

## FACTSHEET

**TITLE:** SPECIAL PERMIT NO. 622F, an amendment to THE VILLAS AT LAKESIDE COMMUNITY UNIT PLAN, requested by Ross Engineering on behalf of Craig Bauer Construction, to change from 130 units in 5 apartment buildings to 54 townhouses on individuals lots, with associated waiver requests, on property generally located at Lakeside Drive and West Lakeshore Drive.

**STAFF RECOMMENDATION:** Conditional approval, as revised on 4/30/03.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/30/03  
Administrative Action: 04/30/03

**RECOMMENDATION:** Conditional Approval, as revised by staff, with amendment (9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes').

### **FINDINGS OF FACT:**

1. This proposed amendment to The Villas At Lakeside Community Unit Plan seeks to change from 130 units in 5 apartment buildings to 54 townhouses on individuals lots, with the following waiver requests:
  - a) the requirement to submit a preliminary plat;
  - b) to grant the Planning Director authority to approve an Administrative Final Plat based upon the approved Community Unit Plan;
  - c) to grant the Planning Director authority to approve an Administrative Final Plat that includes a private roadway;
  - d) to waive the stormwater detention requirements; and
  - e) to exceed the maximum number of dwelling units on a dead-end street.
2. The staff recommendation of conditional approval dated April 18, 2003, is based upon the "Analysis" as set forth on 6-7, including approval of all waiver requests, concluding that the special permit generally conforms to the intent of the zoning and subdivision ordinances.
3. The applicant's testimony is found on p.13.
4. Testimony in opposition to the waiver of stormwater detention by the Lower Platte South NRD, Nebraska State Department of Roads and the Nebraska Game and Parks Commission is found on p.13-15 (Also see p.34-37 submitted at public hearing). These agencies have concerns about the potential impacts of the stormwater drainage from the site to the Category I saline wetland in the I-80 right-of-way as well as the potential impact upon the Salt Creek Tiger Beetle and the Saltwort, which have now been added to the State's list of endangered species. The Category I saline wetland is a critical habitat for these species.
5. On April 30, 2003, Dennis Bartels of Public Works & Utilities, withdrew his recommendation that the detention be waived and the Planning staff submitted amendments to the conditions of approval and changed the recommendation on the request to waive stormwater detention from approval to denial in response to the objections raised by the NRD, NDOR and Game and Parks Commission ( See Minutes p. 15-16; Also See Condition #1.1.12 and #1.1.13 on p.8, and Condition #2.4 on p.9).
6. The applicant's response to the denial of the waiver of stormwater detention is found on p.16-17. The applicant requested the opportunity to work with the staff and the objecting agencies in an effort to reach a mutual solution prior to hearing before the City Council.
7. On April 30, 2003, the Planning Commission agreed with the revised staff recommendation and voted 9-0 to recommend conditional approval, with amendment adding Condition #1.2 as follows: All stormwater conditions shall be resolved to the satisfaction of the Nebraska State Department of Roads, Lower Platte South Natural Resources District and the Nebraska Game and Parks Commission prior to advancement of this special permit to the City Council.
8. The applicant agrees in principle to the conditions of detention and water quality; however, on May 2, 2003, the applicant filed a letter of appeal to Conditions #1.1.12, #1.1.13 and #1.2 in order to advance this application to the City Council in an effort to meet a June 1<sup>st</sup> deadline (See Letter of Appeal, p.2-3).
9. All other Site Specific conditions of approval required to be submitted prior to scheduling on the City Council agenda have been satisfied, and the revised site plan is found on p.27.

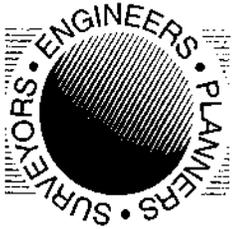
**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** May 5, 2003

**REVIEWED BY:** \_\_\_\_\_

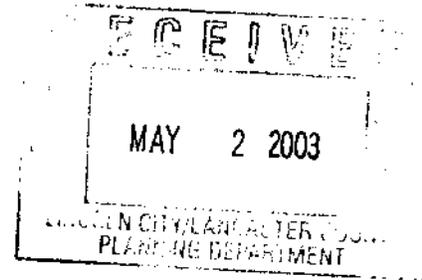
**DATE:** May 5, 2003

**REFERENCE NUMBER:** FS\CC\2003\SP.622F The Villas



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

May 1, 2003



Ms. Joan Ross  
City Clerk  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: **Amendments to The Villas at Lakeside Community Unit Plan**  
Lakeside Drive & Surfside Drive  
REI Project No. 83311-B

**ESTABLISHED**  
**1974**

*Innovative  
Designs  
For the  
Future of  
Tomorrow*

Dear Joan:

The Amendment to the original CUP of the Villas was:

Agenda Item 3.1 Special Permit No. 622F, amendment to the Lakeside Village Community Unit Plan, requested by Gus Ponstingl, with Ross Engineering, on behalf of Craig Bauer Construction Co., on property generally located at Lakeside Drive and West Lakeshore Drive.

We are hereby appealing the Planning Commission Amendment Conditions:

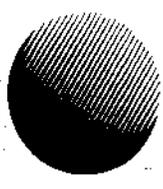
- 1.1.12 Submit drawings that conform to the stormwater detention requirements of the Land Subdivision Ordinance.
- 1.1.13 Provide a water quality retention facility capable of holding a 2-year storm event for 24 hours
- 1.2 All stormwater conditions shall be resolved to the satisfaction of the Nebraska State Department of Roads, Lower Platte South Natural Resources District and the Nebraska Game and Parks Commission prior to the advancement of this special permit to the City Council.

We are appealing 3 conditions set by the Planning Commission. These Amendments would not allow us to get scheduled for City Council until the NDOR, NGPC, and NRD all "sign off" on our proposed drainage plan and storm water quality plan. Unless we had them "sign off" the day of Planning Commission, or we appealed, we would not get to the Council before June (there is no Council meeting on May 26). In order for us to get scheduled right away (for Introduction on May-12 and Hearing/ Public Action on May-19), we need to appeal the amendment of Condition 1.2 and Conditions 1.1.12 & 1.1.13 -- with the expectation that we will get things worked out with the State and City before the 5-19 hearing.

We agree in principle to the conditions of detention and water quality, but we are only appealing these conditions because they would derail getting to City Council prior to June 1<sup>st</sup>. We are setting up a meeting with the State Departments so we can work toward a win-win solution for everyone regarding not only the detention for the water from Phase III of The Villas at Lakeside, but hopefully for the habitat areas adjacent to our site. We have a meeting on May 7th, 2003 to work out the various issues and details with State and City Staff. We respect the State's desire to detain water and have clean water discharging from our site.

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

www.rossengineering.com



We tentatively have worked out a plan to detain the storm water within the boundary of our site. This plan has met initial approval from the City Staff, and we plan to submit this very soon for formal approval. The nature of the detention and clean water conditions require drainage calculations and grade changes that are in their nature complex and time consuming. We may need to move the Surfside Circle Cul-De-Sac and perhaps a townhome unit, but we feel this is something we can do. The Planning Department and Public Works Department also feels this is a workable solution. We feel we can have a solution worked out and agreed to by the City and State prior to the City Council, but we couldn't meet the immediate resubmittal demands required by the amendments of the Planning Commission. We believe the solution to our drainage issues is relatively straight forward, and we could meet City and State requirements by retaining our run off on our site. But just meeting these requirements would probably not make the habitat for the Beetle more hospitable. The State feels that detention of all stormwater into the wetland would aid the Beetle, and both The Villas at Lakeside and the State could benefit from creating a combined detention area for not only The Villas at Lakeside storm water run off, but also that for the larger drainage basin. This detention basin would have to be constructed in the State ROW. By doing this, it would reduce the run off into the Class I Saline wetland considerably. The State has historically been reluctant to allow any detention to be constructed in the State ROW, but the possibility of improving the habitat of a State Endangered Species is a rare exception with a high degree of merit. During our meeting with the State, in addition to reviewing and approving The Villas at Lakeside detention, they will consider making this exception for the Beetles sake. We hope we have demonstrated that we are very interested in not only meeting the State's request for detention and clean water, but also we are committed to working toward a win-win solution for the Beetle, The Villas at Lakeside, and the community.

If you need any additional information or have questions, please call me.

Sincerely,  
**ROSS ENGINEERING, INC.**



August J. Ponstingl  
Senior Land Planner

cc: Craig Bauer  
Greg Czaplewski

AJP  
83311L36 appeal letter.doc

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

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**P.A.S.:** Special Permit 622F

**DATE:** April 18, 2003

The Villas at Lakeside Community Unit Plan

**(\*\*As Revised by Planning Commission: 4/30/03\*\*)**

**SCHEDULED PLANNING COMMISSION MEETING:**

**DATE:** April 30, 2003

**PROPOSAL:** Amend the Lakeside Village Community Unit Plan to change from 130 units in 5 apartment buildings to 54 townhouses on individual lots, redesign the roadway within the townhouse area, to revise the locations of garages, and add parking stalls.

**WAIVER REQUESTS:**

Requirement to submit a Preliminary Plat Approval

Grant the Planning Director authority to approve an Administrative Final Plat based upon the approved Community Unit Plan. Approval

Grant the Planning Director authority to approve an Administrative Final Plat that includes a private roadway. Approval

Waive the storm water detention requirements. Approval  
**Denial**

**(\*\*As revised by staff and recommended by Planning Commission on 4/30/03\*\*)**

Exceed the maximum number of dwelling units on a dead-end street. Approval

**LAND AREA:** 7.39 acres, more or less.

**CONCLUSION:** This special permit generally conforms to the intent of the zoning and subdivision ordinances.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Area of Community Unit Plan:

Lots 1, 2 Lakeside Village, and Lot 1 and Outlot A Lakeside Village 2<sup>nd</sup> Addition, located in Section 21-10-6, Lancaster County, Nebraska

**Area of Amendment:**

Outlot A Lakeside Village 2<sup>nd</sup> Addition, located in Section 21-10-6, Lancaster County, Nebraska

**LOCATION:** Lakeside Drive and West Lakeshore Drive

**EXISTING ZONING:** R-5 Residential and R-4 Residential

**EXISTING LAND USE:** Multiple-family residential

**SURROUNDING LAND USE AND ZONING:**

North:	U.S. Interstate 80	AG Agriculture
South:	Elderly housing	R-4 Residential
East:	Apartments	R-4 Residential
West:	U.S. Interstate 80	AG Agriculture

**ASSOCIATED APPLICATIONS:** Administrative Final Plat 03038  
Lakeside Village 3<sup>rd</sup> Addition

**HISTORY:**

- Apr 2002 Special Permit 622E approved to increase the maximum allowable height from 35' to 36.5' in order to allow 9' ceilings in the third floor apartment units.
- Nov 1997 Special Permit 622D approved to increase the number of dwelling units from 320 to 352, and to revise the building configurations.
- Apr 1995 Special permit 622C approved Western Manor CUP for 11 townhouse units in 2 structures.
- Sep 1994 Special Permit 622B approved to amend the CUP to include 32 duplex units in 16 structures, 38 townhouse units in 8 structures, and 308 apartment units in 9 structures (5 36-plexes and 4 32-plexes).
- May 1979 The zoning update changed the zoning districts from B Two-Family Dwelling and C Multiple-Family Dwelling to R-4 Residential and R-5 Residential, respectively.
- Dec 1974 Special Permit 622A approved to amend the CUP.
- Sep 1972 Special Permit 622 approved the Capitol Beach 5<sup>th</sup> Addition CUP.

**UTILITIES:**

The water mains as shown on the submitted drawings are unsatisfactory to the Public Works Department due to a dead-end main over 1,300' in length.

The sanitary sewer system as shown on the submitted drawings is too short to provide frontage to the proposed lots on Surfside Circle, and the grades shown are reverse to the street grade in Surfside

Circle. The Public Works Department will require the extension of the system further north into Surfside Circle and that the sanitary sewer system is parallel to the street grade in Surfside Circle.

**TRAFFIC ANALYSIS:**

The 2025 Comprehensive Plan shows West Lakeshore Drive, Lakeside Drive, Surfside Drive, and West S Street as Local Streets both now and in the future. (E 49, F105)

The submitted drawings show a dead-end street with a length of 949.32' from the centerline of the intersecting street. Applicant has provided an emergency access near the end of the street, which is not intended to be used as a street. The Public Works Department is requiring this connection to be a permanent access, or that there be another permanent access provided, due to the length of the dead-end.

**ENVIRONMENTAL CONCERNS:**

The stormwater drainage outlets to a Category I saline wetland. Since storm water drainage was waived with the original permit, and the submitted grading plan has not changed significantly from that which has been approved, the Public Works Department does not require any additional information relative to this wetland.

**ALTERNATIVE USES:**

The existing special permit would allow the construction of 5 apartment buildings with 26 units each, for a total of 130 dwelling units.

**ANALYSIS:**

1. This is a request for a special permit for 54 townhouse units on individual lots. The existing special permit allows the construction of 130 dwelling units in 5 apartment buildings. Applicant has asked to reserve the right to develop at the previously approved density.
2. This request includes several waivers. They are:
  - 2.1 Applicant requests to waive the requirement to submit a Preliminary Plat. The Planning Department does not oppose this waiver request provided Applicant submits all information required with a preliminary plat as part of the special permit.
  - 2.2 Applicant requests that the Planning Director be granted the authority to administratively approve the final plat based upon the approved Community Unit Plan with a private roadway. The Law Department has determined that LMC §26.31.015 can be interpreted to allow the City Council to grant such authority to the Planning Director. As part of that power, the City Council must modify LMC §26.11.015 to allow the dedication of streets and private roadways with an administrative final plat when such are part of the CUP. The Planning Department does not oppose this waiver request.
  - 2.3 Applicant requests to waive the storm water detention requirements. The storm water detention requirement was waived with the original permit. However, the Public Works Department will require maintenance of the storm sewer outfall at the sedimentation basin, or additional upgrading at the time of the final plat with a bond to be determined.

The Planning Department does not object to this waiver, provided Applicant meets this condition of Public Works.

- 2.4 Applicant requests to exceed the maximum number of dwelling units on a dead-end street. Pursuant to LMC §26.23.080 dead-end streets shall not have more than a potential of 40 dwelling units. The submitted drawings shows 42 dwelling units located along the dead-end street. Two of the units are located at the intersection of Surfside Drive and the driveway to the apartments. Since these units have two means of access, the Planning Department does not oppose this waiver.
3. The Public Works Department has several comments. See attached memo.
4. The Public Works Department Watershed Management Division has several comments. See attached memo.
5. Lincoln Electric System has required several easements that must be shown on the special permit drawings.
6. The Parks and Recreation Department states that the alkaline soils of the site are not compatible with Pin Oak, River Birch and Red Sunset Maple. Applicant should substitute with tree species tolerant of the soils. Also, they state that play equipment and a play court should be incorporated into the outdoor recreation area, unless the development is targeted towards seniors or retirees.
7. The Lincoln Airport Authority requires that the Ldn 65 and 70 lines should be shown on the drawings. Also, since the development is within the Airport Environs Noise District, an aviation easement will be required pursuant to LMC §27.58.080.
8. The Lincoln-Lancaster County Health Department has concerns regarding the proximity of the development to Interstate 80. Their comments are attached.
9. The Nebraska Department of Roads has identified potential noise impacts and wetland impacts. Their comments are attached.
10. The Building and Safety Department, School District, and Post Office have not commented on this application.

### **CONDITIONS:**

#### Site Specific:

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

- 1.1.1 All waivers shall be listed on the site plan.
- 1.1.2 An additional permanent access shall be provided along Surfside Drive to accommodate the long length dead-end.
- 1.1.3 The street profile and site plan sheets shall be revised so they show the proper paving width of Surfside Drive
- 1.1.4 Surfside Court shall be labeled on the site plan.
- 1.1.5 A water main plan shall be submitted that is acceptable to the Public Works Department.
- 1.1.6 A sanitary sewer system shall be submitted that is acceptable to the Public Works Department. Since there is no request to waive the requirement that sanitary sewer lines run parallel to street grades, the lines may not run reverse to street grades as shown on the drawings.
- 1.1.7 Note 2 or 28 shall be removed as it is redundant with the other.
- 1.1.8 Note 5 or 25 shall be removed as it is redundant with the other.
- 1.1.9 Note 7 should read "Public sanitary sewer mains will be constructed by Executive Orders," not a Plumbers permit.
- 1.1.10 Note 23 should be changed from "emergency driveway connection" to Full Access."
- 1.1.11 Add a note stating that maintenance of the storm sewer outfall at the sedimentation basin, or additional upgrading will be required at the time of the final plat with a bond to be determined.
- 1.1.12 ~~Submit a drainage study to show post-developed conditions do not exceed pre-developed conditions.~~ Submit drawings that conform to the stormwater detention requirements of the Land Subdivision Ordinance. **(\*\*As revised by staff in response to comments from the NRD, NDOR and Game and Parks Commission, and approved by Planning Commission: 4/30/03\*\*)**
- 1.1.13 ~~Demonstrate to the satisfaction of the Public Works Department that the area downstream of the stormwater outlet along the northwest limit of the GUP has the ability and capacity to drain.~~ Provide a water quality retention facility capable of holding a 2-year storm event for 24 hours. **(\*\*As revised by staff in response to comments from the NRD, NDOR and Game and Parks Commission, and approved by Planning Commission: 4/30/03\*\*)**

- 1.1.14 Show minimum opening elevations for lots adjacent to the drainage way and the 100 year flow path.
- 1.1.15 Provide easements for those portions of the storm drain system that are not located in a street.
- 1.1.16 Show all relevant drainage areas on the plat.
- 1.1.17 Provide easements as requested by LES.
- 1.1.18 Remove Pin Oak, River Birch and Red Sunset Maple tree species and replace them with tree species acceptable to the Parks and Recreation Department.
- 1.1.19 Provide play equipment and a play court in the outdoor recreation area, unless the development is targeted towards seniors or retirees.
- 1.1.20 Show the Ldn 65 and 70 lines on all drawings where such lines exist within this development.
- 1.1.21 Sign and return an Avigation Easement acceptable to the Lincoln Airport Authority.
- 1.1.22 Submit documentation acceptable to the Lincoln-Lancaster County Health Department detailing what noise abatement strategies will be used to protect this development from noise pollution.
- 1.1.23 Submit drawings consistent with the Nebraska Department of Roads' letter showing where any noise attenuation structures will be located. Nebraska Department of Roads will not allow such structures to be located in their right-of-way due to the potential effect grading may have on nearby wetlands..
- 1.1.24 Provide siltation control on water that enters any Nebraska Department of Roads' property to lessen the impact of siltation on wetlands existing on their property.

1.2 All stormwater conditions shall be resolved to the satisfaction of the Nebraska State Department of Roads, Lower Platte South Natural Resources District and the Nebraska Game and Parks Commission prior to advancement of this special permit to the City Council. (\*\*Per Planning Commission: 4/30/03 (Krieser, Taylor, Carlson, Duvall, Newman, Steward and Schwinn voting 'yes'; Larson and Bills-Strand voting 'no')).

2. This approval permits 54 dwelling units on 54 townhouse lots, and the following waivers and modifications:

2.1 Waive the requirement to submit a Preliminary Plat.

- 2.2 Grant the Planning Director authority to approve an Administrative Final Plat based upon the approved Community Unit Plan.
  - 2.3 Grant the Planning Director authority to approve an Administrative Final Plat that includes a private roadway.
  - ~~2.4 Waive the storm water detention requirements. (\*\*As revised by staff in response to comments from the NRD, NDOR and Game and Parks Commission and recommended by Planning Commission: 4/30/03\*\*)~~
  - 2.5 Exceed the maximum number of dwelling units on a dead-end street.
3. Administrative Final Plats will be approved by the Planning Director after:
- 3.1 The subdivider has 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 erosion 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 a subdivision agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit a plan for approval of the Director of Public Works showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land.
    - 3.2.2 To complete the private improvements shown on the Community Unit Plan.
    - 3.2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
    - 3.2.4 To continuously and regularly maintain the street trees along Lakeside Drive, the private roadways, and landscape screens.
    - 3.2.5 To submit to the lot buyers and home builders a copy of the soil analysis.

- 3.2.6 To pay all improvement costs.
- 3.2.7 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.8 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.
- 3.2.9 To inform all purchasers and users that the land is located within the outer approach zone of the Airport Environs District and that all construction shall be in conformance with the airport zoning requirements and the avigation and noise easement and covenant agreement.
- 3.2.10 To inform all purchasers and users that the land is located within a noise impact zone as established by the Nebraska Department of Roads based upon proximity to Interstate 80, and that no noise abatement devices will be installed by the Nebraska Department of Roads along the Interstate.

General:

- 4. Before receiving building permits:
  - 4.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
  - 4.2 The construction plans shall comply with the approved plans.
  - 4.3 Administrative Final Plats shall conform to the approved CUP and be approved administratively by the Planning Director.

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 or an appropriately established homeowners association approved by the City Attorney.

- 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 applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski  
Planner

**Applicant:**

Craig Bauer Construction Company  
5824 Rolling Hills Blvd.  
Lincoln, NE 68516  
730.3200

**Owner:**

Villas at Lakeside L.L.C.  
5824 Rolling Hills Blvd.  
Lincoln, NE 68516  
484.6222

**Contact:**

Ross Engineering  
Gus Ponstingl  
201 North 8<sup>th</sup> Street  
Lincoln, NE 68508  
474.7677

# SPECIAL PERMIT NO. 622F

## THE VILLAS AT LAKESIDE COMMUNITY UNIT PLAN

### PUBLIC HEARING BEFORE PLANNING COMMISSION

April 30, 2003

Members present: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn.

Staff recommendation: Conditional Approval.

Ex Parte Communications Disclosed: None

### Proponents

**1. Gus Ponstingl of Ross Engineering** testified on behalf of Lakeside Partners, L.L.C. This is a previously approved community unit plan, with 13 apartment buildings. Due to market conditions, the developer has decided to amend the previously approved CUP and change 5 of the 13 apartment buildings to townhome units. They have designed a private roadway with 54 various sized townhome units. A small access has been added to the southeast corner, with a cul-de-sac to the north. Ponstingl then discussed the waivers being requested. In order to meet a June 1st deadline, they have requested a waiver to proceed without the submittal of a preliminary plat and to allow the Director of Planning to administratively approve the final plat based on the community unit plan, and with a private roadway. The developer is requesting a waiver of stormwater detention because this waiver was approved in the previously approved community unit plan and the storm sewer is now built. They are also requesting to exceed the maximum number of dwelling units on a dead-end street with 42 units on Lakeside Drive. Ponstingl stated that the developer has worked closely with Planning staff to meet all of the requirements.

Schwinn asked the applicant to discuss the noise mitigation issue with the proximity to I-80. Ponstingl stated that they believe they have mitigated the noise impact from I-80. The interstate comes along the west side of the property. Most of the units are essentially blocked by the on-ramp to the interstate. The issue with noise comes into effect towards the north side of the property and they have proposed to increase the berm sizes. Most of the units have driveways and garages facing the interstate so the outdoor spaces of the units are away from the interstate.

Ponstingl was not aware of any remaining questions with the Airport Authority regarding the noise abatement.

### Opposition

**1. Glenn Johnson, General Manager of the Lower Platte South NRD**, testified in opposition. After reviewing the revised site plan, the District is concerned about the potential impacts of increasing the stormwater runoff and potential quality impacts upon the discharge area from the site, which would be in the I-80 roadway ditch, which is a Category I saline wetlands. The NRD is aware that the waiver

of stormwater detention was granted on the larger site; however, changes have occurred since that time in that the Salt Creek Tiger Beetle and Saltwort have been listed on the endangered species list. The District has had experience in owning, operating, managing and restoring some of the saline wetlands in the Lincoln community, and they have learned the importance of the hydrology on maintaining the salinity of that wetland. The saline wetlands are very rare and we don't know all the answers about how they are developed and managed, but we know the balance of hydrology is important. The NRD is concerned about the additional water if there is no detention. The change in land use will increase the amount of stormwater runoff coming into the area and flooding those saline wetlands. Changing the land to urban residential changes the character of the runoff and potential contaminants. Johnson suggested that the previous stormwater detention waiver not be automatically extended to this site due to those changed circumstances. The NRD recommends that stormwater retention to improve the quality of the discharge and reduce the runoff peaks to pre-development levels should be considered as appropriate for this site. The retention would store some of the water for a period of time to allow some of the contamination to remain on site before being discharged, and would improve both the quality and reduce the quantity impacts.

Steward asked whether the applicant has presented a hydrology study to the NRD. Johnson indicated that they had not. This has all come to the NRD just in the last few days. Steward confirmed then that the NRD's objection is not based on either a NRD engineering study or one done by the applicant. Johnson concurred.

Bills-Strand is confused because she believes this amendment equates to less density. Aren't they improving the situation? Johnson suggested that irrespective of whether it is 130 or 100 units, the change from existing to urban is the issue—it's the change in the land use and the increased runoff from that change in land use. Steward believes it is the extra amount of paving and footprint construction, which changes the permeability of the land. Schwinn added that the endangered species that may exist there were not yet listed as endangered in the previous approval.

**2. Cindy Veys**, Environmental Section Manager of the Project Development Division of the **Nebraska Department of Roads** (NDOR) 1500 Hwy 2, expressed concerns on behalf of the NDOR. In 1998, the NDOR received a request from Ross Engineering on behalf of the developer to issue a permit for use of I-80 right-of-way to drain post-development stormwater flows. The permit was denied at that time to safeguard the saline wetlands. Furthermore, NDOR required that in no case should the post-development flows onto the drainage ditch exceed pre-development flows. The calculated runoff from full buildout is approximately two times greater than pre-development. A copy of the permit denial was submitted for the record.

Veys went on to state that for the past three years, the NDOR has been in the process of preparing an Environmental Assessment to obtain clearance to build two more lanes on I-80. The NDOR has spent countless hours in meetings and negotiation activities with Game and Parks, Army Corps of Engineers, DEQ and U.S. Fish and Wildlife in an effort to avoid and minimize impacts from this NDOR project to the endangered species and wetlands. The NDOR has taken extreme measures through the saline wetlands in the NDOR right-of-way along Capitol Beach, including building the new lanes to the inside with concrete Jersey Barrier medians to minimize encroachment into the area; redesigning the drainage collection system to route additional runoff from the new paved surface away from the saline wetlands, perpetuating the existing drainage; designing a stop-log structure in cooperation with Game

and Parks to reduce headcutting of the drainage way and improve the hydrology for the habitat, as well as designing a maximum erosion control system of three layers of silt fence along with contractor work restrictions to keep disturbance to a minimum. The NDOR has not yet received approval from Fish and Wildlife for the project, in part because of their concern for pollution that may enter the right-of-way drainage from the road and the development that discharges to the right-of-way ditch. The development is already impacted by noise from the existing interstate system and with the additional two lanes, the noise will increase. The NDOR does not intend to build a noise abatement wall for this development due to the concern for the saline wetland. A 16' high noise wall on an earthen berm would have to be constructed within the NDOR right-of-way, which could affect the wetlands and cause damage to the wetlands and endangered species.

Veys stated that the NDOR requests that the Planning Commission require strict drainage control from this proposed development to protect the saline wetlands and endangered species in the NDOR right-of-way. NDOR will not permit the use of the right-of-way for drainage beyond pre-development discharge levels.

**3. Julie Godberson, Environmental Analyst for the Nebraska Game and Parks Commission,** testified that her specialty is threatened and endangered species in Nebraska. The Game and Parks Commission supports the NRD and its request that the waiver not be reinstated for the stormwater detention requirements and that the landowner or developer maintain the retention of the stormwater on his property and not allow it to go back into the drainage along I-80. According to the Endangered Species Act, this area is critical to reintroduction of the Salt Creek Tiger Beetle. The saline wetland itself is a critically endangered habitat within Lincoln and Nebraska. They are endemic to the Lincoln area and are important to the heritage of the City. We do know that the last time we were able to collect species in that drainage was 1998, which is somewhat about the same time drainage was allowed. Game and Parks is concerned that at some point in time the developer was able to have input into the system and it may have caused some loss of species within the system. Godberson acknowledged that at the time the developer received that waiver, the Salt Creek Tiger Beetle was not listed as endangered; however, it is now listed under the state statutes. The Game and Parks Commission is requesting that a consultation under Section 7b be required by the landowner to re-evaluate the situation.

### Staff Comments

Dennis Bartels of Public Works and Utilities stated that he just recently became aware of the concerns of these agencies and, based on their testimony, the Public Works Department would like to withdraw its recommendation that the detention be waived. The detention requirement was in fact waived with the original approval, which is often based on the effects on downstream property, and at that point in time Public Works was not aware of any objection to waiving that requirement. As far as water quality concerns, there are no specific ordinance requirements as far as providing water quality improvements. He believes that requirement could be added for the new portion of this development, but it would not be something that is typically required under our current ordinance and design standards.

Bartels suggested that the developer be required to retain a two-year design flow to a minimum of 24-hour release period which would catch a lot of the smaller storms which is typically the rainfall that

causes the most pollutants to discharge. This would apply only to the new portion of the development. Bartels also advised that a lot of the water that is discharged into the interstate ditch comes from other property outside of this development.

Bartels further commented with regard to the impervious area (rooftops, driveways, roadways) for the townhomes – the impervious area will not be reduced by building townhomes instead of apartments.

Bills-Strand wondered whether the developer could proceed with the previously approved plan. Bartels replied that, from the city's standpoint, if the developer decided to build the apartments as previously approved, he does not need anything more than building permits in accordance with the previously approved plan.

Steward asked Bartels whether, based upon a townhome concept, it would be his judgment that to create the detention we're hoping for would dramatically alter the footprint distribution on the property. Bartels believes it would make minor changes to the footprint. There are a few open areas. A relatively small area is being redeveloped. He would suggest channeling all the water from the new development to a detention area and then discharge it to some existing drainage ditches that go through this site. A condition for the retention of the stormwater quality and retention of the water is going to take up more space so it may affect the number of units and they would have to reconfigure the plan to create the space needed.

Greg Czaplewski of Planning staff submitted revised recommended conditions of approval based upon the testimony of the NRD, NDOR and Game and Parks, which denies the request to waive the stormwater detention requirements and amends Conditions #1.1.12 and #1.1.13 accordingly.

Response by the Applicant

**Ron Ross of Ross Engineering** gave rebuttal testimony on behalf of the developer, stating that it was at 12:15 p.m. today when he was informed of the objections by the NDOR, NRD and Game and Parks Commission. As of this morning, the developer thought all of the details had been agreed upon because they had worked very closely with city staff to get to this point. Craig Bauer acquired this property with his partners from the bankruptcy court. There were storm sewers that were extended by the previous developer, part of which has been built. The first storm sewer outlets way down north beyond this property into the 100-yr. floodplain and eventually into the wetlands. It does drain a portion of the phase one apartments, which have already been built. It drains further to the east of Lakeside Drive, which has been discharging eventually into the state right-of-way for quite some time. Last Thursday, Ross conferred with the NDOR for the first time about this concern. He understood they were going to organize a meeting. Part of the reason the developer was interested is the noise control. There are five units with back patios adjacent to the interstate and the developer was asking to build an earthen berm on the NDOR right-of-way. He also understands the reason they are sensitive and do not want the earthen berm in their right-of-way. Although this may not now occur as of last Thursday, this developer had proposed to raise the elevation of his berm within his own property just to lessen the noise impact of five of the dwelling units. In fact, the developer was responsible for instigating this discussion with the NDOR about noise control. The developer would still like to do some noise control and will build the higher berm on their own property.

Ross informed the Commission that back when this project was started, there was a permit requested to extend some storm sewer and low flow liner into state right-of-way to provide some protection and the developer was told that this would not be allowed. The waiver of detention requirements was requested years ago when the apartments were approved. If you go out there today, there is no erosion coming from the apartment ground. Phase 1 is built. Phase 2 is under construction with building permits for three apartment buildings. Due to the market study, the partners decided to do something different than apartments as other developers across the street to the east have done. The original 290 apartments were approved; now the proposal is for 208 apartments and 54 townhouses. The developer has asked for the same waiver of detention as previously approved. This was discussed with staff and detention was waived due to the proximity of this project and the relationship downstream of Oak Creek. In addition, the east right-of-way of the interstate acts as its own detention. The proposed townhouse area is 7.4 acres.

Ross pointed out that the developer could come in and build the apartments as previously approved, but that is not what he wants to do. The storm sewers have been built for phases 1 and 2, and half of phase 3. That storm sewer outlets into a sedimentation basin and, because of the sensitivity of this issue, the developer has made a larger detention area. The revised conditions of approval submitted by staff today require the developer to add detention for the townhouses. Ross believes they can probably add detention but it may cause loss of a unit and tearing up some storm sewer that has already been built. Ross requested a meeting with NDOR and requests that the detention be put within the state's right-of-way. This development cannot detain the water coming from the south and east. Now this developer is being required to go to a next level of water quality; however, the city does not have current design standards for this evaluation.

Ross believes there are some things that can be done to help rectify the problem. The developer wishes to continue on with this project. He is not sure they can accept a mandate to provide detention for the 100-year storm and add another character of water quality until they have an opportunity to investigate it. However, the developer does not want the project stymied today. He is willing to work with staff. Ross requested that the Planning Commission at least acknowledge that the detention was waived previously. Phase 1 has been built; they are building phase 2; they can build phase 3, but they are willing to work with city staff, the NDOR and NRD if there can be some flexibility so that they do not have to reconfigure or change the project. Ross requested that the Planning Commission approve this development and recommend that between now and the City Council meeting, the developer, city staff, and NRD work together to a mutual solution that might allow this development to have detention and another aspect of the water quality.

Ross also pointed out that the 7.4 acres is just a fraction of the amount of water, yet they do not want to be insensitive and would like to work something out.

Steward suggested that today the development can be approved with the new staff recommendations; or it could be approved without the new recommendations; or it could be deferred to give the developer the opportunity to present to this body what the solution might be; or it can be denied. He asked whether the applicant would prefer a denial or approval process. Ross indicated that they are not interested in a denial, but they are interested in moving forward to the City Council and would prefer not to have this be put on pending. He believes they would be scheduled at Council on May 12th, and they would like to continue in that direction. Prior to the public hearing at City Council, Ross believes

they would be able to put something together to mutually address the detention and water quality. Ross requested a recommendation from the Planning Commission to the City Council that all sides get together and try to work this out. He believes this can occur.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 30, 2003

Carlson moved to defer for two weeks, seconded by Taylor.

Carlson respects the timetable but the Commission has received new information and the developer and the staff need to work something out.

Schwinn stated that he will vote against deferral because he believes the information is too late getting to the applicant; however, he understands the state's concerns. He thinks we can move forward and get a compromise.

Steward believes at the very least deferral is appropriate. He believes that critical environmental issues have been raised by credible sources. New information comes to all of us all the time and he believes we have to find ways to adjust to it. That is what the engineer, developer and city staff have at stake when they are going through this process.

Marvin Krout, Director of Planning, approached the Commission, stating that the applicant is on a very difficult timeframe. This is a very unusual situation and if this application does not get to the City Council by May 19th, we are running a risk of not giving any opportunity to have building permits issued before the June 1st deadline. The applicant's agent has indicated that they would prefer the Planning Commission follow the staff's recommendation for the retention so that this case can go forward and those meetings can take place over the next few weeks. This is a limited issue that Krout believes can be worked out and he suggested the applicant be given the opportunity to do that.

Steward inquired as to the consequence of missing June 1<sup>st</sup>. Krout believes it will result in the applicant having to pay an additional \$100,000 due to impact fees.

Ross reiterated that he believes they can resolve the issue prior to the City Council hearing. This developer is not trying to ignore or step around it. There were different situations with the previously approved project.

Carlson withdrew the motion to defer and Taylor withdrew his second to the motion.

Carlson moved for conditional approval, with revised conditions as presented by staff today, seconded by Newman.

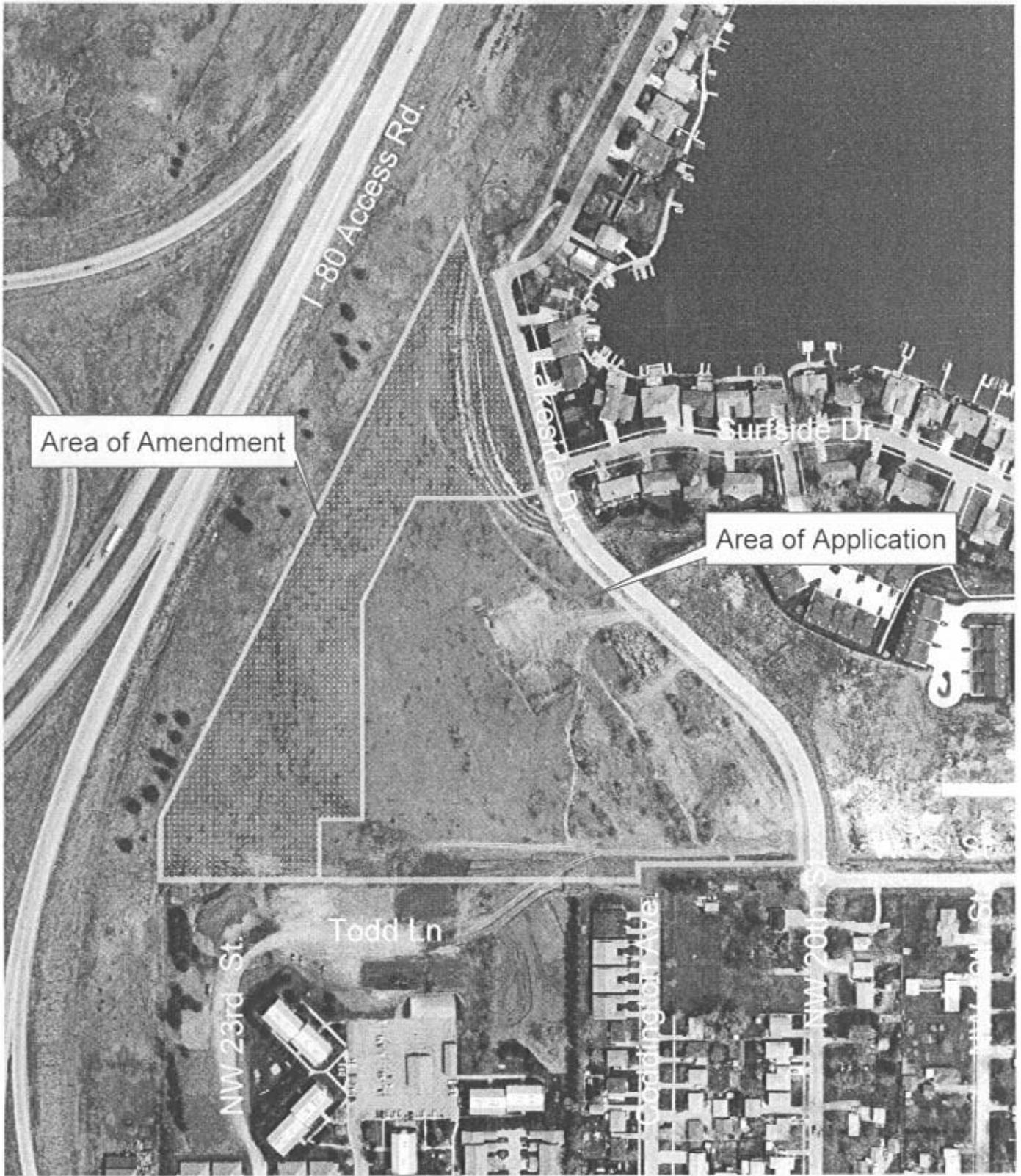
Steward moved to amend to add a condition that the stormwater conditions be resolved to the satisfaction of the State Roads Department, NRD and Game and Parks Commission prior to advancement of this application to the City Council, seconded by Carlson.

Rick Peo of the City Law Department cautioned the Commission that some of the requirements of limiting advancement until agreements have been reached are meaningless because the applicant can

appeal that condition. Peo would recommend the Commission approve the revised staff recommendation.

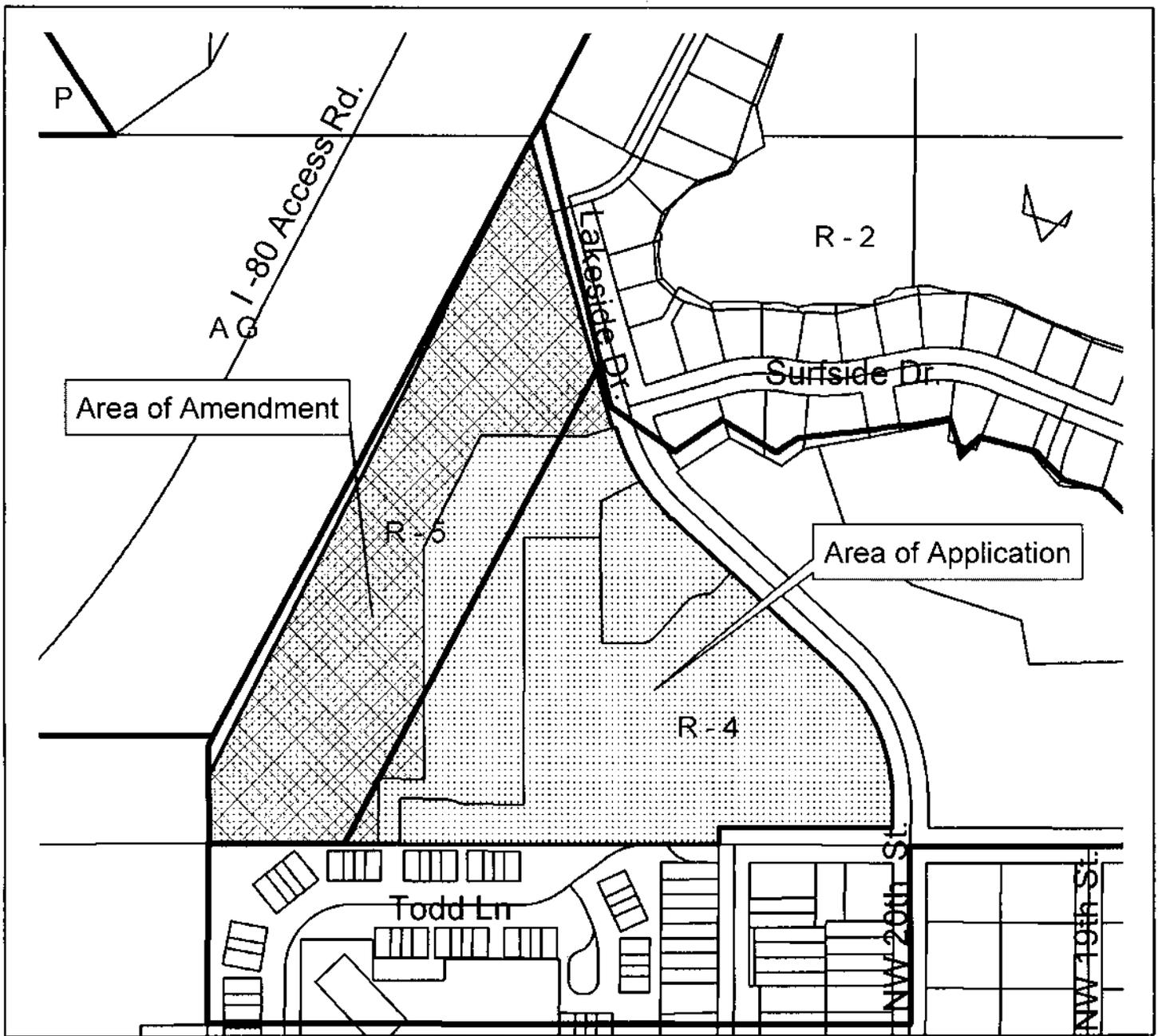
Motion to amend carried 6-3: Krieser, Taylor, Carlson, Duvall, Newman and Steward voting 'yes'; Larson, Bills-Strand and Schwinn voting 'no'.

Main motion to approve the revised staff recommendation of conditional approval, as amended, carried 9-0: Krieser, Taylor, Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn voting 'yes'.



**Special Permit #622F**  
**Lakeside Dr. & W. Lakeshore Dr.**



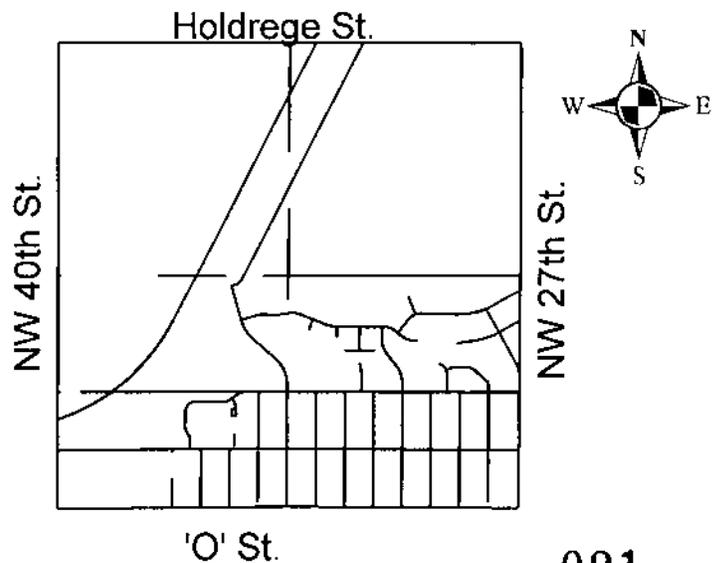
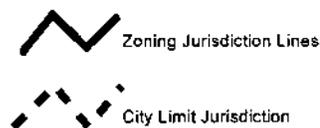


# Special Permit #622F Lakeside Dr. & W. Lakeshore Dr.

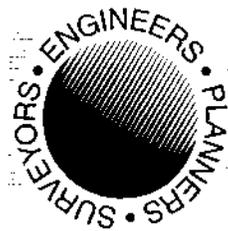
## Zoning:

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

One Square Mile  
Sec. 21 T10N R6E



021



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

April 14, 2003

Greg Czaplewski  
Planner  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: **Lakeside Village Community Unit Plan**  
Lakeside Drive & Surfside Drive  
REI Project No. 83311-B

**ESTABLISHED**  
**1974**

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For the  
Future of  
Tomorrow*

Dear Greg:

We are submitting this letter requesting the following five waivers:

The first waiver we request is to proceed to Planning Commission and City Council with the Amendment to the Community Unit Plan, without a Preliminary Plat. This will require waivers of LMC Section 26.31.015. We agree that in order to waive of the Preliminary Plat, all information required thereon will be submitted as part of the Amendment to the Community Unit Plan. We are requesting this due to limited time.

The second waiver is to allow the Planning Director to administratively approve a Final Plat based upon the approved CUP. We are requesting this waiver to make the June 1<sup>st</sup> deadline.

The third waiver is to allow the Planning Director to approve this Final Plat Administratively with Private Roadways with a Public Access Easement. We are requesting this to make the June 1<sup>st</sup> deadline as well.

We would also like to request a waiver for storm water detention for the Community Unit Plan. Our reason for requesting this waiver is two fold. First, the previous Community Unit Plan was approved without detention. The reason storm water detention was not previously required is because there is a large detention area to the north and west of the Community Unit Plan. We have discussed this with Dennis Bartles and Ben Higgins of the City of Lincoln Public Works, and they agree that there is adequate detention for our site.

We would like to request a fifth waiver for the maximum number of units on a dead-end street. We currently have 41 units along Surfside Drive. We have added a 10-foot wide emergency access drive toward the end of Surfside Drive. This emergency drive is paved with interlocking grass units, and is not intended to be used as a street.

We will also include a list of these waivers on the CUP drawing in the general notes on the Site Plan.

There was a comment in the notes from Greg Czaplewski regarding the need to request a waiver for the maximum length of a dead end street, and by our measurement, we are at 928 feet.

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

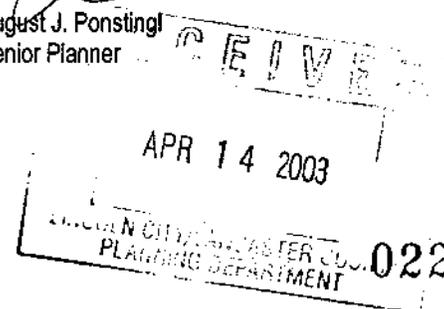
www.rossengineering.com

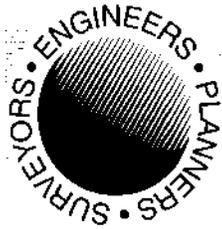
cc: Craig Bauer

AJP  
83311L26 waiver letter.doc

Sincerely,  
**ROSS ENGINEERING, INC.**

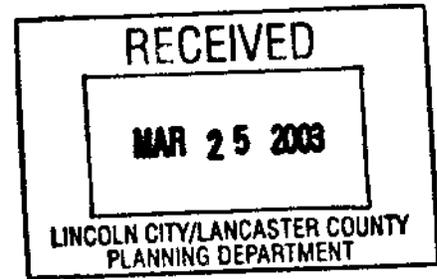
  
August J. Ponstingl  
Senior Planner





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

March 24, 2003



Mr. Marvin Krout  
Director of Planning  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

**ESTABLISHED**  
**1974**

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Tomorrow*

RE:           **Administrative Amendment Lakeside Village Community Unit Plan  
Lakeside Village Third Addition  
The Villas at Lakeside Preliminary Plat;  
Amendment Lakeside Village Community Unit Plan  
Lakeside Village Fourth Addition  
Lakeside Drive & Surfside Drive  
RE/ Project No. 83311-B**

Dear Marvin:

On behalf of Lakeside Partners, LLC, we are submitting the Administrative Amendment to the existing Community Unit Plan for Lakeside Village Apartments. We are simultaneously submitting The Villas at Lakeside Preliminary Plat and C.U.P. and Lakeside Village Third Addition Final Plat. We request that the Administrative Amendment be "Fast Tracked" as previously discussed with Ray Hill.

The area is currently partially developed as Lakeside Village Apartments and is located north of a quiet residential neighborhood that is north of West 'O' Street. This development is also east of I-80 Interstate and south and west of Capitol Beach Community. The Community Unit Plan total area is 19.455 acres and is zoned R-4 & R-5, but the area included in the Preliminary Plat is 7.45 acres and is also zoned R-4 & R-5.

#### Community Unit Plan

The C.U.P. is being amended in several ways. Changes to the Phase II portion of the C.U.P include adjustments to the location of the garages, the addition of parking stalls, and the addition of north-south access on the west side of Apartment G to Apartment F. The access has been provided where previously there was a dead end. This was done in order to adjust for the decrease in internal circulation due to the removal of the five apartments that were previously planned for the Phase III area. The changes to parking garages next to Apartments F, G & H was to center them on the apartment buildings to better make room for a few additional parking stalls. Additional parking stalls were added throughout the development. The total increase in parking stalls is six for Phase III.

Changes to the Phase III portion of the C.U.P. include removing the original five 2-story 26-unit apartment buildings, the addition of townhomes and the redesign of the Roadway system. The 54-townhouse units will replace the previous five apartments. The townhomes will be comprised of one Duplex Unit, two Triplex Units, four Four-plex Units and six Five-plex Units. Each townhome has an attached 2-stall garage with a minimum 23' driveway. The townhomes are two-story, slab on grade units. The street was redesigned to include two private roadways that connect the townhomes to Lakeside Drive. These drives as well as the other utilities are described in more detail below. The Townhouses will be part of the overall C.U.P. and will have joint use of the clubhouse, swimming pool and recreation facilities.

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

[www.rossengineering.com](http://www.rossengineering.com)



The recreational area is also being moved to a new location. This half basketball court is now located near the center of the apartment complex. An interconnecting sidewalk has been added to improve circulation and a step path with additional retaining walls connects the half basketball court to the apartment units to the east. It now better serves the needs of the apartment community than its previous location.

### **Preliminary Plat**

The Preliminary Plat consists of 54 townhome units. The main road is a Private Roadway that has a triangular turn around Cul-de-sac at the southwest end, with a short drive extending to the west. To the north another Private Roadway ends in a 30 Radius Cul-de-sac, and there are ten units along this drive.

### **Paving:**

The proposed new drives will be private and maintained by a Homeowners Association Partnership. Surfside Drive will continue from Lakeside Drive at the existing Surfside Drive and continue to the southwest wrapping around the west side of the site and eventually extending south to a triangle shaped turnaround. Surfside Drive will then continue to the west approximately 247 feet. Surfside Street will be 27-foot wide paving, with 24" concrete curb and gutter and 6" asphaltic concrete paving. The short extension will be 21-foot wide paving with 24" concrete curb and gutter and 6" asphaltic concrete paving. This Roadway is for local traffic; therefore we don't anticipate heavy use.

Surfside Circle will branch off of Surfside Drive approximately 200 feet from the intersection of Surfside Drive and Lakeside Drive. It will extend to the north and then very slightly west. This roadway is a 21-foot wide drive with a 24" concrete curb and gutter and 6" asphaltic concrete paving.

A secondary access drive was added as an emergency access drive from the southeastern corner of Surfside Drive to the drive on the west side of the Lakeside Village Apartments, using an interlocking polyethylene hexagon shaped unit with holes that would allow for both drainage and vegetative growth. This will be marked as an emergency access drive and will not be intended for use as an access drive to the Villas at Lakeside.

A Public Access and Pedestrian Easement will cover all the Private Roadways and sidewalks from Lakeside Drive to the end of Surfside Drive. This Easement will be generally located from the edge of each Townhouse Lot over the roadway and sidewalks. This Easement includes the required 15-foot setback for the water main. An additional Blanket Utility Easement will cover the entire outlot.

Sidewalks are typically 6 feet from the back of curb and are 4 feet wide.

### **Sanitary Sewer:**

All sanitary sewers will be private. A private 8-inch sanitary sewer main connects to public 8-inch sanitary sewer to the northeast at Lakeside Drive. This 8-inch main runs along Surfside Drive within the development, turning south and then continuing to the southwest corner of the site. 4-inch sanitary sewer services will connect to the individual units. An additional 8-inch sanitary sewer runs north from Surfside Drive along Surfside Circle and stops just south of the Cul-De-Sac.

### **Storm Sewer:**

All storm sewer will be private. The site lies adjacent to I-80 and the storm water run-off is eliminated via sheet drainage and an existing 42" RCP storm sewer, which enters the site to the southeast and continues to the northwest side of the proposed Surfside Street. An existing 30" RCP joins the 42" RCP, and continues as a 60"x 38" RCP. A inlet with an 18" RCP ties into the 60" RCP just prior to the discharge. The storm water is discharged into a sedimentation basin and then into an existing drainage way adjacent the



Interstate that continues to the north and east until it empties in Salt Creek. An existing 15" RCP was relocated at the southwest end of the site to accommodate the new units. It serves a new inlet at Surfside Drive before tying into the existing 42" RCP. At the north end of the site, a couple of existing inlets will drain the new Surfside Drive into an existing 42" RCP. Further to the west, three inlets take water from Surfside Drive and eventually discharge into the drainage way adjacent to the interstate. Detention was previously waived in the approval of Lakeside Village Apartments, due to the close proximity of Salt Creek and natural detention that exists along I-80.

The Surfside Circle will be drained via a 15" concrete flume that empties into a sedimentation basin to the very north.

**Flood Plain Issues:**

A small portion of the 100-year flood plain affects the extreme northwest corner of the site, but we anticipate no impact on the Floodplain.

**Water:**

The Public Water system for The Villas at Lakeside will connect into the public water main that follows Lakeside Drive to the north of the intersection of Surfside Drive and Lakeside Drive. The public water main will start at Lakeside Drive with an 8-inch main. It will continue to Surfside Circle where it will branch and become 6-inch mains. One branch will proceed to the end of Surfside Circle, and the other will continue along Surfside Drive until it reaches the end of the road. Both branches will end with fire hydrants.

Five fire hydrants are proposed for the Preliminary Plat portion of the development. Two fire hydrants are at the end of both branches of the water main. A third fire hydrant is placed before the branch at Surfside Circle. A fourth fire hydrant is at the bend in Surfside Drive across from units 20-14. The fifth fire hydrant is at the south end of the triangular turn around. This fire hydrant branches off the private 8-inch main from the apartment units to the east. The 6-inch main currently exists where townhouse units 36 & 37 will be constructed. The existing portion of the main that lies under the proposed units will be removed back to within 10' of the 42-inch storm sewer, where a series of bends will take it out to within 14-feet of the back of curb. The fifth fire hydrant will sit in front of unit 39.

**Signage:**

A ground sign is shown placed at the entrance with the text: The Villas at Lakeside. It will measure approximately 8-feet high, 2-feet wide and 14-feet long, and will be in accordance with the sign ordinance.

The Developer would like to reserve the right to maintain the maximum density of previous Community Unit Plan, in the event that some or all of the Townhomes are not constructed or in the event that they may someday be reconstructed.

This application includes the following:

**Submittal Package 1:**

- |  |           |
|--|-----------|
| 1. Cover Sheet   | 21 copies |
| 2. Existing Topographic Site Plan                      | 4 copies  |
| 3. Site Plan   | 24 copies |
| 4. Grading Plan  | 4 copies  |
| 5. Drainage Area Plan                                  | 4 copies  |
| 6. Paving Profiles                                     | 4 copies  |
| 7. Utility Plan  | 4 copies  |
| 8. Phasing Plan  | 4 copies  |
| 9. Landscape Plan                                      | 3 copies  |
| 10. Application for Administrative Amendment to C.U.P. |           |
| 11. Check for Admin. Amend. CUP Fee                    | \$100.00  |



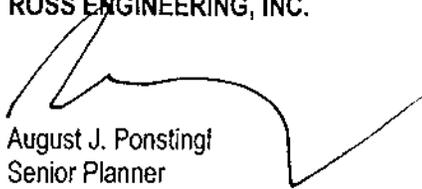
- 12. Exhibit A (Legal Description)
- 13. Lakeside Village Third Addition Final Plat 12 copies
- 14. Final Plat Application
- 15. Check for Final Plat fee: \$120.00

**Submittal Package 2:**

- 1. Cover Sheet 21 copies
- 2. Existing Topographic Site Plan 4 copies
- 3. Site Plan 24 copies
- 4. Grading Plan 4 copies
- 5. Drainage Area Plan 4 copies
- 6. Paving Profiles 4 copies
- 7. Utility Plan 4 copies
- 8. Phasing Plan 4 copies
- 9. Landscape Plan 3 copies
- 10. Soils report 3 copies
- 11. Application for Amendment to C.U.P.
- 12. Check for Amendment to C.U.P. Fee \$195.00
- 13. Exhibit A (Legal Description)
- 14. Application for Preliminary Plat
- 15. Check for Prel. Plat App Fee \$2500.00
- 16. Lakeside Village Fourth Addition 12 copies
- 17. Final Plat Application
- 18. Check for Final Plat fee: \$650.00

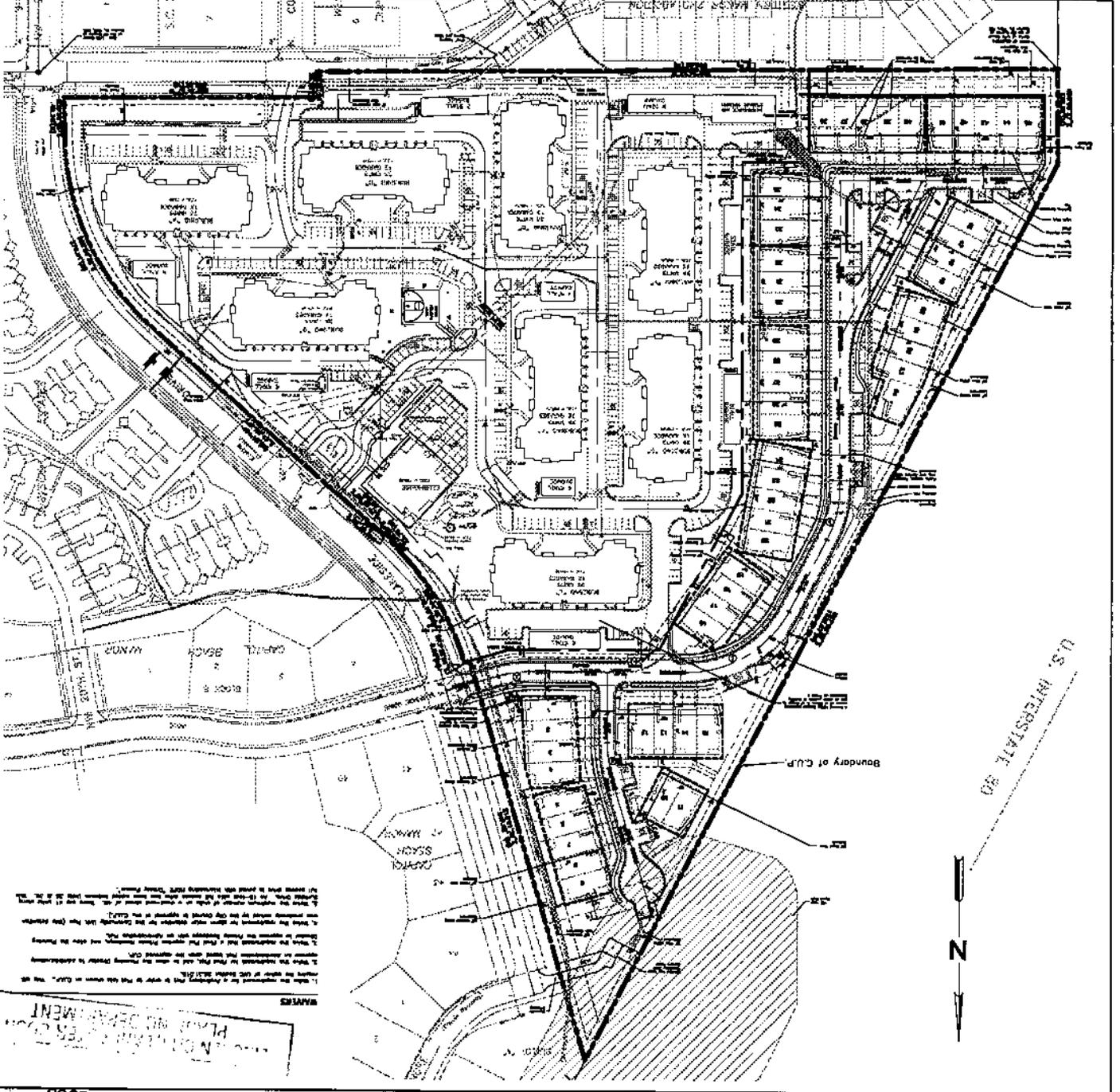
If you have any questions, please call: 474-7677

Sincerely,  
**ROSS ENGINEERING, INC.**

  
August J. Ponstingf  
Senior Planner

CC: Craig Bauer

AJP  
83311L12 submittal letter.doc



PLANNING DEPARTMENT  
APR 30 2003

APR 30 2003

**NOTES**

1. The proposed development is shown on the attached site plan and is subject to the following conditions:
2. The proposed development is shown on the attached site plan and is subject to the following conditions:
3. The proposed development is shown on the attached site plan and is subject to the following conditions:
4. The proposed development is shown on the attached site plan and is subject to the following conditions:
5. The proposed development is shown on the attached site plan and is subject to the following conditions:
6. The proposed development is shown on the attached site plan and is subject to the following conditions:
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8. The proposed development is shown on the attached site plan and is subject to the following conditions:
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10. The proposed development is shown on the attached site plan and is subject to the following conditions:
11. The proposed development is shown on the attached site plan and is subject to the following conditions:
12. The proposed development is shown on the attached site plan and is subject to the following conditions:
13. The proposed development is shown on the attached site plan and is subject to the following conditions:
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28. The proposed development is shown on the attached site plan and is subject to the following conditions:
29. The proposed development is shown on the attached site plan and is subject to the following conditions:
30. The proposed development is shown on the attached site plan and is subject to the following conditions:

**CURVE DATA**

| STATION | CHORD BEARING   | CHORD DISTANCE |
|---------|-----------------|----------------|-----------------|----------------|-----------------|----------------|-----------------|----------------|
| 1+00    | N 00° 00' 00" E | 100.00         |
| 1+50    | N 00° 00' 00" E | 150.00         |
| 2+00    | N 00° 00' 00" E | 200.00         |
| 2+50    | N 00° 00' 00" E | 250.00         |
| 3+00    | N 00° 00' 00" E | 300.00         |
| 3+50    | N 00° 00' 00" E | 350.00         |
| 4+00    | N 00° 00' 00" E | 400.00         |
| 4+50    | N 00° 00' 00" E | 450.00         |
| 5+00    | N 00° 00' 00" E | 500.00         |
| 5+50    | N 00° 00' 00" E | 550.00         |
| 6+00    | N 00° 00' 00" E | 600.00         |
| 6+50    | N 00° 00' 00" E | 650.00         |
| 7+00    | N 00° 00' 00" E | 700.00         |
| 7+50    | N 00° 00' 00" E | 750.00         |
| 8+00    | N 00° 00' 00" E | 800.00         |
| 8+50    | N 00° 00' 00" E | 850.00         |
| 9+00    | N 00° 00' 00" E | 900.00         |
| 9+50    | N 00° 00' 00" E | 950.00         |
| 10+00   | N 00° 00' 00" E | 1000.00        |

**DEVELOPMENT SUMMARY**

NO.	DESCRIPTION	AMOUNT	PERCENT
1	RESIDENTIAL	1000	100%
2	COMMERCIAL	0	0%
3	INDUSTRIAL	0	0%
4	OFFICE	0	0%
5	RETAIL	0	0%
6	RESTAURANT	0	0%
7	BAR	0	0%
8	CINEMA	0	0%
9	THEATER	0	0%
10	CONVENTION CENTER	0	0%
11	SPORTS CENTER	0	0%
12	RECREATION CENTER	0	0%
13	LIBRARY	0	0%
14	MUSEUM	0	0%
15	ART CENTER	0	0%
16	SCIENCE CENTER	0	0%
17	HEALTH CENTER	0	0%
18	UNIVERSITY	0	0%
19	RESEARCH CENTER	0	0%
20	TECHNOLOGY CENTER	0	0%
21	FINANCIAL CENTER	0	0%
22	LEGAL CENTER	0	0%
23	ACCOUNTING CENTER	0	0%
24	CONSULTING CENTER	0	0%
25	ENGINEERING CENTER	0	0%
26	ARCHITECTURAL CENTER	0	0%
27	DESIGN CENTER	0	0%
28	MANUFACTURING CENTER	0	0%
29	ASSEMBLY CENTER	0	0%
30	WAREHOUSE CENTER	0	0%
31	DISTRIBUTION CENTER	0	0%
32	LOGISTICS CENTER	0	0%
33	TRANSPORTATION CENTER	0	0%
34	AVIATION CENTER	0	0%
35	SPACE CENTER	0	0%
36	DEFENSE CENTER	0	0%
37	INTEGRATED CENTER	0	0%
38	OTHER CENTER	0	0%
39	TOTAL	1000	100%

**AMENDED COMMUNITY UNIT PLAN**

**SITE PLAN**

**THE VILLAGES AT LAKEBRIE**

ROSS ENGINEERING & ARCHITECTURE, INC.

027

# Memorandum

**To:** Greg Czaplewski, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *Bill*

**Subject:** The Villas at Lakeside, Preliminary Plat #03005 and Community Unit Plan #622F

**Date:** April 11, 2003

**cc:** Randy Hoskins  
Nicole Fleck-Tooze

APR 11 2003  
LINCOLN CITY ENGINEER'S OFFICE  
PLANNING DEPARTMENT

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Preliminary Plat for The Villas at Lakeside located west of Lakeside Drive at Surfside Drive. Public Works has the following comments:

1. Grading and Drainage - The grading and drainage are satisfactory.
2. Streets and Sidewalks - The streets and sidewalks are satisfactory with the following exceptions:
  - a. The emergency access drive shown on southeast corner of the addition, Note 23. This connection needs to be a permanent access from the existing parking lot to the street system on Surfside Drive to provide an additional vehicle route because of the length of the dead end roadway.
  - b. The profile and plan do not agree on the paving width of Surfside Dr. A 24' width is required. The profile at Surfside Court shows a 21' width.
  - c. Surfside Court is labeled Surfside Drive on the Plan Sheet.
3. Water Mains - The water main as submitted is unsatisfactory. A 1300 plus foot dead-end main will not be approved. Public Works recommends that the engineer meet with us to find an alternative solution.
4. Sanitary Sewers - The sanitary system as submitted needs to be revised to extend further north in Surfside Circle to provide frontage to the proposed lots. The grades as shown are reverse to the street grades in Surfside Circle. Justification will be required for the reverse grades.

Page 2

Greg Czaplewski, Planning Department

April 11, 2003

5. General - Notes 2 and 28 are redundant. Notes 5 and 25 are redundant. Note 7 should read "Public Sanitary Sewer Mains will be constructed by Executive Orders," not a Plumbers Permit. Note 16 is unclear. Note 23, change "emergency driveway connection" to read "Full Access."
6. The Nebraska Department of Roads should be provided the opportunity to review the grading along the west side of this addition that abuts Interstate 80.
7. The Storm Water Detention requirement was waived with the original permit. However, the maintenance of the storm sewer outfall at the sedimentation basin, or additional upgrading will be required at the time of the final plat with a bond to be determined.

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

**TO:** Greg Czaplewski

**DATE:** April 18, 2003

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

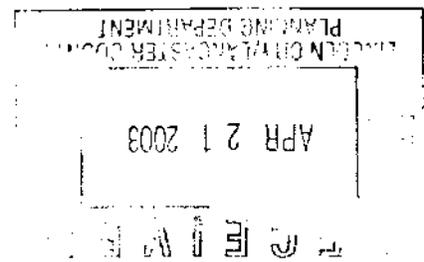
**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** The Villas at Lakeside  
PP #03005, CUP #622F

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the revised site plan for the proposed development detailing the setback distance between the proposed development and the centerline of Interstate 80. The following items are noted:

- According to the draft environmental assessment produced by the United States Department of Transportation Federal Highway Administration and the Nebraska Department of Roads, the projected 2020 build noise levels are 71 dB(A). This is considered to be an impact as described in 23 Code of Federal Regulations 772.
- The Lincoln Municipal Code 8.24 Noise Control Ordinance specifies acceptable noise levels for our community. For residential areas, this is 65 dB(A) during daytime hours and 55 dB(A) for nighttime hours. The submitted documentation for the proposed The Villas at Lakeside does not address specific noise abatement strategies. The LLCHD requests that the developer submit documentation detailing what noise abatement strategies will be built to protect this development from noise pollution.
- In addition, the LLCHD recommends that the developer explore home construction techniques that could provide future residents some additional noise attenuation for Interstate 80 traffic noise.



030

# STATE OF NEBRASKA

## DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2

PO Box 94759

Lincoln NE 68509-4759

Phone (402)471-4567

FAX (402)479-4325

www.dor.state.ne.us

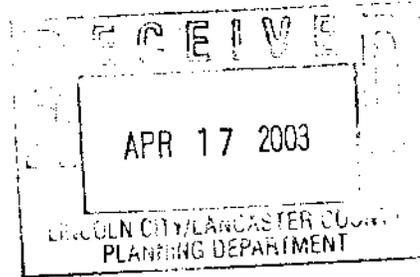


April 17, 2003

Mike Johanns  
Governor

Greg Czaplewski  
City of Lincoln Planning Department  
555 S 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: The Villas  
Lakeside Drive and Surfside Drive



Dear Greg:

We have started on an environmental study of the proposed development known as the Villas at Lakeside. The noise contours shown on the development map included indicate that all of the new proposed construction will be noise impacted, or above 66 dBA (decibels). The developer has proposed building an earth berm on state right-of-way to block the Interstate 80 noise. This would require a permit from the Nebraska Department of Roads (NDOR), which cannot be granted due to the wetlands that exist in the area. I am including a letter from Steve Duecker, our Wetlands Biologist, who identified PEMA wetlands on the state right-of-way. Since there are sensitive wetlands in this area, any construction on state right-of-way would require a Section 404 permit from the United States Army Corps of Engineers. An additional Section 404 permit for this purpose would be very difficult for NDOR to obtain and would certainly delay the environmental approval of the State's proposed interstate widening project. Note the recommendation in the attached letter that will require the developer to put in siltation control on the drainage entering state right-of-way. In addition there are wetlands, some possibly saline, existing on the developer's property that will also require a Section 404 permit from the Army Corps of Engineers before any grading can be done. Any noise attenuation at this location will need to be built on the developer's property. NDOR will furnish you within the next week an analysis of the noise attenuation height required on the developer's property to effectively block the interstate noise.

Please contact our office if you have any other questions.

Sincerely,

Audra Pacheco  
Project Development - Noise and Air  
Nebraska Department of Roads  
Phone: (402) 479-4696

Attachments

031

**Nebraska Department of Roads  
Project Development, Wetlands Unit**

**Memorandum**

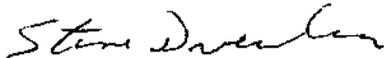
**Date** 26 March 2003

**To** Audra Pacheco, Planning & Project Development

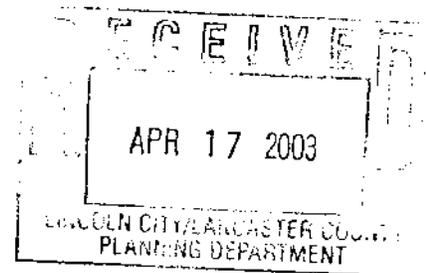
**From** Steve Duecker, PWS, Wetlands Biologist, NDOR (ph/ 402-479-3969)

**Subject** Area near Capitol Beach

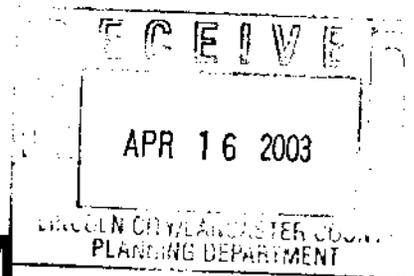
There are wetlands in part of the site as shown on aerial photo. The wetlands do not have saline vegetation (Reed Canary Grass) but the whole area is mapped as Sc- Salmo silty clay loam that is a hydric saline soil. The wetlands emanate from a large culvert coming from the development site. This is a historic drainage shown on the soils maps. Proper siltation control should be used by the developer on the water that is entering NDOR property. Also with planned water control structure at Oak Creek the wetlands could expand into the area.



Steve Duecker, PWS, ( 000148 )  
Wetlands Biologist, NDOR



PUBLIC WORKS AND UTILITIES DEPARTMENT  
WATERSHED MANAGEMENT



# MEMORANDUM

To: Greg Czaplewski  
Cc: Ben Higgins, Chad Blahak

From: Devin Biesecker  
Date: April 8, 2003

Subject: The Villas at Lakeside

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Below are Watershed Management's comments on The Villas at Lakeside preliminary plat. Comments are based on a 4-sheet plan set stamped March 25, 2003 by the Planning Department.

Lakeside Village Apartments Ammendments:

No Comments

The Villas at Lakeside Preliminary Plat:

1. Show only necessary details on the Drainage Plan. Non-essential information added makes the plan very difficult to review.
2. Detention is required for this site. A drainage study must be included to show that post-developed conditions do not exceed pre-developed conditions.
3. Demonstrate that the area downstream of the stormwater outlet along the Northwest limit of the plat has the ability and capacity to drain. Also include minimum opening elevations for lots adjacent to the drainage way.
4. The preliminary plat shows storm drain system under several buildings. If the storm drain system is not in the street an easement must be designated. The 100 year flow path must also be studied to show that it does not impact adjacent lots. This would include showing minimum opening elevations for lots adjacent to the flow path.
5. All relevant drainage areas must be shown, not referred to, on this plat.

4/30/03  
**LOWER PLATTE SOUTH**  
**NATURAL RESOURCES DISTRICT**



3125 Portia St., Box 83581, Lincoln NE 68501-3581  
(402) 476-2729 • FAX (402) 476-6454  
www.lpsnrd.org

## Memorandum

**Date:** April 29, 2003  
**To:** Greg Czaplewski, Planning Department  
**From:** Glenn Johnson, General Manager   
**Subject:** The Villas at Lakeside, Preliminary Plat #03005 and Community Unit Plan #622F

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The Lower Platte South Natural Resources District has reviewed the revised site plan for the referenced project. We are concerned about the potential impacts of the stormwater drainage from the site to the Category I saline wetland in the I-80 right-of-way. Since the original plan was filed and approved for the larger subdivision, of which this site is a part, the Salt Creek Tiger Beetle and Saltwort have been added to the State's list of endangered species, and the Salt Creek Tiger Beetle is high on the Federal list of candidate species. This Category I Saline wetland is a prime example of the critical habitat for these species.

The Lower Platte South owns and manages several saline wetlands in the Lincoln area. An observation we have made in the restoration and management of saline wetlands is how critical the hydrology is; too much additional water can reduce the salinity and runoff from urban lands and can carry with it significant contaminants such as fertilizer, pesticides, and oils.

We feel both the quality and quantity of stormwater runoff from this site may adversely impact the wetland through higher runoff flows, increased sediment and other contaminant loading and deposition into the wetland.

We recommend the previous stormwater detention waiver not be automatically extended to this site due to the changed circumstances. Rather, stormwater retention to improve the quality of the discharge and reduce the runoff peaks to predevelopment levels should be considered as appropriate for this site.

GDJ:gdj

# STATE OF NEBRASKA

## DEPARTMENT OF ROADS

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

Testimony to: Lincoln/Lancaster County Planning Commission  
April 30, 2003



Mike Johanns  
Governor

From: Cindy Veys, Environmental Section Manager  
Project Development Division  
Nebraska Dept. of Roads

On behalf of the Nebraska Department of Roads I am here today to express several concerns we have regarding the proposed development of the Villas at Lakeside near Capitol Beach. In 1998 NDOR received a request from Ross Engineering on behalf of the developer, to issue a permit for use of our I-80 Right of Way to drain post-development stormwater flows. The permit was denied at that time in order to safeguard the saline wetlands located within the drainage along the ROW. Furthermore, NDOR required that in no case should the post development flows onto the ROW drainage ditch exceed predevelopment flows. The calculated runoff from full build out development was approximately 2 times greater than pre development. To quote the District Engineer, from his letter of permit denial, the flow restriction was placed because "This environmentally sensitive area must be carefully guarded thru any development." I submit copies of the permit request denial letter and supporting documentation for your review.

For the past 3 years NDOR has been in the process of preparing an Environmental Assessment to obtain clearance to build two additional lanes on the existing Interstate between the Platte River and NW 56<sup>th</sup> Street in Lincoln. We have spent countless hours in meetings and negotiation activities with the Nebraska Game and Parks Commission, the U.S. Army Corps of Engineers, the Department of Environmental Quality, and the U.S. Fish and Wildlife Service, in an effort to avoid and minimize impacts from our project to the saline wetlands and the endangered species (Saltwort plant and Salt Creek Tiger Beetle) habitat located along this drainage area. We have taken extreme measures through the saline wetlands in our ROW along Capitol Beach. Such measures have included: building the new lanes to the inside with concrete Jersey Barrier medians to minimize encroachment into the area; re-designing the the drainage collection system to route additional runoff from the new paved surface away from the saline wetlands, perpetuating the existing drainage; designing a stop-log structure in cooperation with the Game and Parks Commission to reduce headcutting of the drainage way and improve the hydrology for the habitat, as well as design of a maximum erosion control system of 3 layers of silt fence along with contractor work restrictions to keep disturbance to a minimum. We still have not received approval from the U.S. Fish and Wildlife Service for the project, in part because of their concern for pollution that may enter the ROW drainage from our road and the development that discharges to the ROW ditch.

The development already is impacted by noise from the existing interstate system, and with the additional 2 lanes, noise will increase slightly. NDOR does not intend to build a

noise abatement wall for this development due to concern for the saline wetlands. In order to achieve significant noise reduction, a 16' high noise wall on an earthen berm would have to be constructed within our ROW. The berm could affect the hydrology of the drainageway, causing damage to the wetlands and endangered species.

With the investment of state taxpayer dollars in the protection of this area, we ask the Planning Commission to require strict drainage control from this proposed development to protect the saline wetlands and endangered species in our Right of Way. NDOR will not permit use of our ROW for drainage of this development beyond predevelopment discharge levels. NDOR's investment in perpetuating existing hydrology to benefit these sensitive resources must be preserved.

DEPARTMENT OF ROADS  
L. Abbott, Director-State Engineer



July 30, 1998

E. Benjamin Nelson  
Governor

MR G ERIC DOERING  
DESIGN ENGINEER  
ROSS ENGINEERING INC  
645 "M" STREET  
SUITE 201  
LINCOLN NE 68508

Re: Lakeside Village Apartments  
Project No. 833-2D

Dear Mr. Doering:

Your request for a permit to drain post development flows onto I-80 Right-of-Way (ROW) is denied.

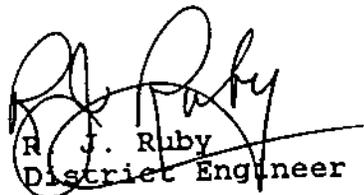
The development of six lanes on I-80 is in the planning stages and with the addition of that drainage the safe maintenance of the saline wetlands in the area will be difficult enough.

Hydraulic analysis by Roadway Design Division has resulted in the requirement that in no case should your post development flows onto I-80 ROW exceed a Q10 of 68 cfs and a Q50 of 88 cfs.

This environmentally sensitive area must be carefully guarded thru any development.

Please find enclosed, the return of check No. 0030 for five hundred dollars, National Bank of Commerce, Lincoln, NE.

Sincerely,

  
R. J. Ruby  
District Engineer