

City Council Introduction: **Monday**, March 22, 2004
Public Hearing: **Monday**, March 29, 2004, at **5:30** p.m.

Bill No. 04-R60

FACTSHEET

TITLE: PRELIMINARY PLAT NO. 03011, OUTFIELD PARK, requested by Ross Engineering, Inc. on behalf of The Dinerstein Companies, for 5 lots and 6 outlots, with associated waiver requests, on property generally located west of North 1st Street and south of Charleston Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/04/04 and 02/18/04
Administrative Action: 02/18/04

STAFF RECOMMENDATION: Conditional Approval, as revised on February 18, 2004.

RECOMMENDATION: Conditional Approval, as revised on February 18, 2004 (6-2: Krieser, Carroll, Sunderman, Marvin, Taylor and Bills-Strand voting 'yes'; Pearson and Carlson voting 'no'; Larson absent).

ASSOCIATED REQUESTS: Change of Zone No. 3421 (04-51) and Special Permit No. 1928A, Sterling University Phase 2 Community Unit Plan (04R-59).

FINDINGS OF FACT:

1. This preliminary plat and the associated change of zone request and amendment to the community unit plan were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.13-15, concluding that the proposed phase 2 of the community unit plan demonstrates a site design that is sensitive to the existing wetlands, borrows most of its fill from on-site, and meets the requirements for dwellings for non-related persons. This proposal is a continuation of the existing student oriented apartments located immediately to the west and conforms with the Comprehensive Plan.
3. These applications were heard by the Planning Commission on February 4 and February 18, 2004. The staff submitted revised conditions of approval at the continued public hearing on February 18, 2004, which were proposed by the applicant at the public hearing on February 4, 2004 (p.44-52), and as a result of a meeting of the developer and staff held on February 11, 2004. Additional comments from the Public Works & Utilities Department are found on p.53-54. The conditions of approval, as revised and agreed upon between the developer and the staff, are found on p.16-21.
4. The applicant's testimony is found on p.23-26 and 29-31. Additional testimony in support at the continued public hearing on February 18, 2004, is found on p.30-31, including a representative of the North Bottoms Neighborhood Association. The neighborhood association supports this project but continues to have concerns about the traffic and the new street aligning with the entrance to the ball park. The neighborhood association believes that their issue with the floodplain has been satisfied. (Also See correspondence from North Bottoms Neighborhood Association on p.55-59).
5. There was no testimony in opposition.
6. Additional information received from the applicant and submitted by Commissioner Pearson is found on p.60-61.
7. On February 4, 2004, the Commission voted to hold this application over until February 18, 2004, due to failed motions on the associated change of zone and community unit plan.
8. On February 18, 2004, the majority of the Planning Commission agreed with the revised staff recommendation and voted 6-2 to recommend conditional approval, as revised on February 18, 2004 (Commissioners Carlson and Pearson dissenting based on development in the floodplain and access issues).
9. On February 24, 2004, a letter reflecting the action of the Planning Commission and the amended conditions of approval was mailed to the applicant (p.2-9).
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: March 15, 2004

REVIEWED BY: _____

DATE: March 15, 2004

REFERENCE NUMBER: FS\CC\2004\PP.03011

February 24, 2004

Ross Engineering, Inc.
August Ponstingl
201 North 8th Street
Lincoln, NE 68508

Re: Preliminary Plat No. 03011
OUTFIELD PARK

Dear Mr. Ponstingl:

At its regular meeting on Wednesday, **February 18, 2004**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary plat, **Outfield Park**, located in the general vicinity of **N. 1st St. and Charleston St.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 7 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Provide base flood elevations from the current Lincoln/Lancaster County Flood Insurance Study. This should include cross section locations and the 100yr water surface elevation in NAVD 88.
 - 1.1.2 Show the amount of fill material brought into the floodplain from outside the floodplain.
 - 1.1.3 Revise the water system so the private line does not cross the public line **or agree to pay for any repairs on public or private systems.**
 - 1.1.4 Revise the paving width of the private street through this development to **the satisfaction of the Public Works and Utilities Department.** ~~conform to public street standards for commercial/industrial uses.~~
 - 1.1.5 Revise the plans to meet the recommendations stated in the traffic analysis for the 2009 and 2019 traffic projections.
 - 1.1.6 Provide 100 yr water surface elevations in locations where drainage is contained in swales.

- 1.1.7 Provide a 25' buffer area for the wetlands on site.
- 1.1.8 Provide detention area modeling using the SCS Method and the appropriate calculations.
- 1.1.9 Provide pipe sizing calculations that include the 100yr flows for a localized event, pursuant to Section 4.1, Chapter 2.05 of the Lincoln Design Standards. This should include all swales which have a concrete low flow liner. The information submitted should provide the data shown in Figure 3-12 of the Lincoln Drainage Criteria Manual.
- 1.1.10 Revise the plans to show a gravity sanitary sewer system for the plat outletting to the sanitary sewer in Charleston Street.
- 1.1.11 Add a note stating at such time as a final plat or building permit is approved for Lots ~~1 or 2, 3, and 4~~, the section of roadway from Lot ~~45~~ to Charleston Street will be constructed to meet Design Standards. At such time as a final plat or building permit is approved for Lot ~~36 or 57~~, the section of roadway from Lot ~~45~~ to Sun Valley Boulevard will be constructed in phases to meet Design Standards. The first 1200', as measured from the centerline of Sun Valley Boulevard, may be constructed in phases as buildable lots are platted. At such time as the final plat is approved requiring this roadway to exceed 1200', the remainder of the roadway will be constructed to meet design standards.
- 1.1.12 Remove Note 1 on Sheet 3 of 7.
- 1.1.13 Convert the driveway that leads to the City Tow Lot east from N. 2nd Street to a private roadway and include a street name.
- 1.1.14 Revise the street names to be consistent on all plans.
- ~~1.1.15 Show that any fill in the floodplain below the 10-year water surface elevation will be compensated for below the 10-year water surface and the any fill above the 10-year water surface will be compensated for above the 10-year water surface.~~
- 1.1.16 Make any other revisions and provide any other documents required by the Planning Director's Letter dated January 19, 2004.
- 1.1.17 Add a note indicating _____ total cubic yards of fill may be placed in the floodplain. The location of the fill may be revised and approved by the Planning Director if the location of building pads changes in the future.**

1.1.18 Add a note stating grading and other land disturbances are prohibited within the 25' wetland buffer area.

1.1.19 Add a note stating at such time as the temporary access to the City tow lot driveway is removed, if the section of roadway from Lot 4 to Sun Valley Boulevard has not been constructed to Design Standards, it shall be constructed as a temporary access. This temporary access shall be 18' wide, and include 9" of stripping, a geosynthetic textile membrane, 18" to 24" of compacted fill material, 6" of crushed recycled concrete base course, 4" of crushed limestone rock and 2" of chipped limestone surface course, all rolled and compacted.

- 1.2 ~~Obtain a fill permit from the Building and Safety Department. Moved to 3.3.1~~
- 1.3 ~~Obtain a 404 permit or a letter from the Army Corps of Engineers stating no permit is required. Moved to 3.3.2~~
- 1.4 ~~Provide conservation easements over the delineated wetlands to prohibit fill in the wetlands and to maintain flood storage. Moved to 3.3.3~~
- 1.5 ~~Provide a pedestrian easement over Lot 1 and Outlot D for the sidewalk. Moved to 3.3.4~~
- 1.6 ~~Submit a plan for the approval of the Director of Public Works and Utilities indicating how the developer will address concerns relating to the placement of utilities and paving within or over landfill material. Moved to 3.3.5~~
- 1.7 ~~Submit a written agreement with the owner of the railroad for grading and discharge of stormwater in the railroad right-of-way. Moved to 3.3.6~~
- 1.8 Provide pipe sizing calculations for approval of the Director of Public Works and Utilities that include the 100yr flows for a localized event and all swales which have a concrete low flow liner.
- 1.9 Provide a culvert analysis for the approval of the Director of Public Works and utilities for the culvert under the City tow lot driveway.
- 1.10 Provide information for the approval of the Director of Public Works that the soil from the borrow area is suitable for its intended use.
- 1.11 ~~Demonstrate to the satisfaction of the Director of Public Works that any wetlands created by excavation follow the considerations for constructed wetlands in Chapter 8 of the City of Lincoln Drainage Criteria Manual. Replaced with 1.1.17 and 1.1.18.~~

- 1.12 ~~Provide verification that the sanitary sewer lift station and force main serving this development have the necessary capacity to serve the drainage area.~~
- 1.13 ~~Submit a plan for the approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the potential for methane gas exposure. *Moved to 3.3.7*~~
- 1.14 Any changes to the street pattern must be approved by the Director of Public Works and Utilities.**

2. The City Council approves associated requests:

- 2.1 Special Permit #1928A Sterling University Phase 2 CUP.
- 2.2 Change of Zone #3421.
- 2.3 A waiver to sidewalks along the south side of Line Drive and the west side of North 2nd Street and one side of the new private roadway leading to the City Tow Lot.
- 2.4 A waiver of the maximum block length.
- 2.5 A waiver to the requirement that public water be along public street or private roadway.

General:

3. Final Plats will be approved by the Planning Director after:

- 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 to complete the street paving of ~~North 2nd Street and Line Drive~~ **the public streets and private roadways** shown on the final plat within two (2) years following the approval of this final plat.

- 3.2.2 to complete the installation of sidewalks along the north side of Line Drive and the east side of North 2nd Street, **and on one side of the private roadway leading to the City tow lot** shown on the final plat within four (4) years following the approval of this final plat.
- 3.2.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
- 3.2.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
- 3.2.5 to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
- 3.2.6 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat
- 3.2.7 to complete the installation of public street lights along ~~North 2nd Street and Line Drive~~ **the public streets and private roadways** within this plat within two (2) years following the approval of this final plat.
- 3.2.8 to complete the planting of the street trees along ~~North 2nd Street and Line Drive~~ **the public streets and private roadways** within this plat within four (4) years following the approval of this final plat.
- 3.2.9 to complete the planting of the landscape screen along commercial zoned land abutting residential zoned land within this plat within two (2) years following the approval of this final plat.
- 3.2.10 to complete the installation of the street name signs within two (2) years following the approval of this final plat.
- 3.2.11 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.2.12 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

- 3.2.13 to complete the public and private improvements shown on the preliminary plat.
- 3.2.14 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.15 to pay all design, engineering, labor, material, inspection, and other improvement costs.
- 3.2.16 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.17 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- 3.2.18 to relinquish the right of direct vehicular access from Lots 1 and 2 to Charleston Street, and from Lot 3 to Sun Valley Boulevard.
- 3.2.19 to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
- 3.2.20 to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of this final plat.

3.3 The subdivider has:

- 3.3.1 Obtained a fill permit from the Building and Safety Department.**
- 3.3.2 Obtained a 404 permit or a letter from the Army Corps of Engineers stating no permit is required.**
- 3.3.3 Provided conservation easements over the delineated wetlands to prohibit fill in the wetlands and to maintain flood storage.**
- 3.3.4 Obtained a pedestrian easement over Lot 1 and Outlot D for the off-site sidewalk.**
- 3.3.5 Submitted a plan approved by the Director of Public Works and Utilities indicating how the developer will address concerns relating to the placement of utilities and paving within or over landfill material.**

3.3.6 Submitted a written agreement with the owner of the railroad right-of-way for grading and discharge of storm water within the railroad right-of-way.

3.3.7 Submitted a plan for the approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the potential for methane gas exposure. The plan shall include, but not be limited to, information from environmental tests identifying the boring locations, type and quantities of gases found, and soil testing data showing no hazardous materials or chemicals are present within the fill material to be used.

3.3.8 Provided a plan for approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the risk posed by potential areas of mosquito habitat within the plat.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. A form is available at the Planning Dept. and on the Planning Dept. website that must be signed by the County Treasurer verifying that there are no liens of taxes and verifying that the special assessment installment payments are current.

Sincerely,

Mary Bills-Strand, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

****As Revised and Recommended for Conditional Approval by the Planning Commission on February 18, 2004****

P.A.S.: Preliminary Plat #03011 Outfield Park
North 1st and Charleston Streets

PROPOSAL: Preliminary plat 60.6 acres into 5 lots and 6 outlots. This property is currently zoned H-3. Special Permit #1928A Sterling University Phase 2 CUP and Change of Zone #3421 from H-3 to R-3 propose further development of this property.

LOCATION: West of North 1st Street and south of Charleston Street.

WAIVER REQUEST:

1. Detention (withdrawn by Applicant).
2. Sidewalks on only one side of private street.
3. Public water main adjacent to driveway.
4. Block length in excess of 1,000'.

LAND AREA: 60.6 acres, more or less.

CONCLUSION: This plat generally conforms to the Comprehensive Plan, and Zoning and Subdivision Ordinances. The waiver to maximum block length and sidewalks on both sides of the private street is acceptable, provided a sidewalk is constructed on one side. The waiver to the location of a public water main is acceptable provided the private water system alignment is acceptable to Public Works & Utilities Department.

RECOMMENDATION:

Conditional Approval

Waiver Requests:

- | | |
|--|------------------------|
| 1. Detention. | Withdrawn by Applicant |
| 2. Sidewalks on only one side of private street. | Approval |
| 3. Public water main adjacent to driveway. | Conditional Approval |
| 4. Block length in excess of 1,320'. | Approval |

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 81 and 90 Irregular Tracts, located in the SE 1/4 of Section 15; and Lots 263 and 303 Irregular tracts, located in the NE 1/4 of Section 22; and Lot 71 Irregular Tract, located in the SW 1/4 of Section 23; all located in T10N R6E, Lancaster County, Nebraska, and more particularly described in Exhibit A.

EXISTING ZONING: H-3 Highway Commercial

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Mini warehousing, Oak Creek	I-1 Industrial
South:	Vacant	I-1 Industrial
	Vacant	R-3 Residential
East:	City tow lot, BMX track, Oak Lake	P Public
West:	Multiple-family residential CUP	R-3 Residential

ASSOCIATED APPLICATIONS: Change of Zone #3421 from H-3 to R-3
Special Permit #1928A Sterling University Phase 2 CUP

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as Commercial. (F 25)

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan.

HISTORY:

Date when preliminary plat was submitted:	December 9, 2003
Date when Planning Director’s letter was sent:	January 19, 2004
Date when revised preliminary plat was submitted:	January 5, 2004

Jul 2002 Administrative Amendment #02034 to Special Permit #1928 approved minor changes to the site plan.

Jan 2002 Special Permit #1928 approved Oak Creek Apartments CUP with 157 dwelling units (589 bedrooms) adjacent to the west.

Jan 2002 Change of Zone #3329 approved changing the zoning from I-1 Industrial to R-3 Residential on the adjacent apartment site.

Jan 2002 Change of Zone 3346 approved changing the zoning from I-1 industrial to H-3 Highway Commercial.

May 1979 This area was changed from K Light Industrial and I Heavy Industrial to I-1 Industrial through the 1979 zoning update.

UTILITIES: Water service is private, all other utilities are public. The private system as shown crosses over the public system. This raises concerns over potential damage to one system during construction or maintenance of the other. The private service should be relocated to not cross the public system. Additionally, public utilities will not be allowed to be constructed in landfill material without special construction requirements. The Public Works & Utilities Department believes there is a way to construct the private system so it will not cross the public main.

Additionally, Applicant suggests future users who develop in Lots 3 and 5 will be served by private ejector pumps into a force main system in Line Drive, which is unacceptable to Public Works. Although private ejector pumps have been used, this is primarily because gravity systems are not available. Here, a gravity system is available in Charleston Street that has sufficient depth to serve the entire plat.

TOPOGRAPHY: The site is generally flat, with wetlands in depressed areas.

TRAFFIC ANALYSIS: The 2025 Comprehensive Plan designates Charleston Street east of North 1st Street as a Collector, both now and in the future. Charleston Street west of North 1st Street is classified as a Local Street both now and in the future. North 1st Street is identified as a Collector at the present time, and as a Principal Arterial in the future. (E 49, F 103) Improvements to North 1st Street between US 34 ("O" Street) and Alvo Road are identified in the Comprehensive Plan. The improvements include realignment of Sun Valley Boulevard and changing this portion of North 1st into a 4 lane plus turn-lane cross section. (F 111)

The recommendations of a traffic analysis dated December 2003 do not match the proposed plan in relation to the drive locations and the intersection of North 1st and Charleston Streets. The site plan should be revised to meet the recommendations stated in the analysis for the 2009 and 2019 traffic projections.

The Public Works Department believes the pavement width is inadequate for commercial/industrial uses. However the design standards for private roadways does not require wider pavement. Public street design standards in commercial/industrial area requires 39' width. Public Works recommends 33' pavement width.

Due to the large number of residents in the proposed CUP, a secondary access is being provided east of the Charleston/North 1st Street intersection. In the short term, this access will connect the apartments to the City tow lot driveway, then to Charleston Street. Should this access be closed by the City or due to reconstruction work in Sun Valley Boulevard, the developer will provide a private road connection from the apartments to the south, connecting to Sun Valley Boulevard at Line Drive.

The construction of a signal at the potential intersection of Charleston and relocated Sun Valley as shown in the traffic study will not be built unless warranted and recommended by Public Works. The fact that this development will pay impact fees does not influence if or when a signal may be installed. The city will install the signal if warranted and recommended by Public Works.

Principal Arterials: This functional class of street serves the major portion of through-traffic entering and leaving the urban area and is designed to carry the highest traffic volumes. These serve intra-area traffic such as between the CBD and outlying residential areas and traffic between major inner-city communities or suburban centers. Included in this class are fully controlled access facilities and partially controlled access facilities. The principal arterial system is stratified into the following (two) subsystems:

Other Principal Arterials: This functional class of street serves the major portion of intercommunity and intracommunity traffic movement within the urban area and is designed to carry high traffic volumes. For other principal arterials, the concept of service to abutting land is subordinate to serving major traffic movements. Facilities within this classification are capable of providing direct access to adjacent land but such service is to be incidental to the primary functional responsibility of moving traffic within this system. (F 102)

Collector: These streets serve as a link between local streets and the arterial system. Collectors provide both access and traffic circulation within residential, commercial, and industrial areas. Moderate to low traffic volumes are characteristics of these streets. (F 105)

Local Streets: These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. (F 105)

ENVIRONMENTAL CONCERNS: Much of the land in this area sits over an old landfill site. Although Applicant will clean landfill from within the limits of the development area, concerns still exist regarding the production of methane gas from anaerobically decaying organic matter. Methane gas can travel horizontally, and therefore, potentially enter the buildings, posing a health risk to occupants. The potential location of public utility facilities within landfill material also raises concerns. Special construction methods will be required.

All of this area lies within the combined floodplain of Salt Creek and Oak Creek. Therefore, regulations for construction within the floodplain must be met, and fill permits will be required for any proposed filling of the floodplain. Compensatory Storage is being utilized for the apartment complex. To be effective the Public Works Department recommends specific guidelines. Additional floodplain information is required pursuant to Lincoln Municipal Code.

There are several delineated wetlands within this area. Conservation easements should be obtained that prevent filling the wetlands and maintain some flood storage. Also, larger buffers should be provided around the wetlands to prevent impact from grading and construction operations.

ANALYSIS:

1. This is a request to preliminary plat 60.6 acres into 5 lots and 6 outlots. This property is currently zoned H-3. Associated requests SP.1928A Sterling University Phase 2 CUP and CZ.3421 Change of Zone from H-3 to R-3 propose further development of this property.
2. Applicant has requested a waiver of the requirement that sidewalks be constructed along both sides of private roadways, and shows them on the north side of Line Drive and east side of North 2nd Street. Since all of the lots exceed 1 acre in size, the Subdivision Ordinance provides that sidewalks need only be placed on one side of a private street. Planning Staff supports this waiver.

3. Applicant has requested to allow construction of a public water main adjacent to a driveway rather than a public or private street. Applicant has proposed to make the driveway in this location a private roadway instead. However, that would still place the public system through the interior of Lot 4, resulting in the private system having to cross the public system in order to serve all of Lot 4. The Public Works Department supports this waiver provided the public system is relocated such that it and the private system do not cross each other, such as locating it around the perimeter of Lot 4.
4. The private water system as shown crosses the public system. Ideally, these systems should not cross. The Public Works Department recommends relocating the private system to not cross the public system. If the water alignment is not revised, Applicant should note that the public system will have a 30' wide easement. Therefore, any damage done to the private system, as a result of repairs or maintenance to the public system, will not be the responsibility of the City. Likewise, any damage done to the public system, as a result of repairs or maintenance of the private system, will be the responsibility of the owner.
5. Information related to the floodplain must be shown on the plat, as required by the Subdivision Ordinance.
6. Due to the existence of landfill material under and near this site, concerns have been raised by the Public Works and Utilities and Health Departments. Specifically, Public Works is concerned over the potential problems that may be associated with placing utilities within the landfill material. Plans should be submitted detailing how these concerns will be addressed. The Health Department's concerns regarding possible methane gas exposure also must be addressed.
7. The traffic analysis does not match the plans as proposed in relation to the drive locations and intersection of North 1st and Charleston Streets. The site plan should be revised to meet the recommendations stated in the analysis for the 2009 and 2019 traffic projections. Also, the paving width of the private street through this development should be increased to meet public street standards for commercial/industrial uses given the H-3 Commercial zoning on either side of the proposed apartment development.
8. Due to the sensitive environmental nature of portions of this site, conservation easements should be provided over existing wetlands to prohibit fill in the wetlands and to maintain flood storage.
11. The grading plan shows fill coming close to the delineated wetlands. The Lincoln Drainage Criteria Manual recommends a 25'-50' buffer be established for wetlands. Since the area is generally level, a buffer of 25' should be provided to eliminate potential wetland impact. If the wetlands are impacted during construction, a 404 permit and mitigation plan will be required.
12. Applicant has requested a block length in excess of 1,000' for North 2nd Street. There is likely very little need for a cross street along here. Planning Staff recommends approval of this waiver.

13. The plan shows the City tow lot driveway used as a temporary second access to Lot 4, which will be terminated if Sun Valley Boulevard is realigned. Applicant proposes to use minimal surfacing on North 2nd Street during the period of time between the realignment of Sun Valley Boulevard and the development of Lots 3 and 5, then bring North 2nd Street up to standard at such time as Lot 3 or 5 is subdivided or obtains a building permit. This assumes Lots 3 and 5 will not develop until after Sun Valley Boulevard is realigned, and that Sun Valley Boulevard will be realigned as shown on the plan.

The second access shown to the City tow lot was required due to the number of residents living off of a cul-de-sac and emergency vehicles heading towards the apartments, all of whom must pass through the intersection of North 1st and Charleston Streets. This second access intersects Charleston Street east of North 1st Street, bypassing a busy intersection. If Sun Valley Boulevard is realigned, this second access will be lost. It should be replaced with an equivalent replacement. Providing minimal paving on North 2nd Street raises concerns regarding emergency access, as well as reliability and usability as an alternative to the intersection of North 1st and Charleston Streets.

Since the future of Sun Valley Boulevard is not known at this time, and Applicant has not presented a development plan for Lots 3 and 5, the timing of North 2nd Street should not be based on speculation. North 2nd Street should be constructed according to subdivision regulations, i.e. within two years from final plat approval.

14. Applicant has provided notes on the plan that suggest different alternatives based upon three scenarios for the future use of the City tow lot (Exhibit B). These notes must be removed, and any such agreements be evaluated by the Law Department and made part of a separate document.
15. Applicant suggests in their letter a traffic signal may be needed at the intersection of North 1st and Charleston Streets, and requests it be paid for by impact fees for the development of Lot 4. However, pursuant to the Impact Fee Ordinance, the fees collected are used for improvements within the benefit district they are located, and are not earmarked for specific improvements. Additionally, a traffic signal at this location would be required to meet warrants just as any other signal location.
16. The Planning Director's Letter dated January 19, 2004 appears to have been complied with, in general. A copy of the letter is attached. Applicant should be required to meet any conditions stated in the letter that have not been restated here.
17. Planning Staff recommends approval to Preliminary Plat #03011 Outfield Park based upon the following conditions.

CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 7 copies to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Provide base flood elevations from the current Lincoln/Lancaster County Flood Insurance Study. This should include cross section locations and the 100yr water surface elevation in NAVD 88.
 - 1.1.2 Show the amount of fill material brought into the floodplain from outside the floodplain.
 - 1.1.3 Revise the water system so the private line does not cross the public line **or agree to pay for any repairs on public or private systems.**
 - 1.1.4 Revise the paving width of the private street through this development to **the satisfaction of the Public Works and Utilities Department.** ~~conform to public street standards for commercial/industrial uses.~~
 - 1.1.5 Revise the plans to meet the recommendations stated in the traffic analysis for the 2009 and 2019 traffic projections.
 - 1.1.6 Provide 100yr water surface elevations in locations where drainage is contained in swales.
 - 1.1.7 Provide a 25' buffer area for the wetlands on site.
 - 1.1.8 Provide detention area modeling using the SCS Method and the appropriate calculations.
 - 1.1.9 Provide pipe sizing calculations that include the 100yr flows for a localized event, pursuant to Section 4.1, Chapter 2.05 of the Lincoln Design Standards. This should include all swales which have a concrete low flow liner. The information submitted should provide the data shown in Figure 3-12 of the Lincoln Drainage Criteria Manual.
 - 1.1.10 Revise the plans to show a gravity sanitary sewer system for the plat outletting to the sanitary sewer in Charleston Street.

- 1.1.11 Add a note stating at such time as a final plat ~~or building permit~~ is approved for Lots ~~1 or 2, 3, and 4,~~ the section of roadway from Lot ~~45~~ to Charleston Street will be constructed to meet Design Standards. At such time as a final plat ~~or building permit~~ is approved for Lot ~~36 or 57,~~ the section of roadway from Lot ~~45~~ to Sun Valley Boulevard will be constructed in phases to meet Design Standards. The first 1200', as measured from the centerline of Sun Valley Boulevard, may be constructed in phases as buildable lots are platted. At such time as the final plat is approved requiring this roadway to exceed 1200', the remainder of the roadway will be constructed to meet design standards.
- 1.1.12 Remove Note 1 on Sheet 3 of 7.
- 1.1.13 Convert the driveway that leads to the City Tow Lot east from N. 2nd Street to a private roadway and include a street name.
- 1.1.14 Revise the street names to be consistent on all plans.
- ~~1.1.15 Show that any fill in the floodplain below the 10 year water surface elevation will be compensated for below the 10 year water surface and the any fill above the 10 year water surface will be compensated for above the 10 year water surface.~~
- 1.1.16 Make any other revisions and provide any other documents required by the Planning Director's Letter dated January 19, 2004.
- 1.1.17 Add a note indicating _____ total cubic yards of fill may be placed in the floodplain. The location of the fill may be revised and approved by the Planning Director if the location of building pads changes in the future.**
- 1.1.18 Add a note stating grading and other land disturbances are prohibited within the 25' wetland buffer area.**
- 1.1.19 Add a note stating at such time as the temporary access to the City tow lot driveway is removed, if the section of roadway from Lot 4 to Sun Valley Boulevard has not been constructed to Design Standards, it shall be constructed as a temporary access. This temporary access shall be 18' wide, and include 9" of stripping, a geosynthetic textile membrane, 18" to 24" of compacted fill material, 6" of crushed recycled concrete base course, 4" of crushed limestone rock and 2" of chipped limestone surface course, all rolled and compacted.**

- 1.2 Obtain a fill permit from the Building and Safety Department. *Moved to 3.3.1*
- 1.3 Obtain a 404 permit or a letter from the Army Corps of Engineers stating no permit is required. *Moved to 3.3.2*
- 1.4 Provide conservation easements over the delineated wetlands to prohibit fill in the wetlands and to maintain flood storage. *Moved to 3.3.3*
- 1.5 Provide a pedestrian easement over Lot 1 and Outlot D for the sidewalk. *Moved to 3.3.4*
- 1.6 Submit a plan for the approval of the Director of Public Works and Utilities indicating how the developer will address concerns relating to the placement of utilities and paving within or over landfill material. *Moved to 3.3.5*
- 1.7 Submit a written agreement with the owner of the railroad for grading and discharge of stormwater in the railroad right-of-way. *Moved to 3.3.6*
- 1.8 Provide pipe sizing calculations for approval of the Director of Public Works and Utilities that include the 100yr flows for a localized event and all swales which have a concrete low flow liner.
- 1.9 Provide a culvert analysis for the approval of the Director of Public Works and utilities for the culvert under the City tow lot driveway.
- 1.10 Provide information for the approval of the Director of Public Works that the soil from the borrow area is suitable for its intended use.
- 1.11 Demonstrate to the satisfaction of the Director of Public Works that any wetlands created by excavation follow the considerations for constructed wetlands in Chapter 8 of the City of Lincoln Drainage Criteria Manual. *Replaced with 1.1.17 and 1.1.18.*
- 1.12 Provide verification that the sanitary sewer lift station and force main serving this development have the necessary capacity to serve the drainage area.
- 1.13 Submit a plan for the approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the potential for methane gas exposure. *Moved to 3.3.7*
- 1.14 Any changes to the street pattern must be approved by the Director of Public Works and Utilities.**

2. The City Council approves associated requests:

- 2.1 Special Permit #1928A Sterling University Phase 2 CUP.
- 2.2 Change of Zone #3421.
- 2.3 A waiver to sidewalks along the south side of Line Drive and the west side of North 2nd Street and one side of the new private roadway leading to the City Tow Lot.
- 2.4 A waiver of the maximum block length.
- 2.5 A waiver to the requirement that public water be along public street or private roadway.

General:

3. Final Plats will be approved by the Planning Director after:
 - 3.1 You have completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 to complete the street paving of ~~North 2nd Street and Line Drive~~ **the public streets and private roadways** shown on the final plat within two (2) years following the approval of this final plat.
 - 3.2.2 to complete the installation of sidewalks along the north side of Line Drive and the east side of North 2nd Street, **and on one side of the private roadway leading to the City tow lot** shown on the final plat within four (4) years following the approval of this final plat.
 - 3.2.3 to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
 - 3.2.4 to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
 - 3.2.5 to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.

- 3.2.6 to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat
- 3.2.7 to complete the installation of public street lights along ~~North 2nd Street and Line Drive~~ **the public streets and private roadways** within this plat within two (2) years following the approval of this final plat.
- 3.2.8 to complete the planting of the street trees along ~~North 2nd Street and Line Drive~~ **the public streets and private roadways** within this plat within four (4) years following the approval of this final plat.
- 3.2.9 to complete the planting of the landscape screen along commercial zoned land abutting residential zoned land within this plat within two (2) years following the approval of this final plat.
- 3.2.10 to complete the installation of the street name signs within two (2) years following the approval of this final plat.
- 3.2.11 to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.2.12 to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 3.2.13 to complete the public and private improvements shown on the preliminary plat.
- 3.2.14 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.15 to pay all design, engineering, labor, material, inspection, and other improvement costs.
- 3.2.16 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.17 to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were

designed and constructed within the development, and that these are the responsibility of the land owner.

- 3.2.18 to relinquish the right of direct vehicular access from Lots 1 and 2 to Charleston Street, and from Lot 3 to Sun Valley Boulevard.
- 3.2.19 to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
- 3.2.20 to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of this final plat.

3.3 The subdivider has:

- 3.3.1 Obtained a fill permit from the Building and Safety Department.**
- 3.3.2 Obtained a 404 permit or a letter from the Army Corps of Engineers stating no permit is required.**
- 3.3.3 Provided conservation easements over the delineated wetlands to prohibit fill in the wetlands and to maintain flood storage.**
- 3.3.4 Obtained a pedestrian easement over Lot 1 and Outlot D for the off-site sidewalk.**
- 3.3.5 Submitted a plan approved by the Director of Public Works and Utilities indicating how the developer will address concerns relating to the placement of utilities and paving within or over landfill material.**
- 3.3.6 Submitted a written agreement with the owner of the railroad right-of-way for grading and discharge of storm water within the railroad right-of-way.**
- 3.3.7 Submitted a plan for the approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the potential for methane gas exposure. The plan shall include, but not be limited to, information from environmental tests identifying the boring locations, type and quantities of gases found, and soil testing data showing no hazardous materials or chemicals are present within the fill material to be used.**

3.3.8 Provided a plan for approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the risk posed by potential areas of mosquito habitat within the plat.

Prepared by:

Greg Czaplewski
Planner

Date: January 27, 2004

Applicant: The Dinerstein Companies
6363 Woodway, Suite 1000
Houston, TX 77057
713.570.0350

Owners: The Dinerstein Companies
6363 Woodway, Suite 1000
Houston, TX 77057
713.570.0350

Chameleon and Company
182 West Lakeshore Drive
Lincoln, NE 68528
475.4746

Dr. Robert White
2441 North 11th Street, Suite 7
Lincoln, NE 68521

Contact: Ross Engineering, Inc.
August Ponstingl
201 North 8th Street
Lincoln, NE 68508
474.7677

**CHANGE OF ZONE NO. 3421;
SPECIAL PERMIT NO. 1928A, AN AMENDMENT
TO THE OAK CREEK APARTMENTS COMMUNITY UNIT PLAN
(Sterling University Phase 2 Community Unit Plan);
and
PRELIMINARY PLAT NO. 03011, OUTFIELD PARK**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 4, 2004

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

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

Ex Parte Communications: Marvin recalled having some phone calls back when Phase 1 came forward.

Proponents

1. Michael Rierden appeared on behalf of the applicant, **The Dinerstein Companies**, Approximately two years ago, Rierden presented Phase I of this project, which has been successfully completed and is a very nice project. The city was fortunate to have someone of this applicant's quality to come in and successfully develop a piece of ground that sits in an area that has had some difficult uses (landfill, floodplain and wetlands). Rierden submitted a letter from the President of the North Bottoms Neighborhood Association setting forth the agreement that has been reached between the applicant and the neighborhood to help mitigate the neighborhood's concerns about there being the large student population in and around the neighborhood and the floodplain issue. That agreement includes:

- Fill dirt will come from within the project site resulting in no net rise in the floodplain.
- A one time contribution of \$15,000 to help fund a police substation within the North Bottoms Neighborhood.
- Install street lighting and sidewalks along the west side of West Charleston Street between phases I and II.
- Shuttle buses will not travel via streets within the neighborhood except North 10th and Military Road.

- Adopt West Charleston Street for the purposes of regular litter pick up.
- Support the relocation of the city tow lot away from the area.
- Support the retention of a Belmont/North 10th Street connection when Sun Valley Boulevard is reconfigured.
- Join the North Bottoms Neighborhood Association and support their efforts to improve this area of Lincoln.

2. Ron Ross with Ross Engineering, 201 N. 8th, did further presentation on the proposal. The Dinerstein Companies is out of Houston, Texas. They do multitudes of different types of development and happen to be the most successful student housing developer in the country with 36 completed projects at major universities. They have five projects currently under construction and five projects currently in the planning stages. The first phase, which is built, had 157 units. These units were comprised of more of an apartment type unit. Each unit was 1,300 to 1,500 sq. ft. and had 2, 3 or four bedrooms. The proposed phase II area is an upscale project. The units will be 2 to 2.5 stories—not apartments but a townhouse looking structure—1,800 sq. ft. and more expensive. Each project has a full clubhouse and office. The inside of the clubhouse has a show unit. They have a complete exercise and weight room, computer labs, social area, swim pool, basketball and volleyball courts, security unit, shuttle bus to and from the University running throughout the day, and bus shelter. The students are hired as a substantial portion of the staff. If a tenant has three legal infractions within their criteria, they are evicted from the facility. The parents are required to sign the leases.

The issues are wetlands, floodplain, landfill and access. Wetlands was a concern in phase I as to whether they are saline. It was determined that those wetlands and the phase II wetlands are not saline and therefore are not category I. This project does not mitigate or destroy any of the wetlands. There are special design and construction features to be approved by the NRD due to the proximity to the existing wetlands.

With regard to floodplain, Ross advised that the applicant currently has floodplain and NPDES permits ready to be submitted for phase II. Fortunately, 2/3 of the phase II area already has approved floodplain and NPDES permits to allow fill. As in phase I, no dirt was trucked in. It all came from between the railroad tracks, and that is the native material being used to fill phase II. The preliminary plat which involves the land a little to the north of phase I and to the south does require some material to be brought in that is outside of the floodplain. We have been asked to report how many cubic yards we will need to complete the project, but the property is included in the original fill permits. They had to build up streets and a certain portion of the remaining commercial lots, but that has been done in a smaller isolated area. The balance of the commercial lots will be minimal amount of fill in accordance with the approved NPDES permits.

Ross then addressed the landfill issues. Landfill was a concern in phase I but phase I was in an area removed from the landfill issue. A venting system was designed that was not required. Phase

It is close to the landfill. They have put in 230 borings and test pits after a complete electromagnetic survey to determine the limits of the landfill based on finding varying degrees of different material underground. They then went out and put in a considerable amount of borings to pinpoint the landfill. The site was designed to stay out of the landfill area. The financial lending for phase II will not permit the applicant to purchase any land that has landfill. Landfill material will be removed in approximately six small pockets, and a renovation plan will be done. This will all occur prior to construction. They will be removing 8800 cubic yards of landfill materials, the result being that this site will be purchased without any landfill whatsoever. The applicant will be requesting GTSI to furnish the test boring information to report the methane gas. Ross reiterated that there will not be any landfill within the limits of the project. The only place that methane was detected was where there was underlying landfill. That landfill material will be removed. A clay blanket will be built up beneath each of the structures which will be impermeable. On top of the clay blanket is a poly vapor barrier. The applicant does not anticipate having to vent the buildings in phase II. This additional information will be provided to the Health Department.

With regard to access issues, Ross acknowledged that access was somewhat of a concern in phase I, and the applicant was required to pave W. Charleston to 33'. Access has been a little bit of issue in Phase II, and the staff recommends that there be a secondary entrance in the event of an accident. The applicant has shown a secondary connection, and has agreed to construct an 18' wide emergency secondary connection from the south limits of phase II all the way south and east to the traffic signal, which is the entrance to the baseball stadium. This has been approved by Public Works.

Ross further advised that W. Charleston will be widened by 6' for approximately 220' at the intersection of N. 1st Street, which was a recommendation in the consultant traffic study. Ross believes there is a misconception on utilities. The utilities are public for water and sanitary going through phase II to get to the Chameleon property to the south. All other utilities will be private, similar to what was done in phase I. The gravity system is deep enough, which should resolve the issue of utilities.

Ross submitted proposed amendments to the conditions of approval on the preliminary plat (attached hereto as Exhibit "C"). Due to the large extent of area of landfill, the developer does not expect this to be an intensive commercial area. They would anticipate something like a truck terminal. There are 7.5 acres of commercial area to the north of phase II and 25 acres of commercial to the south of phase II. They do not want trucks coming through the student housing area. Therefore, there will be protective covenants placed on the land providing that future development of the commercial area to the south will need to head their truck traffic to the south. Therefore, Ross does not believe there is a need for the 33' of paving, and requested the following amendment to Condition #1.1.4: Provide 33' wide Private Roadway for 300 feet west of Sun Valley Boulevard, then narrow to 27 feet for the remainder of the distance to W. Charleston Street.

Ross requested that Condition #1.1.15 be deleted relating to floodplain and fill.

Ross also requested that several of the conditions required to be completed prior to scheduling on the City Council agenda, be moved to a new Condition #4 so that they can be done prior to receiving a building permit. Ross believes that Public Works is in agreement with this change.

Pearson asked the applicant to show a map of the floodplain area. Ross explained that the entire area is within the limits of the 100 year floodplain. It goes all the way to Sun Valley Boulevard, including the intersection of 1st and W. Charleston.

Carroll inquired about the proximity of the private roadway to phase II. Ross showed this on the map. He also noted that someday Sun Valley will be relocated. The balance of that private roadway that continues west and heads north is what the applicant is proposing be a 27' wide paved private roadway. Carroll inquired why it should not be kept at 33' since all of that area will still be zoned H-3. Ross indicated that because of the intensiveness of the landfill, they don't expect that the buildings will be the large normal commercial buildings, because when they build, most financial companies will require that they remove any landfill under the building, so low intensity uses are anticipated as compared to most commercial development. Thus Ross does not believe the 33' wide street is necessary. With protective covenants between the two developers, they are not going to allow that traffic to go north through the student housing.

Carroll inquired as to the depth of the excavation of the landfill. Ross stated that it will vary. The deepest area found was 13'. The average is about 4' to 4.5' of landfill. Carroll inquired whether they will test for methane gas during excavation. Ross stated that the excavation will be done in accordance with NDEQ criteria. He does not recall the test for methane gas being a requirement, but he agreed to further investigate.

There was no testimony in opposition.

Staff questions

Marvin asked staff to address the proposed amendments. Greg Czaplewski of Planning staff indicated that staff would agree to the first four amendments. As far as moving some of the Site Specific conditions of approval, Czaplewski suggested that they become a part of the conditions required "prior to receiving a final plat" as opposed to building permit.

Dennis Bartels of Public Works addressed the 33' street width, stating that 33' is typically the standard commercial width street. The design standards do not talk about any wider than 27' for private roadway. But if you go to 27', a truck turning in or out will use the whole street. That is why you have the 33' or 39' wide street in commercial areas. Bartels also agreed with Czaplewski as far as moving some of the site specific conditions to being requirements before final plat because we do not want the final plat to be approved and then it can't be built.

Marvin noted that something is being done on Military Road in the Antelope Valley project. Is there going to be any disruption of traffic flow? Bartels does not believe there is any relationship between Antelope Valley and this project.

Bartels further discussed the street width, stating that the 27' meets design standards but as an engineer he recommends 33'.

Carroll referred to Condition #1.1.7 and inquired whether "adequate" buffer area for the wetlands as opposed to 25' is acceptable as there is no definition of "adequate". Czaplewski stated that there is no standard for that buffer area. The Design Standards recommend 25-50 feet. He would assume that the recommendation from the NRD would probably fall within that range. Bartels agreed with the language proposed by the applicant because it gives them some flexibility.

Pearson thought that the city was currently doing a study for floodplain regulations. Marvin Krout, Director of Planning, advised that the Floodplain Task Force report is finished and the public hearing before the Planning Commission is tentatively scheduled for March 31st on new floodplain regulations for "new developing areas". "New developing areas" means areas outside of the city limits. Those recommendations will not include this area. There were recommendations in the report for the developed areas that were similar to the recommendations for the new developing areas. There was a recommendation for no net rise and compensatory storage for Salt Creek and other developed areas. In this case, the developer is meeting the no net rise requirement but not providing compensatory storage. The Public Works stormwater section has accepted this proposal. The belief of the administration was that the Salt Creek and tributaries in developed areas have already had so much development that is already there, that it needed further study and it needed a set of guidelines that would be more flexible than for the new developing areas. That committee may be reconvened to look in more detail at the developed areas.

Bills-Strand referred to the street width of 33', noting that this is a private roadway and it looks like it is going through residential. If we make it 33' she is worried that it will become a very fast-paced street with baseball traffic seeing it as a shortcut. Bartels responded, pointing out that the developer is changing this to residential and part of the design of this project is creating that problem. He is thinking in terms of narrowing it through the apartment complex as a compromise and amending the language of the condition "to the satisfaction of Public Works" as opposed to 27'. Bartels would therefore suggest that Condition #1.1.4 read: "Provide 33' wide private roadway or a roadway to the satisfaction of Public Works."

Response by the Applicant

Ross agreed with Bartels regarding Condition #1.1.4. He agrees the roadway would be 33' at least at the intersection connecting with Sun Valley Boulevard. This drive will serve some commercial development and should be 33' wide. Ross reiterated that there are three reasons why this area south of phase II will develop rather sparsely over a long period of time without intensive commercial, i.e. "landfill, landfill, landfill". To run a commercial street 33' wide through the student housing could be very negative and an unsafe situation. The developer believes that the future development of the 25 acres might result in 19 acres of commercial development. There are two commercial lots in this preliminary plat, but they do not anticipate that they will develop intensely. The developer does not believe that 33' is needed for the entire distance and they will continue to work with Public Works.

Mike Rierden has talked with Dennis Bartels during this hearing and the applicant will agree to changing Condition #1.1.4 as requested by Bartels. He believes they can reach a compromise that would be beneficial to all parties.

CHANGE OF ZONE NO. 3421

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 4, 2004

Taylor moved approval, seconded by Marvin.

Pearson stated that she does not support new development in the floodplain. Until the recommendations of the Floodplain Task Force are presented, she intends to vote against every new development in the floodplain, let alone those in the area of wetlands.

Carlson remembers the hearing on phase I and because of the floodplain issue and the landfill and access issues, he takes the position that it continues to be a poor choice for student housing.

Motion for approval failed 4-4: Marvin, Taylor, Sunderman and Bills-Strand voting 'yes'; Carlson, Krieser, Carroll and Pearson voting 'no'; Larson absent.

This item is held over until February 18, 2004.

SPECIAL PERMIT NO. 1928A,

AMENDMENT TO THE OAK CREEK APARTMENTS COMMUNITY UNIT PLAN.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 4, 2004

Pearson moved to deny, seconded by Carlson.

Pearson believes that the Commission is close to receiving the Floodplain Task Force recommendations and she would like to see those recommendations before continuing to approve development in the floodplain. The applicant can come back after that information is available. She does not want to rush it.

Taylor stated that he will vote against denial because of the work that has already been done in the area. This is a continuation of the phase I activity.

Bills-Strand would rather defer voting on this application since the change of zone was held over.

Motion to deny failed 4-4: Carlson, Krieser, Carroll and Pearson voting 'yes'; Marvin, Taylor, Sunderman and Bills-Strand voting 'no'; Larson absent.

This item is held over until February 18, 2004.

PRELIMINARY PLAT NO. 03011, OUTFIELD PARK.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 4, 2004

Taylor moved to defer for two weeks, seconded by Sunderman and carried 6-2: Krieser, Marvin, Carroll, Taylor, Sunderman and Bills-Strand voting 'yes'; Carlson and Pearson voting 'no'; Larson absent.

This item is deferred until February 18, 2004.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 18, 2004

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

Staff recommendation: Approval of the change of zone, and conditional approval of the amendment to the community unit plan and the preliminary plat.

Ex Parte Communications: All of the Commissioners indicated they had been contacted by the applicant in the past two weeks.

Greg Czaplewski of Planning staff submitted additional information for the record including an email from Ed Caudill on behalf of the North Bottoms Neighborhood Association, disclosing correspondence that he has had with the applicant.

Czaplewski also submitted revised conditions of approval as a result of the work that the staff and the developer have done in the last two weeks. Some of the conditions were moved from being required prior to City Council scheduling to before building permit so that they occur later in the process, as requested by the applicant. Czaplewski also made additional changes to Condition #1.1.11, changing the lot numbers and adding: "The first 1200', as measured from the centerline of Sun Valley Boulevard, may be constructed in phases as buildable lots are platted. At such time as the final plat is approved requiring this roadway to exceed 1200', the remainder of the roadway will be constructed to meet design standards." Czaplewski reported that the conditions, as amended, should be agreeable to the city and the applicant.

Proponents

1. Ron Ross of Ross Engineering testified on behalf of **Chameleon & Co.**, the owner of the overall property, and the **Dinerstein Companies**, the developer of the student housing project. City staff has rewritten the conditions of approval for both the special permit and the preliminary plat, and the applicant and developer are in agreement with all of those conditions of approval.

Ross acknowledged that the student housing is sandwiched between 7.5 acres of commercial on the north and 25 acres on the south. The reason for this is the landfill. The Dinerstein Companies cannot buy any land with landfill.

With regard to the issue of development within the floodplain, Ross advised that they are trucking zero dirt into the project, as was done in phase one. In phase two, they are obtaining 100% of this material from their own property, so they are not trucking any dirt into the area. The 86,000 cubic yards of compacted fill is being generated within their own property. They have also agreed with future regulations regarding the floodplain, i.e. compensatory storage. The developer has voluntarily agreed to provide a one-to-one storage exchange for flood control. That is not a current land subdivision requirement.

Ross further advised that Chameleon & Co. currently has a NPDES permit and floodplain permits for the north 1/3 and south 1/3. They have not yet submitted the middle 1/3 but they are prepared to do so. When the applicant had the permits approved, they showed a grading plan filling the entire property. They know that is not what the city is recommending in the future, so the developer has agreed to revise the fill permit to show the proposed grading as part of this plat. It reduces the amount of fill and provides less trucked-in material in the future when that area is developed.

With regard to the wetlands buffer, Ross stated that the developer has agreed to provide the 25' wide buffer around the existing wetlands by eliminating some parking stalls and they have resubmitted a site plan accordingly.

In further regard to the student housing being sandwiched between commercial, Ross explained that the site plan is based on landfill issues and wetlands. At the last meeting, some of the Commissioners were concerned about the through movement of traffic from the south to the future commercial area, starting at Sun Valley Blvd. The developer has agreed with Public Works to widen that to 33' to a point at which there will be a future access road, once Sun Valley Blvd. is relocated, to provide an entrance to the remaining city property that is currently the car tow lot. After that, the roadway narrows to 27' as it goes through the student housing. The service commercial area has been revised such that the private roadway does not have a direct vehicular connection that runs north and south all the way through the property. There is a jog to the east. The result is now a service center buffered by a 50' greenbelt, loaded with trees and drainage way. The service center is buffered from the student housing. Ross requested that the Commission add a condition that adopts the new site plan. Planning staff and Public Works are in agreement with this plan. Ross pointed out that Condition #1.1.14 on the community unit plan states that the street alignment system must be approved by Public Works, and Dennis Bartels has indicated that they do support this revised plan.

Ross reiterated that the applicant and developer are in agreement with all conditions of approval on both the special permit and the preliminary plat as submitted by the staff today. The grading that will be done in Outfield Park is substantially less than what the developer could do today.

Ross believes that the developer has addressed the concerns raised by Ed Caudill on behalf of the North Bottoms Neighborhood Association. The applicant has withdrawn the waiver of detention. They are requesting sidewalks only on one side of the long private roadway. The waiver of landscaping only applies to the property adjacent to the railroad, which was also done in phase one.

Marvin inquired about the developer's offer to the neighborhood to pay \$10,000 to finance a police substation. Ross stated that that was done with the neighborhood many months ago; however, he did not know the timeframe for payment. Craig Dickerson of Sterling Housing, acknowledged that they did agree to make a one-time contribution for a substation, but it was agreed that the contribution was not to be a condition of approval for the project.

2. Craig Dickerson, Sterling Housing, expressed appreciation to the North Bottoms Neighborhood Association, the Planning Director and City staff. This project has required significant discussion and review. He believes this is a good area for this project and a good project for the community. He respectfully requested the Commission's support.

3. Adam Bruning(sp), student at UNL, testified in support. He has lived at the Sterling University apartments for 10 months. Some of the amenities that have brought him to this community are the shuttle bus to and from school; weight room; pool table; and the use of a computer for anyone who does not have one.

4. Elizabeth Dodson, student at UNL, and resident at Sterling since August, testified in support. She enjoys the environment. As a college student, there are a lot of things they have to offer that she could not find anywhere else. The "SUH cares program" helps the residents get to know each other; they have a roommate matching program which is excellent; expanding and adding more apartments will give other students the same opportunity.

5. Matt Weyman(sp), who has lived at Sterling University since August, testified in support. They provide on-site maintenance; a friendly staff; and provide a one person-one bedroom lease in case someone leaves. It is a great place.

6. Ed Caudill, testified on behalf of the **North Bottoms Neighborhood Association** in support. He testified over two years ago before this body fighting a salvage lot going on the corner of N.W. 1st and Cornhusker right across from Oak Lake. However, North Bottoms is still in support of this project. They believe there is a buffer between the neighborhood and this area. It is an improvement around Oak Lake. The neighborhood does still have concerns about traffic, and the new street aligning with the entrance to the ball park is a concern to the neighborhood. Caudill believes the floodplain issue has been satisfied.

There was no testimony in opposition.

Pearson inquired whether the access to the city tow lot is in place. Czaplewski showed the access on the map. The existing access to the tow lot and BMX bike track will be retained. Pearson wondered what will happen if Sun Valley is realigned. Czaplewski did not know how the access would be relocated once the state project is done. Referring to the map, Czaplewski pointed out the entrance to the apartments, and that is where it will be after Sun Valley is realigned. Gus Ponstingl of Ross Engineering also explained the access at the map. They do not know what will happen with the tow lot. The owner of the property to the west and south of the tow lot is Chameleon and they have granted an easement to the city for access.

Pearson sought confirmation that there is no net rise in the floodplain. Czaplewski stated that there is a condition on the community unit plan requiring compensatory storage to replace lost floodplain storage, and they will do that at a one-to-one ratio. Devin Biesecker of Public Works explained that the Salt Creek floodplain is very complicated. Public Works had thought about having the developer show no net rise, but you can get very close to no net rise with compensatory storage, and without doing modeling, compensatory storage is the next best thing. They are offsetting fill in the floodplain with an excavated portion of fill. Without doing the modeling, he could not say whether it is “no net rise”, but it does meet all of the city’s existing requirements.

Pearson inquired as to who would have to provide the modeling. Biesecker stated that the city usually asks the developer to do the modeling. Pearson inquired further as to what Biesecker means when he says that “compensatory storage is close to no net rise”. Biesecker stated that in the new draft floodplain standards for new growth areas, it is being proposed that development use compensatory storage, and they can do this without doing modeling if the storage mimics the original functions of the floodplain.

CHANGE OF ZONE NO. 3421

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 18, 2004

Taylor moved approval, seconded by Marvin and carried 7-1: Pearson, Krieser, Carroll, Sunderman, Marvin, Taylor and Bills-Strand voting ‘yes’; Carlson voting ‘no’; Larson absent. This is a recommendation to the City Council.

SPECIAL PERMIT NO. 1928A

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 18, 2004

Taylor moved to approve the staff recommendation of conditional approval, with the revisions submitted today, seconded by Marvin and carried 6-2: Krieser, Carroll, Sunderman, Marvin, Taylor and Bills-Strand voting ‘yes’; Pearson and Carlson voting ‘no’; Larson absent. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 03011, OUTFIELD PARK

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: February 18, 2004

Carroll moved to approve the applicant’s revised submittal, with the revised conditions of approval as submitted by the staff today, seconded by Marvin and carried 6-2: Krieser, Carroll, Sunderman, Marvin, Taylor and Bills-Strand voting ‘yes’; Pearson and Carlson voting ‘no’; Larson absent. This is a recommendation to the City Council.

Craig Dickerson

From: Gus Ponstingl [GPonstingl@rossengineering.com]
Sent: Tuesday, February 10, 2004 9:14 AM
To: "Ron Ross"; "Barb Harrigan"
Cc: Gary Fairchild; Craig Dickerson
Subject: RE: Sterling U and Outfield Park #129802-P

Ron: We have finished with our revisions to the Commercial area to the north. The Site Plan is updated and was delivered to Dennis this morning, and also to Greg Cz. We wanted to make sure they could look at it during their morning meeting. I've mentioned the connection to the Private Roadway entrance from the 7.5 acres, as well as several other changes:

Here's the body of the letter I sent with the drawings:

Dear Greg:

We are modifying Outfield Park Preliminary Plat with the following revisions and corrections based on the comments we received from the Planning Department and the Planning Commission.

Revisions:

1. The S-shaped Private Street that ran thru the commercial area to the north has been modified to now connect to the entrance for Sterling University. The site plan shows a potential layout of commercial development along this private street. 2. A second bus stop has been added at the corner of Driveway E and Driveway B. 3. The first bus stop was moved one block east. 4. The Entrance Monument sign has been moved to the center of the median of the entrance to Phase 2. 5. The commercial area north of Dinerstein's. 6. The Mail Kiosk was accidentally removed from the previous CUP and PP, and it has been added to the drawing. 7. A portion of West Charleston Street is now shown widened by six feet, to make this 39 feet wide at First Street in order to make enough space for a turn lane. 8. Two of the Townhouse structures were swapped: the four-plex was swapped with a six plex to reduce the amount of parking required next to the wetland. One six-plex was shifted away from the existing Wetland to avoid needing retaining walls. 9. The retaining walls were deleted, and the sidewalks have been pulled closer to the apartments to avoid the wetlands. If they are needed, small retaining walls will be utilized to maintain the 25-foot buffer around the wetland. 10. The Grading Plan will be revised around wetland to have 2 to 1 slopes to avoid impacting the wetland. 11. Several parking lots were shortened and many parking stalls were removed order to maintain a 25 feet buffer next to the adjacent Wetland. 12. Line Drive (aka NW 2nd Street) is shown widened to 33-feet south of the Tow Lot Private Street, which is on the south tract of the Preliminary Plat. It tapers to 27-feet as it enters the residential area of Sterling University. 13. The landscape Buffer for H-3 is now shown on Preliminary Plat. It is a 30-foot screening around the outlots to the north and south of Sterling University Phase 2.

We have included four drawings of the site plan. Let me know if you have any questions.

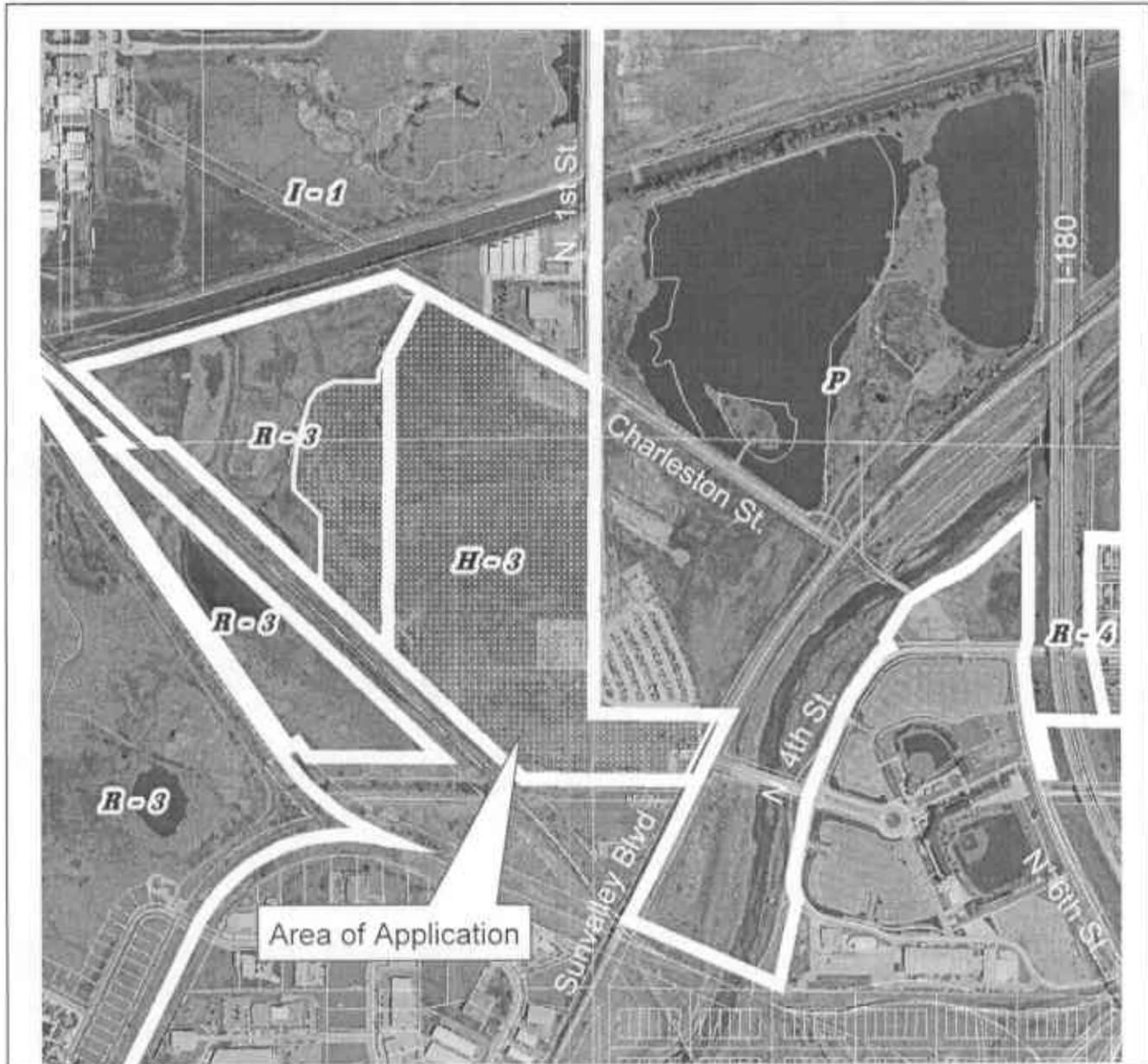
-----Original Message-----

From: Ron Ross
Sent: Tuesday, February 10, 2004 8:35 AM
To: Gus Ponstingl; Barb Harrigan
Cc: 'garyf@dmcmgmt.com'; 'craig@dmcmgmt.com'
Subject: Sterling U and Outfield Park #129802-P



I spoke with Dennis this morning concerning the following:

1. Dennis talked with Wastewater Department and the existing lift station is adequate for Phase II of Sterling U and for Outfield Park.
2. He is OK with the Public water being over the Private water main and the



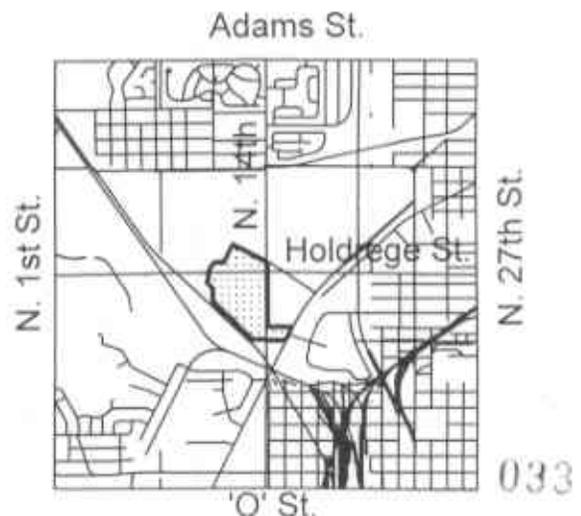
2002 aerial

**Preliminary Plat #03011
Outfield Park
N. 1st & Charleston St.**

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

Four Square Miles
 Sec. 15 T10N R6E
 Sec. 22 T10N R6E
 Sec. 23 T10N R6E
 Sec. 14 T10N R6E



PRELIMINARY PLAN

SITE PLAN NOTES

1. The site is located on the east side of the city of Oshkosh, Wisconsin, near the intersection of State Street and the railroad tracks.
2. The site is bounded on the north by the railroad tracks, on the east by the city street, on the south by the city street, and on the west by the city street.
3. The site is divided into lots as shown on the plan.
4. The lots are to be used for residential purposes.
5. The lots are to be developed in accordance with the city zoning ordinance.
6. The lots are to be developed in accordance with the city subdivision ordinance.
7. The lots are to be developed in accordance with the city street ordinance.
8. The lots are to be developed in accordance with the city utility ordinance.
9. The lots are to be developed in accordance with the city fire ordinance.
10. The lots are to be developed in accordance with the city health ordinance.
11. The lots are to be developed in accordance with the city safety ordinance.
12. The lots are to be developed in accordance with the city general ordinance.

LOT SUMMARY

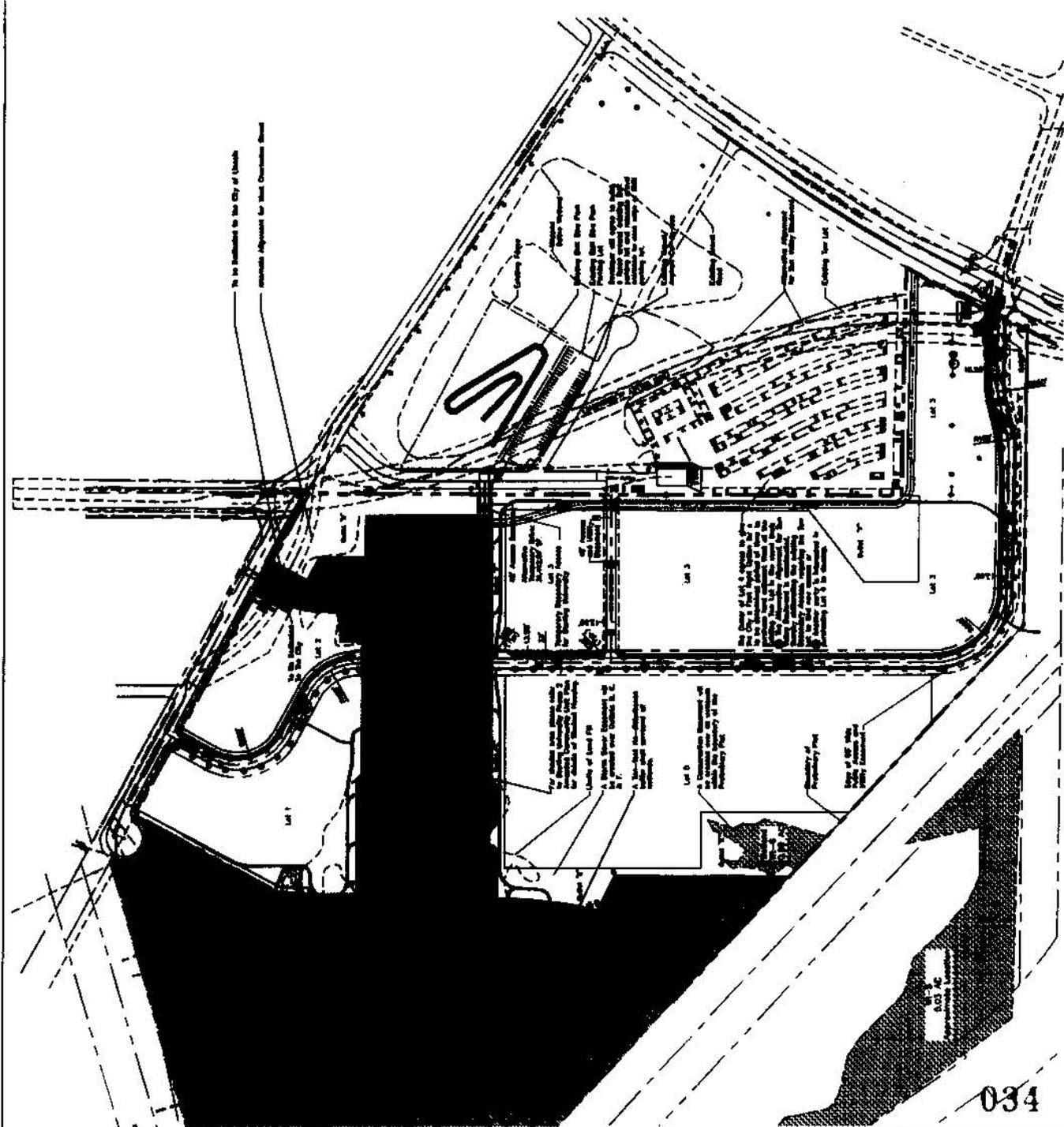
Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
Lot 1	10,000	10,000	10,000
Lot 2	10,000	10,000	10,000
Lot 3	10,000	10,000	10,000
Lot 4	10,000	10,000	10,000
Lot 5	10,000	10,000	10,000
Lot 6	10,000	10,000	10,000
Lot 7	10,000	10,000	10,000
Lot 8	10,000	10,000	10,000
Lot 9	10,000	10,000	10,000
Lot 10	10,000	10,000	10,000
Lot 11	10,000	10,000	10,000
Lot 12	10,000	10,000	10,000
Lot 13	10,000	10,000	10,000
Lot 14	10,000	10,000	10,000
Lot 15	10,000	10,000	10,000
Lot 16	10,000	10,000	10,000
Lot 17	10,000	10,000	10,000
Lot 18	10,000	10,000	10,000
Lot 19	10,000	10,000	10,000
Lot 20	10,000	10,000	10,000

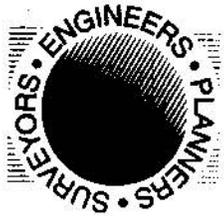
TREE LEGEND

Symbol	Tree Name	Planting Date	Planting Location
○	Maple	1950	Lot 1
○	Oak	1950	Lot 2
○	Pine	1950	Lot 3
○	Elm	1950	Lot 4
○	Birch	1950	Lot 5
○	Poplar	1950	Lot 6
○	Willow	1950	Lot 7
○	Sycamore	1950	Lot 8
○	Hickory	1950	Lot 9
○	Walnut	1950	Lot 10
○	Cherry	1950	Lot 11
○	Apple	1950	Lot 12
○	Peach	1950	Lot 13
○	Plum	1950	Lot 14
○	Apricot	1950	Lot 15
○	Orange	1950	Lot 16
○	Lemon	1950	Lot 17
○	Lime	1950	Lot 18
○	Grape	1950	Lot 19
○	Strawberry	1950	Lot 20

CURVE DATA

Station	Radius (ft.)	Angle (deg.)	Chord (ft.)	Offset (ft.)
1+00	100	90	100	0
1+50	100	90	100	0
2+00	100	90	100	0
2+50	100	90	100	0
3+00	100	90	100	0
3+50	100	90	100	0
4+00	100	90	100	0
4+50	100	90	100	0
5+00	100	90	100	0
5+50	100	90	100	0
6+00	100	90	100	0
6+50	100	90	100	0
7+00	100	90	100	0
7+50	100	90	100	0
8+00	100	90	100	0
8+50	100	90	100	0
9+00	100	90	100	0
9+50	100	90	100	0
10+00	100	90	100	0

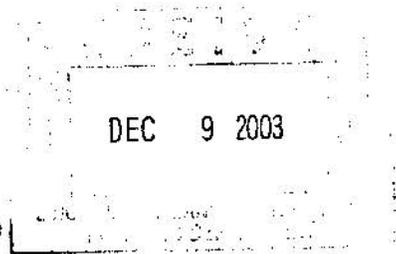




ROSS
Engineering,
Inc.

December 8th, 2003

Mr. Marvin Krout, AICP
Planning Director
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508



Re: Outfield Park Preliminary Plat
Lincoln, Nebraska
No. 1st Street and West Charleston Avenue
REI Project No. 129802-Q

ESTABLISHED
1974

*Innovative
Designs
For the
Future of
Tomorrow*

Ladies and Gentlemen of the Planning Commission:

On behalf of Chameleon and Co. and Dr. Robert White, we are submitting an Application for Outfield Park Preliminary Plat. The Preliminary Plat total area is 60.572 acres and is zoned R-4 & R-5

North Tract: The tract of land to the north of Sterling University Phase 2 consists of Lots 1 & 2, and Outlot A & B. This tract is foreseen as developing commercially. The location of Line Drive will be determined in part by the type of commercial uses that are eventually developed. Line Drive will connect from West Charleston Street to either Drive C or Drive D. The drawing shows Line Drive connecting at Drive C. Some potential future commercial development may include a fast food restaurant, a sit down restaurant, a convenient store and gas station, and a retail strip mall.

Middle Tract: The middle tract consists of Lot 3 & 4. Lot 4 will be part of the Phase 2, Sterling University Apartments. This plan was submitted previously as part of an Amended CUP. We are submitting this Preliminary Plat as a condition of getting the Amended CUP approved.

A General Description of Sterling University: Sterling University Phase 2 adds 461 bedrooms and a clubhouse with other amenities including a swimming pool, basketball court and volleyball court. The apartment complex will add 110 four-bedroom units, 60 two-bedroom units, plus one single bedroom unit for a caretaker. The proposed amendment to the apartment complex also targets college students. We have previously requested a change of zone from H-3 to R-3 for the portion of Phase 2 that is located on the Chameleon and Company property. For more details about the Amended CUP, please see the previous submittal.

South Tract

The South tract of land consists of Lots 5 & 6, and Outlot C.

Line Drive:

Line Drive would extend from the current signaled intersection near Haymarket Park over to and thru Sterling University Phase 2 at Drive C. This Private Street would be a 27-foot wide 6-inch deep Asphaltic paving, with Concrete Curb and Gutter. Three scenarios are possible for Future development of the 35 acre South Tract of land which directly affect the location of Line Drive and the method in which it is developed. These scenarios may or may not happen and are only meant to help give guidance to the City in evaluating possible future events that might affect the construction costs of Line Drive.

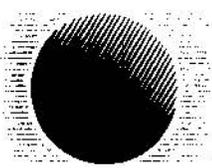
A. The City Expands the Tow Lot West.

In the event the City decides to expand the Tow Lot to the west of its current location, the City would negotiate to buy land from Chameleon and Co. The cost of constructing Line Drive for the Tow Lot access would be included in the sale of the land. Dinerstein and Co. agrees to negotiate

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678

www.rossengineering.com

035



DEC 9 2003

the percent of shared responsibility to extend the road north from the northern edge of the expanded Tow Lot to Sterling University Phase 2 with Chameleon and Co. in the event that the secondary access for Sterling University Phase 2 is closed by the construction of the Alternative Alignment of Sun Valley at First Street. That agreement will be included with the approved Final Plat.

The NDOR is required to replace the access they close when constructing new roads, therefore the NDOR will be responsible to replace the Tow Lot access to W. Charleston Street if the Alternative Alignment of Sun Valley is Constructed at First Street. The City's Tow Lot access would be moved to Line Drive. The NDOR has agreed to work with Chameleon and Co. and the City of Lincoln to determine the percent of its share to construct Line Drive. The NDOR has requested that Sterling University sign an agreement relieving the State of any responsibility to replace the secondary access at the BMX bike path and Tow Lot Drive. A copy of this agreement will be included with the Final Plat.

B. The City Moved the Tow Lot to a New Location

In the event the City decides to move the Tow Lot to a different part of town, Chameleon & Co will agree to negotiate with the City to give access to the City's property (the Car Tow Lot and Park land that now exists) from Line Drive. Dinerstein and Co. agrees to negotiate the percent of shared responsibility to extend the road north from the intersection of Line Drive and Sun Valley Blvd. to Sterling University Phase 2 with Chameleon and Co. in the event that the secondary access for Sterling University Phase 2 is closed by the construction of the Alternative Alignment of Sun Valley at First Street. That agreement will be included with the approved Final Plat.

The NDOR is required to replace the access they close when constructing new roads, therefore the NDOR will be responsible to replace the Tow Lot access to W. Charleston Street if the Alternative Alignment of Sun Valley is Constructed at First Street. The City's Tow Lot access would be moved to Line Drive. The NDOR has agreed to work with Chameleon and Co. and the City of Lincoln to determine the percent of its share to construct Line Drive. The NDOR has requested that Sterling University sign an agreement relieving the State of any responsibility to replace the secondary access at the BMX bike path and Tow Lot Drive. A copy of this agreement will be included with the Final Plat.

C. Chameleon and Co.'s Property is Developed or Sold to a Third Party

If a third party is interested in buying and developing Lot 6 of Outfield Park Preliminary Plat, or if Chameleon and Co. decides to develop Lot 6, Chameleon and Co will agree to negotiate with the City for first right of purchase for a to-be-determined portion of Lot 6. All future owners of the Chameleon and Co. property will agree to construct Line Drive such that it connects with Sterling University Phase 2 at Drive C, or some other place agreeable to Sterling University and the City of Lincoln.

Floodplain:

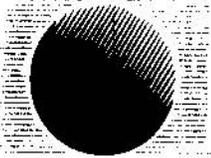
The proposed development lies within the 100-Year Floodplain. There will be minimal fill required for the Sterling University property due to excavation on site in the northwest corner and within the adjacent 17 acres. There will be some trucked in material for the south tract. We foresee that only the building envelopes will be filled in. The owner has recently filled in the north tract, and no additional fill will be needed.

Wetland:

Wetlands exist within the boundary of the Preliminary Plat. For Phase 2; the Dinerstein Companies retained GSI Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the added parcels. The proposed development will not impact the existing wetlands. The developer has incorporated the wetlands in the site plan so as not to disturb any of the wetlands.

Landfill:

Both the North and South Tracts of the Preliminary Plat were used for solid waste disposal by the City of Lincoln. GSI has performed a limited Electromagnetic Survey to identify the limits of the landfill, as well as dug test pits to confirm this finding. The limits of the landfill are



identified on Sheet 11 of the Amended CUP. We are reasonably confident that most of the north and south tracts have landfill. This landfill will be left undisturbed when ever possible. In order to support Line Drive, a Geo-technical fabric will be used over the landfill. This fabric will in affect bridge the landfill material. The fabric is used in swamps and other nearly undevelopable places to give road supports.

Sanitary Sewer:

There is an existing 10-inch sanitary sewer main on Charleston Street. An 8-inch sanitary sewer main will be extended through Phase 2 over to Lot 6. A Force Main will then service Lot 5. The sanitary sewer main within the Phase 2: Sterling University will be private.

Storm Sewer:

The 24" x 48" concrete box culvert was changed to a 29" x 45" storm sewer pipe, under the Drive E just east of Wetland 3, between the north half of Phase II and the south half of Phase II. It is 50 feet long with concrete headwall on the west side and an Outlet Control Structure on the east side. Draw the Outlet Control Structure about 5' wide and 4' deep. It will have an open top and will also have a vertical weir in the back face of this rectangular structure, to let varying amounts of storm water runoff in.

The pedestrian bridge was omitted between Sterling University Phase 1 and Phase 2, and a new 30" storm sewer pipe was added. The bridge is no longer necessary with the addition of this pipe.

Water:

The water main will extend west along Line Drive from Sun Valley Blvd. over to the access drive for the Tow Lot Building. It will be 6-inch water main, and will connect with the existing water main along the Tow Lot Drive. The water will Loop thru the South Tract and back to Charleston Street. The North Tract will have access to water directly from West Charleston Street.

Alternative Alignment:

The Alternative Alignment for Sun Valley Boulevard is shown on all drawings. The design of Sterling University Phase 2 took into account the recommendations of The Nebraska Department of Roads. The Nebraska Department of Roads Access Committee was requested to grant access to the south Tract, and that access was granted September 2nd, 2003.

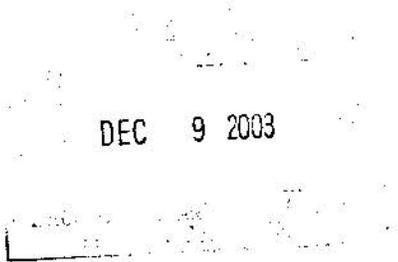
Waivers:

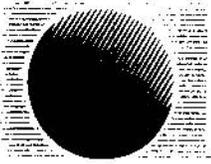
Due to the existing wetlands, close proximity to Oak Creek, and the open space, we feel a detention pond is not warranted. Storm water will surface drain throughout the complex. The majority of the area will surface drain into limestone sedimentation basins and then into open areas.

Sidewalks: We request a waiver to the requirement for sidewalks on both sides of the private street due to the development being a commercial development.

Included with this submittal are the following:

- A) Preliminary Plat Application
- B) Exhibit A: Legal Description of Preliminary Plat
- C) Supplemental to Preliminary Plat Application
- D) Plans
 - 1. Cover Sheet 21 copies
 - 2. Existing Topographic Site Plan (1) 4 copies
 - 3. Site Plan & Landscape Plan 24 copies
 - 4. Grading Plan 4 copies
 - 5. Drainage Area Plan 4 copies
 - 6. Street Profile 4 copies

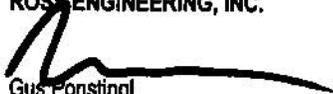




7. Utility Plan 4 copies
- E) Application Fee Check in the amount of \$ 850.00
- | | |
|---------------------------|-----------------|
| Preliminary Plat Base Fee | \$500.00 |
| Fee per Lot (\$50): | \$350.00 |
| Total PP Fee: | \$850.00 |
- F) Soils Map and Description

Sincerely,

ROSS ENGINEERING, INC.



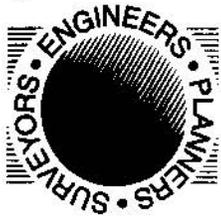
Gus Ponstingl
Senior Planner

cc: Gary Nichol森, Craig Dickerson,
Gary Fairchild, John Watson

129802L77.doc

DEC 9 2003

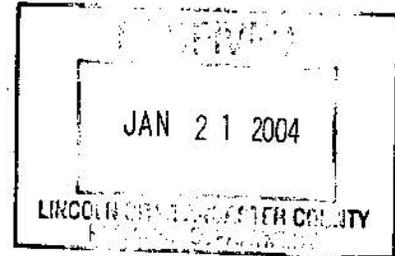
038



ROSS
Engineering,
Inc.

January 14, 2004

Mr. Marvin Krout, AICP
Planning Director
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508



Re: Outfield Park Preliminary Plat Conditions of Approval
Lincoln, Nebraska
No. 1st Street and West Charleston Avenue
REI Project No. 129802-P

ESTABLISHED
1974

*Innovative
Designs
For the
Future of
Tomorrow*

Dear Marvin;

On behalf of Chameleon and Co. and Dr. Robert White, we are requesting the following additions and Waivers for Outfield Park Preliminary Plat.

1. The Public water main through Outfield Park Preliminary Plat, according to City code, must be along a Private Roadway or Street. We would like to suggest adding a Condition of Approval for the Preliminary Plat, which states:

"The Public Water main should be located adjacent to a Private Roadway, within a Public Access Easement. The portion of drive adjacent to the Public Water Main shall be modified to meet Private Roadway design standards and labeled as a Private Roadway on the Preliminary Plat.

In order to accomplish this, we would simply need to widen the 100-foot long east-west segment of drive from 25 feet to 27 feet, remove 1 parking stall and label both the entrance drive and the segment of east-west roadway just west of the entrance as a Private Roadway on the Site Plan, and include Private Roadway names.

2. We request a Condition of Approval of the Amended C.U.P. Sterling U: Phase 2, which states:

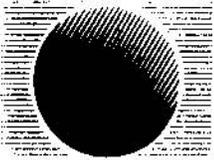
"A Temporary Secondary Emergency Access Drive from Sun Valley Blvd to the south side of Sterling University Phase 2, be allowed to provide a secondary connection until development occurs on a lot south of Sterling University. The Temporary Secondary Emergency Access Drive shall be 18 feet wide, and include 9" of stripping, a geosynthetic textile membrane, 18" to 24" of compacted fill material, 6" of crushed recycled concrete base course, 4" of crushed limestone rock and 2" of chipped limestone surface course, all rolled and compacted."

When actual Commercial Development occurs within Outfield Park, this road would be widened to 27 feet wide, and constructed with 4" to 6" of asphaltic concrete surface course, to meet the requirements of a Private Roadway. Since future Development will more than likely start at Sun Valley Blvd and continue west and north, this allows the widening and asphaltic concrete surface course to be added as development actually occurs in the future, and as the Developer needs it and can pay for it.

As a side note: Chameleon and Company may construct this road at the same time Sterling University: Phase 2 is constructed, in order to take advantage of less expensive dirt, and to utilize the economy of scale afforded from having a Site Grading Contractor on site doing all of the work for Phase 2. Also, Chameleon and Co. shall agree to give The Dinerstein Companies an Access Easement in the location of Line Drive until the land is platted. At the time of platting, a Private Roadway will be built within an outlot and a Public Access Easement will be dedicated over the entire outlot.

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678

www.rossengineering.com



3. Waivers:

Detention: We are deleting the waiver request for providing detention. We have added a detention cell per the request of the Public Works Department. We are including a slightly modified location for the pond. It will hold the same amount of water, but due to a request from the Developer to preserve a larger prime piece of land, we made it narrower and orientated the cell along the west side of the Tow Lot Parking Lot.

Sidewalks: We request a waiver of sidewalks on both sides of the Private Roadways, to be only on one side of the Private Roadways. This request is due to the nature of this Commercial Development and the large lot areas which are in excess of 3 acres.

Water Main: We request a waiver to the requirement that Public Water Main be located along a Private or Public Street. A small portion of the Public Water Main runs along a Private Driveway due to the close proximity of the Public Water Main bringing water into Sterling University Phase 2.

Sincerely,

ROSS ENGINEERING, INC.

Gus Ponstingl
Senior Planner

cc: Gary Nicholson, Craig Dickerson,
Gary Fairchild, John Watson

129802L107.doc

Exhibit A

DEC 9 2003

LEGAL DESCRIPTION AREA OF PRELIMINARY PLAT

A legal description of Lots 81 and 87 Irregular Tracts, located in the Southeast Quarter of Section 15; Lots 263 and 303 Irregular Tracts, located in the Northeast Quarter of Section 22 and Lot 71 Irregular Tract, located in the Southwest Quarter of the Northwest Quarter of Section 23, all located in Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Beginning at a found LCSM Aluminum Cap, being the Northeast Corner of Section 22, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska and also said point is the Southeast Corner of Lot 81 Irregular Tract, located in the Southeast Quarter of Section 15, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska or the Northeast Corner of Lot 263 Irregular Tract of said Section 22; Thence S 00°17'17" W, (an assumed bearing), and on the East Line of the Northeast Quarter and Lot 263 Irregular Tract of said Section 22, a distance of 1342.84 feet to a found 5/8" rebar, being the East One-Sixteenth Corner of the Northeast Quarter of said Section 22 or the Northwest Corner of Lot 71 Irregular Tract of Section 23, Township 10 North, Range 6 East of the Sixth Principal Meridian, Lancaster County, Nebraska; Thence S 88°50'02" E, and on the North Line of the Southwest Quarter of the Northwest Quarter and Lot 71 Irregular Tract of said Section 23, a distance of 615.90 feet to a set 5/8"x30" rebar, being the Northeast Corner of Lot 71 Irregular Tract of said Section 23 and also said point is on the Westerly Right-of-way Line of Highway No. 6, (aka Sun Valley Boulevard), and also on a curve to the left; Thence on a curve to the left, and on the Easterly Line of Lot 71 Irregular Tract of said Section 23 or the Westerly Right-of-way Line of said Highway No. 6, having a radius of 5789.65 feet, an arc length of 243.04 feet and a central angle of 02°24'19", with a chord bearing of S 28°19'27" W, a chord distance of 243.02 feet to a found 3/4" Square Pipe, being the Point of Non-Tangency; Thence S 27°03'40" W, and on the Easterly Line of Lot 71 Irregular Tract of said Section 23 or the Westerly Right-of-way Line of said Highway No. 6, a distance of 125.89 feet to a found 3/4" Square Pipe, being the Southeast Corner of Lot 71 Irregular Tract of said Section 23 and also said point is on the Northerly Right-of-way Line of the Missouri Pacific Railroad; Thence N 89°24'12" W, and on the South Line of Lot 71 Irregular Tract of said Section 23 and Lot 263 Irregular Tract of said Section 22 or the Northerly Right-of-way Line of said Missouri Pacific Railroad, a distance of 792.51 feet to a found 3/4" Square Pipe, being the Southwest Corner of Lot 263 Irregular Tract of said Section 22 and also said point is on the Easterly Right-of-way Line of Union Pacific Railroad; Thence N

46°57'37" W, and on Westerly Line of Lots 263 and 303 Irregular Tracts of said Section 22 or the Easterly Right-of-way Line of said Union Pacific Railroad, a distance of 1377.23 feet to a set 5/8" rebar, being the Southwest Corner of Lot 303 or the Southeast Corner of Lot 302 Irregular Tracts of said Section 22; Thence N 00°19'08" E, and on the East Line of Lot 302 or the West Line of Lot 303 Irregular Tracts of said Section 22, a distance of 347.43 feet to a found 5/8" rebar; Thence N 45°56'35" W, and on the East Line of Lot 302 or the West Line of Lot 303 Irregular Tracts of said Section 22, a distance of 184.96 feet to a found 5/8" rebar; Thence N 00°00'47" E, and on the East Line of Lot 302 or the West Line of Lot 303 Irregular Tracts of said Section 22, a distance of 81.49 feet to a found 5/8" rebar; Thence N 06°11'19" E, and on the East Line of Lot 302 or the West Line of Lot 303 Irregular Tracts of said Section 22, a distance of 136.51 feet to a found 5/8" rebar; Thence N 16°38'01" E, and on the East Line of Lot 302 or the West Line of Lot 303 Irregular Tracts of said Section 22, a distance of 21.10 feet to a found 5/8" rebar, being the Southeast Corner of Lot 86 or the Southwest Corner of Lot 87 Irregular Tracts of said Section 15 or the Northeast Corner of Lot 302 or the Northwest Corner of Lot 303 Irregular Tracts of said Section 22; Thence continuing on the last described course, N 16°38'01" E, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 200.74 feet to a found 5/8" rebar; Thence N 35°37'57" E, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 66.18 feet to a found 5/8" rebar; Thence N 61°39'46" E, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 88.04 feet to a set 5/8" rebar; Thence N 89°59'38" E, and on the South Line of Lot 86 or the North Line of Lot 87 Irregular Tracts of said Section 15, a distance of 229.78 feet to a found 5/8" rebar; Thence N 00°16'21" E, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 65.82 feet to a found 5/8" rebar; Thence N 28°29'31" E, and on the East Line of Lot 86 or the West Line of Lot 87 Irregular Tracts of said Section 15, a distance of 433.54 feet to a found 5/8" rebar, being a point on a curve to the right and on the Southerly Right-of-way Line of Charleston Street; Thence on a curve to the right, and on the Southerly Right-of-way Line of said Charleston Street, having a radius of 20.00 feet, an arc length of 16.97 feet and a central angle of 48°37'17", with a chord bearing of S 85°49'05" E, a chord distance of 16.47 feet to a set 5/8" rebar, being the Point of Non-Tangency; Thence S 61°30'26" E, and on the Northerly Line of Lot 81 Irregular Tract of said Section 15 or the Southerly Right-of-way Line of said Charleston Street, a distance of 964.24 feet to a set 5/8" rebar, being the Northeasterly Corner of Lot 81 Irregular Tract and also said point is on the East Line of the Southeast Quarter of said Section 15; Thence S 00°19'49" W, and on the East Line of Lot 81 or the East Line of the Southeast Quarter said Section 15, a distance of 253.89 feet to the point of beginning and containing a calculated area of 2,638,513.91 square feet or 60.572 acres more or less.

J:\ADCADD\PI\129802\129802G02.doc

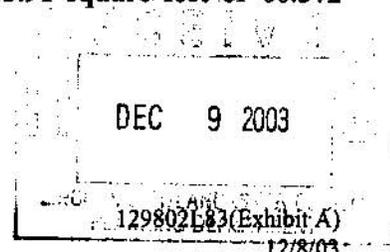


EXHIBIT B

SITE PLAN NOTES

1. The follow Future Alternatives are meant to help give guidance to the City in evaluating possible future events that might affect the Preliminary Plat.

A. The City Expands the Tow Lot West.

In the event the City decides to expand the Tow Lot to the west of its current location, the City would negotiate to buy land from Chameleon and Co. The cost of constructing Line Drive for the Tow Lot access would be included in the sale of the land. Dinerstein and Co. agrees to negotiate the percent of shared responsibility to extend the road north from the northern edge of the expanded Tow Lot to Sterling University Phase 2 with Chameleon and Co. in the event that the secondary access for Sterling University Phase 2 is closed by the construction of the Alternative Alignment of Sun Valley at First Street. That agreement will be included with the approved Final Plat.

The NDOR is required to replace the access they close when constructing new roads, therefore the NDOR will be responsible to replace the Tow Lot access to W. Charleston Street if the Alternative Alignment of Sun Valley is Constructed at First Street. The City's Tow Lot access would be moved to Line Drive. The NDOR has agreed to work with Chameleon and Co. and the City of Lincoln to determine the percent of its share to construct Line Drive. The NDOR has requested that Sterling University sign an agreement relieving the State of any responsibility to replace the secondary access at the BMX bike path and Tow Lot Drive. A copy of this agreement will be included with the Final Plat.

B. The City Moved the Tow Lot to a New Location

In the event the City decides to move the Tow Lot to a different part of town, Chameleon & Co will agree to negotiate with the City to give access to the City's property (the Car Tow Lot and Park land that now exists) from Line Drive. Dinerstein and Co. agrees to negotiate the percent of shared responsibility to extend the road north from the intersection of Line Drive and Sun Valley Blvd. to Sterling University Phase 2 with Chameleon and Co. in the event that the secondary access for Sterling University Phase 2 is closed by the construction of the Alternative Alignment of Sun Valley at First Street. That agreement will be included with the approved Final Plat.

The NDOR is required to replace the access they close when constructing new roads, therefore the NDOR will be responsible to replace the Tow Lot access to W. Charleston Street if the Alternative Alignment of Sun Valley is Constructed at First Street. The City's Tow Lot access would be moved to Line Drive. The NDOR has agreed to work with Chameleon and Co. and the City of Lincoln to determine the percent of its share to construct Line Drive. The NDOR has requested that Sterling University sign an agreement relieving the State of any responsibility to replace the secondary access at the BMX bike path and Tow Lot Drive. A copy of this agreement will be included with the Final Plat.

C. Chameleon and Co.'s Property is Developed or Sold to a Third Party

If a third party is interested in buying and developing Lot 6 of Golfpark Preliminary Plat, or if Chameleon and Co. decides to develop Lot 6, Chameleon and Co will agree to negotiate with the City for first right of purchase for a to be determined portion of Lot 6.

All future owners of the Chameleon and Co. property will agree to construct Line Drive such that it connects with Sterling University Phase 2 at Drive C, or some other place agreeable to Sterling University and the City of Lincoln.

2. See Limits of Landfill Plan on Amended Community Unit Plan for exact location of Landfill; no landfill shall be located within the Limits of the Community Unit Plan.

3. All Wetlands will be left in their natural condition and will be covered under conservation easements.

4. NDOR has approved access for Chameleon Property south of Phase 2 opposite Line Drive on Sun Valley Boulevard.

5. Outlots non-buildable.

LOT SUMMARY



ROSS Engineering, Inc.
PLANNERS • SURVEYORS • ENGINEERS

201 North 8th Street
 Suite 401
 Lincoln, NE 68508
 Phone 402-474-7677
 FAX 402-474-7678

No.	Revisions	Rev. Date

Scale 1"=100'
 Drawn BH
 Checked
 Approved *RET*

Project No. 129802Q
 File 129802PPS
 Date 12/08/03

NEBRASKA

Outfield Park Preliminary Plat #03011

February 4, 2004

Amendments to Conditions of Approval:

- 1.1.3 Revise the water system so the private line does not cross the public line, or agree to pay for any repairs on public or private systems.
- 1.1.4 ~~Revise the paving width of the private street through this development to conform to public street standards for commercial/industrial uses.~~ Provide 33' wide Private Roadway for 300-feet west of Sun Valley Boulevard, then narrow to 27-feet for the remainder of the distance to W. Charleston Street.
- 1.1.7 Provide ~~a 25'~~ an adequate buffer area for the wetlands on site as approved by the Lower Platte South Natural Resource District.
- 1.1.15 ~~Show that any fill in the flood plain below the 10 year water surface elevation will be compensated for below the 10 year water surface and the any fill above the 10 year water surface will be compensated for above the 10 year water surface.~~

Add the following New Paragraph:

4. Prior to getting a Building Permit the developer agrees to do the following:

- 4.1 Obtain a fill permit from the Building and Safety Department. (omit 1.2)
- 4.2 Obtain a 404 permit or a letter from the Army Corps of Engineers stating no permit is required. (omit 1.3)
- 4.3 Provide conservation easements over the delineated wetlands to prohibit fill in the wetlands and to maintain flood storage. (omit 1.4)
- 4.4 Provide pedestrian easement over Lot 1 and Outlot D for the sidewalk. (omit 1.5)
- 4.5 Submit a plan for the approval of the Director of Public Works and Utilities indicating how the developer will address concerns relating to the placement of utilities and paving within or over landfill material. (omit 1.6)
- 4.6 Submit a written agreement with the owner of the railroad for grading and discharge of storm water in the railroad right-of-way. (omit 1.7)
- 4.7 Demonstrate to the satisfaction of the Director of Public Works that any wetlands Retention (wet) ponds created by excavation follow the considerations for constructed wetlands Retention (wet) ponds in Chapter 8 of the City of Lincoln Drainage Criteria Manual. (omit 1.11)
- 4.8 Provide verification that the sanitary sewer lift station and force main serving this development have the necessary capacity to serve the drainage area. (omit 1.12)
- 4.9 Submit a plan for the approval of the Director of Lincoln-Lancaster County Health Department indicating how the developer will address the potential for methane gas exposure. (omit 1.13)



PHASE 2

PHASE 1

**AMENDED
COMMUNITY UNIT PLAN
FOR
STERLING UNIVERSITY
PHASE 2**



LEGEND

■	3-Story Apts
■	2-Story Apts
■	Clubhouse
■	Guard House
■	Volleyball/Basketball Courts
■	Wetlands



OAK LAKE

PHASE 1

PHASE 2

3
4

PHASE 3



PRELIMINARY PLAN FOR OUTFIELD PARK



LEGEND

[Symbol]	3-Story Apts
[Symbol]	2-Story Apts
[Symbol]	Clubhouse
[Symbol]	Guard House
[Symbol]	Holleyhall/Reservoir
[Symbol]	Courts
[Symbol]	Walkways

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director
1500 Highway 2
PO Box 94759
Lincoln NE 68509-4759
Phone (402)471-4567
FAX (402)479-4325
www.dor.state.ne.us

February 3, 2004



Miles Johanna
Governor

City of Lincoln Planning Department
Mr. Greg Czaplewski
555 South 10th Street
Lincoln, NE 68508

Re: Corridor protection
Outfield Park

Dear Mr. Czaplewski,

The Department of Roads does not have any objection to the proposed platting as submitted.

The area does remain under corridor protection and any building permit requests must be reviewed by the Department.

If you have any questions on this matter, please contact me at 479-4770.

Sincerely,

A handwritten signature in cursive script that reads "Frank Blankenau".

Frank Blankenau
Property Management Supervisor
Right of Way Division

047

#4

An Equal Opportunity/Affirmative Action Employer

printed on recycled paper



February 2, 2004

The Dinerstein Companies
6363 Woodway St.
Suite 1000
Houston Texas 77057

**RE: METHANE GAS RECOMMENDATIONS FOR STERLING
UNIVERSITY, NORTH 1ST STREET & CHARLESTON, LINCOLN,
NEBRASKA. GSI PROJECT 032190**

Dear Sirs:

Geotechnical Services, Inc. (GSI) has evaluated the concern regarding the potential for methane gas at the referenced site. A review of previous data on Phase II Environmental Site Assessments conducted on surrounding property indicated that methane gas was detected in a portion of property located west of the proposed site. For this reason our firm sampled and testing for the presents of methane gas during our investigation. Methane is a combustibile gas and is considered hazardous if the level exceeds 10% Lower Explosive Limit (LEL). Methane concentration levels on site were below 10% of the LEL.

During our investigation of the site, our firm used a portable methane gas detector to evaluate the existent of methane gas. No methane gas was detected at any of the borings or backhoe excavations there were not directly located in the rubble. The property that is to be obtained is either to be where no landfill rubble ever existed or small zones were the rubble that makes up the landfill will be replaced with well compacted silty clay soils.

As an added precaution, the structures on this site will be shielded by the existence of a passive barrier system. The development will have under each building at least 18 inches of well-compacted silty clay soils. This barrier will help impede the upward movement of any methane that may occur from any isolated or stray pockets of rubble.

The logo for Geotechnical Services, Inc. (GSI) features the letters "GSI" in a bold, serif font. To the left of the letters is a small square icon containing a stylized cross or plus sign.

GSI personnel should conduct monitoring for isolated pockets of rubble that may contain methane gas during grading operations. If any pockets of methane producing rubble are uncovered during grading operations they should be removed and placed with native silty clay soils and compacted as per the specifications for the project. GSI appreciates the opportunity to provide these services to you. If you have any questions please do not hesitate to contact our offices in Lincoln at any time.

Respectfully Submitted:
GEOTECHNICAL SERVICES, INC.

A handwritten signature in cursive script, appearing to read "Bill Arneson".

Bill Arneson, PE
Geotechnical Engineer
NE Reg. E-5883

Sterling University Community Unit Plan

Density Calculation

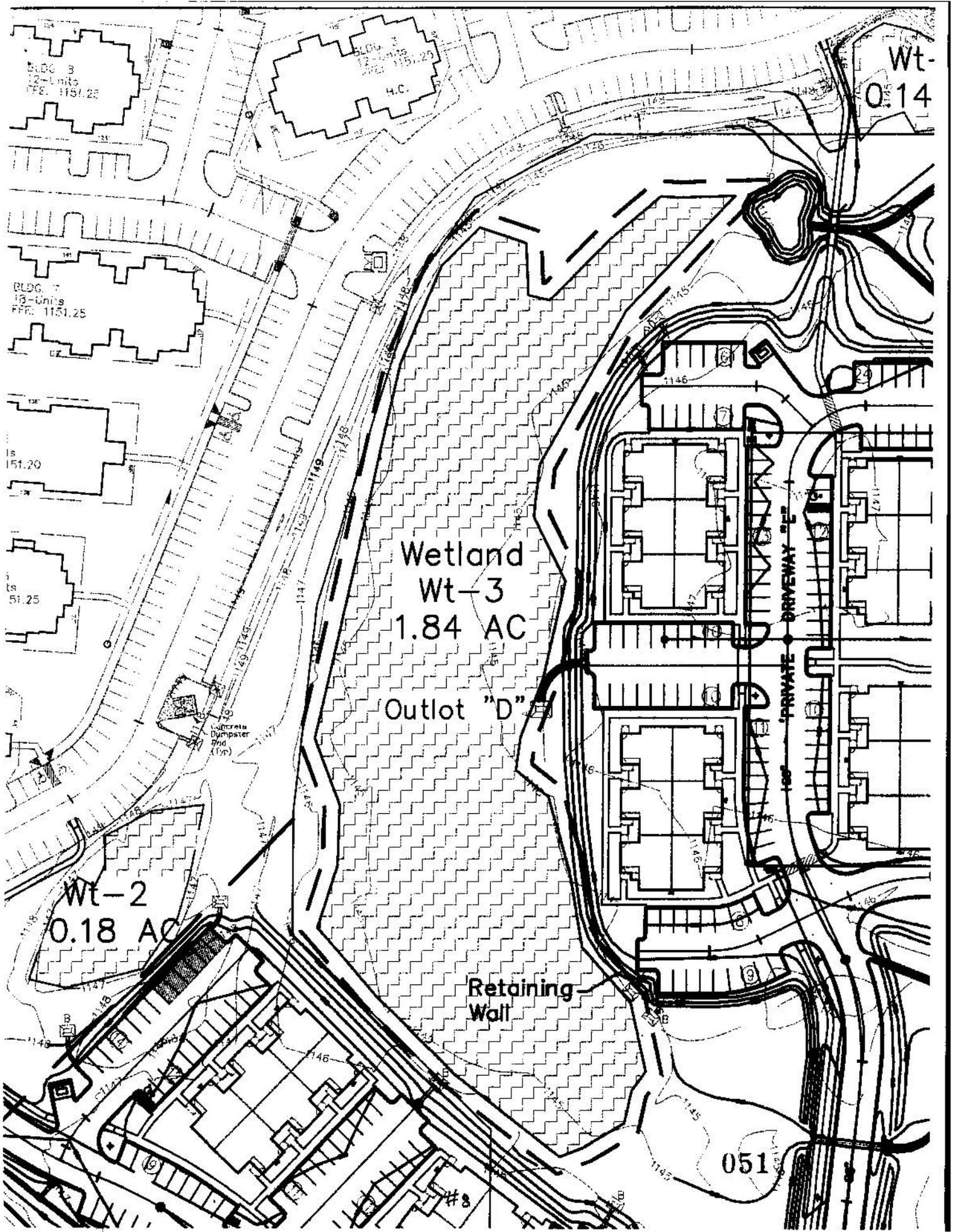
Phase 1:

<u>Description</u>	<u>Number of Units</u>	=	<u>Acres</u>
3 Bed/3 Bath	24 units / 6.96 Units/AC	=	3.448 AC
4 Bed/4 Bath	96 X 4 = 384 BEDROOMS X 2,000 SF / 43,560 SF per AC	=	17.631 AC
2 BDRM	36 / 6.96 units/AC	=	5.172 AC
1 Bed	1 / 6.96 Units/AC	=	0.144 AC
<hr/>			
TOTAL Phase 1:			26.395 AC

Phase 2:

<u>Description</u>	<u>Number of Units</u>	=	<u>Acres</u>
4 Bed/4 Bath	110 units X 4 = 440 Beds X 2,000 SF (bed)/ 43,560 SF/ AC	=	20.202 AC
2 Bedroom	60 / 6.96 units/AC	=	8.621 AC
1 Bed	1 / 6.96 Units/AC	=	0.144 AC
<hr/>			
TOTAL Phase 2:			28.967 AC
<hr/>			
Grand Total Land Required:			55.362 AC

Total Land in CUP 56.710 AC



Wt-0.14

Wetland
Wt-3
1.84 AC

Outlet "D"

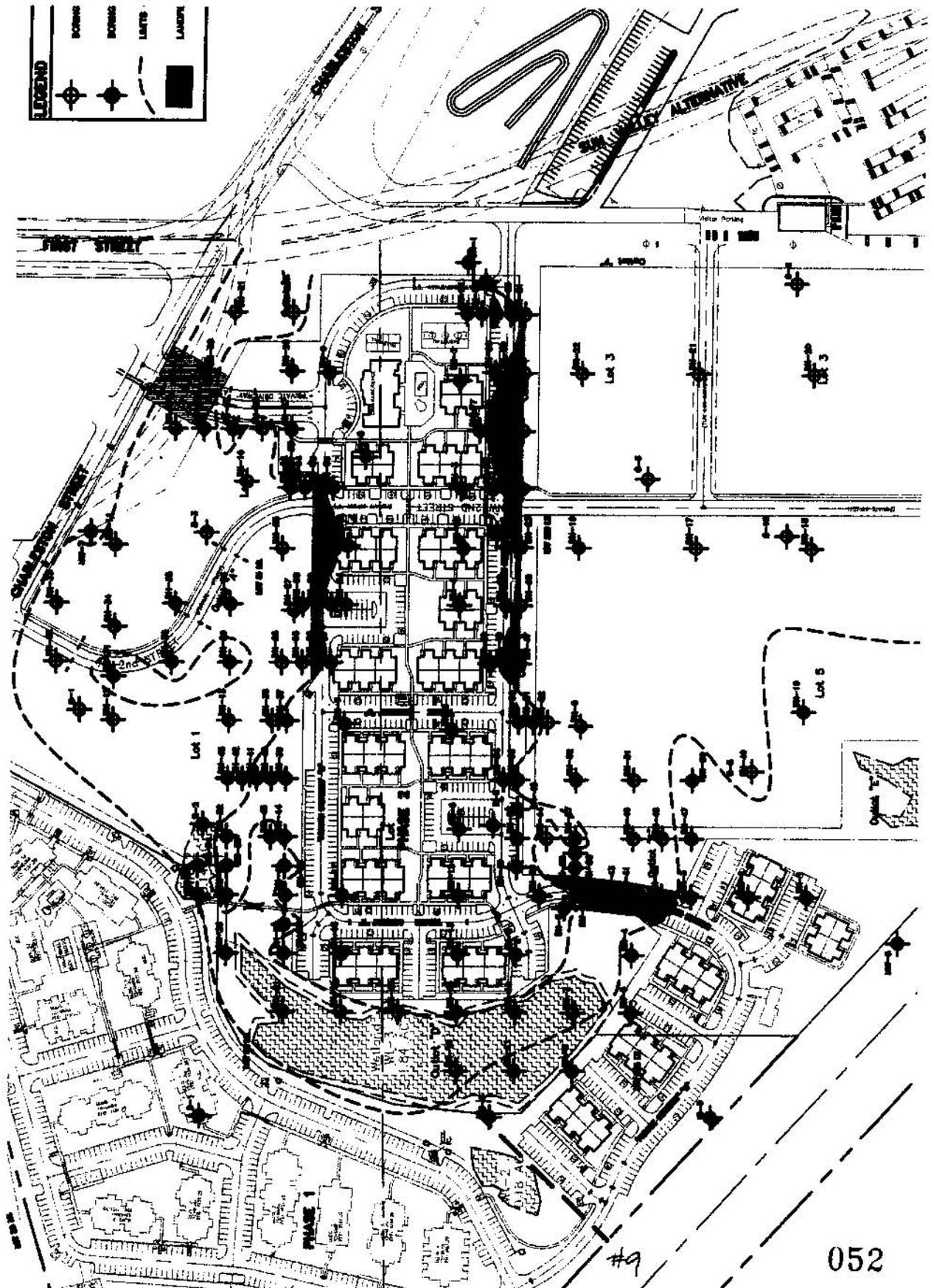
Wt-2
0.18 AC

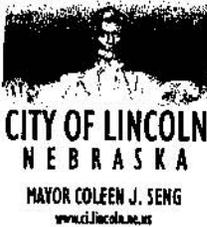
Retaining
Wall

PRIVATE DRIVEWAY "E"

051

LEGEND			
	DRIVE		DRIVE





**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

cc: Ross Engineering
Michael Rierden

MEMORANDUM

Date: February 11, 2004

To: Greg Czaplewski - Planning Dept.

From: Nicole Fleck-Tooze, Devin Biesecker

Subject: *Preliminary Plat #03011 Outfield Park
SP #1928A Sterling University Phase 2 CUP*

cc: Ann Harrell - Mayor's Office
Marvin Krout, Ray Hill - Planning Dept.
Allan Abbott, Ben Higgins, Dennis Bartels, Chad Blahak,
Buff Baker - Public Works & Utilities Dept.
Rick Peo - Law Dept.

The comments below are intended both to clarify issues raised by the Planning Commission at the February 4, 2004 public hearing as well as to reflect our discussion regarding floodplain issues with the applicant following deferral of these items by the Planning Commission.

1. **This area lies entirely within the floodplain of Salt Creek and Oak Creek.** Higher standards for *New Growth Areas* based upon the recommendations of the Floodplain Task Force have been drafted and are scheduled for public hearing on the March 31, 2004 Planning Commission agenda. **However, higher standards are not currently being proposed for the Existing Urban Area;** these are anticipated to be drafted at a later date as a second phase. Thus, our comments are based upon the current flood standards in place for the City of Lincoln.
2. We understand the **Sterling University CUP** proposes approximately 65,000 cubic yards of compacted fill in the floodplain and that this will be documented on the plans. While Compensatory Storage is not a required standard, **the applicant is willing to compensate for lost flood storage at a 1 to 1 ratio.** Compensatory storage is proposed to be achieved for the CUP by utilizing excavated material from the southwest area between the railroad tracks as fill material in the CUP.

Because this is not a present-day standard, we have agreed that this condition means replacing lost storage at a 1 to 1 ratio, but does not imply that proposed design standards

for New Growth Areas for this standard will be met. We have requested information regarding the **elevation of the permanent pool** in the excavated areas and documentation that the outlet structures for these "ponds" will be **designed to drain so that storage is available during a flood event**. The applicant has agreed to consider wetland plantings and other measures to **minimize concerns regarding mosquito breeding issues**. Ron Ross has committed to provide us information to review prior to the public hearing on 2/18.

3. **Condition 1.1.5 of the CUP** says "Revise the grading to show compensatory storage and no net rise." The applicant is not planning to model no net rise, it is not a required standard, and due to the complexity of this reach of the Salt Creek floodplain it is our opinion that it would be **impractical for the applicant to model No Net Rise**. Thus, we recommend that the condition be revised as follows: "Revise the grading to show compensatory storage and ~~no net rise~~." The applicant is willing to meet a compensatory storage standard as described above.
4. **Condition 1.1.15 of the Outfield Park Preliminary Plat** relates to design standards for meeting compensatory storage which have not been adopted. Thus, **we agree with the applicant that this condition should be deleted**. The condition was included in part to address concerns regarding the proposed storage available in the ponds; the applicant will address this issue separately as described in Item 2.
5. Based upon our meeting and a comparison of the grading plans and fill permits for Outfield Park Preliminary Plat, the plat shows less fill than the fill permits. We understand from the meeting that the applicant is **willing to include a note limiting the total amount of fill to no more than 25% beyond that which is shown** through the grading indicated, provided the location of the fill could be revised through administrative review if the location of building pads changes in the future.
6. We understand that plans are being revised to address concerns regarding a **buffer for the existing wetlands** to keep the grading outside of the wetlands.

Sent By: ; IN SUPPORT
SUBMITTED AT PUBLIC HEARING 240-331-7544;
BEFORE PLANNING COMMISSION: 2/04/04

Dec-22-03 11:29AM; Page 1/1

ITEM NO. 4.3a,b,c: CHANGE OF ZONE NO. 3421
SPECIAL PERMIT NO. 1928A
PREL. PLAT NO. 03011
(p.85 - Cont'd Public Hearing - 2/18/04)



North Bottoms Neighborhood Association

1223 North 9th Street, Suite 100 • Lincoln NE 68508 • 402-475-4950

December 5, 2003

Mr. Craig Dickerson
The Dinerstein Companies
6363 Woodway, Suite 1000
Houston TX 77057-1757

Dear Craig,

The North Bottoms Neighborhood Association would like to express our thanks to you and the Dinerstein Company for the efforts made to address the concerns of the neighborhood as it relates to your proposed phase II of the Sterling University Housing complex on West Charleston Street.

The North Bottoms Neighborhood board indicated two major concerns, one being the large student population in and around our neighborhood and the associated challenges, the other being the neighborhood's location within a floodplain.

To help mitigate these concerns and gain the support of the North Bottoms Neighborhood Association the Dinerstein Company has agreed to the following:

- Fill dirt will come from within the project site resulting in no net rise in the flood plain.
- A one time contribution of \$15,000 to help fund a police substation within the North Bottoms Neighborhood.
- Install street lighting and sidewalks along the west side of West Charleston Street between phases I & II.
- Shuttle buses will not travel via streets within the neighborhood except North 10th and Military Road.
- Adopt West Charleston Street for the purposes of regular litter pick up.
- Support the relocation of the city tow lot away from the area.
- Support the retention of a Belmont/North 10th street connection when Sun Valley Boulevard is reconfigured.
- Join the North Bottoms Neighborhood Association and support our efforts to improve this area of Lincoln.

The board of the North Bottoms Neighborhood Association voted to support your proposed phase II. We feel the project offers an opportunity to improve the area around Oak Lake. It provides good quality high density housing for students with a reasonable distance from our lower density residential areas.

We look forward to seeing the completion of your project!

Sincerely,


Ed Caudill - President
North Bottoms Neighborhood Association

ITEM NO. 4.3a,b,c: CHANGE OF ZONE NO. 3421
SPECIAL PERMIT NO. 1928A
Prel. Plat No. 03011
(p.85 and 107 - cont'd public hearing - 2/18/04)



Ed Caudill
<edcaudill@juno.com>
02/18/2004 11:41 AM

To: JWalker@ci.lincoln.ne.us
cc: mayor@ci.lincoln.ne.us, MKrout@ci.lincoln.ne.us,
RHill@ci.lincoln.ne.us, BWill@ci.lincoln.ne.us, RPeo@ci.lincoln.ne.us,
AHarrell@ci.lincoln.ne.us
Subject: NW1st & Charleston Items

Planning Commission Members:

Concerning today's agenda items change of zone #3421, special permit #1928A and preliminary plat #03011. It appears as if all the parties involved with these three items are acting together.

Please see the attached correspondence between the North Bottoms Neighborhood Association and the Dinerstein Company representative.

It would appear there may be some inconsistencies in what was promised and what the applicants are now proposing.

The North Bottoms Neighborhood would request the commissioners assistance in protecting the interest of the residents of this area of the city.

Thanks you for your consideration.

Ed Caudill - President
North Bottoms Neighborhood Association
1223 North 9th Street, Suite 100
Lincoln NE 68508

Phone: 402-475-4950 eFax: 240-331-7544 email: edcaudill@juno.com



NBNA_Dinerstein Ltr.px



North Bottoms Neighborhood Association

1223 North 9th Street, Suite 100 • Lincoln NE 68508 • 402-475-4950

December 5, 2003

Mr. Craig Dickerson
The Dinerstein Companies
6363 Woodway, Suite 1000
Houston TX 77057-1757

Dear Craig,

The North Bottoms Neighborhood Association would like to express our thanks to you and the Dinerstein Company for the efforts made to address the concerns of the neighborhood as it relates to your proposed phase II of the Sterling University Housing complex on West Charleston Street.

The North Bottoms Neighborhood board indicated two major concerns, one being the large student population in and around our neighborhood and the associated challenges, the other being the neighborhood's location within a floodplain.

To help mitigate these concerns and gain the support of the North Bottoms Neighborhood Association the Dinerstein Company has agreed to the following:

- Fill dirt will come from within the project site resulting in no net rise in the flood plain.
- A one time contribution of \$15,000 to help fund a police substation within the North Bottoms Neighborhood.
- Install street lighting and sidewalks along the west side of West Charleston Street between phases I & II.
- Shuttle buses will not travel via streets within the neighborhood except North 10th and Military Road.
- Adopt West Charleston Street for the purposes of regular litter pick up.
- Support the relocation of the city tow lot away from the area.
- Support the retention of a Belmont/North 10th street connection when Sun Valley Boulevard is reconfigured.
- Join the North Bottoms Neighborhood Association and support our efforts to improve this area of Lincoln.

The board of the North Bottoms Neighborhood Association voted to support your proposed phase II. We feel the project offers an opportunity to improve the area around Oak Lake. It provides good quality high density housing for students with a reasonable distance from our lower density residential areas.

We look forward to seeing the completion of your project!

Sincerely,

Ed Caudill – President
North Bottoms Neighborhood Association

057

Juno e-mail for edcaudill@juno.com printed on Tuesday, October 28, 2003, 1:06 PM

From: "Craig Dickerson" <Craig@dmcmgmt.com>
To: "Ed Caudill" <edcaudill@juno.com>
Cc: "Jack Dinerstein" <jackd@dmcmgmt.com>
Date: Mon, 27 Oct 2003 14:50:15 -0600
Subject: Proposed Housing Project

Mr. Caudill, thank you for the opportunity to discuss the proposed student housing project with the neighborhood board members last Tuesday night. I have consulted with the Dinerstein Company and have obtained responses to most of the questions that were asked at the neighborhood meeting. We strongly believe the proposed project will be an asset to the neighborhood, and will allow for an appropriate re-use of an unsightly and underutilized former land fill. The Dinerstein Company would greatly appreciate the boards support and suggest this be facilitated through a recommendation of approval letter. Please do not hesitate to contact me at (713) 570-0350 if you have any questions concerning the questions and responses referenced below. Thanks Again!

1. The neighborhood was very interested that there be a no net rise in the flood plain. As discussed, Dinerstein will be getting their fill from the ground adjacent to the site, which is West of the U.P. tracks, and there would be no net rise in the flood plain.
2. The Neighborhood express concern about college parties, they are extremely close to the college, and they get a lot of students in old converted single family homes. North Bottoms Neighborhood Association President Mr. Ed Caudill expressed a desire to have a Police substation in his neighborhood and asked Dinerstein to help fund a facility. The Dinerstein is willing to make a one time contribution to the City of Lincoln of \$10,000 to assist in funding a Police Substation to be located in the North Bottoms neighborhood. As mentioned at the neighborhood meeting, the Dinerstein Company is very sensitive about the police substation being a condition of approval.
3. The Neighborhood requested sidewalks and street lighting be installed along W. Charleston from Phase I to the new primary entrance of Phase II. The Dinerstein Company agrees with the neighborhood and would obligate itself to install street lighting and sidewalk improvements along the West frontage of W. Charleston between Phase I and Phase II.
4. The Neighborhood requested that Phase I adopt W. Charleston Street over to Sun Valley Boulevard, not just to First Street. The Dinerstein Company is currently working with the City of Lincoln to formally adopt W. Charleston Street from Phase I up to First Street. Maintaining the grounds from Phase I to First Street has been a substantial commitment in man power and man hours from the on-site management staff. Regrettably, the management staff simply does not have the on-site work force to continue operations up to Sun Valley Boulevard.
5. The Neighborhood would like support if the question of where the tow lot will be located, to some other neighborhood, and not theirs. The Dinerstein Company agrees with the neighbors and would support the effort to re-locate the tow lot to an alternative location.
6. The Neighborhood also would like Dinerstein to support the continued connection of Sun Valley Blvd to 10th Street. Yes, we would continue to support.

058

Juno e-mail for edcaudill@juno.com printed on Tuesday, October 28, 2003, 1:06 PM

7. The neighborhood brought up the possibility of including both projects into their neighborhood boundary. *The Dinerstein Company would be delighted to be included in the neighborhood.*

Juno e-mail for edcaudill@juno.com printed on Sunday, December 21, 2003, 5:16 PM

From: "Craig Dickerson" <Craig@dmcmgmt.com>
To: "Ed Caudill" <edcaudill@juno.com>
Date: Tue, 11 Nov 2003 16:31:13 -0600
Subject: RE: Sun Valley Blvd Changes

Ed, here's my best try at a letter. ?? Thanks

- The Dinerstein will agree to an additional \$5,000 contribution for a total of \$15,000 toward the construction of a police substation.



**SNERSTEIN
COMPANIES**

Woodway • Suite 1000
Lincoln, Texas 77057-1767
Phone 713 570-0300
Fax 713-570-0400

February 9, 2004

Ms. Melinda Pearson
Planning Commission Member
645 M Street, #103
Lincoln, Nebraska 68508

RE: 170 Unit Proposed Student Housing Project, Lincoln, Nebraska

Dear Ms. Pearson:

Our design consultants believe the project complies with all existing design standards, regulations, and FEMA guidelines for development within the limits of the flood plain. Professional agencies such as, the City's Planning Staff and Public Works Department agree with the consultants design criteria for development in the flood plain and have recommended project approval. The design team is working toward scheduling a meeting this week with the City's flood plain director to ensure the project complies with future flood plain standards.

I do appreciate your willingness to meet and discuss your concerns regarding development in the flood plain and wetlands mitigation methods. I would like to schedule a brief meeting with you anytime on February 12th for the purpose of informing you on progress made on the two aforementioned issues. I will phone you later in the week to see what date and time works best for your schedule.

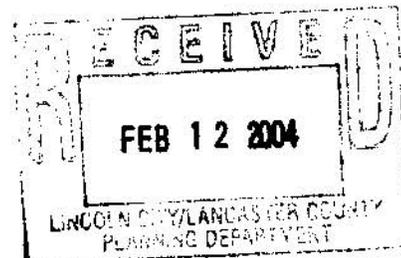
Please do not hesitate to contact me at (713) 570-0350 if you have any questions, and I look forward to meeting with you.

Sincerely yours,

By: 
Craig A. Dickerson

RECEIVED FROM MELINDA PEARSON ITEM NO. 4.3a,b,c: CHANGE OF ZONE #3421
SPECIAL PERMIT #1928A
PREL. PLAT #03011
(p.85 - Cont'd Public Hearing - 2/18/04)

cc: Planning Commission
Dennis Bartels, Public Works
Rick Peo, Law Dept.
Nicole Fleck-Tooze, PW



060