City Council Introduction: **Monday**, July 7, 2008
Public Hearing: **Monday**, July 14, 2008, at **1:30** p.m.

Bill No. 08-81

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 08024,** from P Public Use District to AG Agricultural District, requested by Ryan Omel, on property generally located at S.W. 9th Street and W. Rokeby Road (701 West Rokeby Road).

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 06/18/08
Administrative Action: 06/18/08

RECOMMENDATION: Approval (8-0: Partington, Carroll, Cornelius, Taylor, Larson, Esseks, Francis and Sunderman voting 'yes'; Gaylor Baird absent).

FINDINGS OF FACT:

1. This is a request to change the zoning on approximately 3 acres, more or less, formerly the Rokeby School, from P Public Use to AG Agricultural, for the purpose of reusing the existing school buildings as a residence and accessory uses.

2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3, concluding that the change of zone is generally in conformance with the Comprehensive Plan. The conversion of the P to AG is appropriate for the reuse of the existing school buildings. The staff presentation is found on p.5.

3. The applicant was not present at the public hearing.

4. Testimony in opposition is found on p.5-7, and the record consists of four letters in opposition (p.15-25). The issues of the opposition have to do with failure to receive notice of the sale of the property to this applicant by Norris School District and the desire of the neighbors to continue to use the school property for community activities.

5. On June 18, 2008, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, finding that a change of zone from P Public Use would be necessary no matter who owns the property unless it is owned by a governmental entity and used for governmental purposes (See Minutes, p. 8-9).

FACTSHEET PREPARED BY: Jean L. Preister

DATE: June 30, 2008

REVIEWED BY: _____

DATE: June 30, 2008

REFERENCE NUMBER: FS\CC\2008\CZ.08024

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 18, 2008 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 08024

PROPOSAL: From P Public to AG Agricultural

LOCATION: Generally located at SW. 9th Street and W. Rokeby Road. Addressed at 701 West Rokeby Road.

LAND AREA: 3 acres more or less (2.70 acres net)

EXISTING ZONING: P Public

CONCLUSION: This change of zone is generally in conformance with the 2030 Comprehensive Plan. The conversion of the P to AG is appropriate for the reuse of the existing school buildings.

RECOMMENDATION: Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1, 4 and 6 Irregular Tracts, located in the NW 1/4 of Section 34, T9N, R6E, Lancaster County Nebraska

EXISTING LAND USE: Former Rokeby School, now closed

SURROUNDING LAND USE AND ZONING:

North:	AG Agriculture	farm land and church
South:	AG Agriculture	farm land
East:	AG Agriculture	farm land
West:	AG, R-1 and I-1	farm land and the unincorporated village of Rokeby

HISTORY: Changed from AA Rural and Public Use to P Public in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as Public & Semi Public in the 2030 Lincoln Lancaster County Comprehensive Plan. This is the Tier II Urban Growth Tier. The public use is now gone.

UTILITIES: Existing on site

TOPOGRAPHY: Flat

TRAFFIC ANALYSIS: S. W. 12th is a paved county road. Rokeby Road is paved adjacent to and west of this site and is gravel to the east to 1st Street and Hwy 77. S. 1st Street is shown for potential future paving.

PUBLIC SERVICE: S. W. Rural Fire district (an Advanced Life Support district with stations at Martell, Denton and Yankee Hill), Norris Public Power, Norris School District, Sheriff.

REGIONAL ISSUES: None

ENVIRONMENTAL CONCERNS: None

ALTERNATIVE USES: public uses only.

ANALYSIS:

1. This is the former Rokeby school which has been closed and sold to the applicant. A church exists across the street and a little to the east. The unincorporated village of Rokeby is about 1/4 mile west on the north side of the road.

2. The former school buildings exist and could be converted to a residence and accessory uses.

3. This is in the Lincoln three mile jurisdiction

4. The requested zoning district matches the surrounding zoning.

5. These lots were legally created prior to the 1979 change to a 20 acre agriculture zoning. If the zoning is approved, Building and Safety has determined this would become a legal "grandfathered" buildable lot under the AG zoning district All three acres will be needed to meet Health needs for waste disposal.

Prepared by:

Mike DeKalb
441-6370, mdekalb@lincoln.ne.gov
Planner

DATE: May 16, 2008

APPLICANT: Ryan Omel
2145 S. 58th St
Lincoln, NE 68506
(402) 261-4478

OWNER: Ryan & Jennifer Omel
2145 S. 58th St
Lincoln, NE 68506

CONTACT: Ryan Omel
P. O. Box 6503
Lincoln, NE 68506
(402) 432-2114

CHANGE OF ZONE NO. 08024

PUBLIC HEARING BEFORE PLANNING COMMISSION: June 18, 2008

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

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Mike DeKalb of Planning staff** submitted this application for change of zone from P Public Use to AG Agricultural on three acres just east of the Village of Rokeby. The Rokeby School was sold to a private individual who is converting it to a residence. P zoning is for public purposes and the change of zone is needed to use the property as a residence. The property is surrounded by AG zoning.

Carroll commented that once the zoning is changed, the existing buildings, etc., are grandfathered for Building & Safety purposes. DeKalb explained that the pre-existing illegally created lot becomes a grandfathered buildable lot. The setbacks of the existing buildings are grandfathered. The only issue would be conformance with the zoning and the regulations in conversion to residential use, such as fire access, water, plumbing, sewer, etc.

Esseks inquired whether this kind of action has been done in the past where someone has purchased a small lot and wants to zone it AG. DeKalb stated that there have been a lot of older schools surplused and sold, but they were typically zoned AG to start with. The sale and conversion of country schools to residential is typical, but this is the first of the type needing a change of zone from P zoning.

Esseks noted that one of the letters in opposition states that they would like to see this property turned into some type of public use, i.e. park. The opposition suggests that when the school was sold, there was insufficient information about the sale so that the neighbors who might have organized to purchase the property for public purposes were not informed about the sale. Do we have any information about that issue? DeKalb indicated that he did receive a call from the Superintendent of Norris Public Schools asking what would be required to convert the property to a residential house, but that is the only information he received. Norris School was the seller and he believes they followed proper procedure.

Carroll assumes there would be proper public notice for this type of sale.

The applicant was not present.

Opposition

1. Matt Steinhausen, 400 West Rokeby Road, 1/4 mile from the school, testified in opposition. He is opposed first of all because there was no public notice of the sale of the school. He contacted

Norris Schools and was told that public notice was not required in this event because they had created a lease with first right of refusal to the lessee, the applicant for this change of zone. There was also no public notice of that lease. The minutes of the School Board meeting do not include anything about lease of the school. There were five different parties in Steinhausen's neighborhood that were interested in purchasing the school and all of them submitted their displeasure to the Norris Public Schools.

Steinhausen pointed out that the Rokeby School grounds have two main buildings – two-story 2500 sq. ft. building built in 1918, which was the main school building, and about 12 years ago a modular building was constructed that is handicap accessible. This property has been used as a school for over 100 years. The main school building is located along Rokeby Road and does not meet the setbacks for AG zoning. The buildings are very close to the road and the adjoining property line. There is a basketball court, storage shed, playground, soccer field, and parking lot for 10 cars.

Steinhausen then cited the regulations of the AG zoning district:

> This district is designated for agricultural use and is intended to encourage a vigorous agricultural industry throughout the county and to preserve and protect agricultural production by limiting urban sprawl as typified by urban or acreage development.
>
> (Editorial note: This is a citation from the AG zoning district in the County Zoning Resolution. This application is in the City of Lincoln three-mile jurisdiction)

Steinhausen submitted that this zoning change does not meet the express intent of the first paragraph of the AG zoning regulations. He suggested that converting the school to a single family residence will remove the cohesive community center that was available to this agricultural community.

Steinhausen is concerned that the setbacks and existing structures might be grandfathered by this change of zone. Based on his interpretation of grandfathering, it applies to an existing situation affected by a rule change. We have a property zoned P and we're changing it to AG to grandfather it? It was not AG zoning to begin with. The new building on the property was constructed after the AG regulations were written so Steinhausen takes the position that it cannot be grandfathered. The zoning laws are not changing in this case. The zoning is changing so we cannot grandfather it. He is in favor of grandfathering if it is used or applied to a structure slated for demolition that is no longer useful as it stands. The school is still a viable structure.

Steinhausen stated that he is speaking in opposition for himself, his family and members of the community. They have approached him with their displeasure. The neighbors are upset about the condition that the school has fallen into since the sale. Who will oversee this process? How long will it take? How will it appear during the conversion? Will the owners live there as they have the past two months? Will grass be maintained? What happens if this conversion fails? Who is accountable? Can it be converted back to a public structure?

Steinhausen does not believe a structure built in 1918 can be converted to the 2008 code requirements for a residence. He also noted that the current owners did express a desire to open a day care when they initially made the offer to Norris Schools.

Steinhausen's grandparents own the property directly across from the school. His grandmother asked him to convey to the Commission that she was devastated by the thought of losing her alma mater. His grandparents are upset because the condition of the property has fallen into overgrowth and garbage on the grounds.

Steinhausen urged that there are other options. The neighbors would prefer to maintain the P zoning. There are different entities that would be willing to approach the idea of keeping it as a community center and working to keep it as a public place. There are approximately 3,000 single family residences for sale in this area. There is a shortage of public buildings for community activities. They want to save the structure for their public use.

Steinhausen submitted that this change of zone to AG does not comply with sound zoning practices and does not meet with favor of the community.

Cornelius stated that he sympathizes with everything that has been said, but the Planning Commission cannot "unsell" the property. Steinhausen acknowledged that he had visited with the applicant, but Steinhausen had worked proactively to try to keep this situation from occurring years ago. In October when the lease took place, he notified Norris Schools of his concern and the Norris Schools believed they were within their rights. He was also opposed to the closure of this school.

Taylor wondered whether the school property could fall under the guidelines of being on the National Registry? Steinhausen believes that it could if it is preserved as a school. But once converted into a residence, the initial purpose of the property has been lost.

Esseks suggested that the key thing is for Steinhausen and his neighbors to gain legal possession of the property through purchase. Steinhausen believes they would have to retain an attorney, which they have not done. He has given notice to the property owner and to the Norris Schools that he wants the property to remain in public use. He offered that the neighbors would be willing to purchase the property for the same price.

Steinhausen clarified that the school has been closed for the last two school years, although it was used for a lot of other activities. Before the property was sold to this applicant, the property was a pride of the community. It was maintained primarily by the community. They erected the play structure and took care of the butterfly garden. The previous owner was Norris School District, which acquired the school as a result of LB126. Norris was not interested in acquiring the school. The cost was more than what they sold it for. Norris did maintain the property for the last year. Steinhausen even helped maintain it during the Norris School ownership.

<u>Staff questions</u>

If this change of zone is approved and the neighbors are able to purchase the property, Esseks wondered whether it would need to be rezoned back to P. DeKalb stated "no". He also clarified that the property is located in the city's three-mile zoning jurisdiction – not the county. The P Public Use district is intended to provide a district essentially for mapping purposes to identify real property presently owned and used by a governmental entity and put to some form of public use. It is for property owned by the government and used for a governmental use. As long as the School District owned it, that was intended. When it was sold and put into private use, either private school or

private community hall or private residence, it requires a change from P Public unless it reverts to governmental ownership and governmental use. The change of zone from P is needed regardless of who owns it.

Esseks confirmed that if the neighbors were able to purchase the land, they would not have to come back for a rezoning. DeKalb stated, "probably not – it obviously depends on the use and the uses permitted".

DeKalb further explained that if this change of zone is denied and the neighbors purchased the property for another use, they would still need a change of zone from P, unless the property is owned by the government and used for governmental purposes. And the appropriate zoning would probably be AG.

Sunderman inquired about AGR as opposed to AG since it is 3 acres. DeKalb suggested that it could be AGR but the AG matches all of the surrounding zoning and that was why AG was chosen by the applicant. The lot will be buildable as proposed in AG so there is no need for AGR.

Cornelius wondered whether there are any other zoning designations that would make any sense for this parcel. What does P zoning mean in the case where there is no governmental ownership? DeKalb suggested that in reality, it means you can't do anything. He does not believe there are any other zoning designations that would make any more sense. AGR is not needed and would create a spot zone. If the zoning is not changed, it puts Building & Safety into a difficulty situation in issuing an occupancy permit for a residence.

Cornelius wondered whether approval of this change of zone erects any barriers to the neighbors in terms of their ability to form a trust and try to buy the property and use it for public use. DeKalb's response was "absolutely not". It may actually help them somewhat because in most situations they would probably need a change from P to something else and AG permits the variety of uses they have discussed.

Esseks inquired whether the grandfathering includes setbacks. DeKalb answered in the affirmative. He gave the example of downzoning of inner city neighborhoods where the existing structures were grandfathered to fit. This is no different.

As far as the maintenance, complaints about mowing should be directed to the County Weed Inspector. Issues with interpretation of the zoning code should be directed to the Building & Safety Department for code enforcement, as well as with regard to occupancy permits or building conversion.

Taylor moved to defer for two weeks. Motion failed for lack of a second.

ACTION BY PLANNING COMMISSION: June 18, 2008

Carroll moved approval, seconded by Sunderman.

Carroll was very surprised that the transfer of ownership happened without a change of zone, but he believes the change of zone to AG is appropriate. The land around it is AG zoning. If someone

else wants to purchase the property and use it for any use under the AG guidelines, they can do so. If the property is left in P zoning, it creates a legal problem even if someone else wanted to buy it. The construction and additions will be monitored by Building & Safety. The neighbors have an avenue for seeking enforcement and correction.

Cornelius commented that many of the reservations that were expressed by the neighbors had regard to the physical state of the property and increasing dilapidation. This is overseen by governmental agencies and the weed problems are overseen by the County Weed Agency. He urged the neighbors to pursue with those agencies if they are unsuccessful with the owner. The Planning Commission cannot help with the loss of this public space at this time, although he would like to.

Esseks stated that he is sympathetic to a group of neighbors coming together and purchasing the property. He assumes the owner has intention to demolish the buildings and turn it into a 3-acre estate. Maybe this would be a good time for the neighbors to offer to purchase the property.

Francis sympathizes with the neighbors and the alumni, but the Planning Commission cannot undo the sale. The owner has the right to do what they see fit with the property, and a change of zone would have been required for any sale if not public use.

Motion for approval carried 8-0: Cornelius, Larson, Taylor, Sunderman, Esseks, Partington, Francis and Carroll voting 'yes'; Gaylor Baird absent. <u>This is a recommendation to the City Council.</u>

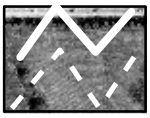
Change of Zone #08024
SW 9th St & Rokeby Rd

2007 aerial

Zoning:

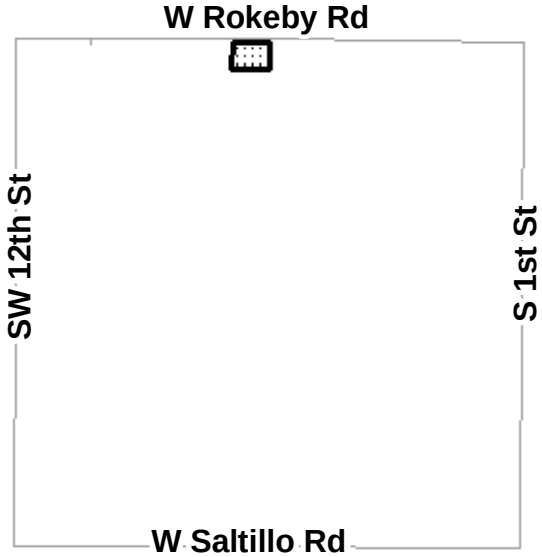
One Square Mile
Sec. 34 T09N R06E

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



Zoning Jurisdiction Lines

City Limit Jurisdiction



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"Ryan Omel"
<ryan@findlincolnhomes .com
>

05/12/2008 12:49 PM

To <ceichorn@lincoln.ne.gov>
cc
bcc
Subject 701 West Rokeby Road

Christy,

My wife and I recently purchased the old Robeby School located at 701 West Rokeby Road. The current zoning does not allow for us to use the school as our residence. We are requesting the zoning change so that we are able to use the former public school as a private residence. AG zoning would allow this and would match the zoning that surrounds this property.

Thanks for your help with this change of zoning application.

Sincerely,

Ryan Omel

Change of Zone #08024
SW 9th St & Rokeby Rd

Lancaster County Engineering Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- KENNETH D. SCHROEDER
COUNTY SURVEYOR

DATE: May 13, 2008

TO: Mike DeKalb
Planning Department

FROM: Ken D. Schroeder
County Surveyor

MAY 15 2008

SUBJECT: CHANGE OF ZONE #08024
ROKEBY SCHOOL CZ FROM P TO AG

Upon review, this office has no direct objections to this submittal.

012

KDS/bml
Zone/#08024 Change of Zone.Mem

FAX # (402) 441-8692 444 CHERRYCREEK ROAD, BLDG C LINCOLN, NEBRASKA 68528 (402) 441-7681

NORRIS PUBLIC POWER

AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090

MAY 15 2008

May 13, 2008

Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

RE: Rokeby School CZ from P to AG

Dear Mike,

I have reviewed the proposed change in zoning with no objections.

I can be reached at 423-3855 if there are any questions.

Sincerely,

Rick Volmer, Staking Engineer

Review Comments for Application #: CZ08024

ROKEBY SCHOOL

Comments as of: Wednesday, May 14, 2008

Status of Review: Active

Reviewed By ANY

Comments:

Status of Review: FYI 05/13/2008 11:03:51 AM

Reviewed By Building & Safety Terry Kathe

Comments: any new construction would be required to meet current zoning setbacks.

To use this structure as a residence, a building permit to convert the use would be required.

Status of Review: Active

Reviewed By Health Department ANY

Comments:

Status of Review: Active

Reviewed By Lancaster County Sheriff Department ANY

Comments:

Status of Review: Complete

Reviewed By Planning Department RAY HILL

Comments:

Status of Review: Active

Reviewed By Planning Department MIKE DEKALB

Comments:

Status of Review: Routed

Reviewed By Planning Department COUNTER

Comments:

014

Grandma Vo
<marvo@inebraska.com>
06/09/2008 12:39 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject Change of Zone No. 08024 Rokeby School

June 9, 2008

Lincoln-Lancaster County Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Change of Zone No. 08024

Dear Commissioners,

We would like to voice our displeasure regarding the zoning change application of Rokeby School. We have lived near the school for most of our 80 + years. We both graduated from the school, our home is about ½ mile from the school, and we own the land just north of the school.

The school was sold without notification or opportunity for us to have input on its future. Individual members of our community as well as groups such as our church (Trinity Chapel) were interested in purchasing and preserving the school as a community center, and we still would like to see that happen. The school has been host to numerous community events and could still be used in that capacity, unless the zoning is allowed to change.

We've seen first-hand the deterioration of the property at the hands of the current owner(s) in only a few, short months. The trash, weeds and "stuff" that litter the grounds are a disgrace to our alma mater.

Please don't let one of the last remnants of our proud community be disgraced any further. We ask that the school be saved as a public facility that can once again serve the greater good of the public, as was intended.

Sincerely,

Mark and Voline (Templeton)
Steinhausen
1300 West Rokeby Road
Lincoln, NE 68523

Barb Wilkason
<bwilka@lps.org>
06/10/2008 02:54 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject CHANGE OF ZONE Number 08024

I am writing to protest the change in zoning #08024 regarding property located near W. Rokeby Rd. and SW 9th St. (Rokeby area). First of all the property should not be zoned "AG" because it is NOT a farm. It should stay zoned "public" as it was intended. The area is losing a public place where area residents/families could meet and picnic and children/grandchildren could play. There are enough houses for sale already, why change a school into one??? And last, but not least, the new owners are NOT conscientious neighbors because they are not taking very good care of the property and it reflects on the surrounding area and homes.

I live at 9930 SW 9th St and have lived in the area for over 20+ years. I live approximately a half mile from the Rokeby School and walk the area regularly with my dogs and I am concerned about the condition the people who have purchased the buildings have let it deteriorate into. This reflects on my property also!

Thank you for giving this your attention.

Barbara Bouquet-Wilkason
9930 SW 9th St.
Lincoln, NE 68523

bwilka.vcf

Matt Steinhausen
<steinhausen@inebraska.com>
06/10/2008 02:26 PM

To <plan@lincoln.ne.gov>
cc
bcc
Subject Rokeby School, Zone Change #08024

400 West Rokeby Road
Lincoln, NE 68523

June 10, 2008

Lincoln-Lancaster County Planning Commissioners
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Rokeby School, Zone Change #08024

To Whom It May Concern,

We are writing in opposition to the proposed zoning change of the former Rokeby School on West Rokeby Road between South 1st and SW 12th Streets. We live ¼ mile from the school.

We oppose the zoning change from P to AG because it is not in accordance with sound planning practices. The school is not an agricultural property, the school remains functional as a potential vital resource to the community, the school is still useful as-is for public use, and the conversion to a house is not appropriate for the facility.

Public Use District: Highest and Best Use
The school is best suited to be utilized as a public-use or combined-use facility. Prior to the lease and subsequent sale of the school it was used not only as a school, but also for meetings, birthday gatherings, reunions, election polling and various receptions. Additionally it was used as a neighborhood park. Just a few possible alternative uses include:

- meeting facility / conference center
- community museum / archive
- county sheriff sub-station
- educational facility
- recreation center
- storage facility

- reception hall
- photo studio
- public park
- library

Other examples of public and/or combined use facilities include the former Central High School between Sprague and Martell which is used regularly for sport recreation leagues, consignment sales, soup suppers, meetings, receptions etc. The Willard Community Center in southwest Lincoln is another similar-type facility used for games, social events, public meetings, etc.

We've discovered there are not enough small / medium facilities in the community that cater to events such as reunions, receptions and meetings. The newer building on the Rokeby School grounds has an approx. capacity of 60 people, is fully handicapped accessible and can be laid out easily for meetings, meals and social events with a central kitchen and two large rooms. The older 2 story school building could be used for recreation, storage, meetings, offices, display area, gallery, library, and it would be ideal for a photo studio with the high ceilings and large rooms.

There is a surplus of available homes / residences in our community, but there are not enough public facilities. Our Rokeby community's demand for a property such as the school for receptions and related public activities is high.

There are various groups of Rokeby citizens that were interested in purchasing and preserving the property as a public facility upon the school's closure, including the Denton Community Historical Society, Trinity Chapel Church, and a collective group of neighbors. All of these groups were excluded from the opportunity to lease and buy the property (it was leased and sold without public opportunity to bid). We believe there is still community interest in purchasing the school and keeping it a public facility.

AG Zoning Inappropriate

Current regulations restrict the use of AG zoned land of less than 20 acres to be used as a buildable lot for a residence unless the lot was created prior to May 8, 1979. The purpose of that regulation was to prevent acreage residences from being created under the broad "AG" brush. Changing the zoning to AG at this point is in direct conflict with the intended purpose of limiting AG zoned residences.

AG zoning is not appropriate for a 3-acre lot that has no agricultural use whatsoever. The former town of Rokeby is only 1000' from the school, where there is R-1 zoning and I-1 zoning.

While much of the land in the area is currently zoned AG, including land adjoining the school, that zoning will be changing soon with development. Has the future use of the adjoining properties been considered?

Residence Conversion Unnecessary and Difficult
Conversion of the school to a residence is unnecessary because it is still viable for other uses and there are others interested in owning and maintaining the school as a public facility.

It is more likely the school could become a nuisance as a residence than if it is kept as a public facility: Consider what happened to the Hickman School and its recent condemnation. Numerous former schools in other small towns of our area that have been converted from a public facility have fallen into disrepair. The end result is undesirable more often than not. We believe there is interest and desire enough in the community to purchase and preserve the school as a public facility.

The school is not suited or designed to be used as a residence. What happens to the facility if the conversion to a residence fails? Will our community have another half done project on our hands that we have no control over?

If the zoning is changed and modifications begin, can it be converted back to a public use facility? Once the school is rezoned we fear it can not be reversed.

Cost of conversion is expensive, but the cost of retaining use as a public facility is minimal as well as the outcome most preferred by the community.

Converting a school (non-residential structure) into a residence is not on par with restoring a home. According to the Lancaster County Building and Safety Department, conversion of the school into a single-family residence would require that the entire facility be brought up to 2008 Municipal Building Code - the code that applies to new homes built in the city of Lincoln. In other words, the school would have to comply to the most current adopted building, electric, plumbing and heating codes for a new house, not a remodeled one. Additionally it must comply with the State Energy Code.

The rules that apply to converting a non-residence to a residence are *not* the same that apply to restoring an existing home. By design, conversion of a non-residential structure to a SFR is stringent because conversion goes against the designed purpose and use of the structure. The full scope of ramifications of the conversion have not been considered based on our conversations with the owners and parties associated with the sale and conversion of the school. We believe that it is not feasible, if not impossible, to bring a 1918 non-residential structure up to 2008 new-house residential building codes.

Other Considerations
Our community has been rocked by the loss of a school, and now by the loss of what we had hoped would become a community center.

If we lose the school as a public facility we lose a vital neighborhood resource and the

opportunities affiliated with a community resource that was afforded by the former school property as a community center.

The school's current owners told Norris Public Schools that they intended to use the school as a daycare / preschool according to communications with Dr. Roy Baker and based on the minutes of the Norris School Board Meetings in October 2007 and April 2008. It was not until after the approval of the sale of the property two months ago that there was any expressed intent to convert the property into a residence according to Dr. Baker.

The school's owners are property "flippers" as could be confirmed by past records of property transactions, claims made by at their website, and other publicly available information sources. It is our fear that the Rokeby School will become another flip, that they will occupy, convert and ultimately sell when the next "deal" presents itself.

Subsequent to the April 2008 Norris School Board meeting, at which time sale was approved by the Norris School Board, the school has been illegally occupied as a residence. The grounds have fallen into poor condition in just the last few months, and the lot is littered with debris that was brought on to the site to avoid paying refuse costs at the owner's other properties and/or former residence(s).

It is our fear the school's owners are not prepared for the task of school renovation, the renovation is short-sighted, their intents have been either misleading or have changed in the last few months, and the evidence to-date would indicate our fears have some foundation in fact.

Others Will Step Up to the Plate

Other community parties that have shown an interest in the property including the Denton Community Historical Society, Trinity Chapel Church, a collection of neighbors who would like to participate in keeping the facility public by being owned through a cooperative entity or partnership.

The investors are there. The facility is there. The demand is there. The only modification required to convert the property to a viable public facility that could accommodate about 30 or 40 people would be expanding the existing parking area which only has room for 10 cars presently.

Solution

We believe the school should be kept as a public facility for community use. If the current owners are unwilling to keep the facility public then we would offer to work and find a purchaser who would.

If our arguments against zoning change are not adequate, then we ask that planners and/or city-county representatives visit the school and inspect the buildings prior to the

meeting on June 18. Inspecting the grounds and interiors of both buildings would prove them viable as public facilities, and in contrast, will exhibit the obstacles of conversion to residences. Additionally we urge that all parties (planners, owners, and council members) research the potential costs, pitfalls and exit strategies should the renovation on the facility be allowed to begin, and then determine what solutions are available should renovation fail.

The zoning of the property should remain public. The facility should be available to the public. We submit to the Planners, City Council, the Omel family and community as a whole that we would be willing to find a buyer of the property who would take on and maintain the property as a public facility or at least in-part a public facility and maintain the grounds in a proper manner, and pay the Omels as much as they paid for the school assuming it is in similar condition as when the Omel family initially leased the facility approximately ½ year ago.

Thanks for your time and consideration.

Respectfully,

Matt and Kim Steinhausen Rokeby School i June 08.jpg Rokeby School ii June 08.jpg Rokeby School iii June 08.jpg

Kevin Jochum
<kevin_jochum@yahoo.com>

06/12/2008 06:53 PM

Please respond to
<kevin_jochum@yahoo.com>

To <plan@lincoln.ne.gov>
cc
bcc
Subject Rokeby School zoning

History: This message has been replied to.

To Whom It May Concern:

I am opposed to the zoning change at the Rokeby School. The school is overgrown with weeds and the people that are living there obviously are not taking care of the place. It is the worst it has looked in the 10 years I've been living out here.

I live 2 miles from the school (SW 2nd and Bennet Road) and I have always taken comfort in the fact that I had somewhere to take my children to play at a nearby park with a basketball court, soccer field and playground. As a Norris School District resident I was opposed to the sale of the school. I hope now I can sway the planning department to help save the school, or at least somehow let me have a say in its future.

Thanks,

Kevin Jochum
12900 SW 2nd
Roca, Ne 68430