor | 4045 Pioneers Blvd | | <i>[Signature]</i> 402-744-4114 |
| 16 | Sheila Peterson | 310 S. 25th St. | 402-217-5764 | <i>[Signature]</i> |
| 17 | Joseph Lee | 1020 Sumner | 601-4549 | |
| 18 | <i>[Signature]</i> | 5120 Pawnee | 641-7277 | |
| 19 | <i>[Signature]</i> | 4611 Linden | 488-5108 | |
| 20 | <i>[Signature]</i> | 3929 S 218th | 570-6255 | |



*OPPOSITION: (Submitted at public hearing
before Planning Commission: 2/13/08) CHANGE OF ZONE NO. 08003
SPECIAL PERMIT NO. 08007*

BURCH & ASSOCIATES, INC.

Daryl Burch. EA
Mark Burch. EA

8101 S. 15th Street, Suite B
Lincoln, NE 68512

TEL (402) 483-4791
Fax (402) 483-4275

February 11, 2008

Doug Krogman
Krogman Tile

Re: Planning Commission Hearing

To whom it may concern:

Please be advised that we are OPPOSED to any changes to the re-zoning of the Kabredlo's on south 48th Street. Our property runs adjacent to the property along the alley between Lowell and Meredeth.

We have had numerous problems with crime, traffic and vandalism due to the increased volume of the existing convenience store. Moving it further back on the former G.A. Youngs property in only going to place more traffic and strain on what used to be a relatively serene neighborhood.

Sincerely,

Daryl Burch

Mark Burch