

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 5, 2023 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – HUBBELL DEVELOPMENT SERVICES – LOT 2 MAYFAIR 2 ND ADDITION REPLAT THREE AND LOTS 1, 2, AND 3 MAYFAIR 2 ND ADDITION REPLAT SEVEN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit for HRC Sagebrook Multifamily, LLC (d.b.a. Hubbell Development Services) to allow for the construction and operation of a mixed residential development (multiple-family dwellings) with 264 units on Lot 2 Mayfair 2nd Addition Replat Three, and Lots 1, 2, and 3 Mayfair 2nd Addition Replat Seven, to be replatted as Lot 1 Mayfair 2nd Addition Replat Eight.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and a resolution prepared to approve of a Conditional Use Permit for Multiple Family Dwellings for Lot 2 Mayfair 2nd Addition Replat Three, and Lots 1, 2, and 3 Mayfair 2nd Addition Replat Seven, to be replatted as Lot 1 Mayfair 2nd Addition Replat Eight.

The applicant is requesting to construct a mixed residential development (multiple family dwellings) consisting of 180 apartments in three, three-story buildings; six, one-story three-unit townhomes with attached garages; six two-story, five-unit townhomes; and nine, two-story, four-unit townhomes with attached parking. Overall, the development will consist of 264 housing units and will provide a variety of housing types not common in the area or in La Vista. The development will also include a central clubhouse with a pool, additional stand-alone garage clusters, and pedestrian connections to the adjoining Mayfair commercial area.

A detailed staff report is attached.

The Planning Commission held a public hearing on June 15, 2023, and unanimously voted 5-0 to recommend approval of the Conditional Use Permit, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, and the approval and recording of the final replat and subdivision agreement.

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 HRC SAGEBROOK MULTIFAMILY, LLC FOR A MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT ON LOT 1 MAYFAIR 2ND ADDITION REPLAT EIGHT.

WHEREAS, HRC Sagebrook Multifamily, LLC (d.b.a. Hubbell Development Services) has applied for approval of a Conditional Use Permit for the construction and operation of multiple family dwellings (apartments and townhomes) on Lot 1 Mayfair 2nd Addition Replat Eight, generally located northeast of the intersection of S 99th Street and Hillcrest Plaza; and

WHEREAS, the La Vista Planning Commission reviewed the application on June 15, 2023 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 HRC Sagebrook Multifamily, LLC to allow for the construction and operation of multiple family dwellings on Lot 1 Mayfair 2nd Addition Replat Eight.

PASSED AND APPROVED THIS 5TH DAY OF JULY 2023.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk



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

CASE NUMBERS: PPUD23-0003; PCUP23-0004; FOR HEARING ON: JULY 5, 2023
PRP23-0002 REPORT PREPARED ON: JUNE 16, 2023

I. GENERAL INFORMATION

A. APPLICANT(S):

Hubbell Development Services
(HRC Sagebrook Multifamily, LLC)
Attn: Josh Vickery
9719 Giles Road
La Vista, NE 68128

B. PROPERTY OWNER:

One Mayfair Place LLC
12408 S 36th Street
Bellevue, NE 68005

Lazlo's La Vista Property Holdings LLC
Attn: Eric Schafer
729 Q Street
Lincoln, NE 68508

C. LOCATION: Generally located northeast of the intersection of 99th Street and Hillcrest Plaza.

D. LEGAL DESCRIPTION: Lots 1-3 Mayfair 2nd Addition Replat Seven and Lot 2 Mayfair 2nd Addition Replat Three.

E. REQUESTED ACTION(S): Approval of a Planned Unit Development (PUD) Site Plan set and ordinance, Conditional Use Permit (CUP), Replat and subdivision agreement.

F. EXISTING ZONING AND LAND USE: On May 16, 2023 the City Council approved of an amendment to the official Zoning Map of the City of La Vista to rezone the subject property from C-1 Shopping Center Commercial with a Gateway Corridor District (Overlay District), subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan, Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

G. PURPOSE OF REQUEST: Applicant is seeking to construct a mixed residential development consisting of a mixture of multi-family

apartment buildings, multi-plex residential buildings, and townhome-style residential units.

H. **SIZE OF SITE:** Approximately 15.77 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	Urban Medium Intensity Residential	R-1 Single-Family Residential	Mayfair Residential Subdivision
East	Urban High Intensity Residential	R-3 High-Density Residential, PUD, and Gateway Corridor District (Overlay District). C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Cedarhurst Senior Living Primrose Childcare
South	Urban Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Culver's, Kathol P.C. office building, Swimtastic Swim School, Five Points Bank
West	Urban Medium Intensity Residential	R-1 Single-Family Residential	Mayfair Residential Subdivision

B. RELEVANT CASE HISTORY:

1. Mayfair 2nd Addition Replat Three was approved by City Council on September 19, 2006.
2. Mayfair 2nd Addition Replat Seven was approved by City Council on October 18, 2016.
3. On December 20, 2022 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment in relation to the approval of the La Vista Land Use Plan and Market Study. The Future Land Use Map amendment changed the future land use designation of the

properties that are the subject of this rezoning request from Commercial to Urban High Intensity Residential.

4. On May 16, 2023 the City Council approved of an amendment to the official Zoning Map of the City of La Vista to rezone the subject property from C-1 Shopping Center Commercial with a Gateway Corridor District (Overlay District), subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan, Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

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. Section 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits (CUP)
5. La Vista Subdivision Regulations

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property as Urban High Intensity Residential.
2. The proposed project will meet Policy Live-2.2 of the La Vista Comprehensive Plan which reads: "Promote the development of housing types and supportive programs for people of retirement age, allowing residents to age in place with access to daily services." This policy directly promotes Goal 2 of the Live Long category of the Comprehensive Plan, which reads: "Maintain the balance of diverse, high-quality housing that appeals to people of varying backgrounds, incomes and abilities."
3. The La Vista Land Use Plan, dated December 20, 2022, specifically suggested multifamily development for the subject property through the Urban High Intensity Residential future land use designation. As stated in the description, developments within this land use shall, "...provide a range of housing products that fill gaps in missing product types, diversify the market, and create environments for all stages of life."

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The proposed development would have two driveway connections, one on 99th Street and another onto Hillcrest Plaza. Another connection, through an existing easement on the Cedarhurst Senior Living development property, provides access to Brentwood Drive.
2. A traffic impact analysis (TIA) was required as part of the PUD/CUP/Replat review processes to determine the need for any traffic-related infrastructure investments.
3. A draft TIA was compiled by Felsburg, Holt, and Ullevig and provided to the City for review. This TIA was reviewed by the City's third-party consulting firm, HDR, with comments for proposed changes provided. The proposed changes have been provided to the applicant to make adjustments and resubmit prior to the review of the development by City Council. The TIA and comments from HDR are attached to this report.
4. The analysis was based on two different geometric scenarios. One that kept the full access intersection at 98th Plaza and Giles Road, and another that revised that intersection to operate as a right-in/right-out.
5. Based on the results for the 2024 and 2044 Buildout volumes under both geometric scenarios, it was determined that installing a signal at 99th Street & Giles Road and restricting access at 98th Street & Giles Road to a RIRO intersection is the preferred recommendation of the TIA. The development's involvement in the installation of this traffic signal will be handled through subdivision agreement that is required through the Replat approval process.
6. Various other near-term and long-term proposed improvements proposed in the TIA reflect the findings of the West Giles Road Corridor Study conducted by the City in the past year. Staff is reviewing each recommendation and will plan for implementation as necessary.
7. The developer and representatives of the senior living facility immediately to the east of the proposed development have agreed to reroute the pedestrian access on the south side of the senior living facility to provide a better pedestrian connection to the eastern half of the Mayfair commercial area. Other pedestrian connections depicted within the PUD Site Plan provide adequate access to the rest of the Mayfair subdivision.

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 proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Proposed Lot 1 Mayfair 2 nd Add Replat Eight	Multi-Family	456	456

2. The proposed number of provided off-street parking stalls for the development exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
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 264 units, this requirement for the Sagewood Mixed Residential Development is to provide a minimum of 132 garage stalls. This proposal includes 193 garage stalls (6 garage stalls incorporated into each Lazio unit, 8 stalls incorporated into each Della unit; and 85 garages in stand-alone clusters.

IV. REVIEW COMMENTS:

1. Applicant is requesting to construct a mixed residential development consisting of 180 apartments in three, three-story buildings; six, one-story three-unit townhomes with attached garages; six two-story, five-unit townhomes; and nine, two-story, four-unit townhomes with attached parking. The development will also include a central clubhouse with a pool, additional stand-alone garage clusters, and pedestrian connections to the adjoining Mayfair commercial area.
2. The applicant has requested an allowance for a reduction in the front yard setback requirement for the R-3 High-Density Residential Zoning District from 30 feet to 15 feet along Hillcrest Plaza/S 97th Plaza. As Hillcrest Plaza/S 97th Plaza is an easement road with the property line resting near the centerline of the road, the City's standard setback measurement is conducted from the back-of-curb of the paved roadway. Allowances for this setback requirement reduction may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.
3. The applicant has also requested allowances in relation to the Commercial Building Design Guide and Criteria of Gateway Corridor District. Allowances in relation to the design guidelines have been included in the draft PUD Ordinance. The draft PUD Ordinance is attached to this report.

4. The building, site, landscape design for each of the proposed building types is under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to the application for building permits. The exhibits within the final approved CUP that are related to the design of the development will be required to be updated prior to the recording of the CUP.
5. A subdivision agreement has been drafted and is attached to this report. It addresses items including but not limited to: public and private improvements, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – PLANNED UNIT DEVELOPMENT:

Staff recommends approval of the PUD Site Plan and Ordinance, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

VI. PLANNING COMMISSION RECOMMENDATION – PLANNED UNIT DEVELOPMENT:

The Planning Commission met on June 15, 2023 and voted 5-0 to recommend approval of the approval of the PUD Site Plan and Ordinance, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

VII. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, and the approval and recording of the final replat and subdivision agreement.

VIII. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission met on June 15, 2023 and voted 5-0 to recommend approval of the approval of the Conditional Use Permit, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, and the approval and recording of the final replat and subdivision agreement.

IX. STAFF RECOMMENDATION – REPLAT:

Staff recommends approval of the Replat, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, Conditional Use Permit, and the approval and recording of the subdivision agreement.

X. PLANNING COMMISSION RECOMMENDATION – REPLAT:

The Planning Commission met on June 15, 2023 and voted 5-0 to recommend approval of the approval of the Replat, subject to satisfaction of all applicable

requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, Conditional Use Permit, and the approval and recording of the subdivision agreement.

XI. ATTACHMENTS TO REPORT:

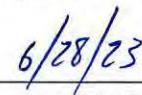
- A. Vicinity Map
- B. Staff Review Letters
- C. Draft PUD Ordinance
- D. PUD Site Plan map set
- E. Draft Conditional Use Permit
- F. Draft Traffic Impact Analysis and Third-Party Review Letter
- G. Subdivision Agreement

XII. COPIES OF THE REPORT SENT TO:

- A. Josh Vickery, Hubbell Development Services
- B. Trevor Veskrna, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request



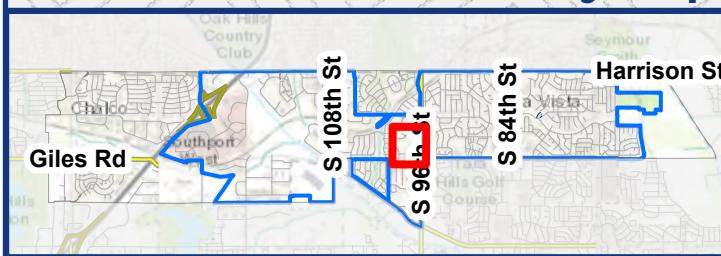
Prepared by: Deputy Community Development Director


Community Development Director
6/28/23

Date



Vicinity Map - Hubbell Development Applications



Legend

- Property Lines
- Development Boundary





April 14, 2023

TD2
Trevor Veskrna
10836 Old Mill Road
Omaha, NE 68154

RE: Mayfair Apartments – PUD, CUP & Replat Applications – Initial Review Letter
Lots 1-3 Mayfair 2nd Addition Replat Seven & Lot 2 Mayfair 2nd Addition Replat Three

Mr. Veskrna,

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 Subdivision Regulations and Zoning Ordinance, the City has the following comments:

Replat Application

1. Subdivision Regulations Section 3.03.03 – Please include a phasing plan on the preliminary plat if the development is anticipated to be developed in phases.
2. Subdivision Regulations Section 3.03.09 – Please provide the approximate lot dimensions and square footage on the Preliminary Plat.
3. Subdivision Regulations Section 3.03.09 – Please indicate location, elevation, and size of public utilities on the Preliminary Plat.

City Hall
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

4. Subdivision Regulations Section 3.03.16 – Please submit a copy of an erosion control plan for the site.
5. Subdivision Regulations Section 3.05.11 – On the Final Plat, the second Acknowledgment of Notary should be “Lazlo’s La Vista Property Holdings, LLC” per recorded Warranty Deed.
6. Subdivision Regulations Section 3.05.14 – On the Final Plat, please use the City of La Vista Approval Block as described in Section 10.04 of the Subdivision Regulations.
7. Subdivision Regulations Section 3.05.16 – On the Final Plat, please include a block for the Sarpy County Register of Deeds.
8. Subdivision Regulations Section 3.05.17 – On the Final Plat, please include a block for review by Sarpy County Public Works.
9. Subdivision Regulations Section 3.05.18 – If there will be a lender or lien holder for any of the properties included in the proposed development, please include a block for the approval of the lending institution on the Final Plat.
10. Subdivision Regulations Section 3.05.20 – Please provide copies of any restrictions or covenants affecting the subdivisions, or any parts thereof, if applicable.
11. Subdivision Regulations Section 3.05.24 – Please provide financial data showing the costs of all public improvements.
12. Subdivision Regulations Section 3.05.25 – A Subdivision Agreement will be necessary based upon the sewer connection provision, and/or public improvements that may be required based upon further technical reviews of the Traffic Impact Study and other application materials.
13. Subdivision Regulations Section 3.08.03.2 - The side lot line easement between each property will need to be released with any telecom and/or utility provider that may be within the easement. Easements will need to be released prior to recording of the Replat.

14. Zoning Ordinance Section 15.04.03 – Financial assurances will be required through the Subdivision Agreement for the value of the required public improvements, which will include sidewalks and other improvements that may arise from further technical review of the proposed development.
15. General Comment: The Sarpy County Surveyor provided the City with a letter on March 27, 2023 explaining that several comments/questions they had were discussed with your survey team and that they would be addressed in an updated version of the Final Plat. Please provide this updated plat for further review by the City and Sarpy County Surveyor.

Planned Unit Development & Conditional Use Permit Applications

16. Zoning Ordinance Section 5.15.04.01 – Please submit an anticipated schedule of construction.
17. Zoning Ordinance Sections 5.15.04.04, 6.05.04, 6.05.05, and 6.05.10 – Please submit a Traffic Impact Study (TIS), inclusive of peaking factors, for the proposed development.
18. Zoning Ordinance Section 5.15.04.05 - Please confirm that the proposed usage will not exceed the capacity of the existing public sanitary sewer.
19. Zoning Ordinance Section 5.15.04.07 and 5.15.04.22 – Please provide a photometric plan to the City for review to confirm that light spillover/light pollution from the site lighting for this development will not be present on adjoining residential properties. Please ensure that the boundaries/calculations of the photometric study extend thirty feet beyond your property line(s). When preparing the photometric plan, please note that there is a specific site lighting fixture approved for the Gateway Corridor, with details on this fixture included in the Gateway Corridor District Design Guidelines.
20. Zoning Ordinance Section 5.15.04.07 and 5.15.04.16 – Proper pedestrian access shall be provided between each building within the planned unit development. Sidewalks will be required along each side of the road(s) throughout the development, not just on one side. This sidewalk access should be continued to the north access point near Brentwood Drive as well.

21. Zoning Ordinance Section 5.15.04.08 – Please review the parking statistics table on the PUD site plan and correct as necessary. The multi-family garage requirement (0.5 garage stalls per unit) will be applied to the entire site (as a multi-family development), not just the apartment buildings. The garage stalls included in the Lazio and Della units would count toward this requirement.
22. Zoning Ordinance Section 5.15.04.09 – The landscape screening along the north and west edges of the property needs to meet or exceed that of Exhibit "B" of the subdivision agreement for Mayfair 2nd Addition Replat Seven. This exhibit has been enclosed, along with the referencing page of the subdivision agreement. The full agreement is available upon request.
23. Zoning Ordinance Section 5.15.04.13 – Please provide provisions for ownership and maintenance of the common open spaces to ensure timely maintenance of said spaces.
24. Zoning Ordinance Section 5.15.04.17 – The standard of measurement of setbacks along easement roads in the La Vista Zoning Jurisdiction is to measure from the back edge of the curb of the paved roadway. Please include a table on the PUD Site Plan that depicts the allowed setbacks of the R-3 Zoning District and include a note stating width of the reduced setback along Hillcrest Plaza.
25. Zoning Ordinance Section 5.15.04.19 - Please confirm that the Cobalt building type units (3 buildings) on the southeast corner of the property have the front doors and front building facades facing Hillcrest Plaza, and that the rear of the buildings are internal to the site.
26. Zoning Ordinance Section 5.15.05.02.4 – Please confirm that perimeter sidewalk locations and dimensions are compliant with Section 4.20 of the Subdivision Regulations. The requirements of Section 4.20 include, but are not limited to: the pavement width be a minimum of 5 feet, pavement thickness shall be a minimum 4 inches, there shall be a minimum distance of 6 feet between edge of the sidewalk walk and curb, and that all sidewalks and crossings must be compliant with the standards of the Americans with Disabilities Act.

27. Zoning Ordinance Section 5.15.05.03.2 – On the PUD site plan, please provide the density calculation in dwelling units per acre for the entire development (including every unit type).
28. Zoning Ordinance Section 5.15.05.03.4 – On the PUD site plan, please provide the percentage of the development plan that is provided for common open space, as defined by this regulation.
29. Zoning Ordinance Section 5.15.05.04 and 6.05.02 – To accompany the PCSMP sheets that were submitted with the Preliminary Plat, please submit a full Post Construction Stormwater Management Plan inclusive of a drainage study report with calculations.
30. Zoning Ordinance Section 5.15.05.04 – Please provide adequate sanitary sewer information (drawings/statement) for the disposition of said utility.
31. Zoning Ordinance Section 5.15.05.08 – Please describe the provisions that will be made for the care and maintenance of the recreational facilities proposed.
32. Zoning Ordinance Section 5.15.05.09 – Please submit any restrictive covenants that are to be recorded with the property, if applicable.
33. General comment - Confirm that the row of Cobalt building types are clear of the existing Storm Sewer Easement generally running northeast of the bend of Hillcrest Plaza/100 year Storm Sewer Easement in the southeast portion of the lot as shown on the Final Plat.
34. General comment - Confirm the apartment building type on the south side of the lot is clear of the existing Sanitary Sewer Easement as shown on the Final Plat.
35. General comment – Please include the intended operating hours for the leasing office and clubhouse in the operating statement for the Conditional Use Permit application.

General Development Comments

36. The building design for each of the proposed buildings must be reviewed as part of the design review process that is required for developments within the Gateway Corridor Overlay District prior to building permit approval. The design review process will be conducted outside of the PUD and CUP approval processes, with the exception of the review of the landscaping plan. The landscaping plan is currently under review and additional comments may be forthcoming.
37. A letter sent to Hubbell Development Services from Cedarhurst Senior Living dated March 29, 2023 was forwarded to the City, and included several requests/proposed changes to the development site plan. Please confirm that you received this letter, and please let us know how you intend to respond to this letter.

Additionally, please provide confirmation of conversations with ownership representation of the intent to utilize the access easement at the north end of their property as well as the intention to connect to (and reroute) the sidewalk connection on the south side of their property.
38. A draft of the Conditional Use Permit will be provided upon review of the revised documents.

Please resubmit 2 paper copies of the Preliminary and Final Plats, PUD and CUP site plans, and other supporting documentation requested in this letter (including electronic copies) to the City for further review. Please also provide a response letter that answers or acknowledges each of the comments contained in this letter. 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 in this review have been sufficiently addressed. 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

City of La Vista

csolberg@cityoflavista.org

(402) 593-6400

cc:

Josh Vickery, Hubbell Development Services

Doug Kellner, TD2

Bruce Fountain, Community Development Director – City of La Vista

Cale Brodersen, Associate City Planner – City of La Vista

Pat Dowse, City Engineer – City of La Vista

May 9, 2023

City of La Vista
Chris Solberg, Deputy Community Development Director
8816 Park View Blvd.
La Vista, NE 68128

RE: Mayfair Apartments – PUD, CUP, and Replat Applications – Initial Review Letter
Lots 1 – 3, Mayfair 2nd Addition Replat Seven & Lot 2, Mayfair 2nd Addition Replat Three

Mr. Solberg,

Below are responses to the comments on the Mayfair Apartments – PUD, CUP, and Replat Initial Review Letter dated April 14, 2023. The city comments are listed below followed by our responses in bold. Additionally, the developer has requested to rename the plat from Mayfair 2nd Addition, Lot 1, to Sagebrook, Lot 1.

1. Subdivision Regulations Section 3.03.03 - Please include a phasing plan on the preliminary plat if the development is anticipated to be developed in phases.
A proposed phasing plan has been included with this submittal as Exhibit 2.
2. Subdivision Regulations Section 3.03.09 - Please provide the approximate lot dimensions and square footage on the Preliminary Plat.
Lot dimensions and square footage have been added to the Preliminary Plat.
3. Subdivision Regulations Section 3.03.09 - Please indicate location, elevation, and size of public utilities on the Preliminary Plat.
Public utilities have been added to the Preliminary Plat. Per information obtained from TD2's survey, all public utilities are adequately sized to support the proposed project.
4. Subdivision Regulations Section 3.03.16 - Please submit a copy of an erosion control plan for the site.
The erosion control plan is included in the Preliminary Plat as Exhibit B.
5. Subdivision Regulations Section 3.05.1.1 - On the Final Plat, the second Acknowledgment of Notary should be "Lazlo's La Vista Property Holdings, LLC" per recorded Warranty Deed.
Updated.
6. Subdivision Regulations Section 3.05.14 - On the Final Plat, please use the City of La Vista Approval Block as described in Section 10.04 of the Subdivision Regulations.
Added.

7. Subdivision Regulations Section 3.05.1.6 - On the Final Plat, please include a block for the Sarpy County Register of Deeds.
Updated.
8. Subdivision Regulations Section 3.05.17 - On the Final Plat, please include a block for review by Sarpy County Public Works.
Added.
9. Subdivision Regulations Section 3.05.18 - If there will be a lender or lien holder for any of the properties included in the proposed development, please include a block for the approval of the lending institution on the Final Plat.
Lender and lien holder information will be added to the Final Plat prior to being recorded if applicable.
10. Subdivision Regulations Section 3.05.20 - Please provide copies of any restrictions or covenants affecting the subdivisions, or any parts thereof, if applicable.
A draft Subdivision Agreement is currently in progress and will be submitted to the city for review as soon as it is available.
11. Subdivision Regulations Section 3.05.24 - Please provide financial data showing the costs of all public improvements.
Financial data for public improvements will be included with the Subdivision Agreement.
12. Subdivision Regulations Section 3.05.25 - A Subdivision Agreement will be necessary based upon the sewer connection provision, and/or public improvements that may be required based upon further technical reviews of the Traffic Impact Study and other application materials.
Acknowledged. A draft Subdivision Agreement is currently in progress.
13. Subdivision Regulations Section 3.08.03.2 - The side lot line easement between each property will need to be released with any telecom and/or utility provider that may be within the easement. Easements will need to be released prior to recording of the replat.
Acknowledged. We are currently in the process of releasing easements.
14. Section 15.04.03 - Financial assurances will be required through the Subdivision Agreement for the value of the required public improvements, which will include sidewalks and other improvements that may arise from further technical review of the proposed development.
Acknowledged. A draft Subdivision Agreement is currently in progress.

15. General Comment: The Sarpy County Surveyor provided the city with a letter on March 27, 2023, explaining that several comments/questions they had were discussed with your survey team and that they would be addressed in an updated version of the Final Plat. Please provide this updated plat for further review by the city and Sarpy County Surveyor.

Acknowledged.

16. Zoning Ordinance Section 5.1 5.04.01 - Please submit an anticipated schedule of construction.

A preliminary construction schedule has been included with this submittal as Exhibit 3.

17. Zoning Ordinance Sections 5.1 5.04.04, 6.05.04, 6.05.05, and 6.05.10 - Please submit a Traffic Impact Study (TIS), inclusive of peaking factors, for the proposed development.

A traffic study has been completed and the draft report has been submitted to the city for review.

18. Zoning Ordinance Section 5.1 5.04.05 - Please confirm that the proposed usage will not exceed the capacity of the existing public sanitary sewer.

The existing sanitary sewer has capacity to accommodate the proposed project. A Sanitary Sewer Capacity Exhibit, "Ex.1", has been included with this submittal.

19. Zoning Ordinance Section 5.1 5.04.07 and 5.15.04.22 - Please provide a photometric plan to the City for review to confirm that light spillover/light pollution from the site lighting for this development will not be present on adjoining residential properties. Please ensure that the boundaries/calculations of the photometric study extend thirty feet beyond your property line(s). When preparing the photometric plan, please note that there is a specific site lighting fixture approved for the Gateway Corridor, with details on this fixture included in the Gateway Corridor District Design Guidelines.

Acknowledged. A photometric light plan is currently being prepared and will be submitted to the city for review as soon as it is available.

20. Zoning Ordinance Section 5.15.04.07 and 5.15.04.16 - Proper pedestrian access shall be provided between each building within the planned unit development. Sidewalks will be required along each side of the road(s) throughout the development, not just on one side. This sidewalk access should be continued to the north access point near Brentwood Drive as well.

Additional sidewalks have been added on both sides of the street to provide each unit with sidewalk access. The sidewalk has been extended to the access point with Lot 2, Mayfair 2nd Addition Replat 5.

21. Zoning Ordinance Section 5.1 5.04.08 - Please review the parking statistics table on the PUD site plan and correct as necessary. The multi-family garage requirement (0.5 garage stalls per unit) will be applied to the entire site (as a multi-family development), not just the apartment buildings. The garage stalls included in the Lazio and Della units would count toward this requirement.
The garage count has been updated in the Parking Statistics table to reflect this.

22. Zoning Ordinance Section 5.15.04.09 - The landscape screening along the north and west edges of the property needs to meet or exceed that of Exhibit "B" of the subdivision agreement for Mayfair 2nd Addition Replat Seven. This exhibit has been enclosed, along with the referencing page of the subdivision agreement. The full agreement is available upon request.
The landscaping along the north and west property lines has been updated to match Exhibit B of the subdivision agreement for Mayfair 2nd Addition Replat Seven.

23. Zoning Ordinance Section 5.15.04.13 - Please provide provisions for ownership and maintenance of the common open spaces to ensure timely maintenance of said spaces.
Ownership and maintenance will be included in the Subdivision Agreement.

24. Zoning Ordinance Section 5.15.04.17 - The standard of measurement of setbacks along easement roads in the La Vista Zoning Jurisdiction is to measure from the back edge of the curb of the paved roadway. Please include a table on the PUD Site Plan that depicts the allowed setbacks of the R-3 Zoning District and include a note stating width of the reduced setback along Hillcrest Plaza.
A setback requirement table has been added to the PUD Site Plan. The required front yard setback in R-3 for multi-family use types is 30 feet. The proposed front yard setback is 15 feet from the back of curb along Hillcrest Plaza and 30 feet from the property line along 99th Street.

25. Zoning Ordinance Section 5.15.04.19 - Please confirm that the Cobalt building type units (3 buildings) on the southeast corner of the property have the front doors and front building facades facing Hillcrest Plaza, and that the rear of the buildings are internal to the site.
Cobalt unit front doors face Hillcrest Plaza.

26. Zoning Ordinance Section 5.15.05.02.4 - Please confirm that perimeter sidewalk locations and dimensions are compliant with Section 4.20 of the Subdivision Regulations. The requirements of Section 4.20 include but are not limited to: the pavement width be a minimum of 5 feet, pavement thickness shall be a minimum 4 inches, there shall be a minimum distance of 6 feet between edge of the sidewalk walk and curb, and that all sidewalks and crossings must be compliant with the standards of the Americans with Disabilities Act.
Perimeter sidewalk locations and dimensions are compliant with Section 4.20 of the Subdivision Regulations.

27. Section 5.15.05.03.2 - On the PUD site plan, please provide the density calculation in dwelling units per acre for the entire development (including every unit type).
The density calculation has been added to the building statistics table on the PUD Site Plan.
28. Zoning Ordinance Section 5.15.05.03.4 - On the PUD site plan, please provide the percentage of the development plan that is provided for common open space, as defined by this regulation.
Open space percentage is shown in the site statistics table on the PUD Site Plan.
29. Zoning Ordinance Section 5.15.05.04 and 6.05.02 - To accompany the PCSMP sheets that were submitted with the Preliminary Plat, please submit a full Post Construction Stormwater Management Plan inclusive of a drainage study report with calculations.
A draft drainage study has been included with this submittal. A complete drainage study with pipe and inlet sizing calculations will be included with the construction documents and submitted as part of the PCSMP review with the city.
30. Zoning Ordinance Section 5.15.05.04 - Please provide adequate sanitary sewer information (drawings/statement) for the disposition of said utility.
The proposed on site sanitary sewer is 8" PVC and is shown on the PUD Utility Plan and the Preliminary Plat Utility Plan.
31. Zoning Ordinance Section 5.15.05.08 - Please describe the provisions that will be made for the care and maintenance of the recreational facilities proposed.
Care and maintenance provisions will be included in the Subdivision Agreement.
32. Zoning Ordinance Section 5.15.05.09 - Please submit any restrictive covenants that are to be recorded with the property, if applicable.
A draft subdivision agreement is currently in progress.
33. General comment - Confirm that the row of Cobalt building types are clear of the existing Storm Sewer Easement generally running northeast of the bend of Hillcrest Plaza/ 100-year Storm Sewer Easement in the southeast portion of the lot as shown on the Final Plat.
The Cobalt buildings have been shifted to avoid the existing Storm Sewer Easement.
34. General comment - Confirm the apartment building type on the south side of the lot is clear of the existing Sanitary Sewer Easement as shown on the Final Plat.
Apartment Building 3 currently conflicts with the existing Sanitary Sewer Easement. Coordination with the city is on-going to release this easement. At this time, sanitary sewer is not known to exist within this easement.

35. General comment - Please include the intended operating hours for the leasing office and clubhouse in the operating statement for the Conditional Use Permit application.

An updated operation statement has been included with this submittal.

36. The building design for each of the proposed buildings must be reviewed as part of the design review process that is required for developments within the Gateway Corridor Overlay District prior to building permit approval. The design review process will be conducted outside of the PUD and CUP approval processes, with the exception of the review of the landscaping plan. The landscaping plan is currently under review and additional comments may be forthcoming.

Acknowledged.

37. A letter sent to Hubbell Development Services from Cedarhurst Senior Living dated March 29, 2023, was forwarded to the city, and included several requests/proposed changes to the development site plan. Please confirm that you received this letter, and please let us know how you intend to respond to this letter.

Hubbell Development Services has received this letter and has been in communication with Cedarhurst Senior Living. Additional landscaping will be provided between the Della units and the senior living.

Additionally, please provide confirmation of conversations with ownership representation of the intent to utilize the access easement at the north end of their property as well as the intention to connect to (and reroute) the sidewalk connection on the south side of their property.

Hubbell Development Services has been in communication with ownership for the connection to the north access and south sidewalk.

38. A draft of the Conditional Use Permit will be provided upon review of the revised documents.

Acknowledged.

We appreciate the City of La Vista's efforts in preparing this review. We would like to continue working the city to address any unresolved or outstanding items. Please contact us with any questions or concerns.

Respectfully submitted,



Trevor Veskrna, P.E.
THOMPSON, DREESSEN & DORNER, INC.

TV/alj



May 26, 2023

TD2
Trevor Veskrna
10836 Old Mill Road
Omaha, NE 68154

RE: Mayfair Apartments – PUD, CUP & Replat Applications – 2nd Review Letter
Lots 1-3 Mayfair 2nd Addition Replat Seven & Lot 2 Mayfair 2nd Addition Replat Three

Mr. Veskrna,

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 Subdivision Regulations and Zoning Ordinance, the City has the following comments:

Replat Application

1. General Comment – A draft subdivision agreement was received by the City on May 24, 2023. We will commence our review of the draft agreement and provide comments once drafted.

Planned Unit Development & Conditional Use Permit Applications

2. Zoning Ordinance Sections 5.15.04.04, 6.05.04, 6.05.05, and 6.05.10 – The submitted Traffic Impact Study (TIS) is currently under review by the City's third-party reviewer. A response to the study is expected sometime next week. The City Engineer does not expect substantive changes to the TIS or the development based on the comments of the third-party reviewer.

City Hall
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

However, if any changes are required, these changes need to be provided and reviewed prior to consideration of the items under review in this letter by the City Council.

3. Zoning Ordinance Section 5.15.04.07 and 5.15.04.22 – A photometric plan was submitted and reviewed to confirm that light spillover/light pollution from the site lighting for this development will not be present on adjoining residential properties. Staff approves of the proposed photometric plan.
4. Zoning Ordinance Section 5.15.04.08 – Please provide parking stall counts inclusive of ADA considerations.
5. General comment – Staff plans to include verbiage within the resolution that approves of the proposed Final Plat to remove the existing Sanitary Sewer Easement on the south side as part of the approval process.
6. Zoning Ordinance Section 5.15.04.07 and 5.15.04.16 – To complete the sidewalk network in the development to provide adequate pedestrian connectivity, please update the plan to include the two sidewalk connections noted in red on the plan in Exhibit A, attached to this letter.

General Development Comments

7. Elevations of the sanitary sewer and other pertinent utilities will need to be provided prior to the issuance of a building permit.
8. The building design for each of the proposed buildings must be reviewed as part of the formal design review application process that is required for developments within the Gateway Corridor Overlay District prior to building permit approval. The design review process will be conducted outside of the PUD and CUP approval processes.

Further refinement of the design of the garages and the site landscaping will be of specific consideration during this process.

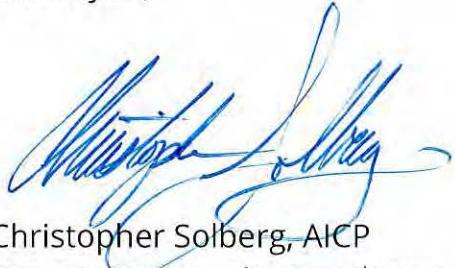
9. A draft of the Conditional Use Permit has been attached for your review.
10. A draft Planned Unit Development ordinance will be provided in the coming weeks that addresses the setbacks for the development and the allowances

provided within the PUD area in relation to the Gateway Corridor District Design Guidelines.

Please resubmit 2 paper copies of the Preliminary and Final Plats, PUD and CUP site plans, and other supporting documentation requested in this letter (including electronic copies) to the City for further review. Please also provide a response letter that answers or acknowledges each of the comments contained in this letter by June 5, 2023.

We have added these applications to the agenda for the June 15th Planning Commission meeting. Please have someone in attendance at the meeting to present the project and answer any questions as necessary. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



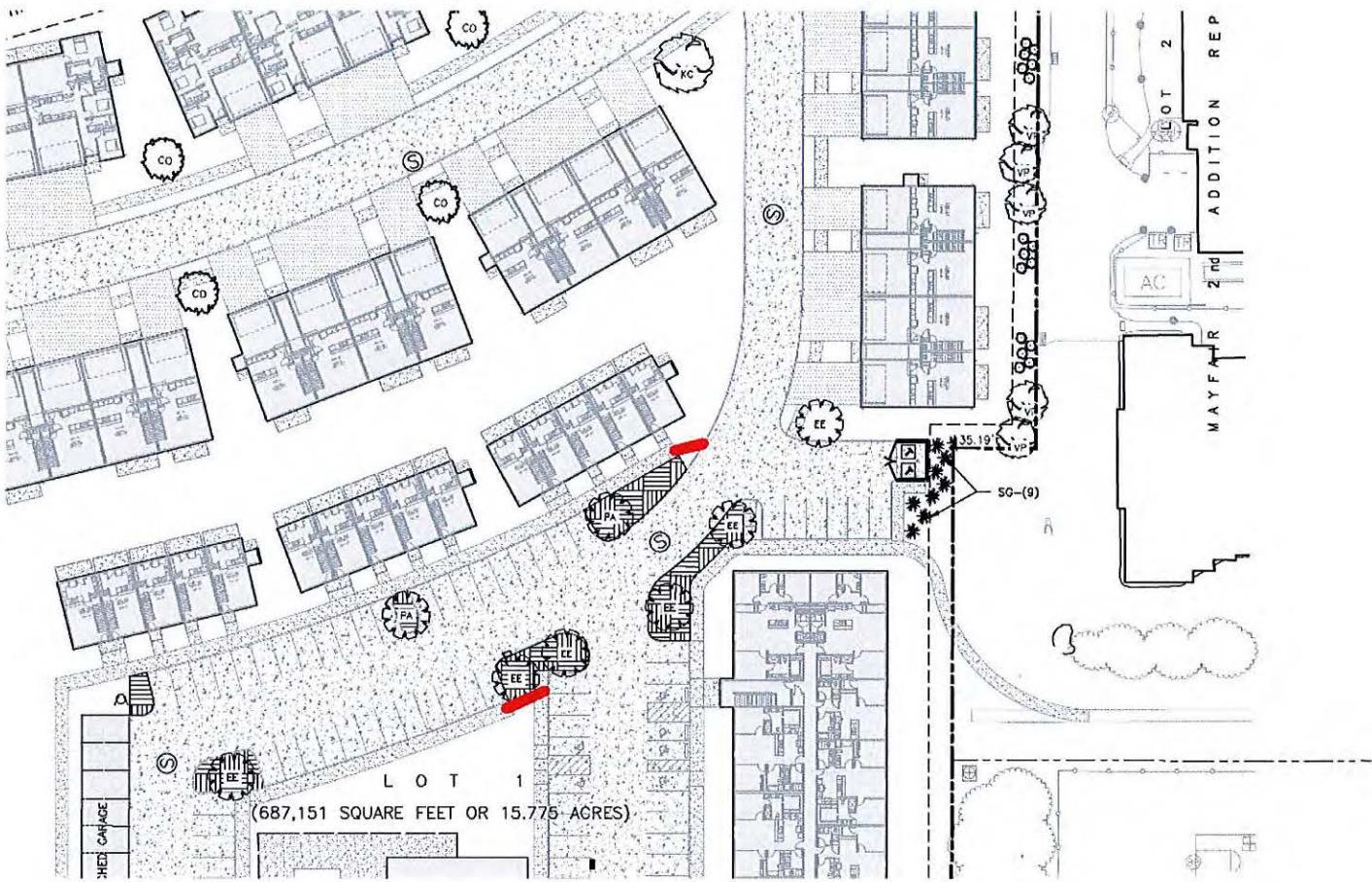
Christopher Solberg, AICP
Deputy Community Development Director
City of La Vista
csolberg@cityoflavista.org
(402) 593-6400

cc:

Josh Vickery, Hubbell Development Services
Doug Kellner, TD2
Bruce Fountain, Community Development Director – City of La Vista
Cale Brodersen, Associate City Planner – City of La Vista
Pat Dowse, City Engineer – City of La Vista

Enclosure

Exhibit A - Sidewalk Additions



June 2, 2023

City of La Vista
Chris Solberg, Deputy Community Development Director
8816 Park View Blvd.
La Vista, NE 68128

RE: Mayfair Apartments – PUD, CUP, and Replat Applications – 2nd Review Letter
Lots 1 – 3, Mayfair 2nd Addition Replat Seven & Lot 2, Mayfair 2nd Addition Replat Three
TD2 File No. 2253-109

Mr. Solberg,

Below are responses to the comments on the Mayfair Apartments – PUD, CUP, and Replat 2nd Review Letter dated May 26, 2023. The city comments are listed below followed by our responses in bold.

1. General Comment - A draft subdivision agreement was received by the City on May 24, 2023. We will commence our review of the draft agreement and provide comments once drafted.
Acknowledged.
2. Zoning Ordinance Sections 5.15.04.04, 6.05.04, 6.05.05, and 6.05.10 - The submitted Traffic Impact Study (TIS) is currently under review by the City's third-party reviewer. A response to the study is expected sometime next week. The City Engineer does not expect substantive changes to the TIS or the development based on the comments of the third-party reviewer. However, if any changes are required, these changes need to be provided and reviewed prior to consideration of the items under review in this letter by the City Council.
Acknowledged.
3. Zoning Ordinance Section 5.1 5.04.07 and 5.15.04.22 - A photometric plan was submitted and reviewed to confirm that light spillover/light pollution from the site lighting for this development will not be present on adjoining residential properties. Staff approves of the proposed photometric plan.
Acknowledged.
4. Zoning Ordinance Section 5.1 5.04.08 - Please provide parking stall counts inclusive of ADA considerations.
ADA parking parameters and requirements have been added to the Parking Statistics table on the PUD and CUP Site Plan.
5. General comment - Staff plans to include verbiage within the resolution that approves of the proposed Final Plat to remove the existing Sanitary Sewer Easement on the south side as part of the approval process.
Acknowledged.

City of La Vista
Mayfair Apartments –2nd Review Letter
June 2, 2023
Page Two

6. Zoning Ordinance Section 5.15.04.07 and 5.1 5.04.1 6 - To complete the sidewalk network in the development to provide adequate pedestrian connectivity, please update the plan to include the two sidewalk connections noted in red on the plan in Exhibit A, attached to this letter.

Sidewalks have been added per Exhibit A.

7. Elevations of the sanitary sewer and other pertinent utilities will need to be provided prior to the issuance of a building permit.

Acknowledged.

8. The building design for each of the proposed buildings must be reviewed as part of the formal design review application process that is required for developments within the Gateway Corridor Overlay District prior to building permit approval. The design review process will be conducted outside of the PUD and CUP approval processes. Further refinement of the design of the garages and the site landscaping will be of specific consideration during this process.

Acknowledged.

9. A draft of the Conditional Use Permit has been attached for your review.

Received.

10. A draft Planned Unit Development ordinance will be provided in the coming weeks that addresses the setbacks for the development and the allowances provided within the PUD area in relation to the Gateway Corridor District Design Guidelines.

Acknowledged.

We appreciate the City of La Vista's efforts in preparing this review. We would like to continue working the city to address any unresolved or outstanding items. Please contact us with any questions or concerns.

Respectfully submitted,



Trevor Veskrna, P.E.
THOMPSON, DREESSEN & DORNER, INC.

TDV/anr

**CITY OF LAVISTA
CONDITIONAL USE PERMIT**

**Conditional Use Permit for Multiple Family Dwellings
(Sagebrook Apartments)
Lot 1, Mayfair 2nd Addition Replat Eight**

This Conditional Use Permit is issued this 5th day of July 2023 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to HRC Sagebrook Multifamily, LLC, a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a multiple-family dwelling complex to be known as the Sagebrook Apartments upon the following described tract of land within the City of La Vista's zoning jurisdiction:

Lot 1 Mayfair 2nd Addition Replat Eight, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing and operating a multiple-family dwelling complex on the Property as described above; 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 will be completed after approval of this Conditional Use Permit. Upon completion of the design review process, updated elevations and related plans will be included as Exhibits "D" through "F" prior to the recording of the Permit.
 - 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 Lot 1 Mayfair 2nd Addition Replat Eight ("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 Community Development Director for approval. Modification of any other document or Exhibit shall be subject to the 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 stormwater 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.
- k. A drainage study for the Property has been completed, as referenced in the Subdivision Agreement, with respect to the proposed Uses on Lot 1 Mayfair 2nd Addition Replat Eight. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
- m. Owner shall ensure that the leasing and business office on the property will be staffed during normal business hours.
- 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 "D") 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: HRC Sagebrook Multifamily, LLC
Hubbell Development Services
9719 Giles Road
La Vista, NE 68128

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

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 _____, 2023, 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:

Hubbell Development Services

By: _____, it's owner

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)

On this day of _____, 2023, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be an owner of Hubbell Development Services, 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

MAYFAIR 2nd ADDITION REPLAT EIGHT

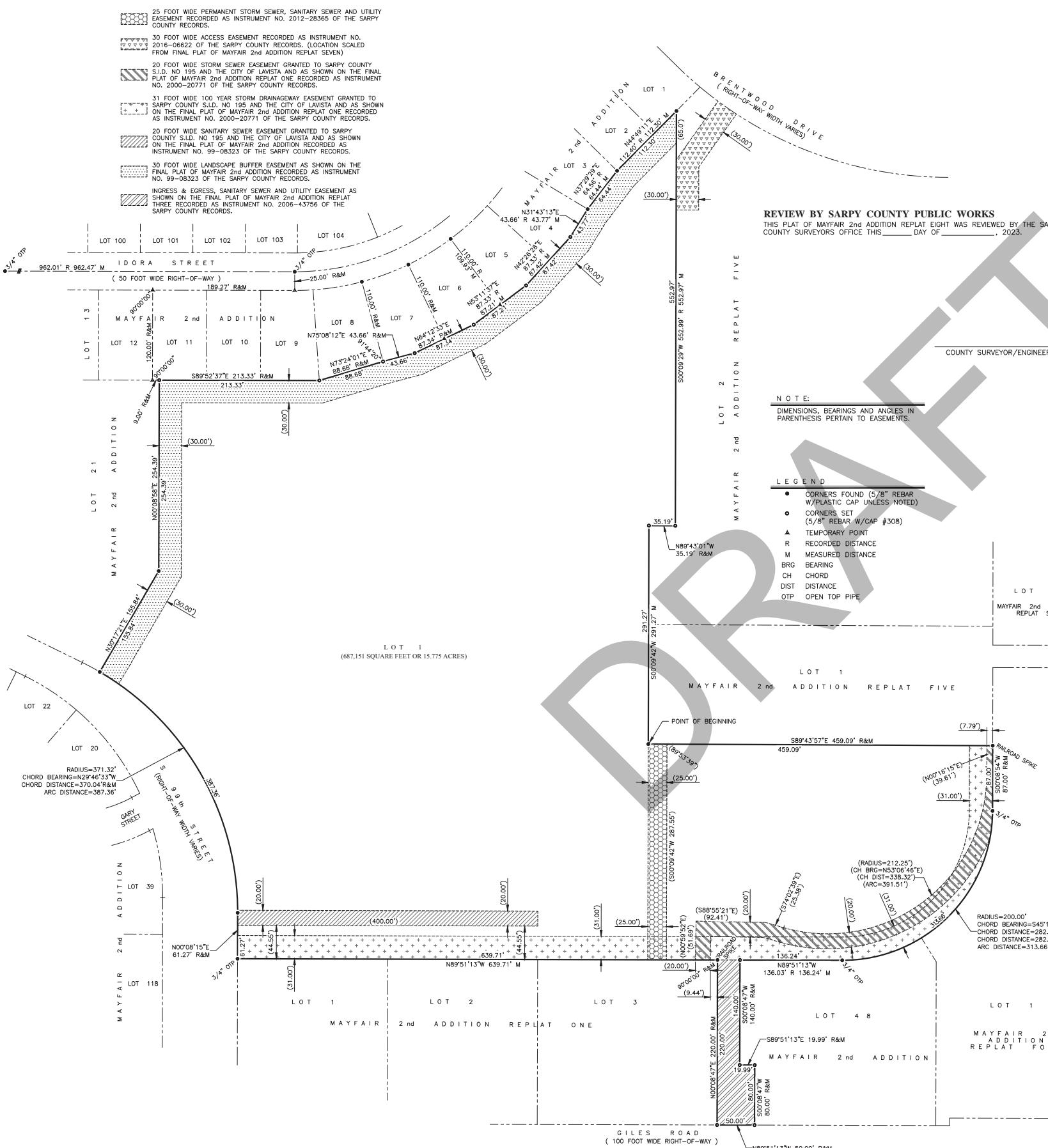
LOT 1

BEING A REPLATTING OF LOT 2, MAYFAIR 2ND ADDITION REPLAT THREE, TOGETHER WITH LOTS 1, 2 AND 3, MAYFAIR 2nd ADDITION REPLAT SEVEN, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA LOCATED IN THE SE 1/4 OF SECTION 16, T14N, R12E OF THE 6th P.M. SAID SARPY COUNTY.

Exhibit A

TD2
engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com



SURVEYOR'S CERTIFICATE

I, JAMES D. WARNER, NEBRASKA REGISTERED LAND SURVEYOR NO. 308, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY CERTIFY THAT THE FOREGOING PLAT IS A TRUE SURVEY OF THE LANDS AND EASEMENTS AS SHOWN THEREIN, AND IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION, THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYORS REGULATION ACT IN EFFECT AT THE TIME OF THIS SURVEY. SAID PLAT TO BE KNOWN AS MAYFAIR 2nd ADDITION REPLAT EIGHT, LOT 1, BEING A REPLATTING OF LOT 2, MAYFAIR 2nd ADDITION REPLAT THREE, TOGETHER WITH LOTS 1, 2 AND 3, MAYFAIR 2nd ADDITION REPLAT SEVEN, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF LOT 2, SAID MAYFAIR 2nd ADDITION REPLAT THREE;

THENCE S89°43'57"E (BEARING BASED ON THE DOUGLAS/SARPY COUNTIES LOW DISTORTION PROJECTION) 459.09 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE NE CORNER THEREOF;

THENCE S00°08'54"W 87.00 FEET ON THE EAST LINE OF SAID LOT 2;

THENCE SOUTHWESTERLY ON THE EAST LINE OF SAID LOT 2 ON A 200.00 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S45°10'53"W, CHORD DISTANCE 282.49 FEET, AN ARC DISTANCE OF 313.66 FEET;

THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 2 AND THE SOUTH LINES OF LOTS 2 AND 3, SAID MAYFAIR 2nd ADDITION REPLAT SEVEN ON THE FOLLOWING DESCRIBED SEVEN COURSES;

THENCE N89°51'13"W 136.24 FEET; THENCE S00°08'47"W 140.00 FEET; THENCE S89°51'13"E 19.99 FEET;

THENCE S00°08'47"W 80.00 FEET; THENCE N89°51'13"W 50.00 FEET; THENCE N00°08'47"E 220.00 FEET;

THENCE N89°51'13"E 639.71 FEET TO THE SW CORNER OF LOT 2, SAID MAYFAIR 2nd ADDITION REPLAT SEVEN;

THENCE N00°08'15"E 61.27 FEET ON THE WEST LINE OF SAID LOT 2;

THENCE NORTHWESTERLY ON THE WEST LINES OF LOTS 1 AND 2, SAID MAYFAIR 2nd ADDITION REPLAT SEVEN ON A 371.32 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N29°46'33"W, CHORD DISTANCE 370.04 FEET, AN ARC DISTANCE OF 387.36 FEET;

THENCE N30°17'21"E 155.84 FEET ON THE WEST LINE OF SAID LOT 1;

THENCE N00°08'58"E 254.39 FEET ON THE WEST LINE OF SAID LOT 1 TO THE NW CORNER THEREOF;

THENCE EASTERLY ON THE NORTH LINE OF SAID LOT 1 ON THE FOLLOWING DESCRIBED NINE COURSES;

THENCE S89°52'47"E 213.33 FEET; THENCE N73°24'01"E 88.68 FEET; THENCE N75°08'12"E 43.66 FEET;

THENCE N64°12'33"E 87.34 FEET; THENCE N53°11'37"E 87.21 FEET; THENCE N42°26'28"E 87.42 FEET;

THENCE N31°43'13"E 43.77 FEET; THENCE N37°29'29"E 64.44 FEET;

THENCE N44°49'11"E 112.30 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE NE CORNER THEREOF;

THENCE S00°09'29"W 552.97 FEET ON THE EAST LINE OF SAID LOT 1;

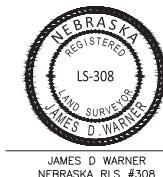
THENCE N89°43'01"W 35.19 FEET ON THE EAST LINE OF SAID LOT 1;

THENCE S00°09'42"W 291.27 FEET ON THE EAST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING.

CONTAINING 687,151 SQUARE FEET OR 15.775 ACRES

MARCH 17, 2023

DATE:



JAMES D. WARNER
NEBRASKA RLS #308

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, ONE MAYFAIR PLACE, LLC, A NEBRASKA LIMITED LIABILITY COMPANY BEING THE OWNERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO A LOT TO BE NUMBERED AS SHOWN SAID SUBDIVISION TO BE HEREAFTER KNOWN AS MAYFAIR 2nd ADDITION REPLAT EIGHT, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CABLES DOWN GUYS, CABLES, AMMORS, POLES, CONDUITS, OTHER UTILITY FACILITIES, AND TO EXTEND THEREON CABLES OR CABLES FOR THE TRANSMISSION AND TRANSMISSION OF ELECTRIC CURRENT, LIGHT, HEAT, AND POWER, AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES, AN (8') EIGHT FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LOT LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOT IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED SUBDIVISION. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP OF LAND WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER.

PERPETUAL EASEMENTS ARE GRANTED TO METROPOLITAN UTILITIES DISTRICT OF OMAHA, AND ANY NATURAL GAS PROVIDER, AND THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW, PIPELINES, HYDRANTS, AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL STREET FRONTAGES OF THE LOT.

NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS THEREIN GRANTED.

ONE MAYFAIR PLACE, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY

LAZLO'S LA VISTA PROPERTY HOLDINGS, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY

BY:
CHARLES CLATTERBUCK, PRESIDENT

BY:
NAME:
TITLE:

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF DOUGLAS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 2023 BY CHARLES CLATTERBUCK, PRESIDENT OF ONE MAYFAIR PLACE, LLC, A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF DOUGLAS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 2023 BY LAZLO'S LA VISTA PROPERTY HOLDINGS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

SARPY 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 WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS DAY OF 2023.

TREASURER'S SEAL

SARPY COUNTY TREASURER

ACCEPTANCE BY LA VISTA CITY COUNCIL

THIS PLAT OF MAYFAIR 2nd ADDITION REPLAT EIGHT WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS DAY OF 2023.

ATTEST
PAM BURTHE, CITY CLERK

Douglas Kindig, Mayor

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF MAYFAIR 2nd ADDITION REPLAT EIGHT WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS DAY OF 2023.

CHAIRMAN

Job No.: A2253-109-1A

Drawn By: RJR

Reviewed By: JDW

Date: MARCH 17, 2023

Book:

Page:

Sheet Title

CITY OF LA VISTA
FINAL PLAT

Sheet Number

SHEET 1 OF 1

Exhibit C



6900 Westown Parkway
West Des Moines, IA 50266
www.hubbellrealty.com
515-243-3228
FAX 515-280-2000

Sagebrook Development
Lot 1, Mayfair 2nd Addition Replat Eight

Operating Statement

Sagebrook will be comprised of 24 total residential buildings with 264 units, 85 detached garages, 108 attached garages, and 263 surface parking stalls. The Tract of land is comprised of 15.77 acres, resulting in a site area per unit value of 2,602 square feet. The 24 residential buildings will be comprised of multi-family apartments, multi-plex buildings, and townhome style buildings. The units will be comprised of a mix of 1 bedroom, 2 bedroom, and 3 bedroom apartment homes and townhomes.

Building Type	No. of Buildings	Unit Count	Parking Provided
Lazio	6	18	18 two car garages
Della	9	36	36 two car garages
Cobalt	6	30	60 surface stalls
Apartment	3	180	203 surface + 85 detached garage stalls
Total	24	264	456 stalls

The Clubhouse building will include a living room area, leasing offices, fitness space, and outdoor pool. The leasing office hours are expected to be from 8:00 a.m. to 6:00 p.m. with 24 hour access to the fitness and mail room.



Exhibit D

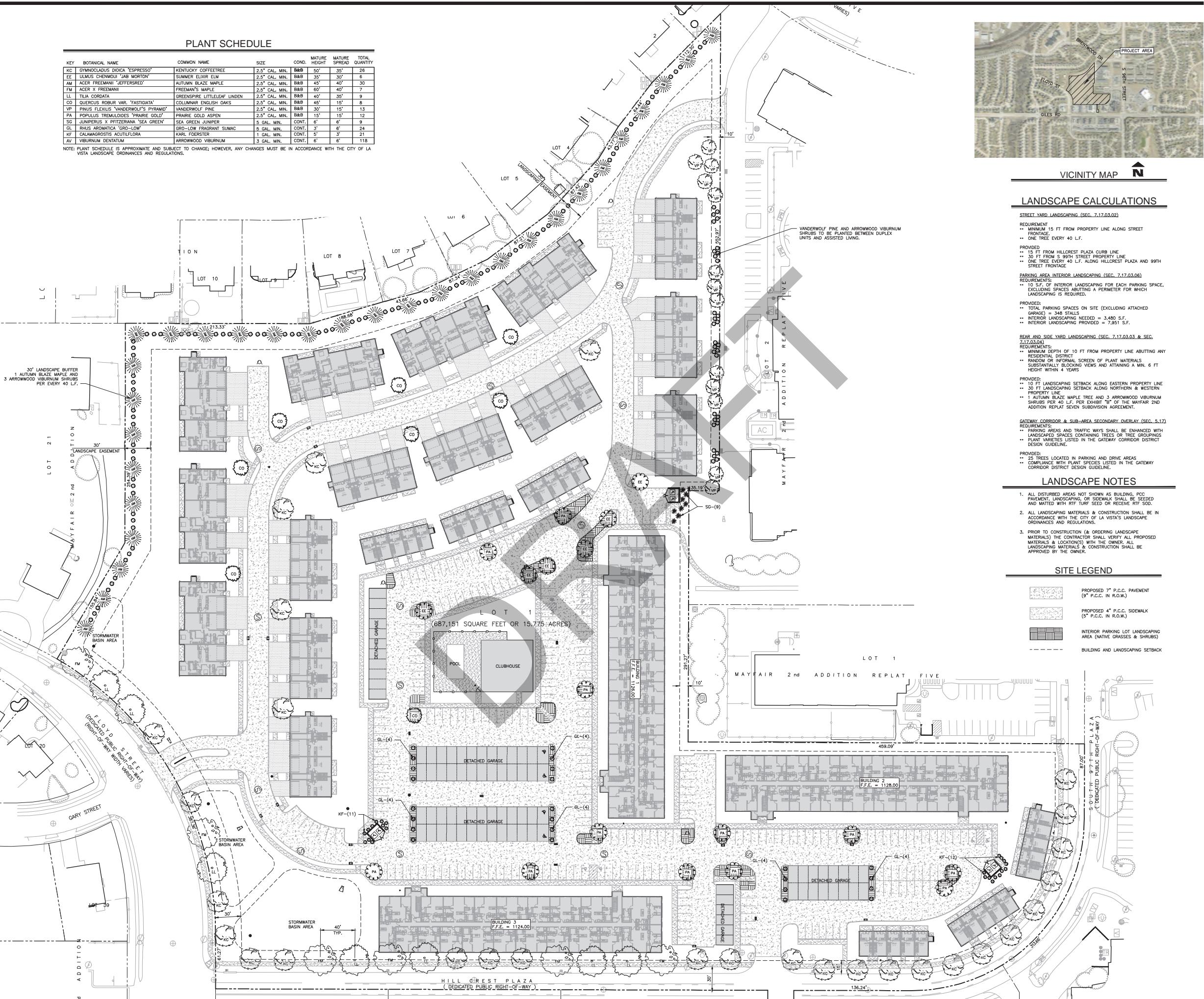
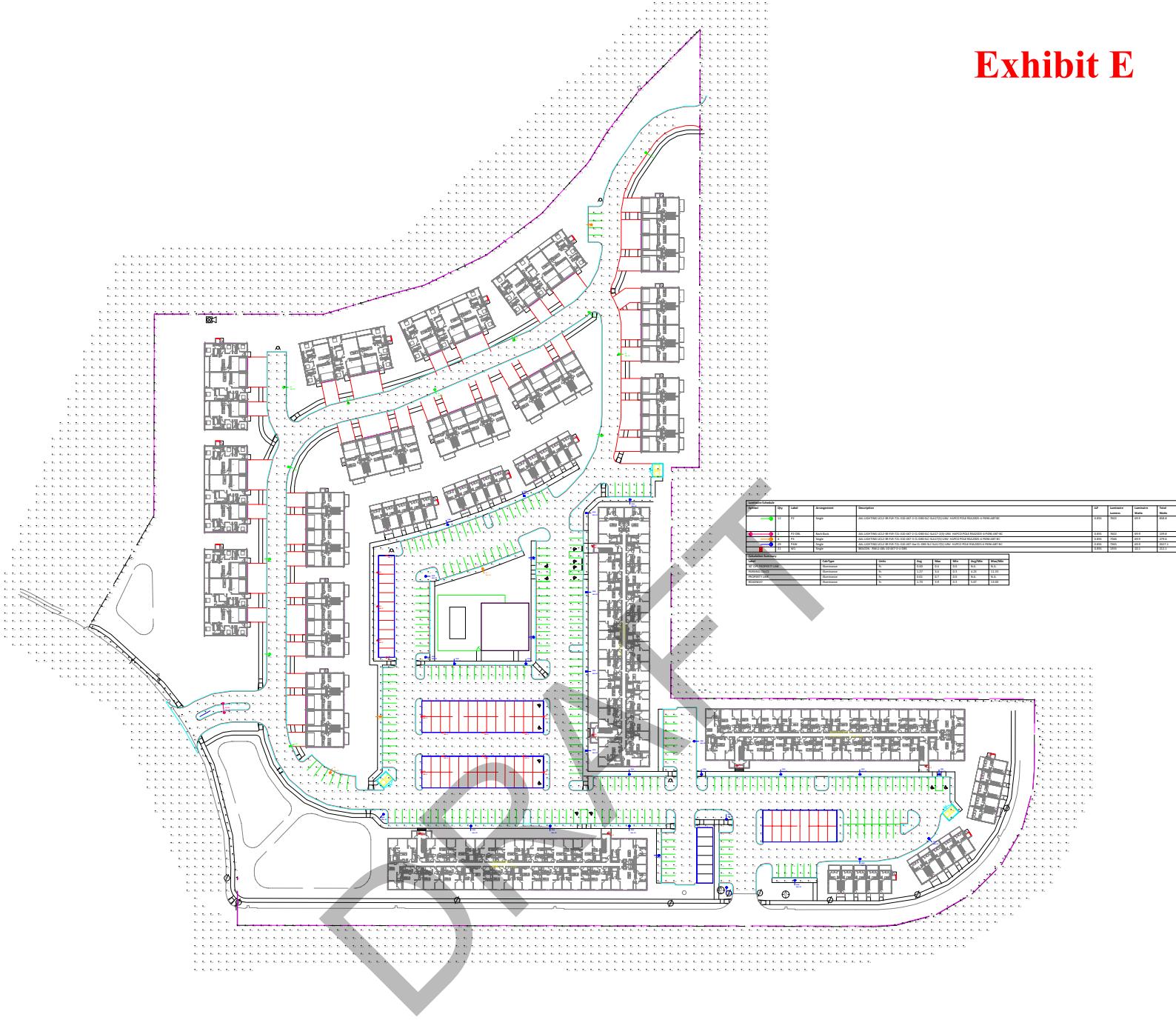


Exhibit E







 **SIMONSON**
PLANNING ■ ARCHITECTURE ■ INTERIORS

 **Rubbell**



 **SIMONSON**
PLANNING ■ ARCHITECTURE ■ INTERIORS

 **Hubbell**

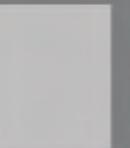


 **SIMONSON**
PLANNING ■ ARCHITECTURE ■ INTERIORS

 **Hubbell**



 **SIMONSON**
PLANNING ■ ARCHITECTURE ■ INTERIORS

 **Rubbell**



 **SIMONSON**
PLANNING ■ ARCHITECTURE ■ INTERIORS

 **Hubbell**



 **SIMONSON**
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 **Hubbell**