

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for AUGUST 4, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** Special Permit 04036-Village Pointe at Capitol Beach

**PROPOSAL:** Community Unit Plan for 18 detached single family units and two Outlots.

**LOCATION:** W. Industrial Lake Dr. And Lamont Dr.

**WAIVER REQUEST:**

1. Reduce the minimum lot area.
2. Reduce the minimum lot width.
3. Delete the requirement for a recreation area.
4. Delete stormwater detention.
5. Eliminate the preliminary plat process.

**LAND AREA:** 3.78 acres, more or less

**CONCLUSION:** The proposed Community Unit Plan (CUP) meets the intent of a CUP and with conditions is in conformance with the Comprehensive Plan. The applicant has not given any reason why the recreation area should be waived.

**RECOMMENDATION:**

Special Permit Conditional Approval

**WAIVERS**

Eliminate the preliminary plat process	Approval
Reduce the minimum lot area.	Approval
Reduce the minimum lot width.	Approval
Delete the requirement for a recreation area.	Denial
Delete stormwater detention.	Approval

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1 & 2, Block 3, Lincoln Saline Wetland Nature Center 1<sup>st</sup> Addition, Lots 3-13, Block 7, and Outlot "A", Capitol Beach East Addition, and the east 30' of Lamont Drive adjacent thereto, all located in the East ½ of Section 22, Township 10, Range 6 East, Lancaster County, Nebraska.

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Undeveloped

**SURROUNDING LAND USE AND ZONING:**

North:	R-3- Residential	Undeveloped/Open Space
South:	R-3- Residential	Single family and two-family residential
East:	I-1- Industrial	Manufacturing/Industrial uses
West:	R-3- Residential	Single family and two-family residential.

**HISTORY:**

**May 30, 2001** Lincoln Saline Wetland Nature Center 1<sup>st</sup> Addition final plat approved by Planning Director.

**July 9, 1979** Capitol Beach East final plat approved by City Council.

**April 30, 1973** Capitol Beach east preliminary plat approved by City Council.

The zoning was changed from A-2, Single family dwelling district to R-3 Residential district in the 1979 zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

“Maximize the community’s present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.” (F-17)

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.” (F-18)

“Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

“Preserve the mix of housing types in older neighborhoods.” (F-68)

“Encourage pedestrian orientation with parking at rear of residential and neighborhood commercial uses.” (F-69)

"Require new development to be compatible with character of neighborhood and adjacent uses (i.e., parking at rear, similar setback, height and land use). (F-69)

"Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas." (F-69)

"Infill development also needs to respect the street pattern, block sizes and development standards of the area, such as having parking at the rear and front porches, windows and doors on the front and street side." (F-71)

**UTILITIES:** All utilities are existing.

**TOPOGRAPHY:** Nearly level.

**TRAFFIC ANALYSIS:** W. Industrial Lake Dr and Lamont Dr are local streets.

**ANALYSIS:**

1. This application request is for a CUP for 18 detached single family units.
2. The area within the proposed CUP was originally platted for 13 lots with Capitol Beach East final plat. The proposed CUP has 18 lots.
3. The purpose of this CUP is to allow lots that have less lot area and width than the R-3 zoning district allows. The minimum lot area in the R-3 district is 6,000 s.f. and the average lot width is 50 feet, however the average lot area in a CUP is 5,000 s.f. The average lot area in a CUP is figured by dividing the total area of the CUP by the total number of dwelling units.. The average lot area in this CUP is 9,144 s.f.
4. The proposed development meets the goals of the comprehensive plan to encourage infill development, affordable housing, and provide a mix of housing types.
5. The proposed plat is an appropriate infill development utilizing unused land in an older neighborhood.
6. This plan is proposing rear entrance garages from a private alley, which will provide a more visually appealing streetscape than the duplexes to the south on Lamont Drive, which were permitted in the R-3 district without a CUP.
7. The density for a CUP in an R-3 district is calculated at 6.96 units per acre. This development is on 3.78 acres, which gives a density of 26.3 units. However when a

CUP is less than five acres the density is reduced by 20 percent, resulting in a total density of 21 units. The proposed CUP has 18 units, three less than the allowed density.

8. The applicant is requesting waivers to reduce the minimum lot area and the minimum lot width from the R-3 district. The purpose of a CUP is to permit and to encourage the creative design of new living areas, as distinguished from subdivisions of standard lot sizes. The smaller lot sizes allows for affordable housing as called for in the Comprehensive Plan.
9. Other waivers the applicant is requesting are delete the recreation area and stormwater detention. Public Works & Utilities has determined that stormwater detention is not necessary for this project. The applicant has not given a reason why the recreational area should be waived.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
  - 1.1.1 Planning Commission approval block
  - 1.1.2 City Clerk acceptance block
  - 1.1.3 limits of the 100 year floodplain
  - 1.1.4 LES utility easements
  - 1.1.5 all sidewalks
  - 1.1.6 all building envelopes
  - 1.1.7 label public access easement over the alley.
  - 1.1.8 state the purpose of Outlots A & B

- 1.1.9 the height and use of all proposed buildings. This can be done by a note.
  - 1.1.10 minimum opening elevations for each lot.
  - 1.1.11 add to the requested waivers, eliminate preliminary plat process
  - 1.1.12 corrections per Public Works & Utilities memo of July 22, 2004
  - 1.1.13 add a note that there will be no direct vehicle access to Lamont Dr. W. Industrial Lake Dr except for the private alley.
- 1.2 Submit a landscape plan that meets design standards. The landscape plan must show all existing trees and indicate if they are to remain or be removed. Screening is required between the property line and the railroad tracks.
  - 1.3 Submit a recreation plan.
- 2. This approval permits 18 dwelling units with waivers to lot area, lot width, stormwater detention and preliminary plat.

The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

- 3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Tom Cajka  
Planner

**DATE:** July 21, 2004

**APPLICANT:** Bob Rentfro  
301 "P" St. Suite 210  
Lincoln, NE 68508  
(402) 476-2030

**OWNER:** same as applicant

**CONTACT:** Lyle Loth  
ESP  
601 Old Cheney Rd. Suite "A"  
Lincoln, NE 68512  
(402) 421-2500

F:\FILES\PLANNING\PC\PERMITS\SP\04000\SP04036 The Village.tjc.wpd



2002 aerial

# Special Permit #04036 Capitol Beach

## Zoning:

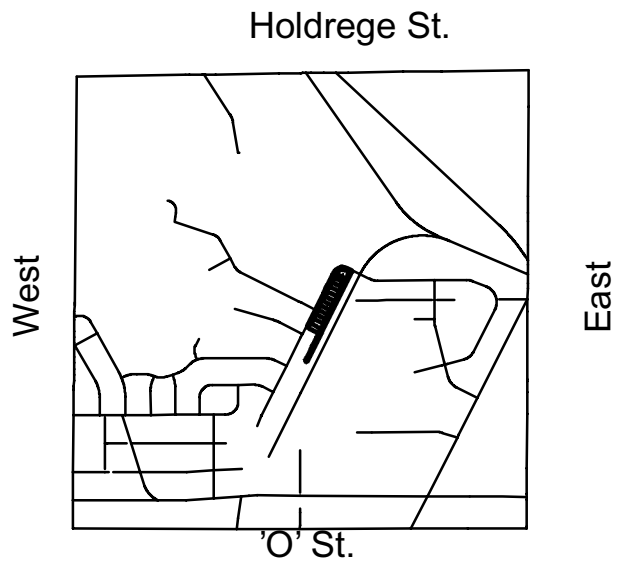
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 22 T10N R6E



Zoning Jurisdiction Lines

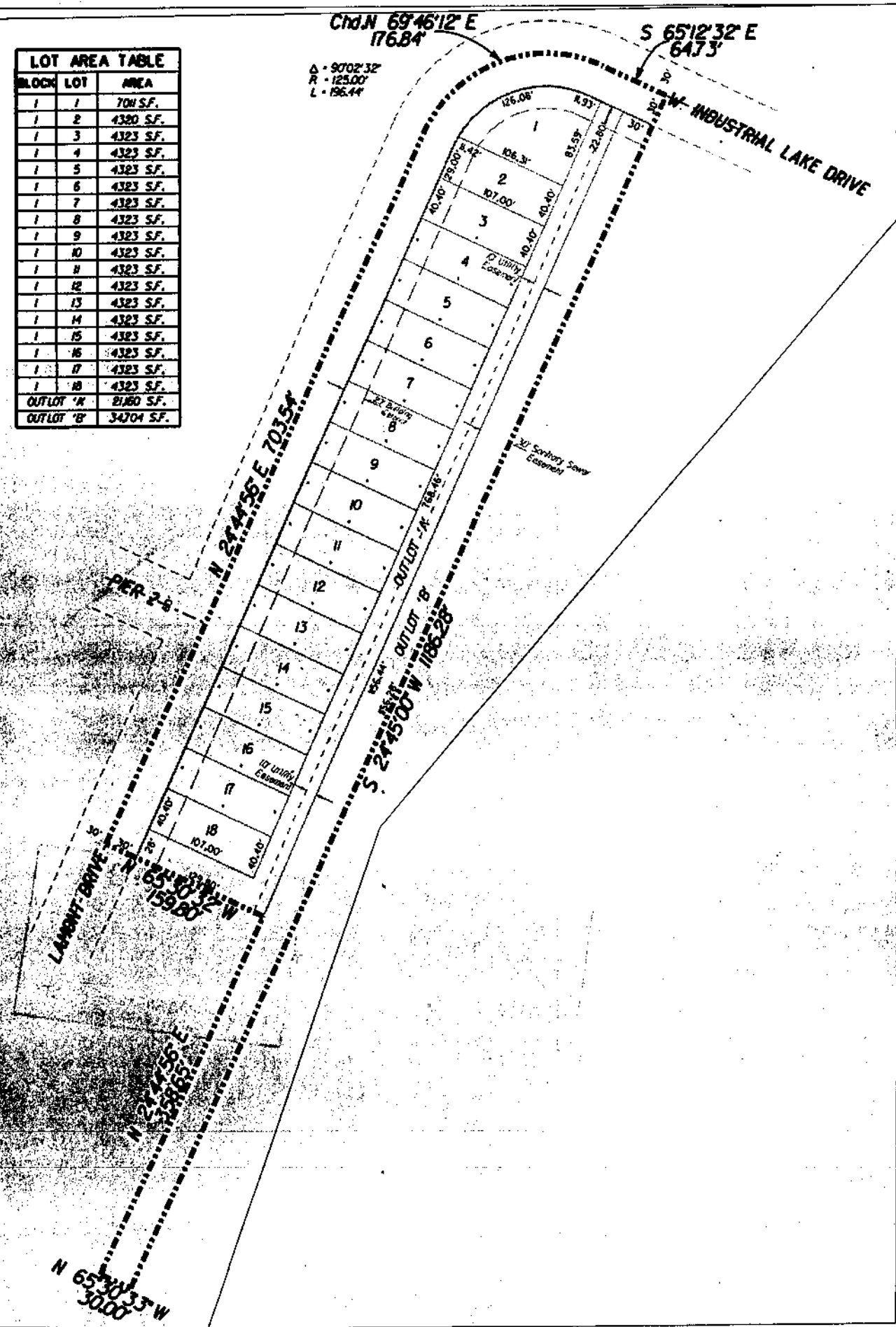
City Limit Jurisdiction





LOT AREA TABLE		
BLOCK	LOT	AREA
1	1	701 SF.
1	2	4323 SF.
1	3	4323 SF.
1	4	4323 SF.
1	5	4323 SF.
1	6	4323 SF.
1	7	4323 SF.
1	8	4323 SF.
1	9	4323 SF.
1	10	4323 SF.
1	11	4323 SF.
1	12	4323 SF.
1	13	4323 SF.
1	14	4323 SF.
1	15	4323 SF.
1	16	4323 SF.
1	17	4323 SF.
1	18	4323 SF.
	OUTLOT 'A'	8160 SF.
	OUTLOT 'B'	34704 SF.

Chd. N 69°46'12" E 176.84'  
 Δ - 90°2'32"  
 R - 125.00'  
 L - 196.44'  
 S 65°12'32" E 64.73'





**LYLE L. LOTH, P.E./L.S.**

File No. 04-0027  
July 7, 2004

Planning Department  
555 So. 10<sup>th</sup> Street  
Lincoln, NE 68508

Suite A - 601 Old Cheney Road  
Lincoln, NE 68512

Phone (402) 421-2500  
Fax (402) 421-7096

Email: [lyle@espeng.com](mailto:lyle@espeng.com)

Re: Village Pointe @ Capitol Beach C.U.P.

The purpose of the above referenced project is to create 18 single-family homes and two outlots as shown in the drawing provided. The owner has requested the following waivers:

Lot Area  
Average Lot Width  
Recreation Plan  
Stormwater Detention

Waivers for lot area and average lot width allow the owner to provide a greater number of dwelling units in the proposed available area. The project is situated near a lake and also surrounded by wetland area, providing ample recreational space. There will be minimal changes in the existing grade during development; therefore there is little opportunity to provide stormwater detention. The existing conditions are also shown on the drawing provided.

Please feel free to contact me if you have any questions or concerns.

A handwritten signature in black ink that reads 'Lyle L. Loth'.

**Lyle L. Loth, President  
E-S-P, Inc.**

JUL 7 2004



"Lyle Loth"  
<lyle@espeng.com>  
07/22/2004 12:40 PM

To: "Tom Cajka" <TCajka@ci.lincoln.ne.us>  
cc:  
Subject: Village Pointe at Capitol Beach

Tom:

We hereby request a waiver of the preliminary plat for the Village Pointe at Capitol Beach project.

Lyle Loth

# Memorandum

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<b>To:</b>	Tom Cajka, Planning Department
<b>From:</b>	Chad Blahak, Public Works and Utilities Dennis Bartels, Public Works and Utilities
<b>Subject:</b>	The Village at Capital Beach Special Permit
<b>Date:</b>	7/22/04
<b>cc:</b>	Randy Hoskins

Engineering Services has reviewed the special permit for The Village at Capital Beach, located east of Lamont Drive and south of West Industrial Lake Drive, and has the following comments:

**Sanitary Sewer** - The sanitary system is satisfactory.

**Water Mains** - The water main system is satisfactory.

**Grading/Drainage** - The following comments need to be addressed.

(3.1) Proposed grades need to be shown for the proposed alley along the back side of the lots. Also, proposed contours need to be shown for the alley and for the lots. The contours need to be in one or two foot intervals.

(3.2) Information needs to be provided concerning headwater depth for the local 100yr storm at the Industrial Lake Drive culvert. Also, depth of flow for the ditch along the east side of the proposed alley needs to be shown for the local 100yr storm.

(3.3) The flood plain and elevations need to be provided and information needs to be provided showing that the lots are graded above the flood plain.

(3.4) Given the flat terrain across the lots flow arrows should be shown on the plan for lot drainage.

**Streets** - The following comments need to be addressed.

(4.1) A common access easement needs to be shown over the proposed alley.

**General** - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design

considerations can only be approved at the time construction drawings are prepared and approved.

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INTER-DEPARTMENT COMMUNICATION



**DATE:** July 19, 2004  
**TO:** Tom Cajka, City Planning  
**FROM:** Sharon Theobald  
Ext 7640  
**SUBJECT:** DEDICATED EASEMENTS  
DN# 7N-5W

Attached is the CUP for Village Pointe @ Capitol Beach.

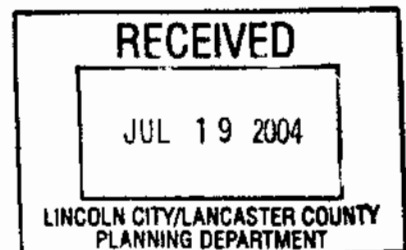
**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Outlots.

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

*Sharon Theobald*

ST/ss  
Attachment  
c: Terry Wiebke  
Easement File



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

**TO:** Tom Cajka

**DATE:** July 19, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File

**SUBJECT:** The Village at Capital

EH Administration

Beach SP #04036  
Revised

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

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- The LLCHD notes industrial zoning is located to the east of this proposed development. Noise pollution is a concern when locating residential populations adjacent to industrial zoning. Lincoln Municipal Code (LMC) 8.24 Noise Control Ordinance does address noise pollution by regulating source sound levels based upon the receiving land-use category or zoning. However, the LLCHD does have case history involving residential uses and abutting industrial uses in which the industrial source does comply with LMC 8.24, but the residential receptors still perceive the noise pollution as a nuisance.