

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Change of Zone #3329  
Special Permit #1928  
Oak Creek Apartments C.U.P.

**DATE:** September 19, 2001

**Note:** This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROPOSAL:** Change of Zone #3329 Amend the zoning map west of N. 1<sup>st</sup> Street and Charleston from I-1 Industrial to R-3 Residential

Special Permit #1928 A community unit plan consisting of 157 dwelling units, 96 of which are dwellings for non-related persons.

**WAIVER REQUESTS:** -Stormwater detention/retention  
-Screening for multiple family dwellings backing onto railroads  
-Minimum separation for multiple family dwellings

**LAND AREA:** 38.77 acres, more or less.

**CONCLUSION:** This community unit plan demonstrates a site design that is sensitive to the existing wetlands, borrows most of its fill on-site, and meets the proposed requirements for dwellings for non-related persons.

The location of the site, however, overshadows the site design. By right, the properties to the east and the north could develop with any number of uses which are incompatible with residential development.

This proposal should be approved only if it is incorporated into a development plan for the entire area.

<b><u>RECOMMENDATION:</u></b>	Deferral so that the proposal may be examined in a sub-area plan or in the Comprehensive Plan update.
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A part of Lot 82 I.T., in the S 1/2 of Section 15, Township 10 North, Range 6 East, and Lot 132 and a part of Lot 264, I.T., in the NE 1/4 of Section 22, Township 10 North, Range 6 East, Lancaster County, Nebraska, generally located at N. 1<sup>st</sup> Street and Charleston Street.

**LOCATION:** South of Charleston Street, west of N. 1<sup>st</sup> Street

**APPLICANT:** The Dinerstein Companies  
6363 Woodway, Suite 1000  
Houston, TX 77057

**OWNER:** Robert & Louise White  
300 West Charleston  
Lincoln, NE 68528

**CONTACTS:                      Change of Zone #3329**

J. Michael Rierden  
645 "M" Street, Suite 200  
Lincoln, NE 68508  
(402) 476-2413

**Special Permit #1928**  
Ron Ross  
Ross Engineering  
201 N. 8<sup>th</sup> Street, Suite 401  
Lincoln, NE 68508

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Residence and veterinary clinic

**SURROUNDING LAND USE AND ZONING:**

North: I-1	Pfizer to the northwest across Oak Creek and mini-warehouses to the north
South: R-3 & I-1	Vacant and, further south, the Westgate Park for Business and Industry
East: I-1	Vacant

West: R-3                                      Saline Wetlands Nature Center (west of the Union Pacific railroad tracks)

**ASSOCIATED APPLICATIONS:** Change of Zone 3328, a text change to allow dwellings for non-related persons within a C.U.P.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Industrial with Wetlands and Water Bodies.

Industrial Land (Purple) encompasses areas where manufacturing, warehousing and trucking and transportation facilities are the dominant land use. Residential uses are discouraged in industrial areas. (p 37)

**From the Future Urban Residential Needs and Plan:**

*Goals*

- *Provide an environment for each neighborhood that promotes the safety and well-being of the residents and provides a sense of community*
- *Enhance rural and urban neighborhoods through the preservation of their natural environment*
- *Encourage the development of housing that is appropriate to the requirements of households with special needs, including but not limited to, the elderly, the physically and/or mentally challenged, and households in crisis.*
- *Encourage efficient use of urban areas by providing for high density residential uses as an integral part of major, planned commercial and residential developments. (p 44)*

**From Industrial Land:**

*Goals*

- *Provide adequate and appropriately located areas for industrial development... (p 68)*

**From Wetland and Water Bodies:**

*Goals*

- *Maintain, preserve and enhance existing wetlands and restore degraded wetlands. (p 70)*

**From Comprehensive Plan Implementation Strategies:**

3. Public Policy Considerations

7. **Diversity and Unity.** In housing, a place should be found for the country estate and the city efficiency apartment, for the small private single family home and the large apartment suite, for the most affordable and most expensive dwelling unit, for completely independent living and for living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (pp 192-3)

**HISTORY:** This area was converted from K Light Industrial to I-1 Industrial in the 1979 Zoning Update.

**UTILITIES:** Sewer is available. The developer proposes extending water service to this property through a special assessment district.

**TOPOGRAPHY:** Generally flat, with the wetlands in depressions

**TRAFFIC ANALYSIS:** Charleston Street west of N. 1<sup>st</sup> Street is not classified. Charleston Street east of N. 1<sup>st</sup> Street to 10<sup>th</sup> Street is classified as a Collector. N. 1<sup>st</sup> Street is identified as a Collector in the existing and a principal arterial in the future Street and Road Classification.

A future bicycle trail is shown along W. Charleston Street along the north side of this property.

**PUBLIC SERVICE:** The closest fire station is located at W. "O" Street and Sun Valley Boulevard.

**REGIONAL ISSUES:** Availability of student housing. Transitions between incompatible uses.

**ENVIRONMENTAL CONCERNS:** Construction in the flood plain and wetlands protection. Hazardous materials associated with industrial uses.

**AESTHETIC CONSIDERATIONS:** Preservation of open space.

**ALTERNATIVE USES:** Development which does not have the potential to be adversely affected should more industrial uses develop in the area.

**ANALYSIS:**

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
  1. **Safety from fire, flood and other dangers;**  
The entire site is within the 100-year flood plain. The Lincoln-Lancaster County Health Department reports that one of the adjacent rail lines has heavy traffic including many hazardous chemicals.
  2. **Promotion of the public health, safety, and general welfare;**  
The applicant has mapped the former landfill site. According to the Terracon report, the apartments are all located west of the former landfill.
  3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;**  
The area contains mini-warehouses, a vacant industrial building, undeveloped industrially zoned land, and the City's impound lot. The vacant industrial land could develop with any number of uses which are not compatible with residential.
  4. **Conservation of property values; and**

There are no apparent impacts.

**5. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**

The Land Use map identifies this area as Industrial. If an application does not match the Land Use Map but does meet the zoning criteria, it can be found in conformance with the Comprehensive Plan.

There are seven specific criteria established in the Plan for review including;

**a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

Water and sewer are generally available, although the method of financing the construction of water lines has yet to be determined. The proposal includes sedimentation basins to reduce the impact of stormwater runoff on the wetlands. West Charleston Street must be paved to N. 1<sup>st</sup> Street in order to serve these apartments. The developer proposes that it can be accomplished through a paving district.

**b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

The Lincoln-Lancaster County Health Department considers this proposal to be incompatible with the surrounding industrial and rail uses.

**c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

The entire site is within the 100 year flood plain. The proposed apartments have only one access point to the road network. Although individual buildings will be elevated to one foot above the 100 year flood elevation, a flood could hinder access to the site. The Police Department indicates that an accident which blocks the driveway would delay emergency access to the residents of the apartments. The Health Department notes that “any industry or manufacturing facility with a possible myriad of hazardous chemicals, emissions, and/or processes could locate adjacent to the proposed Oak Creek student housing.” The apartment buildings are located no closer than 85 feet from the abutting I-1 properties and 100 feet from the railroad tracks.

**d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.**

The proposed C.U.P. does not fill any of the existing wetlands on site. According to the Grading Plan, 30,483 of 32,146 cubic yards of fill will be borrowed on-site. Lincoln’s current flood plain regulations do not require that any fill be borrowed on-site.

**e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.**

N. 1<sup>st</sup> Street is classified as an arterial in the future. Charleston Street is classified as a collector street from N. 1<sup>st</sup> Street to N. 10<sup>th</sup> Street. With its location near the ballpark and its pedestrian bridge, the site has the potential for pedestrian access with downtown. There are no sidewalks along W. Charleston Street, though. The developer is proposing a private shuttle bus to the UNL campus.

**f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.**

At least 18 of the 38 acres within the C.U.P. will remain open space. The apartment layout includes a pool, basketball, and volleyball courts.

**g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.**

There are no apparent fiscal impacts.

2. The Department of Public Works & Utilities notes that the drainage outlets should be designed above minimum standards. The Parks & Recreation Department has concerns about using the existing saline wetlands as storm water routing. The outlets could be larger and could incorporate native plantings to help filter pollutants, for example. The borrow area west of the apartments should incorporate native plantings in its design.
3. The supplied information does not address the effect, if any, of the fill upon the flood plain.
4. The traffic impact of this project upon North Bottoms could be substantial. The applicant is proposing a private shuttle bus to provide transportation to the UNL campus. The bus will not travel to 10<sup>th</sup> Street via Charleston Street through the North Bottoms.
5. The shade trees in the parking areas exceed those required by Design Standards.

Should the Planning Commission after a public hearing choose to approve the Change of Zone and Community Unit Plan, the following are suggested conditions:

**SPECIAL PERMIT 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 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
- 1.2 Revise the site plan to show:
  - 1.2.1 Correct the fill amount in note 1 of the Grading Plan.
  - 1.2.2 Indicate the required setbacks around the perimeter of the site.
  - 1.2.3 For those structures which do not meet the requirements of Section 27.71.140, dimension the separation between the apartment structures.
  - 1.2.4 Provide revised density calculations which separate the 2- and 3-bedroom units as standard dwelling units. Revise the required parking accordingly.
  - 1.2.5 Revise West Charleston Street to the satisfaction of the Department of Public Works & Utilities, including a cul-de-sac and in a location that does not conflict with the existing lift station.
  - 1.2.6 Provide design details for the sedimentation basins which are satisfactory to the Department of Public Works & Utilities.
  - 1.2.7 Provide grading and drainage over the entire area covered by the Community Unit Plan, as requested by the Department of Public Works & Utilities.
  - 1.2.8 Provide a wetlands delineation report.
  - 1.2.9 Revise the landscape plan to incorporate plant materials acceptable to the Parks & Recreation Department.
  - 1.2.10 Revise the plans to show the connection to the trail system on the south side of Oak Creek and provide a level plane for the trail system to go through.
  - 1.2.11 Provide revision dates on the drawings.
  - 1.2.12 Provide fire hydrants acceptable to the Fire Department.
  - 1.2.13 Dimension the public access easement, preferably in a detail drawing.
  - 1.2.14 Dimension the building envelopes.

- 1.2.15 Provide match lines on the existing topographic site plans.
  - 1.2.16 Remove the Commission Approval block on the cover sheet.
  - 1.2.17 In Note 19, replace “All apartments and garages” with “Structures”.
  - 1.2.18 In Note 24, replace “buss” with “bus”.
  - 1.2.19 Include the borrow area west of the apartments and north of the railroad tracks on the landscape plan.
  - 1.2.20 Correct the common and botanical name spellings for Patmore Ash.
  - 1.2.21 Provide parking lot screening which meets design standards along the east property line.
  - 1.2.22 Correct the planting size for Siberian Dogwood.
  - 1.2.23 Revise Note 3 regarding the deeding of land to the NRD. If the land becomes NRD property it cannot be used in C.U.P. density calculations.
  - 1.2.24 Revise the legal description. A portion of Lot 82 is in the SW 1/4 of the section.
2. This approval permits 156 dwelling units, 96 of which are dwellings for non-related persons with 384 occupants, and waives the following:
- 2.1 Stormwater retention/detention
  - 2.2 Separation requirement for 3 story multiple family dwellings
  - 2.3 Screening requirements for residential lots backing onto public streets and railroads

General:

3. Before receiving building permits:
- 3.1 The permittee shall have submitted six copies of a revised and reproducible final plan.
  - 3.2 The construction plans shall comply with the approved plans.

- 3.3 The water main in West Charleston Street shall be in place.
  - 3.4 Provide a meter pit acceptable to the Department of Public Works & Utilities.
  - 3.5 Either receive 404 approval from the Army Corps of Engineers or provide a letter from the Corps indicating that no permit is required.
4. Before occupying the dwelling units:
- 4.1 West Charleston Street shall be constructed in accordance with City of Lincoln Design Standards.

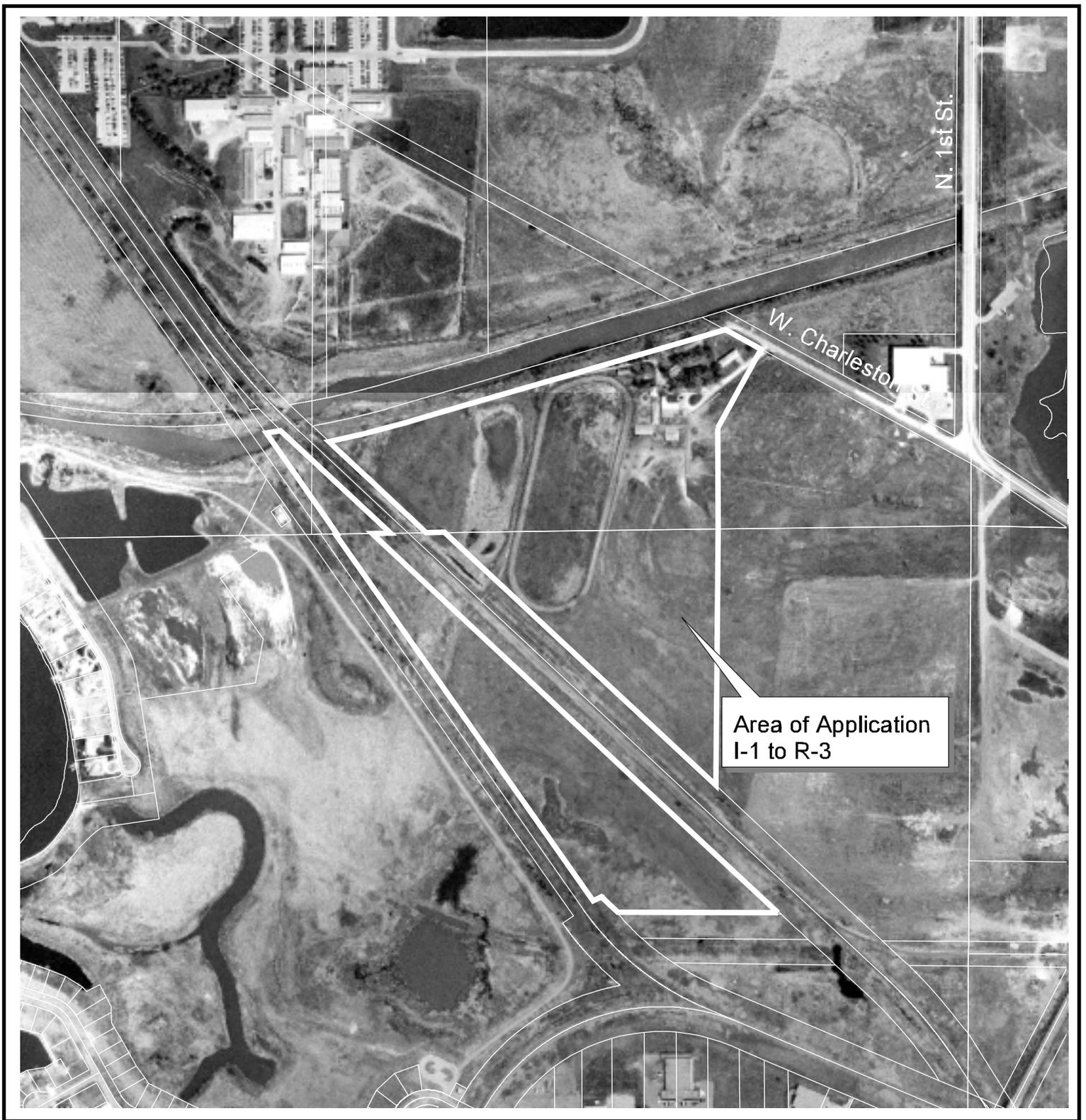
STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:
- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 5.3 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.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
  - 5.6 The Planning Director may extend the deadline to sign the letter of acceptance by six months.

Prepared by:

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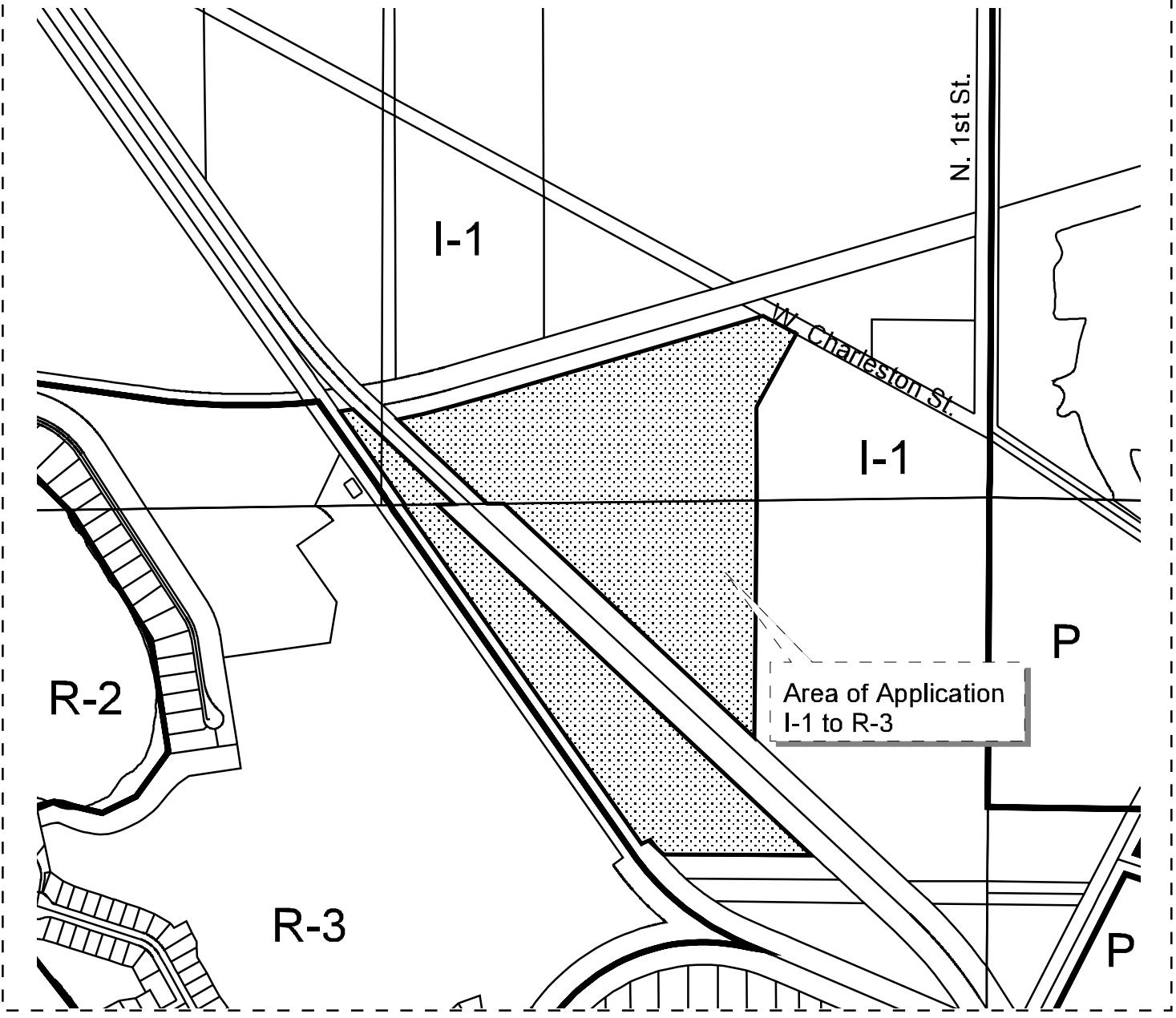
Jason Reynolds  
Planner



**Change of Zone #3329  
N. 1st & Charleston**



Photograph Date 1997

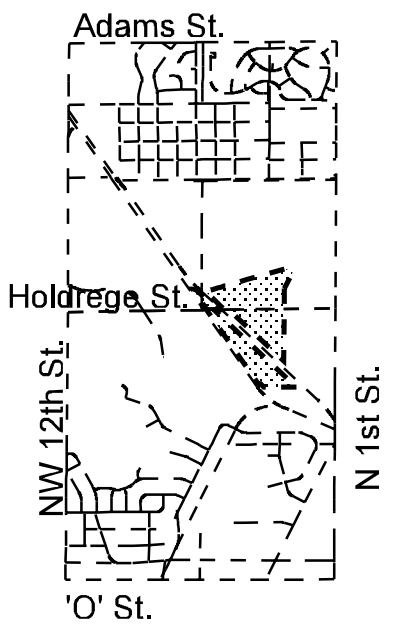
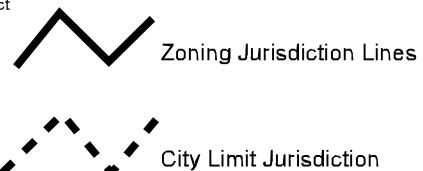


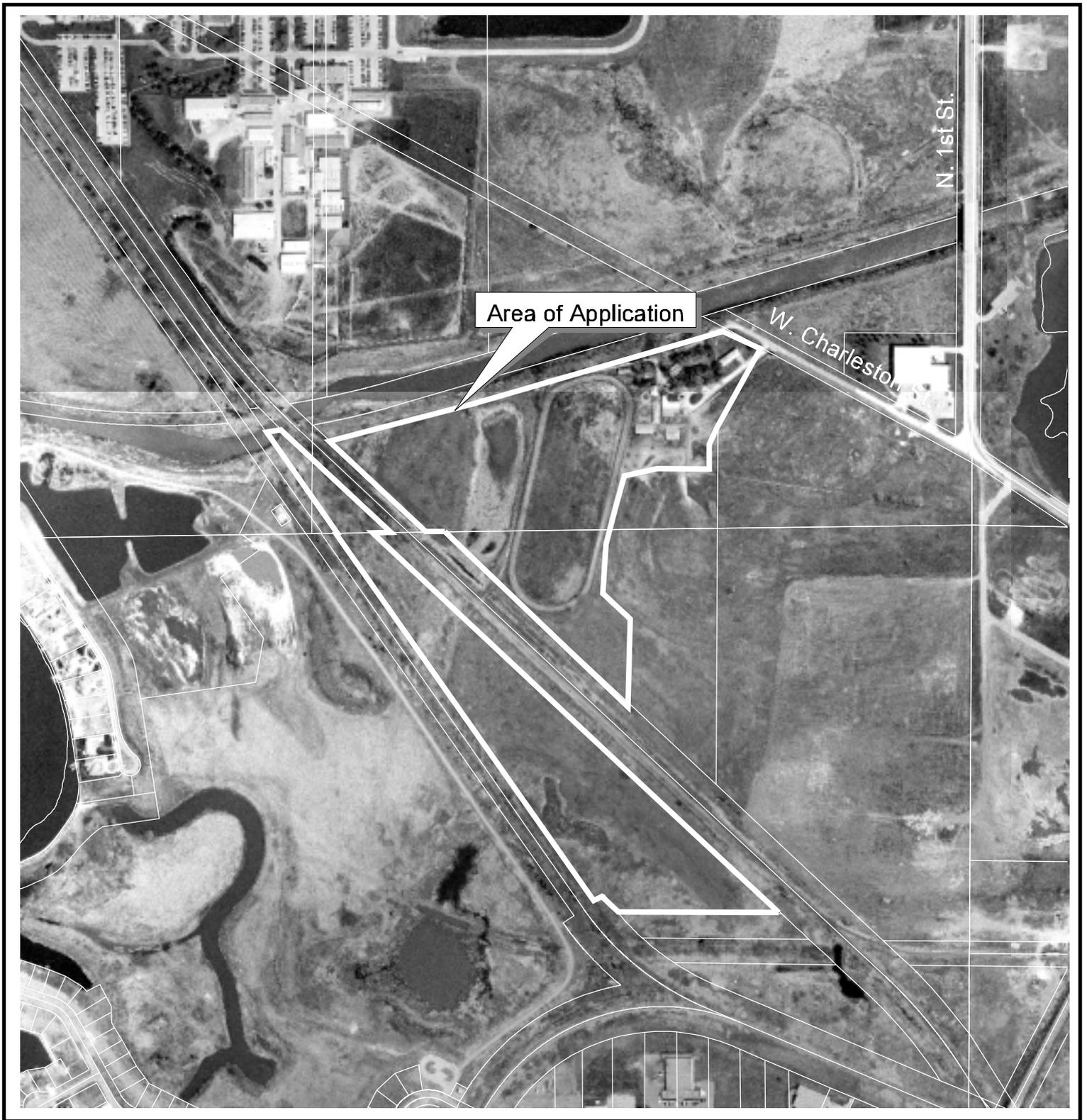
# Change of Zone #3329 N. 1st & Charleston

**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

Two Square Miles  
Sec. 15 T10N R6E  
22 T10N R6E

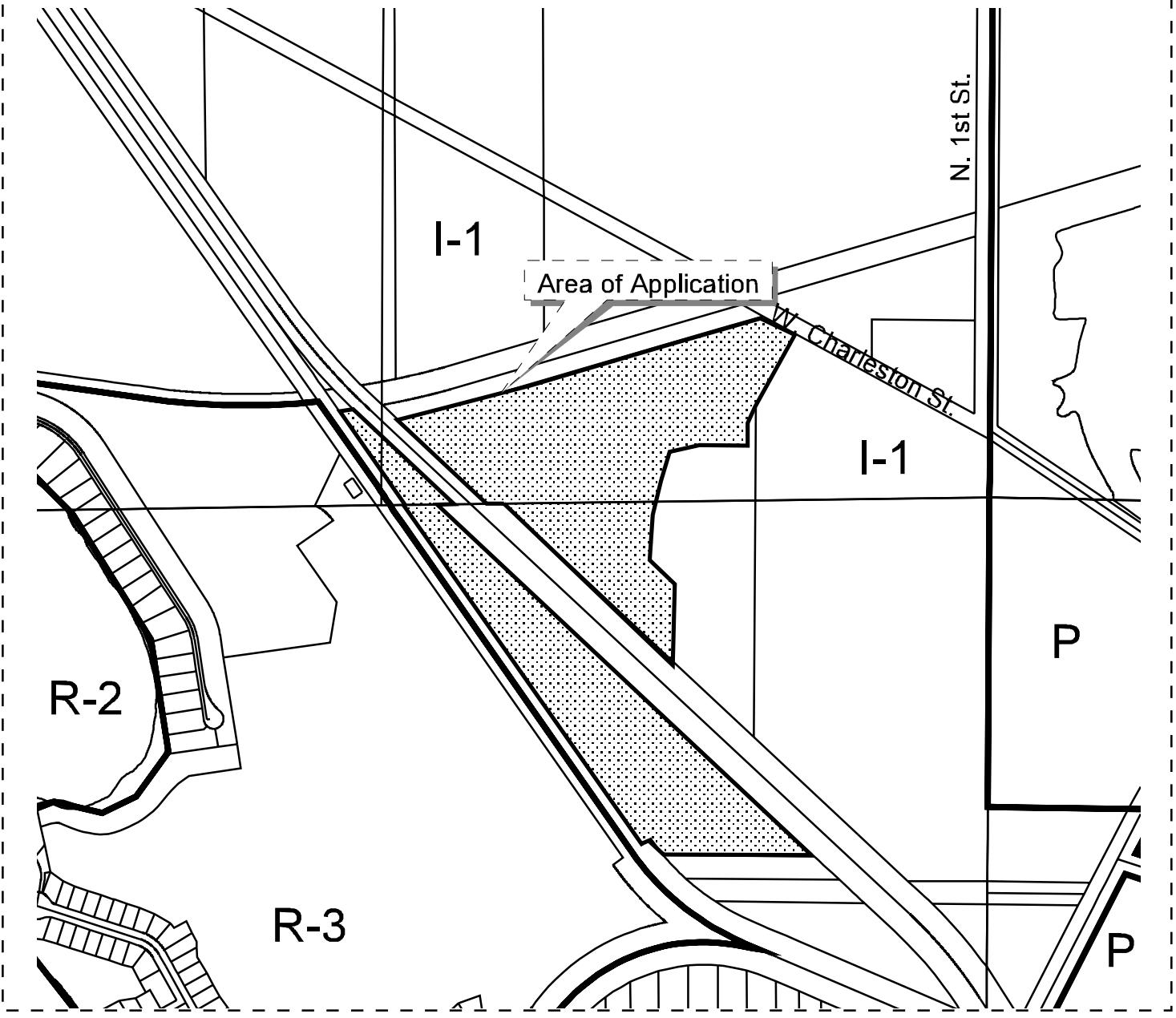




**Special Permit #1928  
N. 1st & Charleston**



Photograph Date 1997

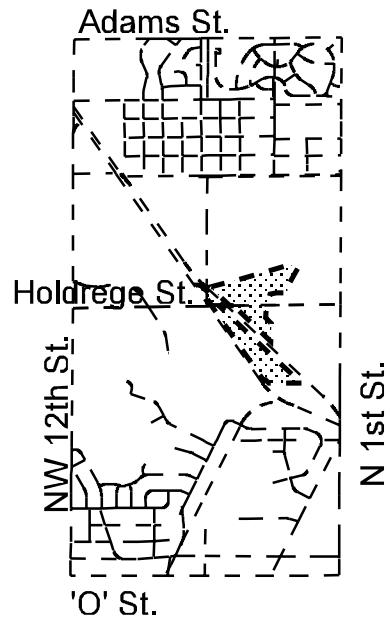
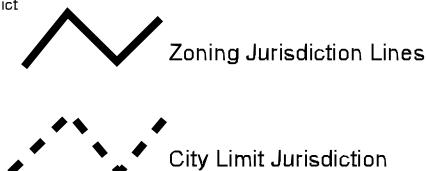


**Special Permit #1928  
N. 1st & Charleston**

**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

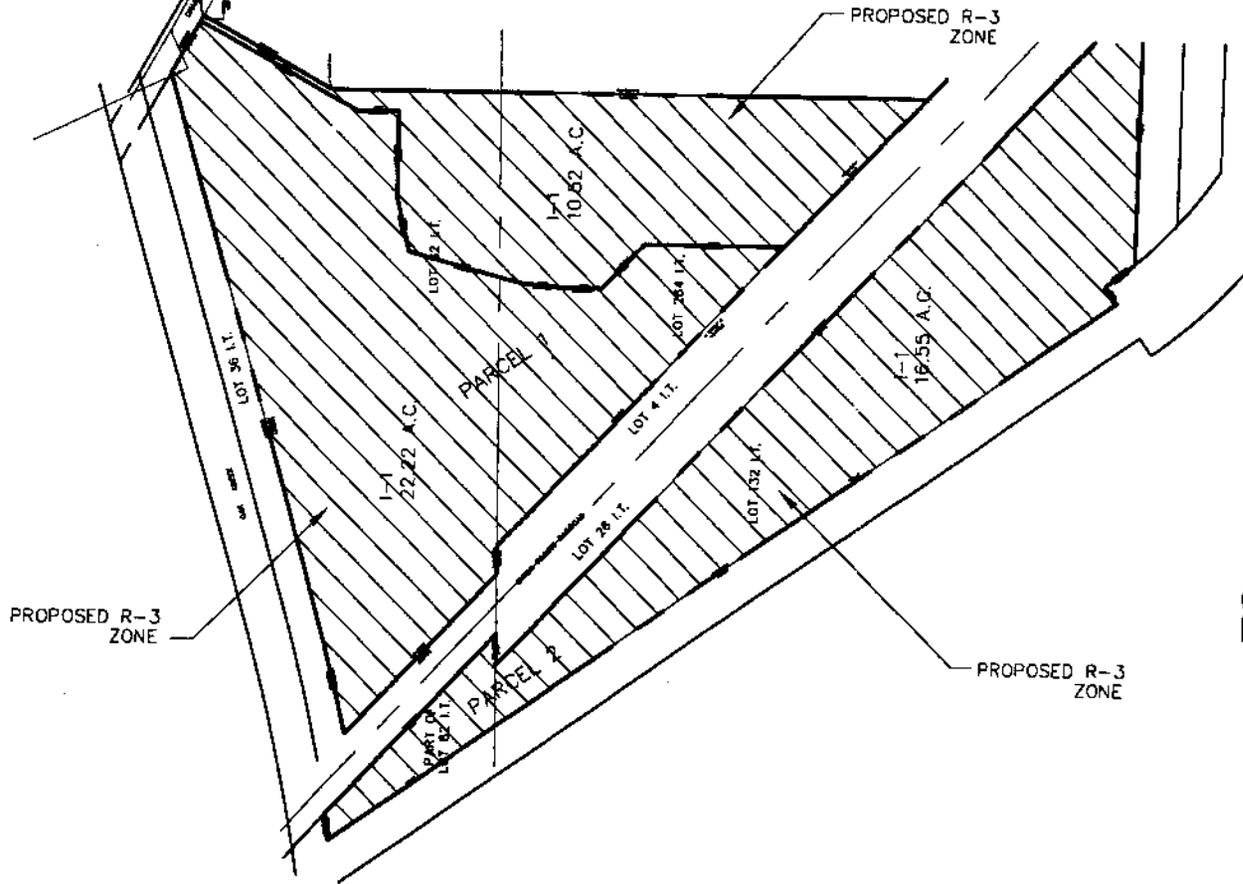
Two Square Miles  
Sec. 15 T10N R6E  
22 T10N R6E





Ross  
Engineering,  
Inc.

# CHANGE OF ZONE EXHIBIT FOR OAK CREEK APARTMENTS



AUG 27 2001

CHANGE OF ZONE EXHIBIT  
I-1 TO R-3 RESIDENTIAL

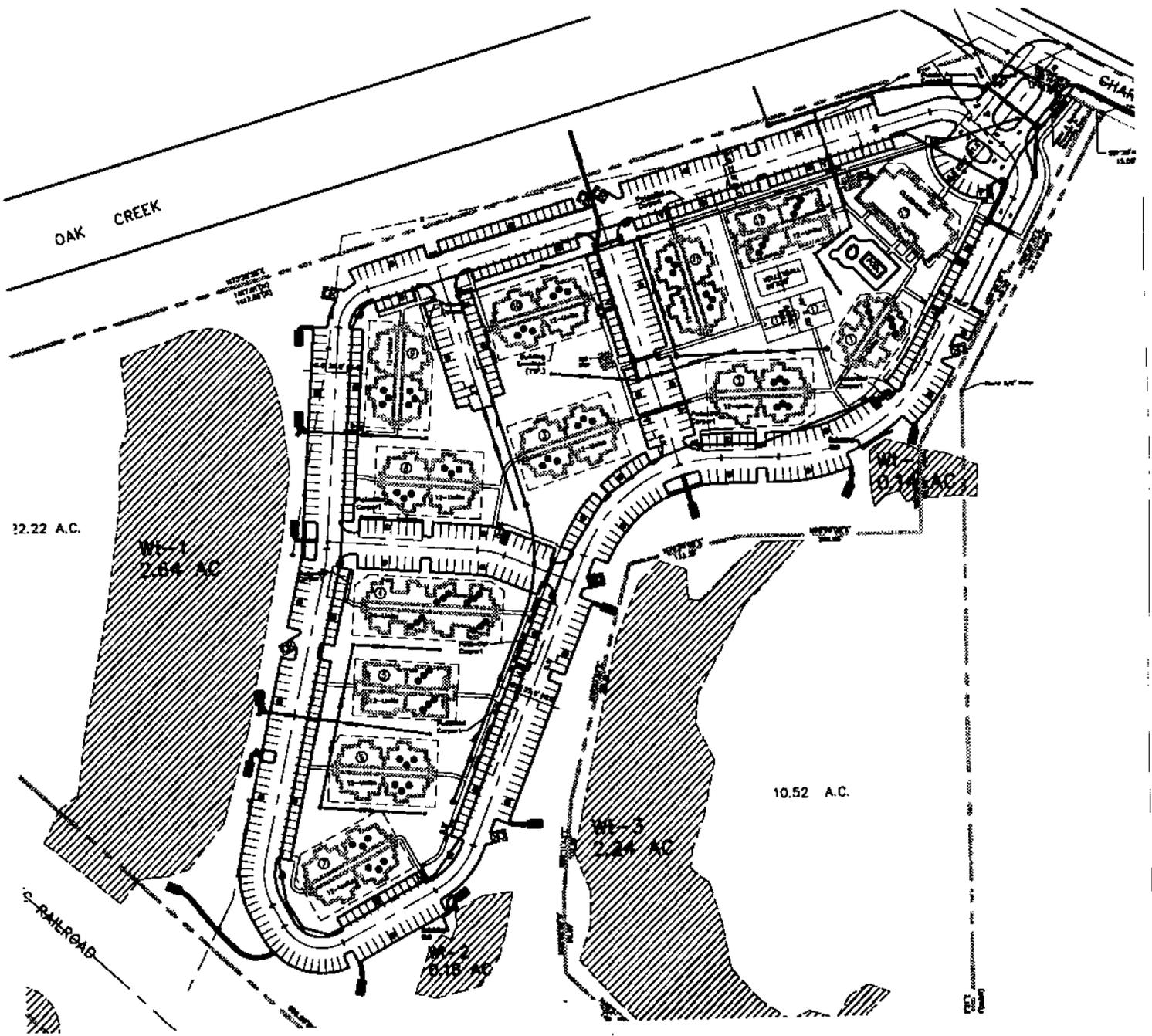


DRAWING No.: 129801EXB  
Aug. 27, 2001 REI Project No.: 129801B Zone Change

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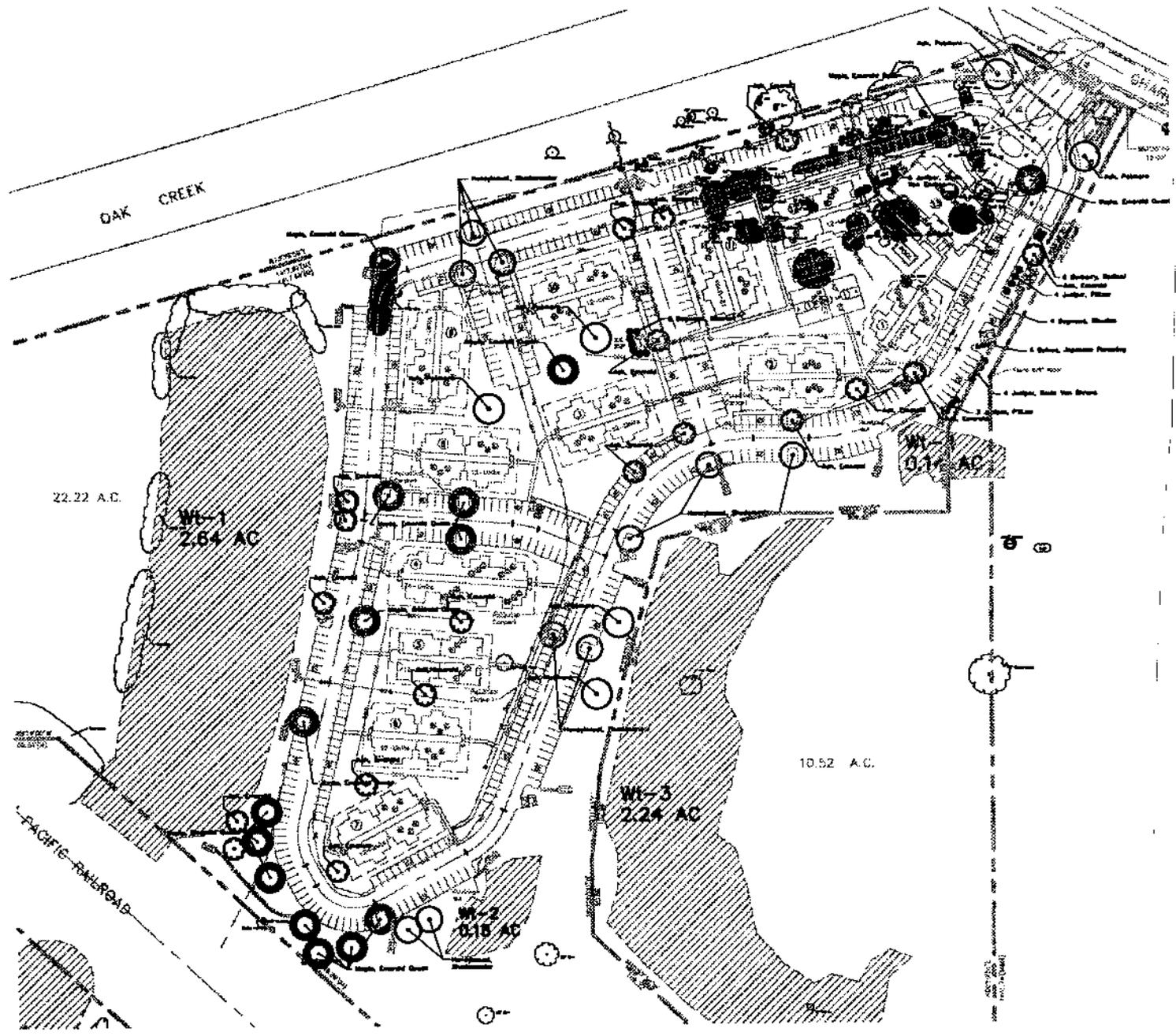


Site Plan REI 09-20-01



Grading Plan REI 09-20-01

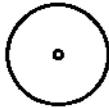




Landscape Plan RE I 09-20-01



## REQUIRED LANDSCAPING

SYMBOL	COMMON NAME	BOTANICAL NAME	PLANTING SIZE	SPREAD	PLANTING METHOD	QUAN.
	Honeylocust, Shodemaster	Gleditsia triacanthos inermis "Shodemaster"	1 1/2" cal	30'	B&B or 44" Spade	10
	Ash, Emerald	Fraxinus pennsylvanica "Emerald"	1 1/2" cal	25'	B&B or 44" Spade	16
	Maple, Emerald Queen	Acer platanoides "Emerald Queen"	1 1/2" cal	35'	B&B or 44" Spade	16
	Ash, Ptmore	Fraxinus Pennsylvanica	1 1/2" cal	35'	B&B or 44" Spade	7
	Barberry, Redleaf	Berberis thunbergii atropurpurea	18"-24"	3'	B&B or Cont.	6
	Juniper, Pfitzer	Juniperus chinensis pfitzeriana	18"-24"	6'	B&B or Cont.	7
	Juniper, Savin, Van Ehrons	Juniperus sabina, "Van Ehrons"	18"-24"	6'	B&B or Cont.	10
	Dogwood, Siberian	Cornus alba sibirica	2"-3"	6'	B&B or Cont.	10
	Quince, Japanese Flowering	Chaenomeles speciosa	15"-18"	4'	B&B or Cont.	4

NOTE: Existing Shrubs and Trees to be Removed



# NOTES

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1. The property included within the limits of the overall Community Unit Plan consists of 38.77 acres.
2. The existing zoning of the property between the Union Pacific and BNSF Railroads is currently zoned R-3 Residential and east of the Union Pacific Railroad is I-1 Industrial District. The Developer requests a change of zone to R-3 Residential District for the existing I-1 Industrial District.
3. The Developer proposed to deed 16.5 acres of land between the existing two Railroads to the lower Platte South for use in creation of additional wetlands, in connection with the Lincoln Saline Wetland Nature Center located to the west. The proposed development within the balance of the 22.22 acres of the Community Unit Plan consists of a total of 156 Apartment Units in twelve three story structures with 562 parking stalls, eleven handicap stalls, clubhouse, swimming pool and other recreational amenities.
4. All structures shall conform to the maximum height limitations of the R-3 Residential District.
5. Sidewalks shall be six feet wide, four inches thick concrete, unless otherwise noted on the Site Plan, and shall be constructed at locations as shown on the Site Plan. Handicap ramps shall be provided at all intersections of proposed sidewalks with Public Streets, and private driveways.
6. The proposed water mains for the Apartments shall be Private and shall be constructed under a Plumbers Permit.
7. The proposed sanitary sewer mains for the Apartments shall be Private and shall be constructed under a Plumber's Permit.
8. The proposed storm sewer shall be Private and constructed under a Plumber's Permit.
10. All street lights along the Public Street shall be Public and along the private driveway shall be private, and constructed in accordance with the requirements of L.E.S..
11. Utility Easements shall be provided as required in connection with Design Standards.
12. Care will be taken in the removal of existing trees, to remove only those trees required due to site grading and construction of the proposed apartment structures, drives and parking lots. Existing trees, including those to be removed have been shown on the Existing Topographic Site Plan and Landscape Plan.
13. Street trees and landscaping shall be provided as required in connection with Design Standards.
14. The Developer shall agree to the maintenance of common walks, driveways and parking lots, utilities, recreation facilities, landscaping, clubhouse, swimming pool and amenities.
15. Existing contours have been developed from actual field surveys completed in July of 2001.
16. Existing and proposed contours are based on North American Vertical Datum 1988.
17. All Handicap Accessible Parking Stalls and ramps shall be in accordance with the Americans with Disabilities Act.
18. Any relocation of existing gas mains shall be paid for by the Developer.
19. All Apartments and garages shall not be built within utility easements.
20. The drives and parking lots shall be constructed with 24" concrete curb and gutter and six inches of recycled asphaltic concrete pavement or with six inches of concrete pavement and six inches of concrete integral curb.
21. The existing wetlands have been delineated in the field by Terracon Consultants and will not be destroyed during or after construction.
22. Blanket Utility Easements shall be provided excluding Building Envelopes over the entire Development; any relocation of existing facilities will be at the Developers expense.
23. The entire area lies within the limits of the established 100 Year Flood Plain as indicated on FEMA MAPS No. 315273 0025C. All structures shall be constructed to a minimum elevation of one foot above the 100 Year Base Flood Elevation.
24. Oak Creek Apartment shall incorporate a Shuttle Buss System to transport students to and from the University of Nebraska-Lincoln. This Shuttle will not route through Charleston Street.

September 18, 2001

Mr. Jason Reynolds  
 City of Lincoln Planning Department  
 555 South 10<sup>th</sup> Street  
 Lincoln, NE 68508

RE: Community Unit Plan  
 Oak Creek Apartments  
 North 1<sup>st</sup> and Charleston Streets – Lincoln, NE  
 REI Project No. 129801-B

Dear Jason:

The purpose of the letter is to submit to you the revised density calculations for Oak Creek Apartments in connection with the draft amendments that were made to authorize the use of dwellings for non-related persons as part of a Community Unit Plan. I am also giving you the Maximum Density for a Community Unit Plan Chapter 3.35 1.1Ae They are as follows:

<u>Description</u>	<u>Number of Units</u>	<u>Number of Bedrooms</u>
3 BDRM/3 BATH	36	108
4 BDRM/2 BATH	96	384
4BDRM/ 4 BATH	24	96
On-Site Security Officer	1	1
<hr/>		
TOTALS	157 Units	589 Bedrooms

2,000 SF per bedroom of Lot Area

$2,000 \times 589 = 1,178,000$  SF

$1,178,000 / 43,560 = 27$  AC

Total AC  $38.774 \times 6.96 = 269.87$  Maximum Dwelling Units we can have.

According to our calculations, we need a minimum of 27 AC in order to have 589 Bedrooms. We have 38 AC of land for our Development. Please give me a call with any questions you may have.

Sincerely,

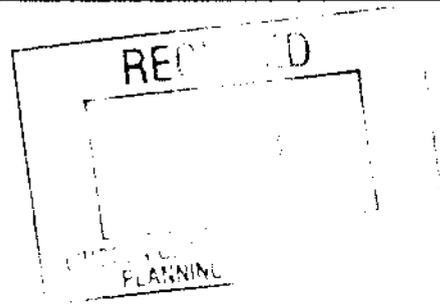
**ROSS ENGINEERING, INC.**

Laura A. Caki  
 Planning Assistant

cc: Paula Barrera  
 Mike Rierden

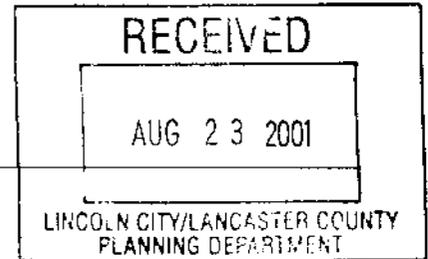
# M e m o r a n d u m

**To:** Jason Reynolds, Planning  
**From:** *Dennis Bartels*, Engineering Services  
**Subject:** Oak Creek Apartments  
**Date:** September 5, 2001  
**cc:** Roger Figard  
Nicole Fleck-Tooze



The plans submitted August 28, 2001 appear to be the same plans reviewed for the August 9 review. The same comments therefore apply. The new application references an additional tract of ground and grading that is to be accomplished on this tract. This tract is not shown on the community unit plan, grading plan or on the site plan. I recommend that the entire CUP be shown on the plans and the work to be accomplished within the limits of the CUP be shown.

# M e m o r a n d u m



**To:** Jason Reynolds, Planning

**From:** *Dennis Bartels*, Public Works and Utilities

**Subject:** Oak Creek Student Housing SP #1928

**Date:** August 22, 2001

**cc:** Roger Figard  
Virendra Singh  
Nicole Fleck-Tooze  
Mark Bauer

Engineering Services has reviewed the proposed Oak Creek Student Housing Special Permit 1928 application and has the following comments:

1. Sanitary Sewer - The apartment complex can be served with sanitary sewer by out letting to the existing sewer in Charleston. The detail on the plan showing the sewer out letting into the existing lift station may not be acceptable to the Wastewater Division. A manhole may be required on the 10" sewer in Charleston to outlet the proposed private system.
2. Water - Water is proposed to be provided to this development by extending the existing public system west in Charleston from the vicinity of 1st and Charleston. The application letter indicates that the main will be built by assessment district. No request has been made for a district so there has been no review or approval given for a district. This water main needs to be installed prior to building permits either by executive order at the expense of the developer or by assessment district. The proposed water service will need to meet requirements for private services. The below grade meter pit may not be satisfactory.
3. Street System - The plan and letter of application indicate that Charleston Street will be paved to 1st Street. The existing pavement is a rural cross section pavement. The majority of existing Charleston is brick pavement in poor condition. The paving must be replaced to serve this development. The letter of application indicates that a paving district will be requested to construct the paving. The paving needs to be constructed in conjunction with this development either by authority of an executive order or by district.

The proposed 33' wide paving shown for Charleston is shown within or over the existing lift station. This lift station is constructed several feet above existing grade. This may preclude building the pavement where shown and require relocation of the proposed driveway. Charleston Street is vacated over Oak Creek. The Charleston paving is not required west of the driveway that serves this property. Charleston to the west serves

industrial property. Trucks may use Charleston and have need to turn around. The standard method of terminating a dead end street is a cul-de-sac. I recommend Charleston to be terminated in a cul-de-sac and the driveway for this complex be designed to enter off the cul-de-sac. Right-of-way will be needed for the cul-de-sacs.

The only access to this development is the dead end Charleston Street. The location of the project driveway is nearly 1000' from the 1st and Charleston intersection. Charleston Street at this location is below the 100 year flood plain elevation. A project to relocate Sunvalley in an alignment to connect to 1st Street at Charleston is presently under study. The study is proposed to be completed this fall. The design of Charleston Street at 1st Street will be affected by the design of the Sunvalley project.

The most direct route for vehicular traffic from these apartments to the University of Nebraska is east from Sunvalley on Line Drive Boulevard to Charleston to 10th Street. This additional traffic may be an issue with the residents between 10th and Sunvalley Boulevard.

4. Drainage - The plan shows drainage from the developed areas of the project in to wetlands that are proposed to be maintained. The proposed rock-rip rap at the outlets into the wetlands is a minimal design to prevent erosion, sedimentation and water quality problems for discharging runoff into the wetlands. A better design or more details of the design are needed before approval.

Storm water detention in accordance with design standards is not proposed. The plan however shows drainage to the wetlands and a proposed lake that will provide some detention and will provide the secondary water quality benefits that a designed detention facility would have provided. Due to the location adjacent to Oak Creek and the project design, Engineering Services recommends waiver of detention in strict accordance with design standards.

The plans shows fill in the flood plain. The majority of fill is proposed to be taken from on-site. The plan appears to meet existing flood plain zoning requirements. The supplied information does not address the affect, if any, upon the flood plain.



**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LIN  
COLN.NE.US >

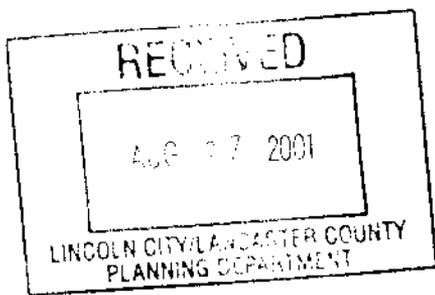
To: Jason Reynolds <JReynolds@ci.lincoln.ne.us>  
cc:  
Subject:

08/17/2001 03:38 PM

Jason,

The Lincoln Police Department has concerns with the "Oak Creek Student Housing" SP 1928. The plans show only one entrance /exit which causes great concern for emergency responses into the complex off of Charleston Street. If an emergency would occur in the entrance/exit on Charleston Street, that would block access into the complex, emergency personnel response to emergencies in the complex would be greatly delayed and hampered. We believe this is a valid concern, not only for the police department and other emergency vehicles that will be responding to emergencies at the Oak Street Apartments, but for the residents that will occupy the apartments.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department



# Memo

**To: Jason Reynolds, Planning Department**  
**From: Mark Canney, Parks & Recreation**  
**Date: August 27, 2001**  
**Re: Oak Creek Student Housing SP 1928**

---

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. The existence of wetlands and saline wetlands in particular has implications for both storm water and tree planting conditions. Therefore, a report needs to be provided by Terracon Consultants, Inc.
2. Concerns about using wetlands as storm water routing and the negative impact petrochemicals will have on the surrounding wetlands as a result of the proposed drainage/grading systems.
3. Landscape plan should reflect the soil conditions of the site. Plant material appropriate to wetlands/saline conditions should be used.
4. Site plan should reflect the connection to trail system on Southside of Oak Creek – need to provide a level plane for trail system to go through.
5. Please show revision dates on all drawings to ensure the most current drawings are being reviewed.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248.

**City of Lincoln, Nebraska**

**IMPORTANT**

All revisions to plans must include a permit number and address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

**Plan Review Comments**

Permit # DRF01082

Address

Job Description: OAK CREEK STUDENT HOUSING

Location: Oak Creek Student Housing S

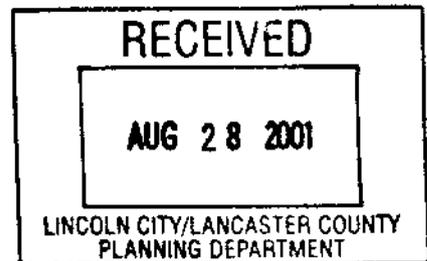
Special Permit: Y 1928

Preliminary Plat: N

Use Permit: N

CUP/PUD: N

Requested By: JASON REYNOLDS



Status of Review: Denied

8/14/2001 12:31:47 PM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: 1.

Provide public or private hydrant at or near entrance to complex.

2.

If more than three outsiders are accommodated the building will be reviewed as a lodging/rooming house for life safety code review.

**Current Codes in Use Relating to Construction Development in the City of Lincoln:**

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards





INTER-DEPARTMENT COMMUNICATION

TO Jason Reynolds, City Planning  
SUBJECT DEDICATED EASEMENTS  
DN #15N-1E

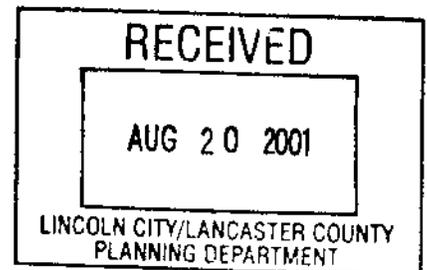
DATE August 20, 2001  
FROM Sharon Theobald  
(Ext. 7640)

Attached is the C.U.P. for Oak Creek Apartments.

**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 blanket utility easements, excluding building envelopes, over the entire development, as covered by Item 22 of the notes on sheet 1 of 11.

*Sharon Theobald*



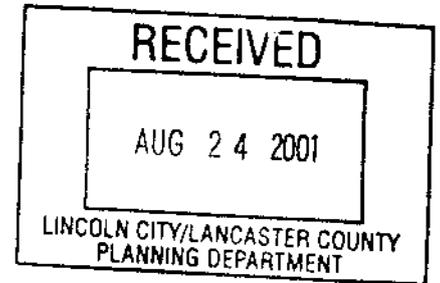
ST/ss  
Attachment  
c: Terry Wiebke  
Easement File



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NEBRASKA REGULATORY OFFICE-WEHRSPANN  
8901 SOUTH 154<sup>TH</sup> STREET, SUITE 1  
OMAHA, NEBRASKA 68138-3621

REPLY TO  
ATTENTION OF:

August 22, 2001



City of Lincoln Planning Department  
Attn: Jason Reynolds  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68508

Dear Mr. Reynolds:

The Corps of Engineers is responsible for administering Federal laws that regulate certain activities in waters of the United States. The authority applicable to this responsibility is Section 404 of the Clean Water Act (33 U.S.C. 1344), which prohibits the discharge of dredged or fill material into lakes, streams or wetlands without authorization in the form of a Department of the Army permit and Section 10 of the Rivers and Harbors Act of 1899 which regulates all work or structures in or affecting the course, condition, or capacity of navigable waters of the United States.

Your project as proposed appears to impact wetlands that are under the jurisdiction of U.S. Army Corp of Engineers under Section 404 of the clean water act. A 404 application will need to be submitted to this office for review prior to construction on this project.

If you have any questions regarding this matter, please contact me at (402) 896-0896 and reference file number **2001-10862**.

Sincerely,

Matt Wray  
Project Manager

SUPERVISOR, CUSTOMER SERVICE SUPPORT



August 15, 2001

Jason Reynolds  
City-County Planning Department  
555 So 10 St  
Lincoln NE 68508-3992

**SUBJECT:** Oak Creek Student Housing

Jason,

I have reviewed the above-mentioned request.

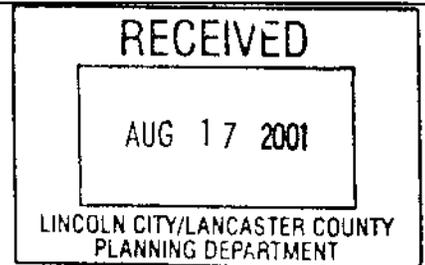
I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "David L. Wampler".

David L. Wampler  
Acting Supv. Customer Service Support

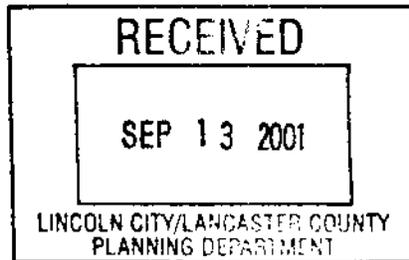


**J. Michael Rierden**  
ATTORNEY AT LAW

CZ 3328 CC KC  
CZ 3329 WA RAY  
SP 1928 JR

THE COTSWOLD  
645 "M" STREET  
SUITE 200  
LINCOLN, NE 68508

TELEPHONE (402) 476-2413  
TELECOPIER (402) 476-2948



September 10, 2001

Kathleen Sellman, Director of Planning  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Charleston Street Apartments/Student Housing

Dear Kathleen:

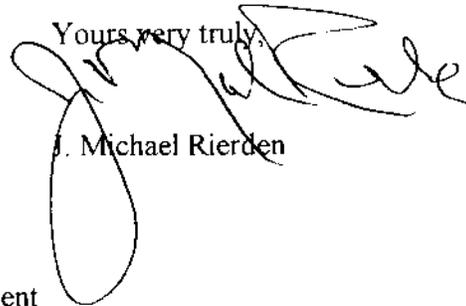
In an effort to keep you up-to-date on our efforts concerning the student housing development which we had spoken to you about several weeks ago I would like to let you know of the following progress we have made, to-wit:

1. On August 29, 2001, we met with Rich Wiese, who is President of the West O Business Association. Mr. Wiese said that the Association is fully in favor of the student housing proposal and would be providing us with a letter in support. Mr. Wiese said that the West O Business Association would also like to see this more of this type of development in the area along with other mixed uses rather than the intense industrial use which is currently zoned.
2. On August 28, 2001, we met with the Board of Directors of North Bottom Homeowners Association. Like the Business Association the Homeowners Association appeared to be in favor of the student housing proposal. There was a good discussion concerning security, parking, flood plain and other related issues. I believe that we satisfied their concerns. I have requested a letter of support from the Homeowners Association that we will present to the Planning Commission and City Council.
3. As you know, I am currently working with Jason and Rick Peo to refine the text amendment. I have received a memorandum from Rick dated September 5, 2001, with proposed language changes. In my initial review it appears that this language is satisfactory and accomplishes our goal and that it also protects existing neighborhoods.

Kathleen Sellman  
September 10, 2001  
Page 2

I will keep you posted of any further developments and if you should have any questions please feel free to contact me.

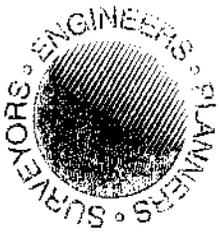
Yours very truly,

A handwritten signature in black ink, appearing to read "J. Michael Rierden". The signature is fluid and cursive, with a large loop at the end.

J. Michael Rierden

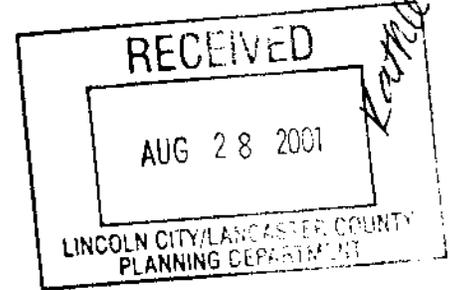
JMR/jdr

Pc: Paula Barrera, Dinerstein Companies  
Mark Wulschleger, Director of Urban Development  
Ron Ross, Ross Engineering



ROSS  
Engineering,  
Inc.

August 27, 2001



Mr. Glenn Johnson, General Manager  
Lower Platte South Natural Resources District  
3125 Portia  
Lincoln, Nebraska 68501-3581

Re: Oak Creek Apartments  
No. 1<sup>st</sup> Street and Charleston Street  
Lincoln, NE  
REI Project No. 129801-B

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Dear Glenn:

As previously discussed with you, The Dinerstein Companies, from Houston, TX, is planning on acquiring property from Dr. White which is generally located west of No. 1<sup>st</sup> Street and south of Charleston Street, and east of the Lincoln Saline Wetlands Nature Center. We formally submitted to the Director of Planning on August 23, 2001, a Change of Zone from I-1 to R-3 Residential Zoning District for the property along with a request for a Community Unit Plan for 156-unit apartment complex for student housing.

There are two separate tracts of land involved with this C.U.P. The westernmost tract is 16.55 acres and is bound by the Union Pacific and Burlington Northern Santa Fe Railroads. This tract of land contains two specific wetlands, but also has some upland area that is east of the basic wetlands that could be excavated to provide some fill material for use within the apartment complex, to avoid hauling in material from outside of the 100 Year Flood Plain. There is an access easement to this property across the proposed apartment complex to the east. We would like to coordinate the grading of this area with the NRD to avoid the wetlands and large tree masses that currently exist within this tract, and leave the site in a condition that the NRD could then take and finalize in creation of additional wetlands. Since this westernmost tract is adjacent to and east of the current Lincoln Saline Wetlands Nature Center and the adjacent railroad track has been abandoned, it is logical to consider this as an expansion of the Nature Center.

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

There is 10.50 acres of additional land that The Dinerstein Companies are not planning to acquire from Dr. White, and that could also be obtained by the NRD. This lies along the east side of the apartment complex and does contain wetlands and some of the original City of Lincoln Landfill. This tract will have access to Charleston Street. We have conducted an Electromagnetic Survey and completed additional boring in order to verify the limits of the original landfill.

1311 19th Street  
Suite 102  
Auburn, NE 68305  
Phone 402.274.4828  
Fax 402.274.4821

In addition to excavation within the 16.55 acres, we plan to also excavate material from the northwest portion of the east site and use it as fill material under the units and parking lots. This area will be graded and used for some detention. This area could also be set up in a Conservation Easement, if this is something that the NRD would be interested in. The intent is to create a permanent pond of water, that will have an outlet control structure that allows for water to pool and build up and then be discharged directly into Oak Creek.

I am enclosing a Grading Plan and Existing Topographic Site Plan for the Oak Creek Apartments, for your review and general information. I would like to set up a meeting to pursue the site grading and work out the details necessary on both the west tract and the east tract. Terracon Consultants has been in contact with John Pederson, with the Corps of Engineers, and it is the initial understanding that since we will not be impacting the existing wetlands, that we will not need to involve the Corps of



Engineers. It is also our understanding that they would prefer that we work directly with the NRD on this Project. I will pass on the COE's final comments as soon as we receive them.

As you can see from the enclosed drawings, we are showing some storm sewer outlets that discharge storm water runoff into limestone rip rap sedimentation basins, across grassed areas and then into the existing wetlands. The westernmost wetlands holds water and normally is about 3.5 feet to 4.5 feet deep. There is intended to be an overflow from this existing pond into the western proposed pond, that will provide some minor detention, that will then have a controlled discharge north into Oak Creek by means of a 30 inch outlet pipe with a flap gate.

We would appreciate your initial thoughts regarding this Project and the dedication of land and/or a conservation easement to the NRD.

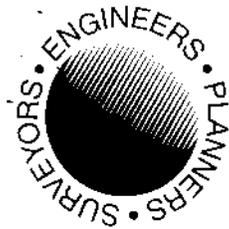
Sincerely,

**ROSS ENGINEERING, INC.**

Ron E. Ross, P.E.  
President

cc: Paula Barerra  
Nicole Fleck-Tooze

  
Dennis Bartels  
Pat Sward



**ROSS**  
**E**ngineering,  
**I**nc.

August 23, 2001

Ms. Kathleen Sellman, AICP  
Planning Director  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Community Unit Plan  
Oak Creek Apartments  
North 1<sup>st</sup> and Charleston Streets – Lincoln, NE  
REI Project No. 129801-B

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Dear Kathleen:

As indicated in the recent letter to you dated August 17, 2001, we are herewithin resubmitting the Application for a Special Permit for a Community Unit Plan for Oak Creek Apartments. The enclosed revised drawings eliminate approximately the easternmost 10.5 acres previously included within the limits of the CUP, and also include the 16.5 acres of land located between the Union Pacific and Burlington Northern Sante Fe Railroads.

On behalf of The Dinerstein Companies, we are submitting an Application for a Community Unit Plan (CUP) to develop 156 apartment units and a clubhouse on 23.2 acres of land. Other amenities include a swimming pool, basketball court and volleyball court. There will be a mail kiosk located near the clubhouse for all mail deliveries. The apartment complex will have 36 two-bedroom units, 24 three-bedroom units and 96 four-bedroom units. The proposed apartment complex is targeted for college students. The Dinerstein Companies have been providing quality housing for college students since 1997. Currently they have complexes in 20 states throughout the United States.

The overall area of the CUP includes 38.7 acres. It consists of 22.2 acres on Lot 82 IT of Section 15 and Lot 264 IT of Section 22; and 16.5 acres on part of Lot 82 IT of Section 15 and Lot 132 IT of Section 22. Of the total area, only 10.14 acres will actually be developed, with the remaining area left as open space, ponds and the existing wetlands

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

This application for a CUP is in conjunction with a Change of Zone request from I-1 Industrial to R-3 Residential District. Michael Rierden, with Rierden Law Office, has previously submitted the Change of Zone. We are requesting that the two items be reviewed together. Included with this submittal is an Exhibit identifying the Change of Zone.

1311 19th Street  
Suite 102  
Auburn, NE 68305  
Phone 402.274.4828  
Fax 402.274.4821

The developer will provide transportation to and from the University of Nebraska by use of a shuttle bus. This will reduce traffic to and from the complex. The shuttle bus will not travel along Charleston Street west of No. 10<sup>th</sup> Street, but will use an alternative route around the North Bottoms neighborhood.

The proposed development is generally located at No. 1<sup>st</sup> and Charleston Streets and lies within the 100-Year Floodplain. There will be minimal fill required due to excavation on site in the northwest corner and within the adjacent 16.5 acres to the west. There will be some trucked in clay material under the proposed buildings, but this will have very minimal impact on the 100 year Flood Plain Elevation.



Wetlands exist on the subject properties. The Dinerstein Companies retained Terracon Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the 22.2-acre parcel. Terracon identified a total of 5.21 acres of wetlands in four categories. The four categories are described as Wt-1, Wt-2, Wt-3 and Wt-4. Wt-1 consists of 2.64 acres and is the largest of the four. Wt-1 is located adjacent and west of the existing horse exercise track. Wt-2 is located at the southwest corner of the horse exercise track and comprises 0.18 acres. The third wetland area Wt-3 is a crescent-shaped area located in the eastern portion of the subject property. Approximately 2.24 acres comprises the wetland area for Wt-3. Wt-4 is located in the northeast portion of the subject property. Wt-4 consists of approximately 0.14 acres.

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 existing wetlands, and will actually expand the current wetlands within both of the parcels. In addition to the wetlands discussed above, there are approximately 6.8 acres of additional wetlands to the southwest across the railroad tracks. The Dinerstein Companies have agreed to deed the 16.5 acres to the Lower Platte South Natural Resources District (NRD). The addition of the 16.5 acres would enable the NRD to enhance the existing Lincoln Saline Wetlands Nature Center located adjacent to and west of the 16.5 acres. The developer plans to use the upland land areas within this tract to obtain borrow material. More wetlands would be created as a result of obtaining borrow material, consistent with the intent of the NRD.

Portions of the general area were reportedly used for solid waste disposal by the City of Lincoln. Terracon has performed an 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. There is no existing landfill within the limits of the proposed CUP.

There is an existing 10-inch sanitary sewer main on Charleston Street. An 8-inch sanitary sewer main will be extended to service the development. The sanitary sewer main within the complex will be private. The water main will extend west along Charleston Street from 1<sup>st</sup> Street. It will be 8-inch along Charleston Street and Public. A district will be requested for the construction of the water main along Charleston Street. The water main will be reduced to 6-inches to serve the development. The water main will be private within the development and will include a meter and backflow preventer.

Charleston Street west of No. 1<sup>st</sup> Street will be improved to a 33-foot-wide public street. A paving district will be requested for the improvements to Charleston Street and no new streets will be constructed for this proposed development. Drives within the complex will be 25-foot wide. There will be one parking stall per bedroom, with a total of 567 parking stalls. Twelve of the parking stalls are handicap stalls.

We are requesting a waiver to Design Standards to provide reduced detention storage, due to the closeness of Oak Creek, as otherwise required by Chapter 2.05 Section 8. Detention-retention storage. Due to the existing wetlands, close proximity to Oak Creek, and the approximate 23 acres of open space, we feel a detention pond is not warranted. Stormwater will surface drain throughout the complex. The majority of the area will surface drain into limestone sedimentation basins and then into open areas. The northwest portion of the development will drain through storm sewer pipes outletting into Oak Creek.

We are also requesting a waiver to Chapter 27.71 Section 27.71.140 of Title 27 Lincoln Municipal Code. This section states that there be a 40-foot clearance between buildings that are three stories in height. In order to avoid building in the wetland areas we need to locate some buildings closer together than 40 feet.



Included with this submittal are the following:

A) Plans

- |                                       |           |
|---------------------------------------|-----------|
| 1. Cover Sheet                        | 7 copies  |
| 2. Existing Topographic Site Plan (1) | 7 copies  |
| 3. Existing Topographic Site Plan (2) | 7 copies  |
| 4. Site Plan                          | 17 copies |
| 5. Grading Plan                       | 7 copies  |
| 6. Drainage Area Plan                 | 7 copies  |
| 7. Driveway Profile                   | 7 copies  |
| 8. Driveway Profile                   | 7 copies  |
| 9. Utility Plan                       | 7 copies  |
| 10. Landscape Plan                    | 7 copies  |
| 11. Limit of Landfill                 | 7 copies  |

B) The Filing Fee Check in the amount of \$2,195.00 was previously submitted.

C) Letter from Sanford J. Slobin – Certification of Ownership

D) Change of Zone Exhibit 7 copies

E) Letter to Kathleen Sellman, dated August 17

Sincerely,

**ROSS ENGINEERING, INC.**

Ron E. Ross, P.E.  
President

cc: Paula Barrerra  
Mike Rierden  
Melinda Pearson  
Pat Sward

Enc.  
129801L12.doc

RER:am

B S C

713 871 1618

08/09 '01 14:26 NO.056 02/02

**SLOBIN & SLOBIN**  
**ATTORNEYS AT LAW**  
A Professional Corporation  
**ONE RIVERWAY**  
**SUITE 1950**

Telephone (713) 871-1133

HOUSTON, TEXAS 77056

Facsimile (713) 871-1618

August 9, 2001

The City of Lincoln  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, Nebraska 68508

Attention: Ms. Kathleen Sellman  
Director of Planning

Re: Oak Creek Apartment Project (the "Real Property")

Dear Ms. Sellman:

The undersigned has reviewed a Title Commitment issued by Capitol Title Company located in Lincoln, Nebraska, which indicates that Robert W. White and Louise B. White are the owners of the Real Property.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

**SLOBIN & SLOBIN, ATTORNEYS AT LAW, P.C.**

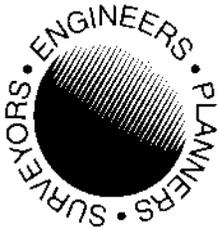
By: 

Sanford J. Slobin  
For the Firm

SJS/mja

130.4605/SJS1495A/08-09-01/DII/mja

AUG 24



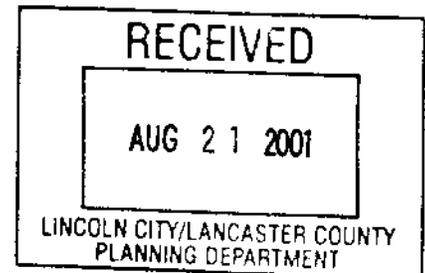
SP.1928

**ROSS**  
**E**ngineering,  
**I**nc.

August 17, 2001

cc KS  
RAY  
Jason

Ms. Kathleen Sellman, AICP  
Planning Director  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508



RE: Community Unit Plan  
Oak Creek Apartments  
North 1<sup>st</sup> and Charleston Streets - Lincoln, NE  
REI Project No. 129801-B

Dear Kathleen:

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The purpose of this letter is to indicate the proposed changes that we plan to implement in adjusting the limits of the Community Unit Plan to omit the easternmost twelve acres which include a portion of the original City of Lincoln landfill and some of the existing wetlands that we illustrate on our Existing Topographic Site Plan. We also plan to include the 17 acres of land bounded by the BNSF Railroad and Union Pacific Railroad tracks, located adjacent to and west of the proposed site of the Oak Creek Apartments, near No. 1<sup>st</sup> and Charleston Streets.

We have been in contact with Glenn Johnson, General Manager of the Lower Platte South NRD, who informed me that the NRD is very interested in being deeded the 17 acres, in connection with the expansion of the Lincoln Saline Wetlands Nature Center which is located adjacent to and west of the 17 acres. There are two existing wetlands located within the 17 acres which comprise approximately 45% of the area. These wetlands will be preserved and expanded by removal of some of the upland material from the site and use in providing some of the fill material that is needed for the proposed apartments and parking lots.

We plan to resubmit the revised CUP Drawings and legal description for the Oak Creek Apartments by Thursday, August 23, 2001 and wanted to advise the City Departments that this revision will be forthcoming, to avoid any unnecessary review and comment time on the part of City staff and other agencies.

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

Thank you for your time. Please feel free to give me a call if you have any questions or comments.

Sincerely,

ROSS ENGINEERING, INC.

Ron E. Ross, P.E.  
President

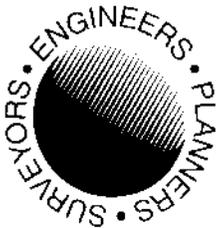
1311 19th Street  
Suite 102  
Auburn, NE 68305  
Phone 402.274.4828  
Fax 402.274.4821

cc: Paula Barrerra  
Mike Rierdon  
Melinda Pearson

www.rossengineering.com

129801L10.doc

RER:jmk



**ROSS**  
*Engineering,*  
*Inc.*

August 9, 2001

Ms. Kathleen Sellman, AICP  
Planning Director  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Community Unit Plan  
Oak Creek Apartments  
South 1<sup>st</sup> and Charleston Streets – Lincoln, NE  
REI Project No. 129801-B

AUG - 9 2001

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Tomorrow*

Dear Kathleen:

On behalf of The Dinerstein Companies, we are submitting an Application for a Community Unit Plan (CUP) to develop 156 apartment units and a clubhouse. Other amenities include a swimming pool, basketball court and volleyball court. There will be a mail kiosk located near the clubhouse for all mail deliveries. The apartment complex will have 36 two-bedroom units, 24 three-bedroom units and 96 four-bedroom units. The proposed apartment complex is targeted for college students. The Dinerstein Companies have been providing quality housing for college students since 1997. Currently they have complexes in 20 states throughout the United States.

The developer will provide transportation to and from the University of Nebraska by use of a shuttle bus. This will reduce traffic to and from the complex. The shuttle bus will use an alternative route around the North Bottoms neighborhood.

This application for a CUP is in conjunction with a Change of Zone request. Michael Rierden, with Rierden Law Office, has previously submitted the Change of Zone. We are requesting that the two items be reviewed together. Included with this submittal is an Exhibit identifying the Change of Zone.

The proposed development is generally located at 1<sup>st</sup> and Charleston Streets and lies within the 100-Year Floodplain. There will be minimal fill required due to excavation on site in the northwest corner and within the adjacent 17 acres. There will be some trucked in clay material under the buildings. The area of the CUP consists of approximately 33 acres and is located on Lot 82 IT of Section 15 and Lot 264 IT of Section 22. Of the total area, only 10.14 acres will actually be developed, with the remaining area open space and existing wetlands. In addition there is approximately 17 acres that are outside the boundary of this CUP. The 17 acres are on Lot 132 IT of Section 22. Although it lies outside the boundary of the CUP, it is being included as part of the overall master plan.

Wetlands exist on the subject property. The Dinerstein Companies retained Terracon Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the 33-acre parcel. Terracon identified a total of 5.21 acres of wetlands in four categories. The four categories are described as Wt-1, Wt-2, Wt-3 and Wt-4.

Wt-1 consists of 2.64 acres and is the largest of the four. Wt-1 is located adjacent and west of the existing horse exercise track. Wt-2 is located at the southwest corner of the horse exercise track and comprises 0.18 acres. The third wetland area Wt-3 is a crescent-shaped area located in the eastern portion of the subject property. Approximately 2.24 acres comprises the wetland area for Wt-3. Wt-4 is located in the northeast portion of the subject property. Wt-4 consists of approximately 0.14 acres.

The Candy Factory  
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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. In addition to the wetlands discussed above, there are additional wetlands to the southwest across the railroad tracks. This area is approximately 17 acres. The Dinerstein Companies have agreed to deed the 17 acres to the Lower Platte South Natural Resources District (NRD). The addition of the 17 acres would enable the NRD to enhance the existing Lincoln Saline Wetlands Nature Center located adjacent to and west of the 17 acres. The developer plans to use the higher areas within the 17 acres to obtain borrow material. More wetlands would be created as a result of obtaining borrow material, consistent with the intent of the NRD.

Portions of the site were reportedly used for solid waste disposal by the City of Lincoln. Terracon has performed an 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. There is no existing landfill within the limits of the developed area.

There is an existing 10-inch sanitary sewer main on Charleston Street. An 8-inch sanitary sewer main will be extended to service the development. The sanitary sewer main within the complex will be private. The water main will extend west along Charleston Street from 1<sup>st</sup> Street. It will be 8-inch along Charleston Street and Public. A district will be requested for the construction of the water main along Charleston Street. The water main will be reduced to 6-inches to serve the development. The water main will be private within the development and will include a meter and backflow preventer.

Charleston Street west of 1<sup>st</sup> Street will be improved to a 33-foot-wide public street. A paving district will be requested for the improvements to Charleston Street and no new streets will be constructed for this proposed development. Drives within the complex will be 25-feet wide. There will be one parking stall per bedroom, with a total of 567 parking stalls. Twelve of the parking stalls are handicap.

We are requesting the following waivers to Design Standards:

1. Chapter 2.05 Section 8. Detention-retention storage.
2. Chapter 3.50 Section 7.3 and 7.4. Screening of multi-family dwellings and residential lots backing onto railroads.

Due to the existing wetlands, close proximity to Oak Creek, and the approximate 23 acres of 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. The northwest portion of the development will drain through storm sewer pipes outletting into Oak Creek.

Due to the remote location of the apartments and the amount of open space, we are requesting a waiver to the screening of multi-family dwellings. Open space and the Lincoln Saline Wetlands Nature Center are to the south and west, and Oak Creek borders on the northwest. There is extensive open space and wetlands to the east. The only area that is in close proximity to an adjacent lot is in the extreme northeast section of the development. This area consists of the clubhouse and one apartment building. There is screening of the parking lot in this area. We also have 23 shade trees located throughout the parking lot.

We are requesting a waiver to Chapter 27.71 Section 27.71.140 of Title 27 Lincoln Municipal Code. This section states that there be a 40-foot clearance between buildings that are three stories in height. In order to avoid building in the wetland areas we need to locate some buildings closer together than 40 feet.





Included with this submittal are the following:

A) Plans

- |                                       |           |
|---------------------------------------|-----------|
| 1. Cover Sheet                        | 7 copies  |
| 2. Existing Topographic Site Plan (1) | 7 copies  |
| 3. Existing Topographic Site Plan (2) | 7 copies  |
| 4. Site Plan                          | 17 copies |
| 5. Grading Plan                       | 7 copies  |
| 6. Drainage Area Plan                 | 7 copies  |
| 7. Street Profiles (1)                | 7 copies  |
| 8. Street Profile (2)                 | 7 copies  |
| 9. Utility Plan                       | 7 copies  |
| 10. Landscape Plan                    | 7 copies  |
| 11. Limit of Landfill                 | 7 copies  |

B) Filing Fee Check in the amount of \$2,195.00

Sincerely,

**ROSS ENGINEERING, INC.**

Ron E. Ross, P.E.  
President

cc: Paula Barrerra  
Mike Rierden  
Melinda Pearson  
Pat Sward

129801L09.doc

RER:am



Lincoln



Nebraska's Capital City

June 25, 2001

J. Michael Rierden  
645 "M" Street - Suite 200  
Lincoln, NE 68508

RE: Change of Zone No. 3329 at 300 W. Charleston Street  
Text Change of Zone No. 3328

Dear Mike:

On June 19, 2001, you met with Ray Hill, Kathleen Sellman, Marc Wullschleger, Pat Birch, and Jason Reynolds. The following is a summary of our meeting:

- The Urban Development Department is about to initiate a study in this area. HDR will be conducting an ownership survey and doing grant research.
- Of particular concern are traffic and transportation issues. The student housing application should include a traffic study showing the impacts on Charleston Street and the North Bottoms neighborhood. How will the students get from this housing to the campus?
- There are a number of physical barriers to the site. It is close to campus at the crow flies, but I-180 and the rail lines are significant obstacles.
- In early February, the new Comprehensive Plan Document should move to public hearings. **Until the new plan is adopted, Planning Department recommendations will be based on the current Comprehensive Plan, which identifies the area as Industrial. We strongly recommend you postpone the change of zone request until the new Comprehensive Plan is adopted.**
- If the change of zone to R-3 Residential were approved without an accompanying Preliminary Plat/Community Unit Plan, the City would have no guarantee that the area would develop in a particular way - uses would be as permitted by R-3 Residential zoning.
- The State Department of Roads is redesigning Highway 6/Sun Valley Boulevard. They have filed corridor protection, however the final alignment has not been determined. The realignment could have a significant impact on the access from the site to the campus.
- The area is in the 100 year flood plain and appears to contain saline wetlands. The developer should contact the Army Corps of Engineers about a 404 permit.
- The text change of zone should be presented to the Neighborhood Roundtable. Contact Ann Harrell in the Mayor's office for scheduling information (441-8044).
- Timing is very important to the client. As a student housing provider, they want to time their opening with the academic calendar.



- Marc would like to know the size of the investment for this project.
- Marc suggested meeting with the Mayor about the proposed student housing.

If you find this summary is incorrect or lacking any salient details, please contact me at 441-7620.

Sincerely,



Jason Reynolds  
Planner

cc: Ray Hill  
Kathleen Sellman  
Marc Wullschleger  
Pat Birch  
Nicole Fleck-Tooze, Public Works  
Ann Harrell  
file

I:\PC\CZ\3300\cz3329.meeting.notes.jwr.wpd