

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 18, 2022 AGENDA**

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – CIMARRON TERRACE PHASE III LOT 2 CIMARRON WOODS REPLAT THREE RECEIVE/FILE	◆ RESOLUTION ORDINANCE	CHRISTOPHER SOLBERG, AICP DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution has been prepared to approve a Conditional Use Permit (CUP) for the third phase of a multi-family residential development, generally located southwest of 96th and Harrison Street.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval of a Conditional Use Permit for Lot 2, Cimarron Woods Replat Three, subject to satisfactory approval by the City's Design Review Architect.

BACKGROUND

The applicant, Pedcor Investments, LLC, wishes to construct the third and final phase of their Cimarron Terrace multi-family residential development, generally located southwest of 96th and Harrison Street. Phase III consists of an additional 7 apartment buildings as part of the Cimarron Terrace Apartments (buildings 8-14). The buildings would include a total of 138 apartment units (including 1, 2, and 3-bedroom units), 72 attached or detached garages, and amenities including a playground and community garden.

HISTORY

On March 16, 2010, City Council approved applications for the Final PUD, Final Plat, Subdivision Agreement, and Conditional Use Permit for the construction and operation of the Cimarron Terrace Apartments consisting of 276 units (14 buildings).

On October 19, 2011, the City Council approved the CUP for Lot 380, which authorized the construction of Phase I of Cimarron Terrace. The first phase had 84 units in five buildings, 64 garages, and a clubhouse.

The original PUD plan noted that the construction would take place in two phases with the second phase consisting of an additional 192 units. However, due to funding constraints from Nebraska Investment Finance Authority (NIFA), Phase II was split into two separate phases. Phase II, which was approved by

City Council on August 16, 2011, consisted of the construction of 48 additional units in two buildings, 16 attached garages and 12 detached garages, in addition to the surface parking stalls.

A CUP for Phase III as proposed consists of an additional 7 apartment buildings as part of the Cimarron Terrace Apartments (buildings 8-14). The buildings would include a total of 138 apartment units (including 1, 2, and 3-bedroom units), 72 attached or detached garages, and amenities such as a playground and community garden.

The proposal is in generally consistent with the Final PUD plan as approved by the City Council, with the only difference consisting of a reduction in the number of units of this phase from 144 to 138 and a corresponding reduction in the number of garages.

A detailed staff report is attached.

The La Vista Planning Commission held a public hearing on September 1, 2022 and by a vote of 5 in favor to 2 against, recommended approval of the Conditional Use Permit for the Cimarron Terrace Apartments Phase 3, subject to satisfaction of all applicable requirements, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR PEDCOR INVESTMENTS, LLC FOR A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT ON LOT 2 CIMARRON TERRACE REPLAT THREE.

WHEREAS, Pedcor Investments, LLC, has applied for approval of a Conditional Use Permit for the construction and operation of multiple family dwellings (apartments) on Lot 2 Cimarron Terrace Replat Three, generally located southwest of the intersection of S 96th Street and Harrison Street; and

WHEREAS, the La Vista Planning Commission reviewed the application on September 1, 2022 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the Conditional Use Permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Pedcor Investments, LLC to allow for the construction and operation of multiple family dwellings on Lot 2 Cimarron Terrace Replat Three.

PASSED AND APPROVED THIS 18TH DAY OF OCTOBER 2022.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP22-0003;

FOR HEARING ON: OCTOBER 18, 2022
REPORT PREPARED ON: OCTOBER 7, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

Pedcor Investments, LLC
Attn: Turner Lesnick
770 3rd Ave, SW
Carmel, IN 46032

B. PROPERTY OWNERS:

Pedcor Investments, LLC
Attn: Turner Lesnick
770 3rd Ave, SW
Carmel, IN 46032

C. LOCATION: Southeast of the roundabout at the intersection of S 99th Street, Josephine Avenue, and Josephine Street, generally southwest of the intersection of S 96th Street and Harrison Street.

D. LEGAL DESCRIPTION: Lot 2 Cimarron Woods Replat 3.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit for Phase 3 of the Cimarron Terrace Apartments to allow for the construction and operation of seven additional multiple-family dwellings with 138 units.

F. EXISTING ZONING AND LAND USE: R-3 High-Density Residential, Planned Unit Development (Overlay District), Gateway Corridor District (Overlay District), and Sub-Area Secondary Overlay ("Special Corridor" Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional 7 apartment buildings as part of the Cimarron Terrace Apartments (buildings 8-14). The buildings would include a total of 138 apartment units (including 1, 2, and 3-bedroom units), 72 attached or detached garages, and amenities such as a playground and community garden.

H. SIZE OF SITE: Approximately 12.05 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	High-Density Residential	R-3 High-Density Residential, PUD, Gateway Corridor District (Overlay District), and Sub-Area Secondary Overlay (Special Corridor Overlay District)	Cimarron Terrace Apartments Phases 1 and 2
East	Medium-Density Residential	R-1 Single-Family Residential; Some parcels include the Gateway Corridor District (Overlay District) and Sub-Area Secondary Overlay (Special Corridor Overlay District)	Southwind II Neighborhood
South	Medium-Density Residential; Parks & Recreation	R-1 Single-Family Residential	Cimarron Woods East Neighborhood
West	Medium-Density Residential; Parks & Recreation	R-1 Single-Family Residential	Cimarron Woods West Neighborhood

B. RELEVANT CASE HISTORY:

1. On March 16, 2010, City Council approved applications for the Final PUD, Final Plat, Subdivision Agreement, and Conditional Use Permit for the construction and operation of the Cimarron Terrace Apartments.
2. On October 19, 2010, City Council approved an amendment to the Conditional Use Permit to allow for the construction of the Cimarron Terrace Apartments to occur in phases (among other changes). The first phase was constructed and included 84 units and 64 garages.
3. On August 16, 2011, City Council approved a Conditional Use Permit for the second phase of the Cimarron Terrace Apartments which was constructed to include an additional 48 apartment units between two buildings and 28 garages.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)

3. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
4. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. This application is consistent with the Future Land Use Map of the La Vista Comprehensive Plan, which designates this property for high-density residential development.
2. This application supports the following goals and policies from Chapter 4 of La Vista's Comprehensive Plan:
 - i. Live-2: Maintain the balance of diverse, high-quality housing that appeals to people of varying backgrounds, incomes, and abilities.
 - ii. Move-2.4: Designate safe routes to school that maximize green streets, prioritizing improvements along those routes and marketing them to students and surrounding neighborhoods.
 - iii. Move-2.5: Create a connected network of complete streets that prioritize infrastructure for pedestrians, bicyclists, and transit riders.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. Drive access to the apartment buildings in Phase 3 will be available off Josephine Court. A loop road will be constructed with this phase, connecting to S 97th Plaza to allow for multiple entrances/exits for emergency services.
2. Per the subdivision agreement executed for the Cimarron Terrace Apartments and resulting from the traffic impact analysis update submitted in 2009 (prior to the first phase), the Applicant installed (or caused to be installed) the signal poles, conduits, and service disconnects during the first phase of the development, to prepare for a traffic signal to be installed at the intersection of S 99th Street and Harrison Street. In coordination with the City of Omaha and Sarpy County, the existing signal appurtenances will need to be evaluated for condition and applicability to current standards, and the remaining traffic signal appurtenances (including at a minimum the mast arms, signals, signage, and controller cabinet) are to be installed when the intersection meets signalization warrants, as determined by the City of Omaha and Sarpy County.

3. This phase includes two pedestrian access points from the loop road to the Cimarron Woods trail system, to improve walkability and recreational opportunities for residents. Upon completion of the phase currently under construction, and a future phase of the Applewood Creek Trail, residents will have access to the West Papio Trail and the various trails connected to it.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of existing/proposed parking stalls for each phase in the development are as follows:

<u>Phase</u>	<u>Surface Parking Stalls</u>	<u>Garage Parking Stalls</u>	<u>Provided Stalls</u>	<u>Required Stalls</u>
1	153	64	217	168
2	67	28	95	96
3	176	72	248	264
Total	396	164	560	528

2. The proposed number of provided off-street parking stalls for the Cimarron Terrace Apartments exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance by 32 stalls. The original Planned Unit Development approved 3/16/2010 allows for shared parking between the three properties/phases, allowing for the slight stall deficit in Phases 2 and 3 due to the large surplus provided in Phase 1.
3. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 270 units between the three phases, this requirement for the Cimarron Terrace Apartments is to provide a minimum of 135 garage stalls. This complex will exceed this requirement by an additional 29 garage stalls.

IV. REVIEW COMMENTS:

1. The proposed site plan is in generally consistent with the Final PUD plan approved by the La Vista City Council on March 16, 2010, with the main difference consisting of a reducing in the number of units of this phase from 144 to 138, with a corresponding reduction in the number of garages, slightly reducing the density of the development.

2. Through the development review process of the original Planned Unit Development (PUD), the detention facilities were designed to accommodate Phase III improvements as designed.
3. Phase III of this development has been designed to have the post-developed runoff flow rate to not increase the predeveloped 2, 10, 50 and 100-year storm events, meeting and/or exceeding current regulations. Updated design will also accommodate current water quality requirements. Calculations are to be reviewed and confirmed at the time of building permit.
4. Based on a general calculation, the Pedcor property represents less than 10% of the total drainage/runoff area for the Cimarron Woods subdivision.
5. The City has worked with SID 237 (Cimarron Woods) representatives over the years to remedy stormwater issues, including the construction of the berm in the park. Recent studies of the berm suggest the SID may need to review and confirm the elevations of the berm are consistent with design intent, which would be the SID's responsibility, per the original subdivision agreement.
6. The City and SID 237 executed an interlocal agreement in 2020 to provide for a means to access the existing culvert as to have the SID monitor the culvert for potential maintenance issues. The City and the SID are currently working together to model the drainage catchment from SID 237 to its confluence with the West Papio Creek as to formulate future capacity and erosion projects.
7. The building design and landscaping plan for Phase 3 of the Cimarron Terrace Apartments is currently under review by the City's third-party Design Review Architect.
This design review process must be substantially complete prior to application for building permits. The building design and materials used will match the existing development.
8. A draft Conditional Use Permit including exhibits, and the CUP plan set are attached to this staff report.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT AMENDMENT:

Staff recommends approval of the Conditional Use Permit for the Cimarron Terrace Apartments Phase 3, subject to satisfaction of all applicable requirements, including final approval through the City's Design Review process, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The La Vista Planning Commission held a public hearing on September 1, 2022 and voted, by a vote of 5 in favor to 2 against, to recommend approval of the Conditional Use Permit for the Cimarron Terrace Apartments Phase 3, subject to satisfaction of all applicable requirements, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review and response letters
- C. CUP Plan Set
- D. Draft Conditional Use Permit

VII. COPIES OF REPORT SENT TO:

- A. Turner Lesnick, Pedcor Investments, LLC
- B. Kyle Haase, E&A Consulting Group, Inc.
- C. Brett Conyers, E&A Consulting Group, Inc.
- D. Public Upon Request

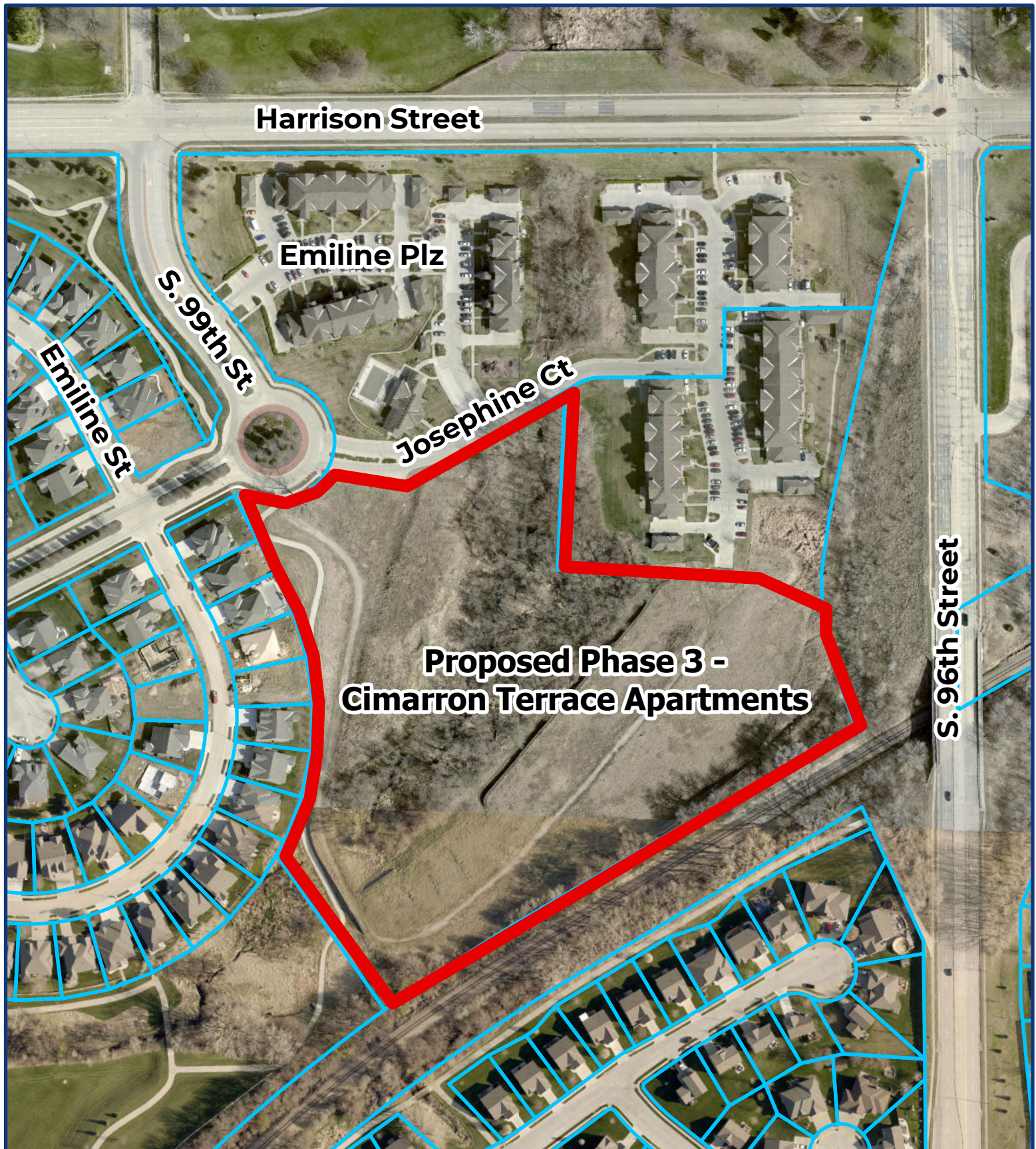


Prepared by: Deputy Community Development Director

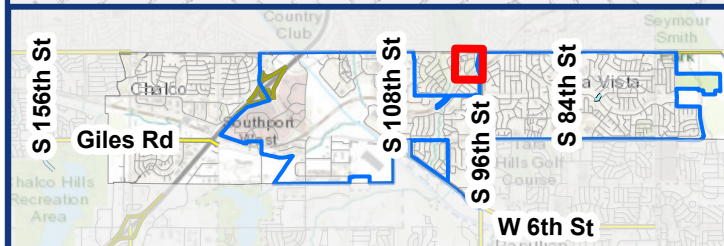


Community Development Director



10/12/22
Date



Vicinity Map: Cimarron Terrace Phase 3 Conditional Use Permit



Legend

-  La Vista Parcels
-  Proposed Site





July 28, 2022

Kyle Haase
E & A Consulting Group, Inc.
10909 Mill Valley Rd. Suite 100
Omaha, NE 68154

RE: Conditional Use Permit – Multifamily Housing – Initial Review Letter
Lot 2 Cimarron Woods Replat Three

Mr. Haase,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. Regarding Section 6.05.01, please address the following comments:
 - a. An ADA access point needs to be added to sufficiently serve Building 14.
 - b. A satisfactory post-construction storm water management plan (PSCMP), inclusive of a completed drainage study will need to be submitted and processed through PERMIX for this project. A signed and recorded PSCMP easement and maintenance agreement will also be needed, and a template will be provided to you.
 - c. A satisfactory grading plan will need to be uploaded and processed through PERMIX.
 - d. Please include a sheet in the plan set that details the proposed storm sewer.
2. Please include a paving sheet that details the connections to adjacent public roadways, per Section 6.05.04.
3. Please include a sheet that details all utilities and other applicable easements, per Section 6.05.04.
4. There are no proposed pedestrian/sidewalk connections to the Cimarron Woods trail system identified in the drawings for this phase. We recommend the construction of steps at the southeast end of the retaining wall on the southwest corner of the property, with a full ADA access/sidewalk connection closer to Building 13, in alignment with Section 6.05.5 and Section 6.05.10.

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8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

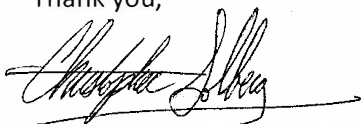
Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

5. Please confirm that the assumptions and findings made in the June 2008 Traffic Analysis and subsequent April 2009 Traffic Analysis update that were submitted prior to the development of the first phase of the Cimarron Terrace Apartments are still accurate. As the buildout year was anticipated to be 2011, it is likely that the background, buildout and horizon traffic volumes and/or projections differ from what was originally contemplated.
6. Per Section 7.06, the required off-street parking minimum for apartments and multi-family housing is one (1) space per bedroom. According to the site plan and operating statement provided, Phase 3 will include 248 parking stalls. Also, according to the operating statement, this phase will include a total of 264 bedrooms, which would equate to a minimum parking stall requirement of 264 stalls. There is currently a 16-stall deficit from the required minimum for this phase. However, the original Planned Unit Development, approved 3/16/2010, allowed for shared parking between the properties included in the Cimarron Terrace Apartments development. As the earlier two phases provided a surplus of parking beyond the 16 stall deficit, the overall development would be in compliance with La Vista's off-street parking minimums, per the shared parking authorized in the PUD.
7. Please provide details on the locations and quantities of bicycle parking proposed for this phase of the Cimarron Terrace Apartments.
8. The building design and site and landscaping plans are currently being reviewed by La Vista's third-party design review architect for conformance with the Gateway Corridor District Design Guidelines and the requirements of the Gateway Corridor Overlay District and the Sub-Area Secondary Overlay (Special Corridor) outlined in Section 5.17 of the La Vista Zoning Ordinance. Substantial completion of this design review process must be complete prior to application for building permits.
9. Please submit a construction phasing plan.

Please submit 2 full size revised copies of the CUP plans and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. A draft CUP will be prepared and shared with you in the near future. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP
Deputy Community Development Director
csolberg@cityoflavista.org
(402) 593-6400

cc:

Turner Lesnick, Pedcor Investments, LLC
Doug Walter, E & A Consulting Group
Bruce Fountain, Community Development Director – City of La Vista
Cale Brodersen, Assistant Planner – City of La Vista
Pat Dowse, City Engineer – City of La Vista



E & A CONSULTING GROUP, INC.

Engineering Answers

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August 08, 2022

Chris Solberg
City of La Vista Planning Department
8116 Park View Blvd.
La Vista, NE 68128

RE: Cimarron Terrace – Conditional Use Permit Resubmittal
E&A File: P2002.153.027

Mr. Solberg,

On behalf of our client, Pedcor Investments, LLC, we hereby submit an application for the above referenced project. The subject property is located near the southwest corner of 96th Street & Harrison Street. Based on the July 28th Initial Review Letter, we had a few conditions to address.

Each of your comments are listed, with our response following it shown in italics.

1. Regarding Section 6.05.01, please address the following comments:
 - a) An ADA access point needs to be added to sufficiently serve building 14.
Response: the sidewalk in front of building 14 is an accessible route. Due to grades, there cannot be any accessible parking stalls.
 - b) A satisfactory post-construction storm water management plan (PCSMP), inclusive of a completed drainage study will need to be submitted and processed through PERMIX for this project. A signed and recorded PCSMP easement and maintenance agreement will also be needed, and a template will be provided to you.
Response: Understood
 - c) A satisfactory grading plan will need to be uploaded and processed through PERMIX.
Response: Understood
 - d) Please include a sheet in the plan set that details the proposed storm sewer.
Response: A utility sheet has been added to the submittal
2. Please include a paving sheet that details the connections to adjacent public roadways, per Section 6.05.04.
Response: This project does not connect to any public roadways. All connections are made to existing private driveways within the Cimarron Terrace apartments.
3. Please include a sheet that details all utilities and other applicable easements, per Section 6.05.04.
Response: A utility sheet has been added to the submittal.
4. Add proposed pedestrian/sidewalk connections to the Cimarron Woods trail system for this phase. We recommend construction of steps at the southeast end of the retaining wall on the southwest corner of the property, with full ADA access/sidewalk connection closer to building 13, in alignment with Section 6.05.05 and Section 6.05.10
Response: An accessible connection is now shown across from building 13. Steps will not be installed at this time.

5. Please confirm that the assumptions in the June 2008 & April 2009 Traffic Analysis updates that were submitted prior to the development of the first phase of Cimarron Terrace Apartments are still accurate.
Response: After further conversations with Pat Dowse a revised traffic analysis will not be required. The original traffic analysis stated that a traffic signal will be warranted at the time of full build out. The Subdivision Agreement dated October 19, 2010 calls for the District to construct the signal when warranted. The developer has already paid their portion of signal costs.
6. There is currently a 16-stall deficient for this phase. The earlier two phases provide a surplus and the overall development would be in compliance per the shared parking in the authorized in the PUD.
Response: Understood.
7. Please provide details on the locations and quantities of bicycle parking proposed for this phase of the Cimarron Terrace Apartments.
Response: Three bike racks have been added to the site plan. Each rack will have five bike spaces providing 15 bike parking spaces throughout the site.
8. The building design and site landscaping plans are being reviewed by La Vista's third-party design review architect and completion of this design review process must be complete prior to application for building permits.
Response: Understood. We will submit the building permits after this design review is complete.
9. Please submit a construction phasing plan.
Response: A construction phasing plan has been included.

All documents included are listed on the attached transmittal. If you have any questions regarding this application, please contact me at 402-895-4700 or by email at bconyers@eacg.com.

Sincerely,
E & A Consulting Group, Inc.



Brett Conyers, PE
Project Engineer



August 17, 2022

Kyle Haase
E & A Consulting Group, Inc.
10909 Mill Valley Rd. Suite 100
Omaha, NE 68154

RE: Conditional Use Permit – Multifamily Housing – Second Review Letter
Lot 2 Cimarron Woods Replat Three

Mr. Haase,

We have reviewed the resubmittal for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. An ADA parking stall and access point needs to be added to sufficiently serve Building 14. Per Section 208.3.1 of the 2010 ADA Standards for Accessible Design manual, “parking spaces complying with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4”. We obtained a third-party interpretation from Ray Petty with the Great Plains ADA Center, and his interpretation is that a parking space needs to be located next to building 14 as close to the most convenient building entrance(s) as possible.
2. The revised site plan that was submitted included a pedestrian/sidewalk connection to the Cimarron Woods trail system adjacent to Building 13, but you noted that an additional pedestrian connection adjacent to building 12 would not be included at this time. Considering the distance (300+ feet) from the ADA trail connection by building 13 to the south end of the retaining wall adjacent to building 12, we anticipate that residents in buildings 6-12 will walk through the grass up the hill (create a “desire path”), as opposed to walking to the appropriate connection to access the trail. In alignment with Section 6.05.5 and Section 6.05.10 of the La Vista Zoning Ordinance and the Move About section vision statements 1-3 and goal MOVE-1.1 of La Vista’s Comprehensive Plan and in order to promote walkability and appropriate access to the trail system, this pedestrian connection adjacent to Building 12 will be required as a condition of the Conditional Use Permit for Phase 3 of the Cimarron Terrace Apartments.

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402.331.4375 F

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402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

Please incorporate the ADA parking adjacent to building 14 and additional pedestrian connection adjacent to building 12 as discussed above, and resubmit 2 full size revised copies of the CUP plans (along with electronic copies) to the City for further review. We have submitted a publication request for your application to be reviewed by the Planning Commission during their September 1st meeting. In order for your application to remain on the agenda for that date, please resubmit by next Monday, August 22nd by the end of the day. A draft CUP will be prepared and shared with you in the near future. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink, appearing to read "Christopher Solberg", with a long horizontal flourish extending to the right.

Christopher Solberg, AICP
Deputy Community Development Director
csolberg@cityoflavista.org
(402) 593-6400

cc:

Turner Lesnick, Pedcor Investments, LLC
Doug Walter, E & A Consulting Group
Bruce Fountain, Community Development Director – City of La Vista
Cale Brodersen, Assistant Planner – City of La Vista
Pat Dowse, City Engineer – City of La Vista



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August 19, 2022

Chris Solberg
City of La Vista Planning Department
8116 Park View Blvd.
La Vista, NE 68128

RE: Cimarron Terrace – Conditional Use Permit Resubmittal - E&A File: P2002.153.027

Mr. Solberg,

On behalf of our client, Pedcor Investments, LLC, we hereby submit an application for the above referenced project. The subject property is located near the southwest corner of 96th Street & Harrison Street. Based on the August 17, 2022 Second Review Letter, we had a few conditions to address.

Each of your comments are listed, with our response following it shown in italics.

1. An ADA access point needs to be added to sufficiently serve building 14. Per Section 208.3.1 of the ADA Standards for Accessible Design manual, "parking spaces comply with 502 that serve a particular building or facility shall be located on the shortest accessible route from parking to an entrance complying with 206.4. The third-party ADA review interpreted this as the parking space needs to be located next to building 14 as close to the most convenient building entrance as possible. *Response: An accessible parking stall has been added to the parking tray adjacent to building 14.*
2. The Revised site plan that was submitted included a pedestrian/sidewalk connection to the Cimarron Woods trail system adjacent to Building 13, but you noted that an additional pedestrian connection to building 12 would not be included at this time. Considering the distance (300+ feet) from the ADA trail connection, Section 6.05.5 and Section 6.05.10 of the La Vista Zoning Ordinance the Move About section vision statements 1-3, goal MOVE-1.1 of La Vista's Comprehensive Plan in order to promote walkability and appropriate access to the trail system, this pedestrian connection adjacent to Building 12 will be required as a condition of the Conditional Use Permit for Phase 3 of the Cimarron Terrace Apartments.
Response: An accessible connection has been added south of building 12.

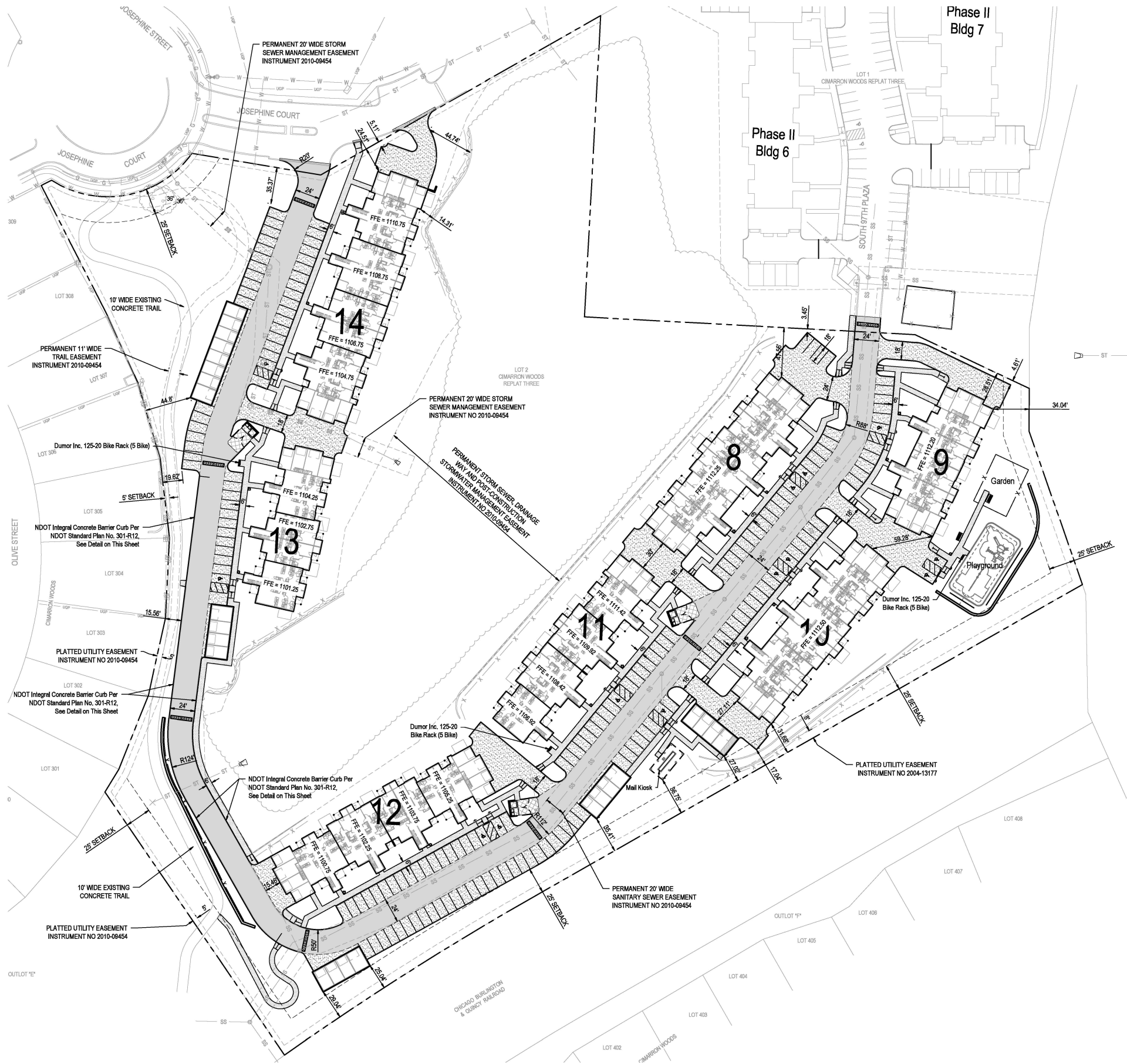
All documents included are listed on the attached transmittal. If you have any questions regarding this application, please contact me at 402-895-4700 or by email at bconyers@eacg.com.

Sincerely,
E & A Consulting Group, Inc.

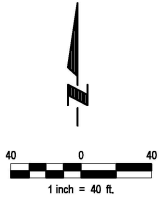
A handwritten signature in blue ink, appearing to read 'Brett Conyers', is written over a horizontal line.

Brett Conyers, PE
Project Engineer

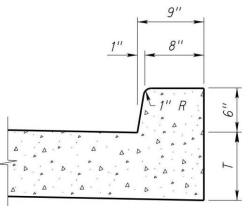
CUP Plan Set



LEGEND	
	7" P.C.C. Pavement w/ Integral Curb
	6" P.C.C. Pavement w/ Integral Curb
	5" P.C.C. Pavement w/ Integral Curb
	4" P.C.C. Sidewalk



SITE ANALYSIS TABLE	
SITE SIZE	12,050 A.C.
BUILDING COVERAGE	74,863 S.F. 14 %
TOTAL PAVED AREA	74,186 S.F. 14 %
TOTAL IMPERVIOUS COVERAGE	149,078 S.F. 28 %
PROVIDED PARKING	250 STALLS



NOTE: MAY BE USED WHEN T IS LESS THAN 1 FOOT.
INTEGRAL CONCRETE BARRIER CURB

E & A CONSULTING GROUP, INC.

Engineering • Planning • Environmental & Field Services

10055 Mill Valley Road, Suite 100 Omaha, NE 68154

Phone: 402.865.4700 Fax: 402.865.3599

www.eagroup.com

E & A CONSULTING GROUP, INC.

Engineering Answers

CIMARRON TERRACE APARTMENTS

SNIPPY COUNTY, NEBRASKA

CUP SITE EXHIBIT

Revisions

Date	Description
10/05/2022	BTC
	ANE

Proj No.: P2022-153-027

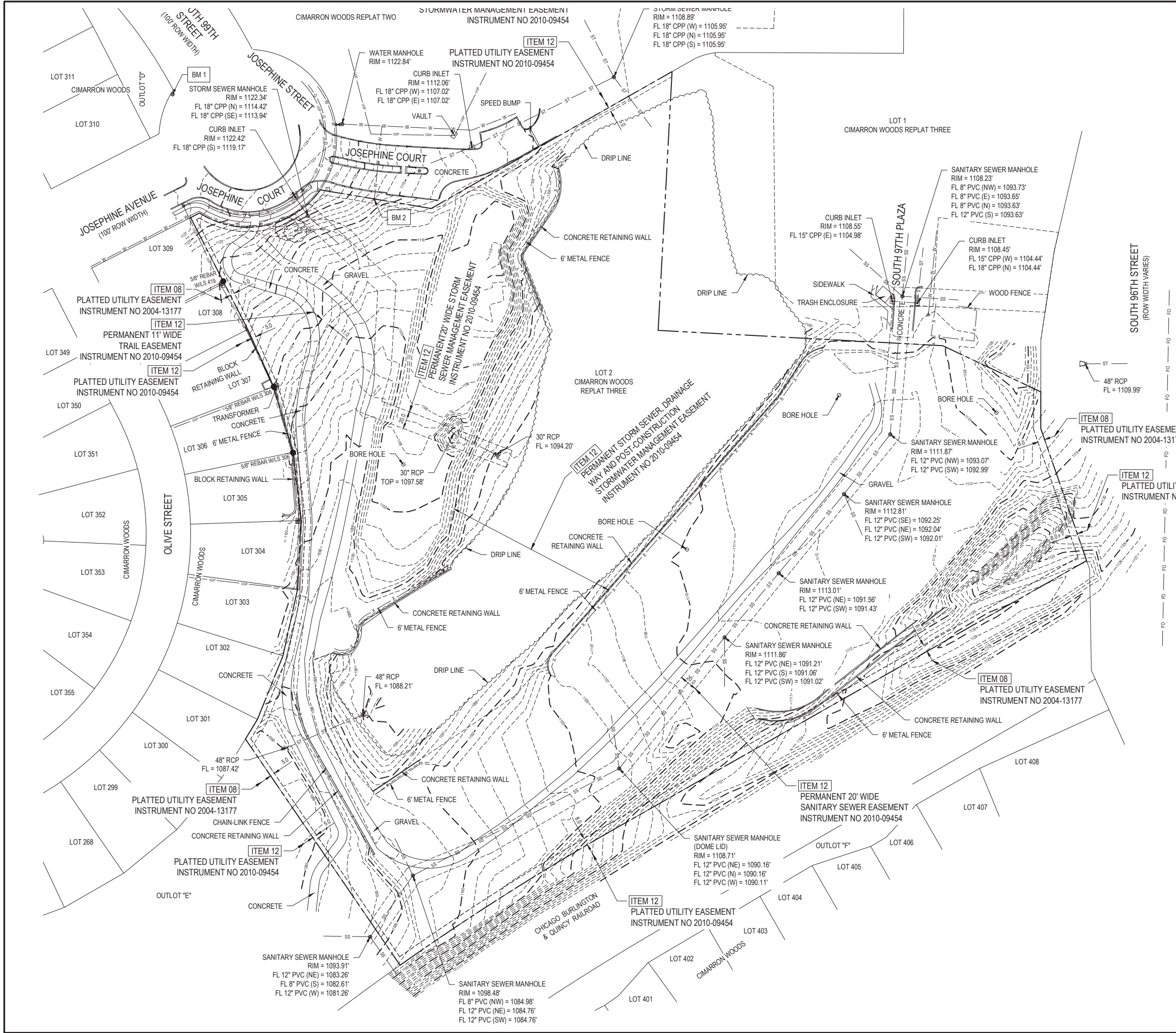
Date: 10/05/2022

Designed By: BTC

Drawn By: ANE

Scale: 1" = 40'

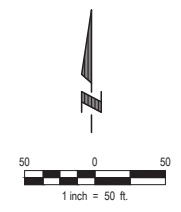
Sheet: 1 of 1



LEGEND

NOTE: FOR REFERENCE ONLY, ITEMS DEPICTED IN LEGEND MAY NOT APPEAR ON PLANS.

	SECTION CORNER
	PROPERTY CORNER FOUND (AS NOTED)
	PROPERTY CORNER SET (5/8\"/>
	BUILDING
	RAILROAD TRACKS
	POWER RISER
	POWER POLE
	GUY WIRE
	TRAFFIC SIGNAL POLE
	LIGHT POLE
	LIGHT POLE W/ MAST ARM
	TELEPHONE RISER
	CABLE TV RISER
	FIRE HYDRANT
	UTILITY VALVE (WATER)
	MANHOLE
	FLARED END SECTION (SIZE NOTED)
	CURB INLET
	REINFORCED CONCRETE BOX CULVERT
	UTILITY VALVE (GAS)
	SIGN
	SATELLITE DISH
	FENCE LINE
	GAS LINE
	WATER LINE
	POWER LINE (OVERHEAD)
	POWER LINE (UNDER GROUND)
	COMMUNICATION LINE (TELEPHONE, TV)
	SANITARY SEWER LINE
	STORM SEWER LINE
	FIBER OPTICS LINE
	TREE STUMP
	BUSH
	CONIFEROUS TREE
	DECIDUOUS TREE



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Engineering & Planning

CIMARRON TERRACE APARTMENTS
SARPY COUNTY, NEBRASKA

EXISTING CONDITIONS

Proj No.: P2002-153.027

Date: 07/27/2022

Designed By: BLC

Drawn By: ANE

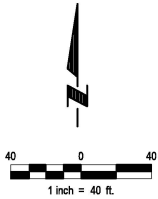
Scale: 1" = 40'

Sheet: 1 of 1

Revisions

Date	Description
07/27/2022	Final

10903 MI Valley Road, Suite 100, Omaha, NE 68154
Phone: 402.856.4700 Fax: 402.856.3599
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LEGEND

	Existing Contours
	Proposed Contours

E & A CONSULTING GROUP, INC.
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CIMARRON TERRACE APARTMENTS
 SAMPSON COUNTY, NEBRASKA

GRADING EXHIBIT

Revisions	
No.	Description
1	Initial Design
2	Final Design
3	As-Built
4	Final As-Built
5	Final As-Built
6	Final As-Built
7	Final As-Built
8	Final As-Built
9	Final As-Built
10	Final As-Built
11	Final As-Built
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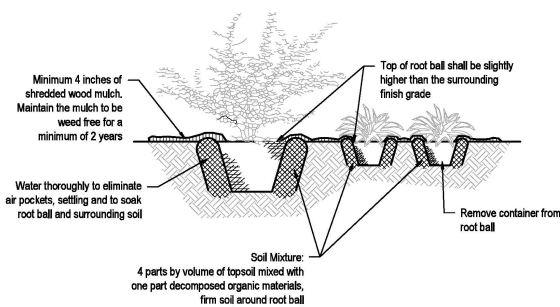


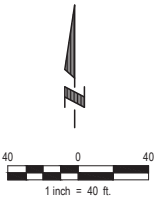
Diagram illustrating the correct planting technique for a tree, showing the root ball, trunk flare, mulch ring, and surrounding soil.

Key components and instructions:

- Stake and wrap all trees for stabilization and protection**
- Top of root ball shall be slightly higher than the surrounding finish grade**
- Mulch Ring (6 in.) dia. min. (8 in.) Dia. Preferred**
- Each tree must be planted such that the trunk flare is visible at the top of the root ball, trees where the trunk flare is not visible shall be pruned; however, do not remove the terminal buds of branches that extend to the edge of the crown**
- Do not cover the top of the root ball with soil**
- (4 in.) high Earth Saucer beyond edge of root ball**
- Minimum 4 inches of shredded wood mulch. Do not place mulch in contact with tree trunk. Maintain the mulch weed-free for a minimum of two years after planting**
- Water thoroughly to eliminate air pockets, settling and to soak root ball and surrounding soil**
- Remove all twine, rope and wire, and burlap from top half of root ball**
- Dig hole 2" wider in diameter than root ball**
- Remove all twine, rope and wire, and burlap from bottom half of root ball**
- Place root ball on unexcavated or tamped soil to support root ball and reduce settling**
- Tamp soil around root ball base firmly with foot pressure to eliminate air pockets and settlement**



LEGEND	
	7\" P.C.C. Pavement w/ Integral Curb
	6\" P.C.C. Pavement w/ Integral Curb
	5\" P.C.C. Pavement w/ Integral Curb
	4\" P.C.C. Sidewalk



Proj No.: P2002-153.027	
Date: 08/19/2022	Revisions
Designed By: BLC	Date
Drawn By: ANE	Description
Scale: 1\"/>	
Sheet: 1 of 1	

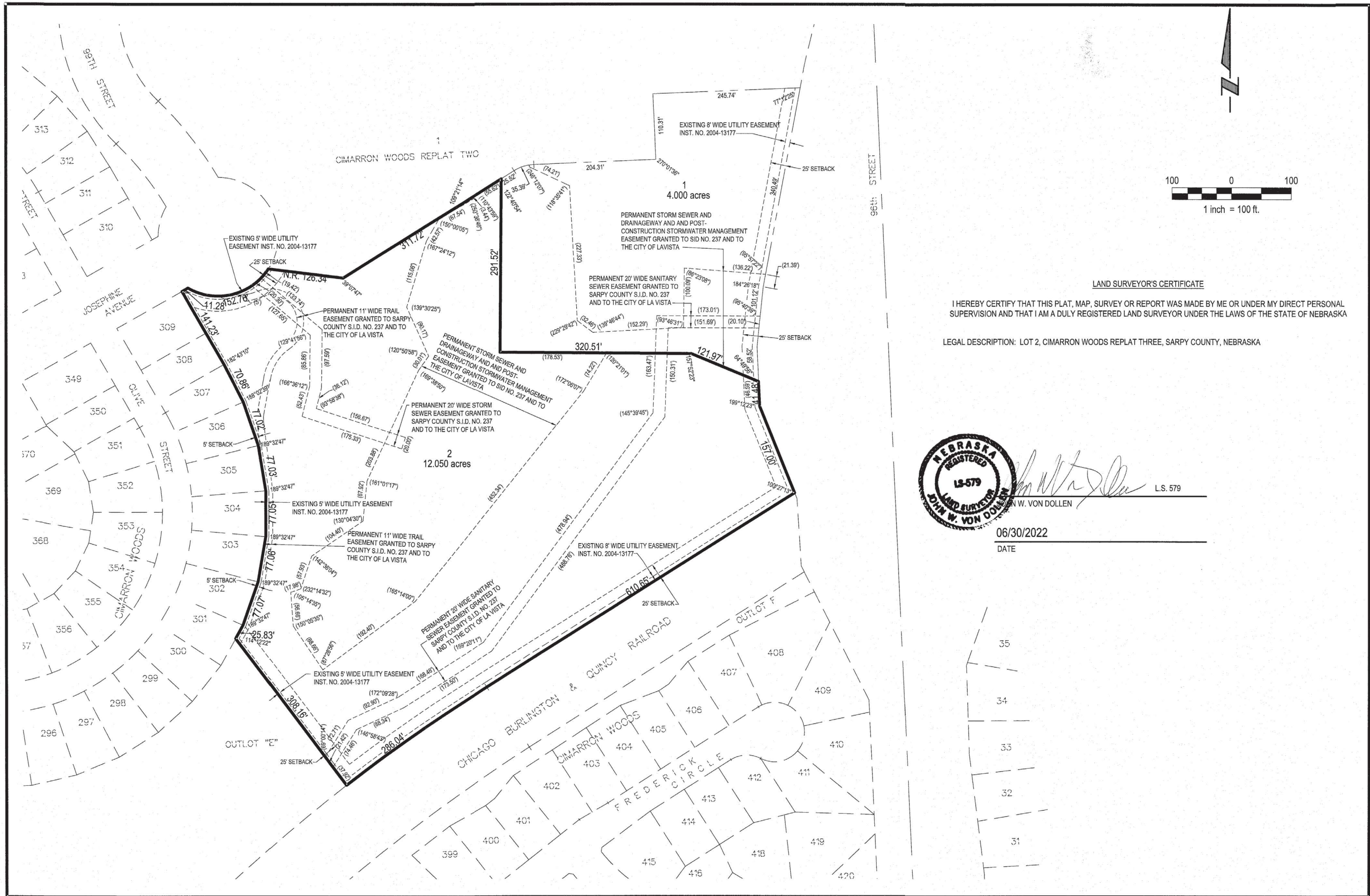
CONSTRUCTION PHASING EXHIBIT

CIMARRON TERRACE APARTMENTS
SARPY COUNTY, NEBRASKA



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

10909 Mill Valley Road, Suite 100, Omaha, NE 68154
Phone: 402.856.4700 Fax: 402.856.3599
www.eandagroup.com



LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA

LEGAL DESCRIPTION: LOT 2, CIMARRON WOODS REPLAT THREE, SARPY COUNTY, NEBRASKA



[Signature]
DAN W. VON DOLLEN

L.S. 579

06/30/2022
DATE

Proj No:	P2002.153.013	Revisions	
Date:	06/30/2022	No.	Description
Designed By:	MAW		
Drawn By:	jvd		
Scale:	1"=100'		
Sheet:	#### of 1		

SURVEYOR'S CERTIFICATE

LOT 2
CIMARRON WOODS REPLAT THREE
SARPY COUNTY, NEBRASKA



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
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CITY OF LAVISTA
CONDITIONAL USE PERMIT

**Conditional Use Permit for Multiple Family Dwellings
(Cimarron Terrace Apartments – Phase 3)
Lot 2 Cimarron Terrace Replat Three**

This Conditional Use Permit is issued this ____ day of _____ 2022 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Pedcor Investments, LLC, a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner was granted a Conditional Use Permits by the City Council of the City of La Vista on October 19, 2010 and August 16, 2011 to construct and operate the first two phases a multiple family dwelling complex to be known as the Cimarron Terrace Apartments upon Lot 1 Cimarron Woods Replat Two and Lot 1 Cimarron Woods Replat Three, subdivisions in Sarpy County, Nebraska; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing and operating additional multiple family dwellings (Phase 3) as part of the Cimarron Terrace Apartment Complex on Lot 2 Cimarron Terrace Replat Three, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat'; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to use the Property for the purposes described above, said use hereinafter being referred to interchangeably as a "Permitted Uses" or "Uses".

Conditions of the Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any material breach hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Uses:
 - a. The site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit " B ".
 - b. Operations on the property will be limited to and carried out in accordance with the Operational Statement attached as Exhibit "C" and incorporated into this permit by reference.
 - c. Architectural review of the building design, landscaping, and lighting must be completed prior to issuance of building permits, and the foregoing plans are approved as shown in Exhibits " D " through " F ".
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this Agreement, as well as the final plat of Lots 1-2 Cimarron Woods Replat Three ("Final Plat"), Planned Unit Development Plan ("PUD") and Subdivision Agreement applicable to the Property,

("Subdivision Agreement"), as approved by the City and incorporated herein by this reference. Any modifications to the Site Plan must be submitted to the Chief Building Official for approval. Modification of any other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.

- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to approval of the Community Development Department, per the La Vista Zoning Ordinance.
 - f. As-built topographic surveys of the storm water detention areas constructed in accordance with the Subdivision Agreement shall be provided to the City before certificates of occupancy are issued for any completed building on the Property, with a requirement that any variances from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
 - g. No vehicle repair (other than emergency maintenance such as changing a tire), inoperable or abandoned vehicles, or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "B". The Owner shall have seventy-two (72) hours after notice from the City or other appropriate political subdivision to correct any violation or cause the removal of any such vehicle that is in violation.
 - h. Owner shall obtain all required permits for the Uses from the City of La Vista.
 - i. Owner shall comply (and shall ensure that all structures, appurtenances and improvements on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
 - j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees relating to the Owner's Uses of the Property, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation but excluding any liability, loss, claim or expense proximately caused by the sole negligence of the City.
 - m. Owner shall ensure that the leasing and business office on the property will be staffed during normal business hours.
 - n. If at any time any part of Lot 2 Cimarron Terrace Replat Three is owned by any person or entity other than Owner, all owners shall cooperate and coordinate to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.
 - o. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
 - p. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the approved landscaping plan (Exhibit "E") and the requirements of the Gateway Corridor District.
3. The Owner's right to maintain the Uses of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked (with respect to a particular Use) only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
 - b. Construction will be in accordance with the City Building Code. Time limitation for building permits shall be in accordance with the City Building Code. Extensions shall be requested in writing and justifiable cause demonstrated.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety

hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property as related to said structures, facilities or materials.

4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Uses, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit.
 - c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
 - d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. If the Owner upon the expiration or termination of this Permit fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.
7. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
8. The conditions and terms of this Permit shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of, the Owner, its successors and assigns.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
10. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to written notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner in writing of any breach of this Permit and Owner shall be permitted to cure any breach. Such written notice shall specify the particular conditions giving rise to the breach, and, to the extent known, what

actions are required to cure such breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 10 and diligently pursued and completed as soon as is reasonably possible, and allowing additional time does not substantially increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

11. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
12. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner: Pedcor Investments, L.L.C.
 770 3rd Avenue, SW
 Carmel, IN 46032

13. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.
14. Exhibits. The following exhibits are incorporated herein by reference:

Exhibit "A":	Plat
Exhibit "B":	Site Plan
Exhibit "C":	Operating Statement
Exhibit "D":	Building Elevation Renderings
Exhibit "E":	Landscaping Plan
Exhibit "F":	Lighting Plan

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A Buethe, CMC
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this _____ day of _____, 2022, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista and Pamela Buethe, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Permit, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by Owner to be performed or discharged.

Owner:

Pedcor Investments, L.L.C.

By: _____, it's owner

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)
COUNTY OF _____)

On this _____ day of _____, 2022, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be an owner of Pedcor Investments, L.L.C., a limited liability company, and the identical person whose name is affixed to the foregoing Permit, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public

2011-22565

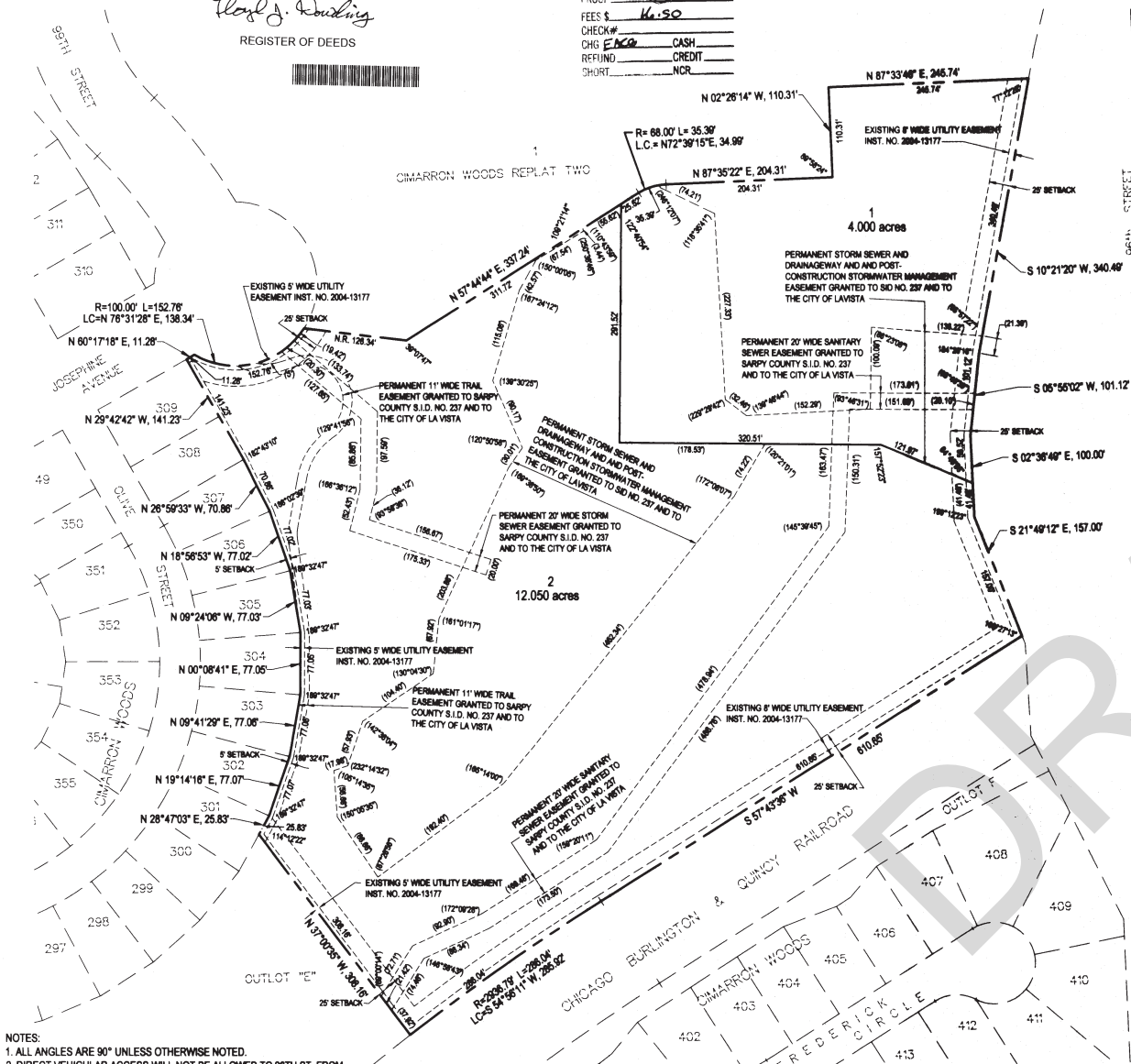
09/15/2011 8:49:19 AM

Rogers, Douglas

REGISTER OF DEEDS



OWNER: M.C.E. 1M
VENUE: M.C.E. 1M
PROOF: M.C.E. 1M
FEES: \$ 14.50
CHECK#: CASH
CHK: E.C.A.
REFUND: CREDIT
SHORT: NCR

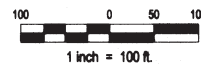


- NOTES:
1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
 2. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 98TH ST. FROM ANY LOTS ABUTTING SAID STREET, EXCEPT AS NOTED ON PLAT.
 3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
 4. A PERMANENT RECIPROCAL INGRESS AND EGRESS, SIDEWALK, PARKING AND PEDESTRIAN EASEMENT, IS GRANTED TO THE OWNERS OF LOTS 1 AND 2, THEIR GUESTS AND INVITEES OVER ALL OF THOSE PRIVATE DRIVES AND PARKING AREAS AS CONSTRUCTED IN SAID LOTS 1 AND 2.

ADMINISTRATIVE PLAT - LOT SPLIT CITY OF LA VISTA, NEBRASKA

CIMARRON WOODS REPLAT THREE

BEING A REPLAT OF ALL OF LOT 2, CIMARRON WOODS REPLAT TWO,
A SUBDIVISION LOCATED IN THE NE1/4 OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12
EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- EXIST. SECTION LINES
- EXIST. PROPERTY LINES
- EXIST. EASEMENTS

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT
AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN
THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

9/15/11
DATE



COUNTY TREASURER

TAXES ASSESSED AND LEVIED FOR THE
CURRENT YEAR ARE NEITHER DUE NOR
PAID. TREASURER'S CERTIFICATION
IS ONLY VALID UNTIL DECEMBER 30th
OF THIS YEAR.

APPROVAL OF SARPY COUNTY REGISTER OF DEEDS

RECORDED ON THIS 15th DAY OF September 2011

9/15/2011
SARPY COUNTY REGISTER OF DEEDS

09-15-2011
DATE

REVIEW OF SARPY COUNTY PUBLIC WORKS

THIS PLAT OF CIMARRON WOODS REPLAT THREE (LOTS NUMBERED AS SHOWN) WAS
REVIEWED BY THE OFFICE OF THE SARPY COUNTY SURVEYOR.

9/15/2011
SARPY COUNTY ENGINEER/SURVEYOR

Sept 14, 2011
DATE



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT
PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL CORNERS OF THE LOT BEING
PLATED.



Aug-31-2011
DATE

OWNER'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, PEDCOR INVESTMENTS, A LIMITED LIABILITY
COMPANY OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND
EMBRACED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE COMBINED INTO ONE LOT TO
BE NUMBERED AND NAMED AS SHOWN.

Thomas G. Crowe
BY: THOMAS G. CROWE, EXECUTIVE VICE PRESIDENT

ACKNOWLEDGMENT OF NOTARY STATE OF NEBRASKA COUNTY OF SARPY

ON THIS 24th DAY OF August, 2011, BEFORE ME A NOTARY PUBLIC, DULY
COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED THOMAS G. CROWE,
EXECUTIVE VICE PRESIDENT OF PEDCOR INVESTMENTS, A LIMITED LIABILITY COMPANY
PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSONS WHOSE NAME IS AFFIXED TO
THE DEDICATION ON THIS PLAT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE
HIS VOLUNTARY ACT AND DEED, AS SAID OFFICER OF SAID COMPANY.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Karen Dillon Roth
NOTARY PUBLIC



APPROVAL OF CITY OF LA VISTA

THIS ADMINISTRATIVE PLAT - LOT SPLIT WAS APPROVED BY THE CITY OF LA VISTA THIS
15th DAY OF August, 2011.

Attest: Pamela C. [Signature]
CITY CLERK

[Signature]
MAYOR
[Signature]
CHIEF BUILDING OFFICIAL

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 896-4700 FAX: (402) 896-3399
www.eagroup.com

Exhibit A

2011-22565

Proj No:	P2002.153.013
Date:	6-1-11
Designed By:	MAW
Drawn By:	TRH
Scale:	1" = 100'
Sheet	1 of 1

ADMINISTRATIVE PLAT

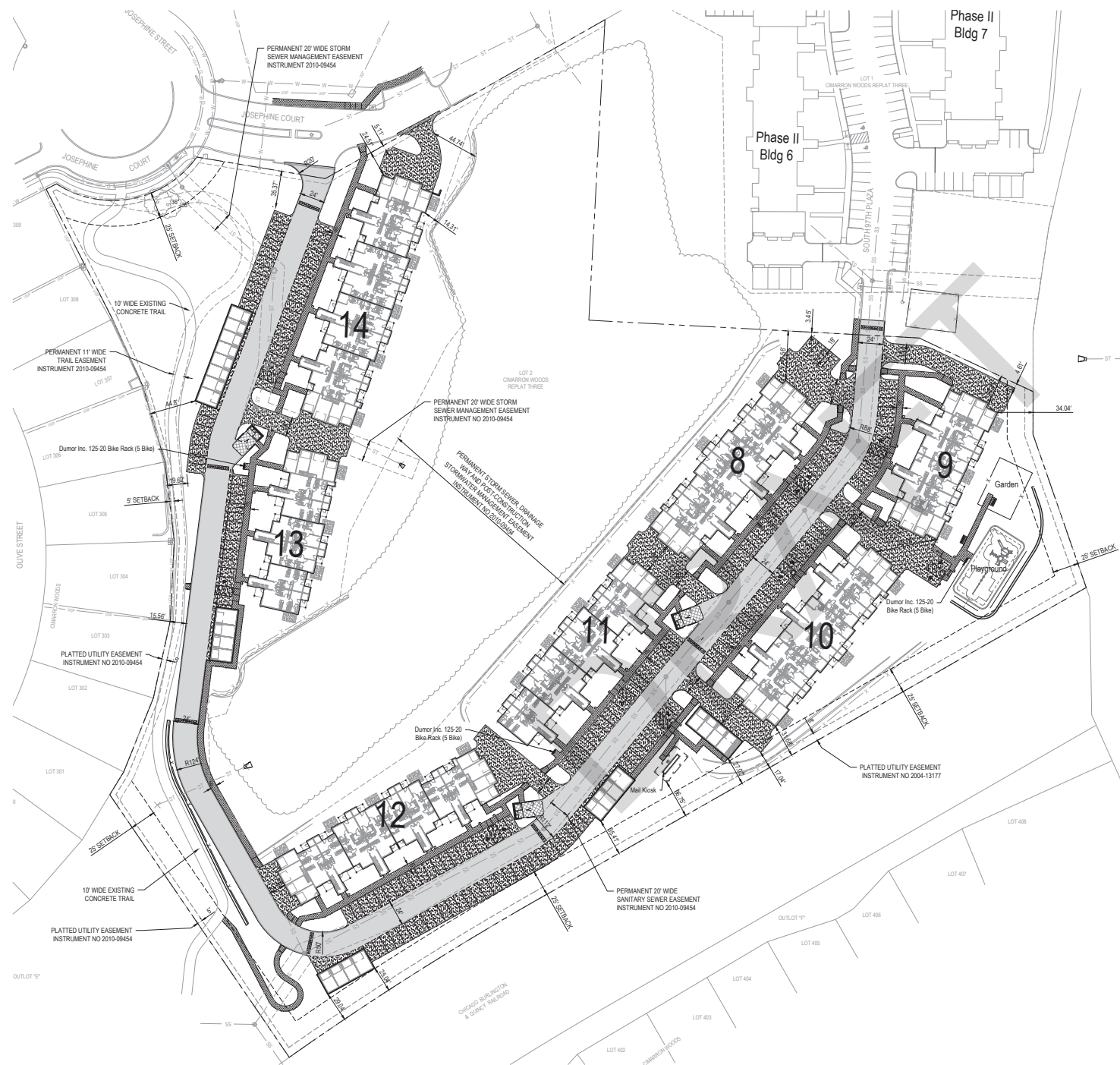
CIMARRON WOODS REPLAT THREE

LOTS 1 AND 2

LA VISTA, NEBRASKA



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES



SITE ANALYSIS TABLE		
SITE SIZE	12,050 A.C.	
BUILDING COVERAGE	74,893 S.F.	14 %
TOTAL PAVED AREA	74,186 S.F.	14%
TOTAL IMPERVIOUS COVERAGE	149,078 S.F.	28%
PROVIDED PARKING	250 STALLS	

Exhibit B



Exhibit C

Cimarron Terrace Apartment Homes – Phase 3 Operational Statement

Cimarron Terrace Apartment Comes – Phase 3 will consist of seven residential buildings, providing a total of 138 units (1BR x 36, 2BR x 78, 3BR x 24). This development will also provide a community garden, playground, and seventy-two attached or detached garages.

	1 Bedrooms	2 Bedrooms	3 Bedrooms
Building 8	0	12	6
Building 9	0	12	0
Building 10	0	12	6
Building 11	12	12	0
Building 12	12	12	0
Building 13	12	6	0
Building 14	0	12	12
TOTAL	36	78	24

Surface Parking Stalls:	176
Attached Garages:	48
Detached Garages:	24
Total Parking Spaces:	72



4 BLDG 8 & 10 - TYPE I - SIDE ELEVATION 1
1/8" = 1'-0"



3 BLDG 8 & 10 - TYPE I - SIDE ELEVATION 2
1/8" = 1'-0"

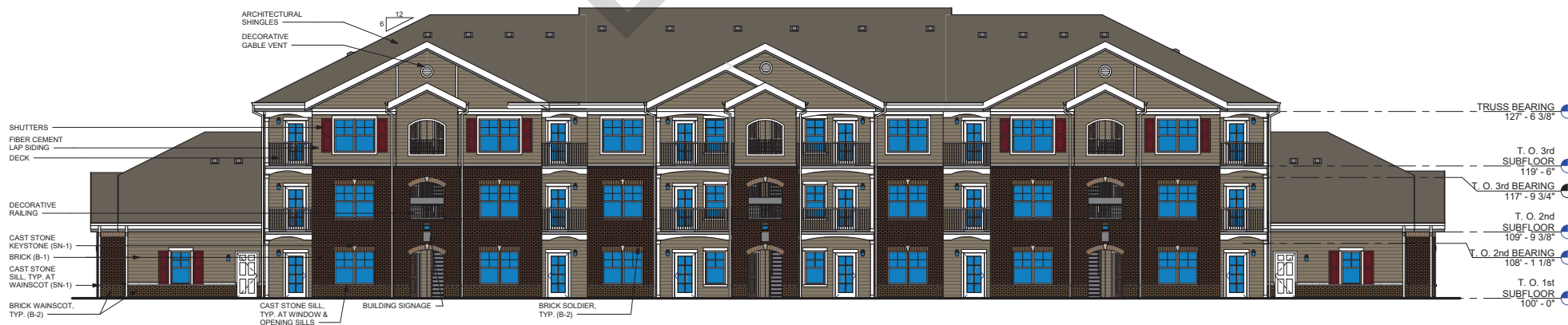
REFERENCE G-003 FOR GENERAL NOTES
REFERENCE A-101 FOR PLAN LEGEND

MATERIAL LEGEND

- S-1 PREFINISHED FIBER LAP SIDING
JAMES HARDIE WOODSTOCK BROWN
- B-1 FACE BRICK
BRICKCRAFT OLD INDIANA
- B-2 FACE BRICK - WAINSCOT
BRICKCRAFT CRAFT COUNTRYROAD
- SN-1 LIMESTONE ACCENT
BIG CREEK LIMESTONE BUFF
- SH-1 ARCHITECTURAL SHINGLES
GAF TIMBERLINE WEATHERWOOD
- T-1 PREFINISHED FIBER TRIM
JAMES HARDIE WHITE
- SHUTTERS
MID-AMERICA STANDARD RAISED PANEL
#167 BORDEAUX
- KEYSTONE
LIMESTONE ACCENT COLOR



2 BLDG 8 & 10 - TYPE I - REAR ELEVATION
1/8" = 1'-0"



1 BLDG 8 & 10 - TYPE I - FRONT ELEVATION
1/8" = 1'-0"

PRINTS ISSUED
06/24/22 PROGRESS SET CD#

REVISIONS:

Exhibit D

rosemann & associates pc
ARCHITECTURE
INTERIOR DESIGN
ENGINEERING
PLANNING
1526 Grand Boulevard
Suite 100-1404
P: 816.472.1448
W: www.rosemann.com
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CIMARRON TERRACE III

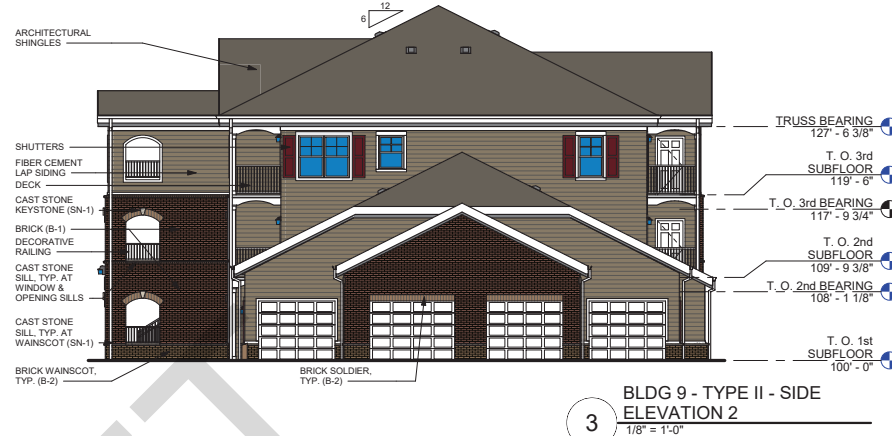
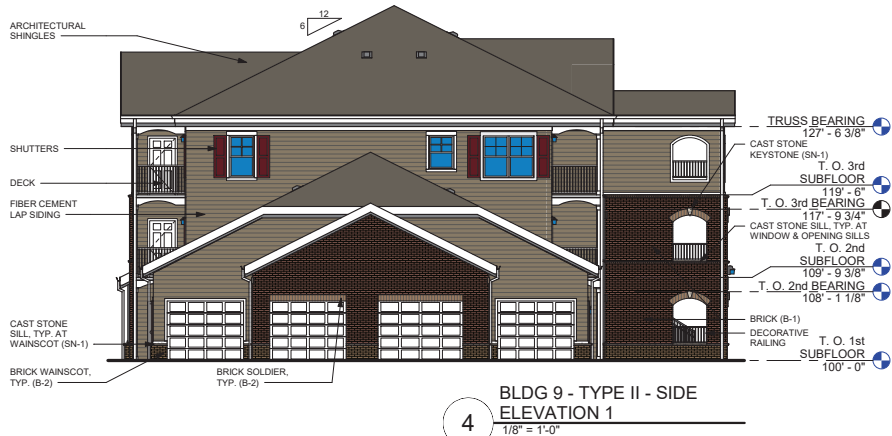
9852 JOSEPHINE CT.
LA VISTA, NEBRASKA 68128

SHEET TITLE
EXTERIOR ELEVATIONS -
BUILDINGS 8 & 10 - TYPE I - 12B6C

PROJECT NUMBER: 22034

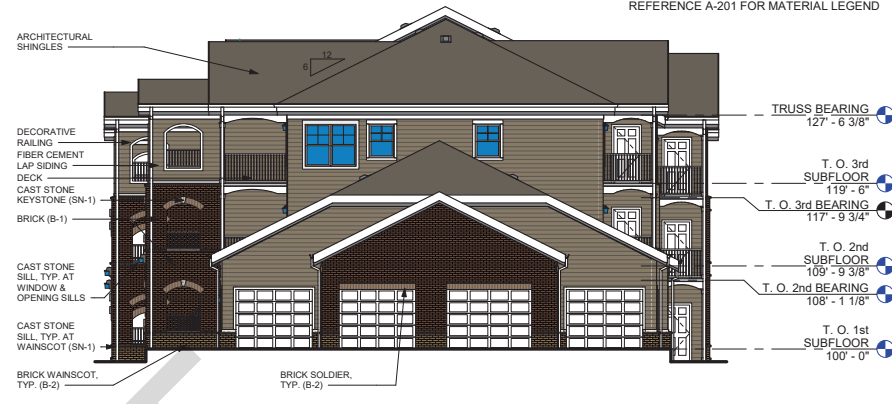
SHEET NUMBER:

A201





4 BLDG 11 - TYPE III - SIDE ELEVATION 1
1/8" = 1'-0"



3 BLDG 11 - TYPE III - SIDE ELEVATION 2
1/8" = 1'-0"



2 BLDG 11 - TYPE III - REAR ELEVATION
1/8" = 1'-0"



1 BLDG 11 - TYPE III - FRONT ELEVATION
1/8" = 1'-0"

REFERENCE G-003 FOR GENERAL NOTES
REFERENCE A-101 FOR PLAN LEGEND
REFERENCE A-201 FOR MATERIAL LEGEND

PRINTS ISSUED
06/24/22 PROGRESS SET CD#
REVISIONS:

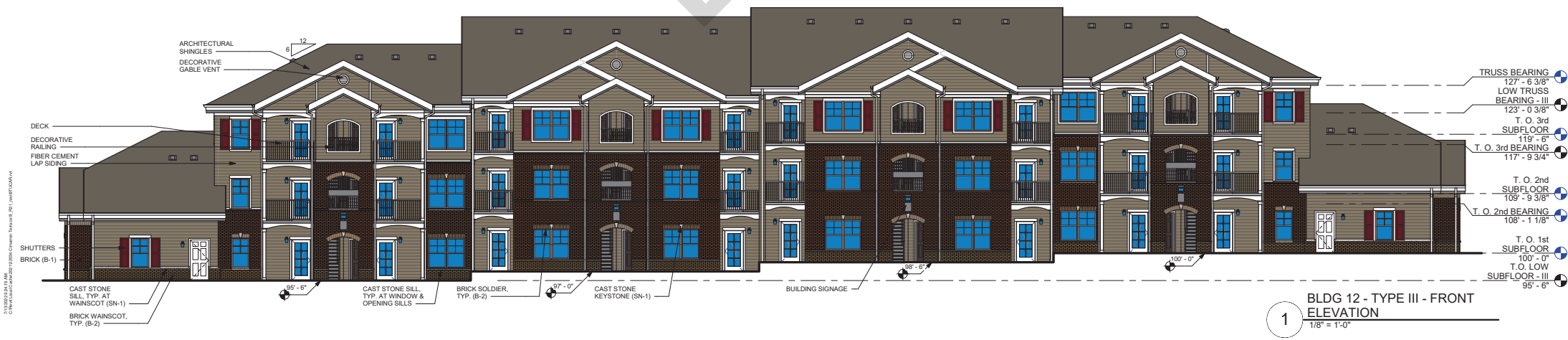
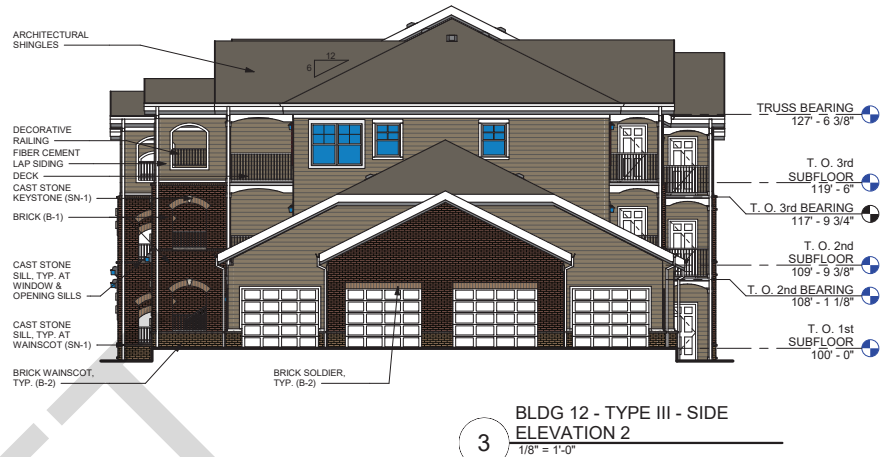
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CIMARRON TERRACE III
9852 JOSEPHINE CT.
LA VISTA, NEBRASKA 68128

SHEET TITLE
EXTERIOR ELEVATIONS -
BUILDING 11 - TYPE III - 12A12B
PROJECT NUMBER: 22034
SHEET NUMBER:

A203

7/13/2023 2:25:05 PM
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CIMARRON TERRACE III

9852 JOSEPHINE CT.
LA VISTA, NEBRASKA 68128

SHEET TITLE
EXTERIOR ELEVATIONS -
BUILDING 12 - TYPE III - 12A12B
PROJECT NUMBER: 22034
SHEET NUMBER:

A204



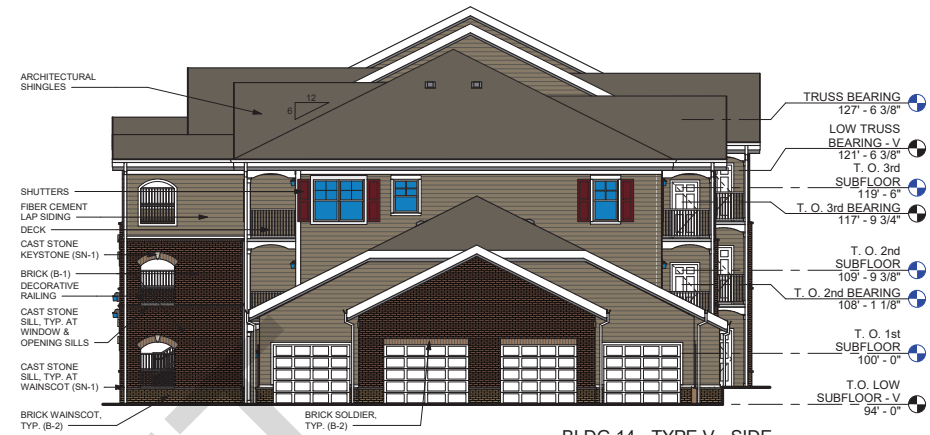
CIMARRON TERRACE III
9852 JOSEPHINE CT.
LA VISTA, NEBRASKA 68128

SHEET NUMBER:

A205

PRINTS ISSUED
06/24/22 PROGRESS SET CDs

REVISIONS:



3 BLDG 14 - TYPE V - SIDE
ELEVATION 2
1/8" = 1'-0"



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& Associates** P.C.

ARCHITECTURE
INTERIOR DESIGN
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CIMARRON TERRACE III

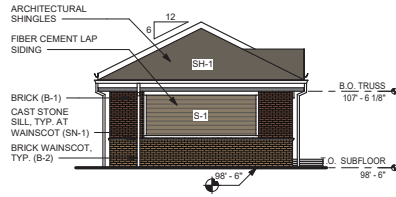
9852 JOSEPHINE CT.
LA VISTA, NEBRASKA 68128

SHEET TITLE
EXTERIOR ELEVATIONS -
BUILDING 14 - TYPE V - 12B12C

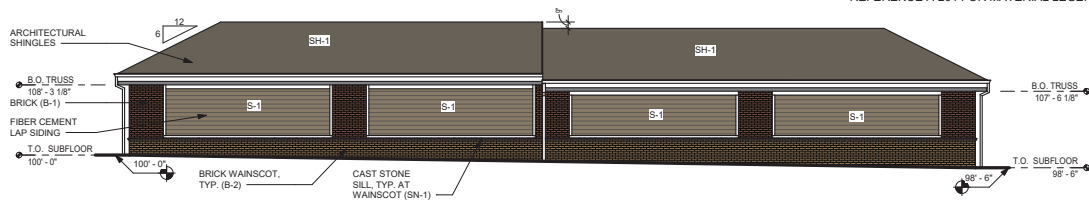
PROJECT NUMBER: 22034

SHEET NUMBER:

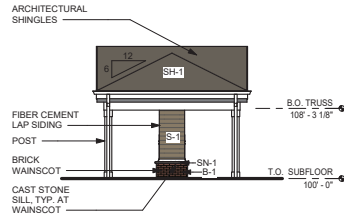
A206



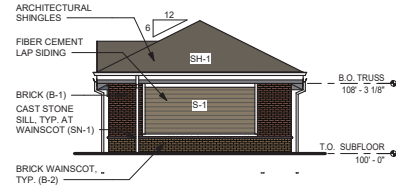
16 GARAGE 8-BAY - TYPE III
- LEFT ELEVATION
1/8" = 1'-0"



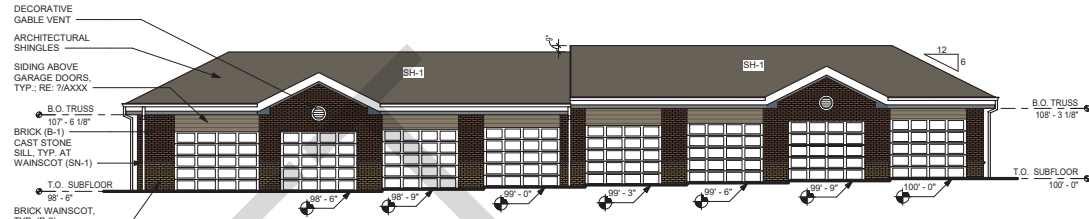
15 GARAGE 8-BAY - TYPE III
- REAR ELEVATION
1/8" = 1'-0"



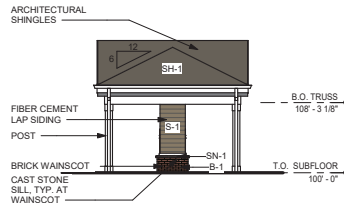
14 MAIL KIOSK ELEVATION
1/8" = 1'-0"



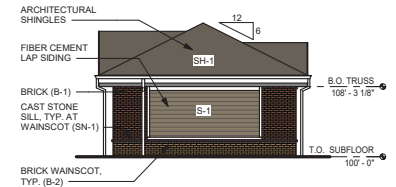
13 GARAGE 8-BAY - TYPE III
- RIGHT ELEVATION
1/8" = 1'-0"



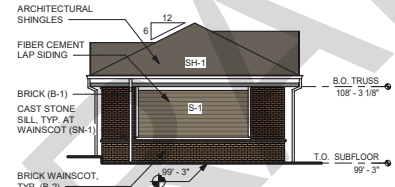
12 GARAGE 8-BAY - TYPE III -
FRONT ELEVATION
1/8" = 1'-0"



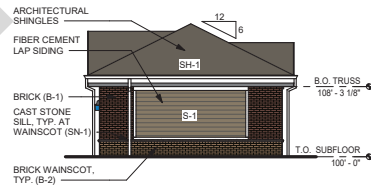
11 MAIL KIOSK ELEVATION
1/8" = 1'-0"



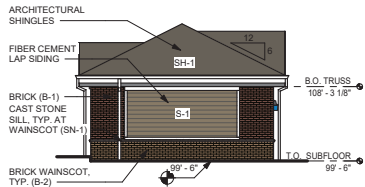
10 GARAGE 4-BAY - TYPE II -
LEFT ELEVATION
1/8" = 1'-0"



9 GARAGE 4-BAY - TYPE II -
RIGHT ELEVATION
1/8" = 1'-0"



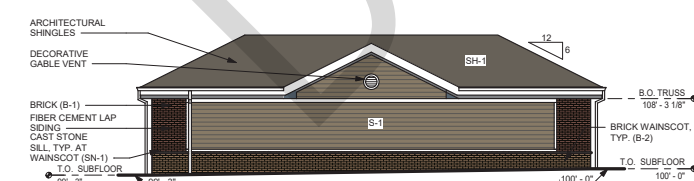
8 GARAGE 4-BAY - TYPE I -
LEFT ELEVATION
1/8" = 1'-0"



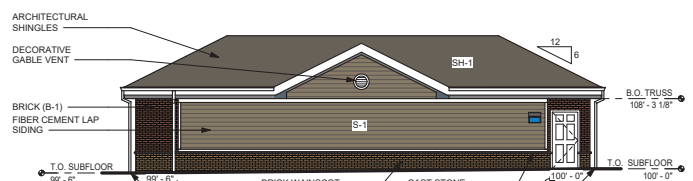
7 GARAGE 4-BAY - TYPE I -
RIGHT ELEVATION
1/8" = 1'-0"



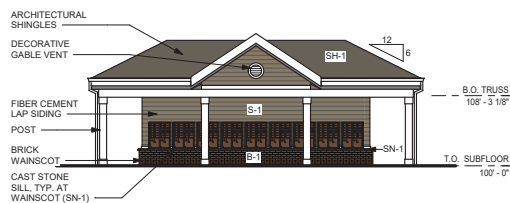
6 MAIL KIOSK - REAR ELEVATION
1/8" = 1'-0"



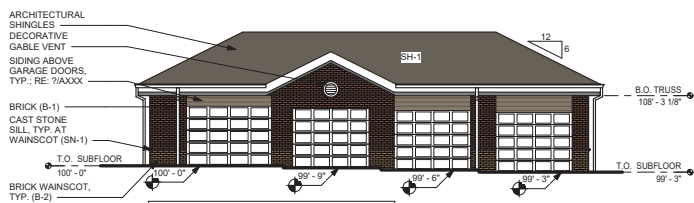
5 GARAGE 4-BAY - TYPE II - REAR ELEVATION
1/8" = 1'-0"



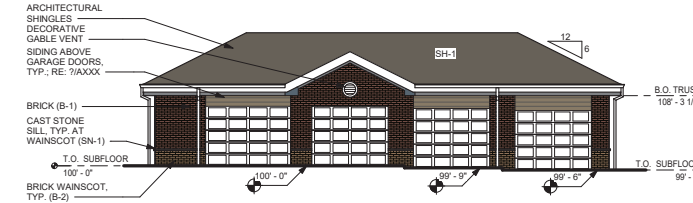
4 GARAGE 4-BAY - TYPE I - REAR ELEVATION
1/8" = 1'-0"



3 MAIL KIOSK - FRONT ELEVATION
1/8" = 1'-0"



2 GARAGE 4-BAY - TYPE II - FRONT ELEVATION
1/8" = 1'-0"



1 GARAGE 4-BAY - TYPE I - FRONT ELEVATION
1/8" = 1'-0"

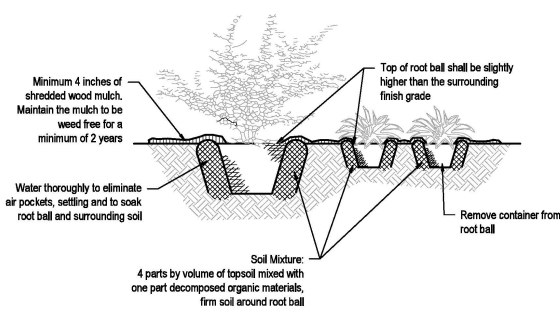


Diagram illustrating the correct planting technique for a tree, showing the root ball, trunk, and surrounding mulch and soil.

Key components and instructions:

- Stake and wrap all trees for stabilization and protection**
- Top of root ball shall be slightly higher than the surrounding finish grade**
- Mulch Ring (6 ft.) dia. min. (8 ft.) Dia. Preferred**
- Each tree must be planted such that the trunk flare is visible at the top of the root ball, trees where the trunk flare is not visible shall be pruned; however, do not remove the terminal buds of branches that extend to the edge of the crown**
- Do not cover the top of the root ball with soil**
- (4 in.) high Earth Saucer beyond edge of root ball**
- Minimum 4 inches of shredded wood mulch. Do not place mulch in contact with tree trunk. Maintain the mulch weed-free for a minimum of two years after planting**
- Water thoroughly to eliminate air pockets, settling and to soak root ball and surrounding soil**
- Remove all twine, rope and wire, and burlap from top half of root ball**
- Dig hole 2' wider in diameter than root ball**
- Remove all twine, rope and wire, and burlap from bottom half of root ball**
- Tamp soil around root ball base firmly with foot pressure to eliminate air pockets and settlement**
- Place root ball on unexcavated or tamped soil to support root ball and reduce settling**



MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, SEPTEMBER 1, AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, September 1, 2022, in the Harold “Andy” Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

PRESENT: Mike Krzywicki, Gayle Malmquist, Jason Dale, Kathleen Alexander, Patrick Coghlan, Austin Partridge, and Kevin Wetuski

ABSENT: John Gahan, Harold Sargus, and Mike Circo

STAFF PRESENT: Bruce Fountain, Community Development Director; Christopher Solberg, Deputy Community Development Director; Meghan Engberg, Permit Technician; and Pat Dowse, City Engineer.

1. Call to Order

The meeting was called to order by Vice-Chair Alexander at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes From May 19, 2022

Motion: *Krzywicki* moved, seconded by *Wetuski*, to **approve** the May 19th, 2022, minutes.

RESULT:	Motion carried 6-1
MOTION BY:	Krzywicki
SECONDED BY:	Wetuski
AYES:	Coghlan, Dale, Krzywicki, Alexander, Malmquist, Wetuski
NAYS:	None
ABSTAINED:	Partridge
ABSENT:	Sargus, Circo, Gahan

3. Old Business

None.

4. New Business

Vote to Switch Agenda Items

i. Recommendation:

Motion: Krzywicki moved, seconded by Wetuski, to switch agenda items.

RESULT:	Motion carried 7-0
MOTION BY:	Krzywicki
SECONDED BY:	Wetuski
AYES:	Coghlan, Dale, Krzywicki, Alexander, Malmquist, Wetuski, Partridge
NAYS:	None
ABSTAINED:	None
ABSENT:	Sargus, Circo, Gahan

A. Conditional Use Permit – Multiple Family Dwellings – Lot 2 Cimarron Woods Replat Three (southeast of the intersection of S. 99th Street and Josephine Street)

i. Staff Report – Chris Solberg, Deputy Community Development Director: Solberg said the applicant, Pedcor LLC, is requesting a conditional use permit for Phase 3 of the Cimarron Terrace Apartments to allow for the construction of 7 additional multi-family apartment buildings with a total of 138 units. The location of the project is southeast of the roundabout at the intersection of S 99th Street, Josephine Ave., and Josephine Street, generally southwest of the intersection of S 96th Street and Harrison Street.

Solberg mentioned that in 2010, the applicant came forward with PUD and conditional use permit applications to start construction of this overall apartment complex. The PUD set forth a site plan that called for all 3 of these phases, the construction of these buildings, and accounted for the traffic generated by the development. In 2011, the applicant obtained the conditional use permit for phase 2 of the apartment complex.

Staff's recommendation is for approval of the Conditional Use Permit for the Cimarron Terrace Apartments Phase 3, subject to satisfaction of all applicable requirements, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

ii. Public Hearing: Co-Chair Alexander opened the Public Hearing.

Turner Lesnick delivered a presentation to the Commission and members of the public about Pedcor's operation and the Cimarron Terrace project. Lesnick discussed the history of the Cimarron Terrace project. He spoke about the shared detention pond, parking lot, amenities, and clubhouse over all 3 phases. Lesnick mentioned that phase 3 has 6 fewer units than what was originally approved and that like the other phases, is 100% income-qualified. Lesnick showed renderings of the units.

Brooke Schrock spoke about her concerns dealing with sound, lighting, sight barriers, as well as landscaping, traffic, and environmental concerns. She also requested that a barrier fence be put up between the apartment complex and trail.

Steve Schrade, president of Cimarron Woods Villas, said that the biggest concerns that have been brought up to him are the safety and security of the residents as well as the additional number of people that will be using the trail and splash pad once the apartments are built.

Jay Ferris brought up a letter that was sent to Chris Solberg from Brett Conyers referencing that traffic study that was done in 2008 and 2009 and spoke about the fact the traffic has increased since then. He asked for an updated traffic study to be done. He also asked for additional landscaping or a decorative fence to be placed along the back of the development.

Vicki Quaites-Ferris spoke about her concerns regarding the safety, home value, livability of the existing neighborhood. In reviewing the documents, she felt that the City was only concerned about the plans fitting in with the Comprehensive Plan and not with how the development would affect the existing residents of the Subdivision.

Dale Rozmiarek said that he is concerned about the additional concrete, and the impact of the stormwater runoff back to the creek, and how it will affect the wetlands.

Phil Secan inquired about the possibility of additional access to ease some of the traffic concerns pertaining to the roundabout.

Karen Beard said she is concerned about the influx of people that will be using the trail once the new development is built, and her concern about people who are speeding through the roundabout.

Dan Balis talked about how the additional concrete will add more water runoff and contribute to the flooding of the lower part of the Subdivision that is by the creek.

Jay Ferris came back to the podium to speak about his concerns about the roundabout traffic, and flooding due to runoff.

Vicki Quaites-Ferris came back to the podium and spoke about her concern with the narrowness between her property, the road, and the proposed development.

Dan Balis came back to the podium and mentioned that Pedcor owned the land that the flooding occurred on and would not let the SID come and clean up the clog that was causing the area to flood.

Turner Lesnick addressed the concerns of the residents.

Krzywicki inquired about the landscaping plan and if there was a fence being shown on the southwest corner of the interior road.

Lesnick said it's a 4-5' retaining wall that will have a fence on top of it.

Krzywicki mentioned the concern brought up about putting a fence on the interior road to protect a pedestrian on the walking trail from oncoming traffic and asked if there was any possibility of one being put in.

Lesnick said that hasn't been discussed but mentioned that they had a conversation with City staff on the importance of their site being connected via ADA access points to the trail, and not being cut off by a barrier.

Todd Hinku, talked about the limited space between the street and the walking trail and his concern for the safety of pedestrians.

Larry Jobeun, attorney for the developer, mentioned that the trail is a public trail and is there for the public in its entirety, including the residents of the apartment complex. He spoke about the proximity of the trail and the private road and said that there should be no safety concerns. He also talked about the fact that this development has already been approved through the PUD and the only thing that has changed are the number of units, which have decreased.

Tom Belt spoke about how he feels the proposed development looks like it's too much for the area, and he feels that another apartment complex is unnecessary.

Karen Beard spoke about the need for a landscaping buffer between the complex and subdivision.

Steve Schrade discussed his concerns regarding the public walking trail, the proximity of the public road, and motorized vehicles going on the trail.

Vice-Chair Alexander closed the Public Hearing.

Dale asked if the applicant could explain the stormwater runoff and what is going to be done in the new development to contain the runoff from the concrete that is being added.

Brett Conyers, the project's engineer, said that in the center of the development is a stormwater retention basin that was sized to handle the runoff from the fully developed apartments. It does not handle the stormwater treatment, so they will be installing mechanical devices to treat the stormwater.

Krzywicki mentioned that the landscaping plan is in the packet and that there are a significant number of trees that will be planted along the development.

Coghlan brought up the walking trail and the request to have a fence put up to keep pedestrians safe from street traffic and asked if there was a compromise that could be reached so that people are safe and residents living at the complex could still access the trail.

Larry Jobeun said that his understanding is that the trail has been in a public easement for a long time and the proposed private drive for the phase 3 apartments has always been in that location, so it's tough to move it. He said that it's not any different than a sidewalk along a public street, but would be willing to look at anything that may be done regarding safety.

Partridge asked what the construction timeline looked like.

Conyers said that they are contemplating construction starting in the summer of 2023 and being finished in the summer of 2024. He also mentioned that the plans for the private drive show speed bumps and a 6" curb.

Coghlan said that a lot of concerns have been brought up, and he suggested tabling the item so the HOA and developer could meet and talk about the concerns.

Conyers said that there was public discussion held for the first 2 phases, and there were no major concerns brought up then.

Fountain mentioned that this is not the final vote for this item, that it is a recommendation to the City Council and there will be a public hearing there as well.

iii. Recommendation:

Motion: Malmquist moved, seconded by Krzywicki, for **approval** of the Conditional Use Permit for the Cimarron Terrace Apartments Phase 3, subject to satisfaction of all applicable requirements, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

RESULT:	Motion carried 5-2
MOTION BY:	Malmquist
SECONDED BY:	Krzywicki
AYES:	Dale, Krzywicki, Malmquist, Alexander, Partridge
NAYS:	Coghlan, Wetuski
ABSTAINED:	None
ABSENT:	Sargus, Circo, Gahan

B. 2022 Ballot Referendums Discussion – Brenda Gunn, City Administrator

Brenda spoke to the Planning Commission about the two sales tax initiatives that will be on the ballot this upcoming election.

5. Comments from the Floor

None.

6. Comments from the Planning Commission

Krzywicki said that he went on the City website to see if there was any place for road project updates and couldn't find anything. He asked if there was a way to put something on the website so that people could easily see what was going on.

Dowse said that it's something they can look into doing.

Solberg said that they may be able to create a map showing major road projects.

Krzywicki asked if the Nebraska Multi-Sports Complex was still looking at hosting a tournament this fall.

Fountain said that they are wanting to host a tournament at the end of September, and staff are trying to get more information in their bi-weekly meetings.

Krzywicki asked if it was the creek or railroad that cuts through that property and asked if there was any way to put something there for pedestrian access.

Fountain said there is a plan to put pedestrian access under the railroad bridge.

7. Comments from Staff

Solberg mentioned the NPZA Conference and encouraged those wanting to attend to reach out to get signed up to attend.

Solberg said the next meeting will be October 6th.

8. Adjournment

Alexander adjourned the meeting at 8:16 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair