

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

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 Detention (withdrawn by Applicant).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.

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| <u>RECOMMENDATION:</u> | 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 | Withdrawn by Applicant |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:

| | |
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| 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 |

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| 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 Sunvalley 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
- 1.1.4 Revise the paving width of the private street through this development to 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 Lot 1 or 2, the section of roadway from Lot 4 to Charleston Street will be constructed to meet Design Standards. At such time as a final plat or building permit is approved for Lot 3 or 5, the section of roadway from Lot 4 to Sun Valley Boulevard 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.
- 1.1.15 Make any other revisions and provide any other documents required by the Planning Director's Letter dated January 19, 2004.
- 1.2 Obtain a fill permit from the Building and Safety Department.
- 1.3 Obtain a 404 permit or a letter from the Army Corps of Engineers stating no permit is required.
- 1.4 Provide conservation easements over the delineated wetlands to prohibit fill in the wetlands and to maintain flood storage.
- 1.5 Provide a pedestrian easement over Lot 1 and Outlot D for the sidewalk.
- 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.
- 1.7 Submit a written agreement with the owner of the railroad for grading and discharge of stormwater in the railroad right-of-way.
- 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.
- 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.
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, 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 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 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 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.
- 3.2.12 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.
- 3.2.13 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.
- 3.2.14 to complete the public and private improvements shown on the preliminary plat.

- 3.2.15 to submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.16 to pay all design, engineering, labor, material, inspection, and other improvement costs.
- 3.2.17 to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.18 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.
- 3.2.19 to relinquish the right of direct vehicular access from Lots 1 and 2 to Charleston Street, and from Lot 3 to Sun Valley Boulevard.
- 3.2.20 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.
- 3.2.21 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.

Prepared by:

Greg Czaplewski
Planner

Date: January 27, 2004

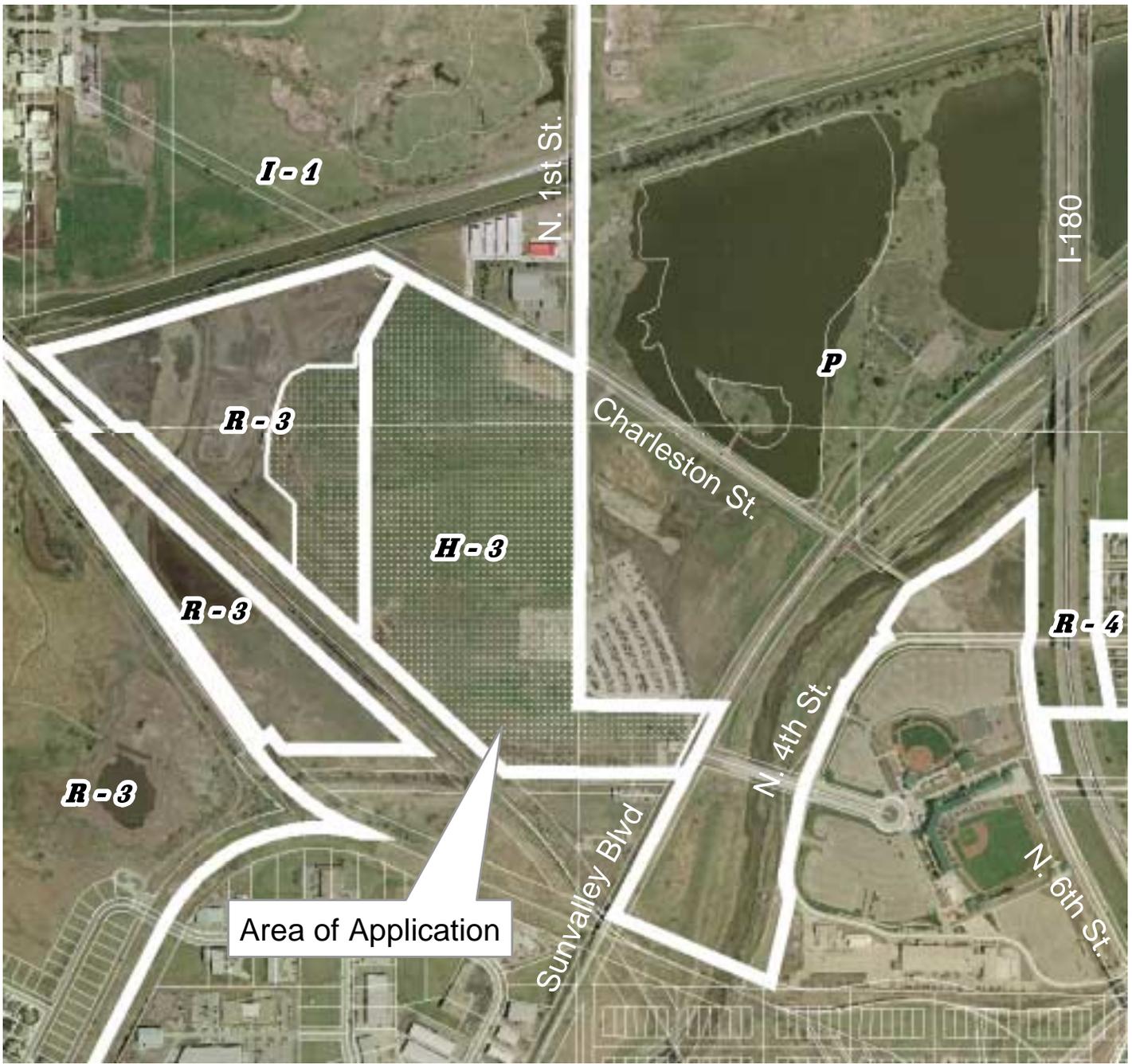
Applicant: The Dinerstein Companies
6363 Woodway, Suite 1000
Houston, TX 77057
713.570.0350

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



Area of Application

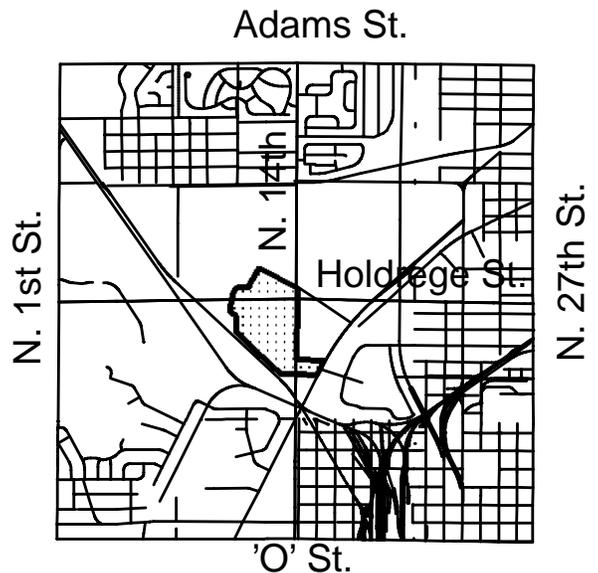
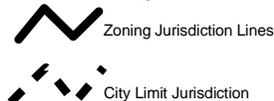
2002 aerial

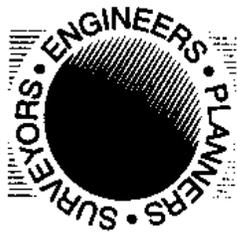
Preliminary Plat #03011 Outfield Park N. 1st & Charleston St.

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

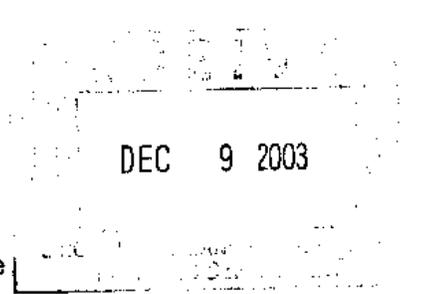




ROSS
Engineering,
Inc.

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

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1974

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Designs
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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:

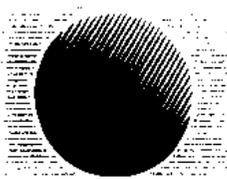
Line Drive would extend from the current signaled intersection near Haymarket Park over to and thru Sterling University Phase 2 at Drive C. This Private Street would be a 27-foot wide 6-inch deep Asphaltic paving, with Concrete Curb and Gutter. Three scenarios are possible for Future development of the 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

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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:

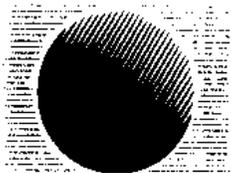
The proposed development lies within the 100-Year Floodplain. There will be minimal fill required for the Sterling University property due to excavation on site in the northwest corner and within the adjacent 17 acres. There will be some trucked in material for the south tract. We foresee that only the 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.

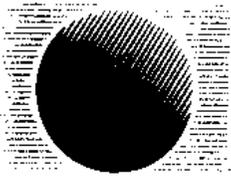
Sidewalks: We request a waiver to the requirement for sidewalks on both sides of the private street due to the development being a commercial development.

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

DEC 9 2003



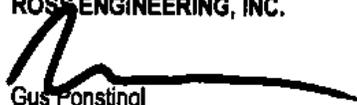


| | |
|---|-----------------|
| 7. Utility Plan | 4 copies |
| E) Application Fee Check in the amount of | \$ 850.00 |
| Preliminary Plat Base Fee | \$500.00 |
| Fee per Lot (\$50): | \$350.00 |
| Total PP Fee: | \$850.00 |

F) Soils Map and Description

Sincerely,

ROSS ENGINEERING, INC.

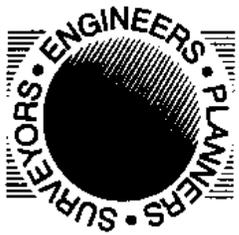


Gus Ponstingl
Senior Planner

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

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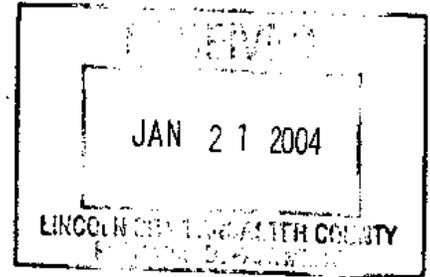
DEC 9 2003



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 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 Nicholsen, 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\PA\129802\129802G02.doc

DEC 9 2003

129802L82(Exhibit A)

12/8/03

EXHIBIT B

SITE PLAN NOTES



ROSS
Engineering,
Inc.

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

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 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 0, 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.

| No. | Revisors | Rev. Date |
|-----|----------|-----------|
| | | |
| | | |
| | | |

Scale 1"=100'
Drawn BH
Checked
Approved

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

NEBRASKA

LOT SUMMARY

FILE COPY

January 19, 2004



**CITY OF LINCOLN
NEBRASKA**

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Lincoln-Lancaster County
Planning Department
Marvin S. Krout, Director

W. Cecil Steward, Chair
City-County Planning Commission

555 South 10th Street
Suite 213

Lincoln, Nebraska 68508

402-441-7491

fax: 402-441-4377

Ross Engineering, Inc.
Gus Ponstingl
201 North 8th Street, Suite 401
Lincoln, NE 68508

RE: Outfield Park Preliminary Plat # 03011, Sterling University CUP Special Permit #1928A, Change of Zone #3421

The submittal of the above referenced preliminary plat requests a modification to allow this preliminary plat to proceed directly to the Planning Commission without the 30-day staff review (fast track). The preliminary plat, as submitted on December 9, 2003, does not demonstrate that the subdivision substantially complies with the requirements of the Land Subdivision Ordinance and the adopted Design Standards. Fast tracking will not be possible under the circumstances. Please refer to the attached City agency reports and the findings of the Planning staff.

Below I show the comments that have been received to date for the preliminary plat. You have already received these comments on an individual basis. Pursuant to conversations you and I have had over the last 1-2 weeks, I have faxed copies of City Department comments as they became available. This letter should be consistent with the majority of the comments you have received to date. This letter will provide one source of comments for easy reference.

1. Show the public water main in Line Drive continuing to the north connecting to the existing water main in Charleston Street. The connection to a private water service for the city tow lot is unsatisfactory.
2. Submit a plan showing the location of the landfill areas and the depth of the landfill material below grade. Public utilities will not be allowed to be constructed in landfill material without special considerations to be approved by the Public Works Department.
3. All water mains in the commercial area must be 8" or 12", pursuant to Design Standards.
4. Provide verification stating the lift station and force main have the necessary capacity to serve the drainage area.
5. Lots 5 and 6 will most likely subdivide in the future and will require sanitary service. Show a sanitary system that will be able to serve both entire lots.
6. Provide the size and calculations for the required drainage culverts.
7. Revise the grading shown along the east side of Lot 6 to match with the proposed storm sewer system shown. The grading appears to show a zero slope low flow liner from the unnamed east-west street south to Line Drive. The grading needs to be revised to provide positive drainage for the area.
8. Show the 100yr flow path and elevation in the proposed ditches and drainage swales. Provide a drainage easement over all proposed open channel drainage ditches and swales to ensure the drainage pathways will not be blocked off during future construction. Although the plat is located in the flood plain, the localized 100yr storm needs to be analyzed as well.

LINCOLN

The Community of Opportunity

9. The proposed grading appears to show any storm greater than the 10yr storm will flood the southwest corner of the existing city tow lot located to the east of the proposed plat. The grading and/or storm sewer system will need to be revised accordingly.
10. Provide detention information and calculations as required in the City of Lincoln Drainage Criteria Manual.
11. Relocate the entrance drive further west removing it from the influence of the Charleston Street realignment. Revise the geometry for the possible realigned Charleston Street at its intersection with Sun Valley Boulevard in accordance with design standards. This alignment, may change with the final design of the new Sun Valley/North 1st Street connection. It appears the proposed entrance drive off Charleston Street would be affected if the Charleston Street realignment changes.
12. The angle of intersection between the proposed Line Drive and the existing Sun Valley Boulevard appears to be greater than allowed by Design Standards.
13. Provide traffic impact information to determine the required geometrics for Charleston Street at its intersection with relocated Sun Valley Boulevard along with the access location to this development.
14. If the east-west street located in the middle of the plat providing access to the city tow lot is to be a private street, a street name needs to be assigned, a profile needs to be provided, and all design standards for a private roadway are applicable. Also, a waiver of design standards for a permanent dead-end turnaround will need to be requested with reasons for justification. If this street is intended to be a driveway, the tow lot does not have frontage and access as required by the Subdivision Ordinance. A waiver to this requirement must be requested with reasons for justification.
15. Revise the 90 degree parking shown along the portion of Line Drive through the apartment complex to angled parking so as to minimize impact on traffic flow in the opposite direction.
16. A waiver of Design Standards for block length in Line Drive needs to be requested with reasons for justification.
17. Revise the paving width and the paving cross section in Line Drive to 33'. The paving width shown and the paving cross section described in the accompanying letter appear to be inadequate for the commercial/industrial uses proposed on the lots adjacent to Line Drive.
18. Show 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.
19. Show the limits of the 100yr floodplain and the floodway.
20. Show the amount of fill material brought into the floodplain from outside the floodplain. If fill is from within the floodplain, give the location of the borrow area.
21. A stormwater outlet is shown that outlets a significant amount of water into the Union Pacific Railroad right-of-way. Water does drain to this point under existing conditions, however, the amount of water proposed to flow to this location is a larger concentrated flow. Detention is needed at this location.
22. Provide a written agreement with the Union Pacific Railroad for grading and additional drainage in the railroad right-of-way.

23. The "Time of Concentration" for the preliminary pipe sizing computed in basins "B" and "C" are incorrect. When two separate areas of drainage combine, the larger of the two times of concentration should be used; they should not be added together.
24. Include the 100yr flows for a localized event in the pipe sizing calculations.
25. Clearly state on the drainage plan whether the flow is overland (low flow liners) or contained in a pipe.
26. Provide a culvert analysis needs for the culvert under the unnamed east-west street in the center of the plat. The analysis will help show possible impacts to adjacent lots and property. This should include the 100yr flow.
27. Provide a headwater analysis for the pipe segment just north of Line Drive. This should include the 100yr flow.
28. Show contours on the drainage plan.
29. Show the 100yr water surface elevation in locations where drainage is contained in swales to ensure adjacent lots will not be impacted.
30. Provide conservation easements for the wetlands on this property. A conservation easement will ensure future development will not fill in the wetland, which may have saline wetland habitat and will maintain some flood storage in the floodplain.
31. The area of this development is in the combined floodplain of Salt Creek and Oak Creek. Fill is being placed in the floodplain. A floodplain fill permit is required from the Building and Safety Department.
32. Compensatory storage (fill = excavation in the floodplain) should be used on this site to maintain flood storage and to reduce flooding impacts to downstream landowners.
33. Provide a larger buffer between the wetland and the fill. Fill is being placed almost to the edge of the delineated wetlands. It will be very difficult to not impact the wetlands in some way during construction. If the wetlands are impacted during construction, a Section 404 permit and possible mitigation will be required.
34. Tree species need to be tolerant of alkaline soils.
35. Provide a written description of how the developer proposes to address the issue of preventing the entry of methane gas into the proposed dwelling units, due to the possibility of methane gas from anaerobic organic matter decomposition in the buried landfill material. The documentation accompanying the plat does not address this issue. This should include a detailed description of a remediation system including a maintenance plan for the proposed system. The Health Department cannot endorse this plan until such material has been reviewed and approved.
36. All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance on this matter.
37. During the construction process, the land owners 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 be 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 should also be incorporated as necessary.

38. The existing Line Drive is an east-west street starting in Haymarket Park and there is no problem extending it west of Sun Valley Boulevard. However, turning that street north-south once inside the project creates the potential for duplicate block ranges and problems for responders. The north-south portion should be renamed using the appropriate number.
39. The existing Stadium Drive runs north-south in front of the University of Nebraska football stadium and is well known. Responders to an emergency on Stadium View Drive would likely be dispatched to the UNL Downtown campus and not to Sun Valley Boulevard and Charleston Street. The street Stadium View Drive should be renamed to eliminate possible conflicts.
40. Provide a note stating driveway labels are for identification purposes on other sheets within this set, and are not intended to be actual names of the driveways..
41. This development is located west of 1st Street, therefore, the prefix of West or Northwest is required to be used on its street names.
42. Show easements required by Lincoln Electric System. The easements may be viewed at the Planning Department.
43. Label the outlots as unbuildable.
44. Show street trees along the portion of the private roadway through the apartment complex.
45. Add a note stating planting areas for landscaping will be cleared of landfill material prior to planting.
46. Extend Lot 4 to the east limit of the plat, incorporating the adjacent portion of Outlot B.
47. Provide a trail connection from Lot 4 to connect to the trail on the north side of Charleston Street.
48. The proposed notes dealing with future access and options to purchase land need to be removed. Any such agreements between the developer and the City must be an independent document approved by ordinance of the City Council.
49. Revise the reference to "Lot 6" in note C with the correct lot number.
50. Change references to "Lot 4" within the note located on Lot 3 to "Lot 3."
51. Revise the number of street trees shown on the landscape plan and in the schedule to match one another.
52. Provide written documentation from the Nebraska Department of Roads indicating their approval of this plat and its proximity to the Sun Valley Boulevard project.
53. Provide written documentation from the Nebraska Department of Roads indicating their approval of the access to Line Drive shown west of Sun Valley Boulevard.
54. The site plan notes state "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." This agreement should be provided at this time. A plan showing how Sterling University will provide access to the city tow lot, in lieu of NDOR doing so, should be shown on a plan.
55. Your submittal does not include all information required by Section 26.15.040 "Development Within Floodplain". The City cannot determine compliance with Section 26.11.100 "Subdivision of Land Within the Floodplain" and Section 26.23.181 "Development of Land Within the Floodplain" until this information is provided. Provide any such required information not previously requested.

In addition you should be aware of the following general requirements:

56. You must complete, or post 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, at your own expense, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.
57. A subdivision agreement will be required at the time of the final plat.

Pursuant to Section 26.15.030(d) of the Lincoln Municipal Code, please include with the revised preliminary plat a list of all deviations from the Land Subdivision Ordinance and the adopted Design Standards, explain the reason for each deviation, demonstrate how the proposal meets the intent of the Land Subdivision Ordinance, and why the deviation should be accepted.

Please respond in writing indicating agreement or disagreement with each of the preceding revisions and general requirements. The plans are to be revised accordingly. The revised preliminary plat and accompanying documents must be submitted 5 Mondays before the Planning Commission hearing.

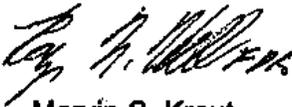
All information required to be submitted with a preliminary plat is described in Chapter 26.15 of the Land Subdivision Ordinance. An application will be processed as soon as all required information is submitted.

This office is in receipt of your resubmittal dated January 5, 2004. The resubmittal has been routed for comment. Assuming the resubmittal has brought the proposal into substantial compliance with the requirements of the Land Subdivision Ordinance and the adopted Design Standards, the preliminary plat will be placed on the February 4, 2004 Planning Commission agenda.

Reports from other departments who reviewed your plans are attached

We are committed to working with you as you proceed through your development review. Planner Greg Czaplewski will gladly assist you with this plat. You may contact him at 441.7620.

Sincerely,



Marvin S. Krout
Director of Planning

Attachments

cc: Dennis Bartels, Public Works & Utilities
Sharon Theobald, Lincoln Electric System
Al Schroeder, Altel Communications
Chris Schroeder, City-County Health Department
Terry Kathe, Building & Safety
Mark Canney, Parks & Recreation
Ray Hill, Planning