

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: **4B**

FOR HEARING OF: April 17, 2008  
Report prepared on April 4, 2008

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Pedcor Investments, LLC.  
770 3<sup>rd</sup> Avenue, S.W.  
Carmel, IN 46032

**B. PROPERTY OWNER:**

Torco Development Inc.  
5016 S. 110<sup>th</sup> Street  
Omaha, NE 68137

**C. LOCATION:**

Southwest corner of 96<sup>th</sup> & Harrison Street

**D. LEGAL DESCRIPTION:**

Lot 380, Cimarron Woods

**E. REQUESTED ACTION(S):**

Preliminary Planned Unit Development (PUD) plan

**F. EXISTING ZONING AND LAND USE:**

R-3 PUD-1, High Density Residential Planned Unit Development  
Vacant

**G. PURPOSE OF REQUEST:**

Multi-family housing named Cimarron Terrace

**H. SIZE OF SITE:**

25.938 acres

## **II. BACKGROUND INFORMATION**

### **A. EXISTING CONDITION OF SITE:**

Undeveloped; moderate to steeply sloping toward an open drainage channel which bisects the site from north to south. This drainage area contains mature groves of trees.

### **B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

#### **1. North:**

City of Omaha; Applewood Golf Course

#### **2. East:**

Cornerstone Baptist Church/TA Transitional Agriculture and R-1 Single-Family Residential

#### **3. South:**

Cimarron Woods/R-1 Single-Family Residential

#### **4. West:**

Cimarron Woods/R-1 Single-Family Residential

### **C. RELEVANT CASE HISTORY:**

1. In October of 2002, an application was filed for approval of a Comprehensive Plan amendment, a rezoning from TA, Transitional Agriculture, to R-1 PUD and R-3 PUD; and approval of a preliminary plat for a subdivision to be known as "Shenandoah". Proposed Lot 514 (26.7 acres) was to be zoned for multi-family development.

2. On March 20, 2003, after some revisions to the layout of the plat, the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes identify the rezoning from TA to R-1 but state "A P.U.D. designation will also allow for some mixed residential development...which will be predominantly single-family housing." And "Through the use of a P.U.D. the higher density residential has relocated to the northeast corner of this site where commercial uses have been previously discouraged." Also identified are several comments from the staff and the Acting City Engineer, Terry Atkins, including:

(a) A traffic signal shall be provided at 99<sup>th</sup> Street when the apartments are constructed regardless of warrants.

(b) Language must be incorporated into the subdivision agreement requiring approval of the final apartment plan prior to site development. The final apartment plan must have adequate internal traffic flow for police and fire, which would include a wide divided entrance.

3. On May 6, 2003, the City Council conducted a public hearing and approved Ordinance No. 907. The staff report and meeting minutes include the same comments regarding multi-family development however the ordinance rezoned the entire area of the preliminary plat to R-1.

4. In August of 2003, an application was filed for approval of a revised preliminary plat, a final plat, a final PUD plan and a waiver to two sections of the Subdivision Regulations. The name of the subdivision was changed to "Cimarron Woods". The application identifies a proposed 418 units on Lot 380.

5. On August 21, 2003 the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. In addition, the debt to value analysis for the S.I.D. identifies Lot 380 will contain +400 units.

6. On September 16, 2003 the City Council conducted a public hearing and approved Ordinance No. 916 which created the PUD-1 overlay designation to the R-1 zoning

which had been approved in Ordinance No. 907. The City Council also approved the revised preliminary plat, the final plat and the Subdivision Agreement. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. Section 19 of the Subdivision Agreement also states "As regards Lot 380 (multi-family tract), site plan, building elevations and building design shall be subject to City approval, at which time it should become part of this Agreement and Exhibit "K"."

7. On February 19, 2008, the City Council approved Ordinance No. 1055 which rezoned Lot 380 of Cimarron Woods Subdivision from R-1 PUD-1, Single Family Residential to R-3 PUD-1, High Density Residential.

#### **D. APPLICABLE REGULATIONS:**

1. Section 5.08, Zoning Ordinance, regarding the R-3 High Density Residential District
2. Section 5.15, Zoning Ordinance, regarding the PUD-1 Planned Unit Development District
3. Section 5.17.06, Gateway Corridor District, Sub-Area Secondary Overlay

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan identifies this site for high density residential.

#### **B. OTHER PLANS:**

1. Cimarron Woods Subdivision Plat and Subdivision Agreement
2. Cimarron Woods Park and Trail Plan

#### **C. TRAFFIC AND ACCESS:**

1. Lot 380 was platted with access to 99<sup>th</sup> Street in Cimarron Woods.
2. Harrison Street abuts this lot on the north, however this roadway has controlled access and no direct access will be allowed.
3. 96<sup>th</sup> Street abuts this lot on the east. Topography of the site limits the ability to gain access to 96<sup>th</sup> Street.
4. Access has been determined to be adequate for emergency access purposes into both Phase One and Phase Two of the development. The loop road is completely within Phase One and can therefore provide safe access prior to the completion of Phase Two.
5. Access from 99<sup>th</sup> Street is proposed from two separate points. Both accesses are right-in/ right-out turn movements only. The main access point is located on the perimeter of the roundabout, which allows for further directional movement.
6. The existing trail in Cimarron Woods is proposed to be extended into the Cimarron Terrace project. At this time, the proposal does not match the design set forth by the Cimarron Woods Subdivision Agreement.

#### **D. PARKING:**

1. The City of La Vista's parking requirements would typically require 534 parking spaces in Phase One and 486 parking spaces in Phase Two. The developer has proposed 406 parking spaces for Phase One and 274 parking spaces for Phase Two.
2. The Planning Commission is concurrently reviewing revisions to the parking requirements based on a recommendation from staff who believe too much parking is being required for certain uses, including multi-family projects.
3. Because the PUD Overlay District allows for flexibility in design, staff is making a recommendation to model the parking requirements for this development after the proposed revision to the multi-family parking standard, which is *one parking space per bedroom*. This would require 336 parking spaces for dwelling units in Phase One and 300 spaces for dwelling units in Phase Two. Additional parking for the clubhouse will likely be required as well.
4. Staff suggests the addition of bicycle parking racks at the clubhouse/pool and the playground.

#### **E.**

#### **UTILITIES:**

All utilities are available to the site. MUD has requested the developer to install a line valve into the main line just north of Josephine Ave. along 99<sup>th</sup> Street. This installation would double the reliability in service.

#### **F. LANDSCAPING:**

1. The property line along Harrison Street and the 96<sup>th</sup> Street right-of-way are planned to be landscaped in a manner consistent with the existing landscaping in Cimarron Woods.
2. Landscaping is also proposed around parking areas in Cimarron Terrace. These plantings should provide a visual buffer for the "gateway corridor" roads.
3. Some of the existing trees and vegetation will be conserved within the development. The developer proposes a narrow road cutting through the existing groves of trees at three locations on the property. Fill material for building sites and parking lots will likely cause trees to be removed. Additionally, installation of the proposed stormwater detention areas will likely cause existing trees to be removed.
4. The Landscape Plan will be reviewed in detail at the time of Conditional Use Permit review.

### **IV. REVIEW COMMENTS**

1. Phase One has been designed to function as a stand-alone development, as requested by staff. This phase will have full access and parking to meet the needs of the development. In addition, the clubhouse, trail, and playground area will be developed as part of Phase One.
2. The alignment of the main entrance with the private drive may need to be reviewed in more detail at the time of the final PUD plan application. Parking spaces and a landscaped island may create a challenge to maneuver around if proceeding straight on the private drive.
3. The use of landscaped drainage swales, permeable pavement, rain gardens or other Low Impact Development Best Management Practices could reduce the size or the need for detention ponds. Many more existing trees could be kept if the stormwater detention areas were not proposed in the treed areas. Stormwater runoff would infiltrate the ground sooner, thus the detention areas would not need to be as large. Another option is to change the box culvert design to hold water in the open space area during a heavy rain event.

4. An application for a Conditional Use Permit and Final PUD Plan approval will be required pending approval of the Preliminary PUD Plan. The applicant also intends on subdividing the parcel along the phased development line. This subdivision may be handled as an Administrative Plat.
5. This property is also in the Gateway Corridor Overlay District; an application for architectural design review has been submitted.
6. Some of the dumpster locations may need further review.
7. For additional review comments, see the attached letter from John Kottmann, City Engineer.

#### **V. STAFF RECOMMENDATION:**

Approval of the Preliminary Planned Unit Development (PUD) Plan with the following conditions:

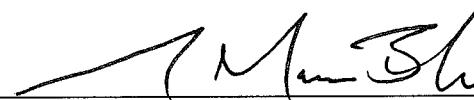
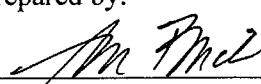
1. The Preliminary PUD Plan and application refers to the property as being zoned R-1 (PUD). This needs to be revised on the Final PUD Plan to read R-3, PUD-1 zoning.
2. A traffic signal shall be installed at the intersection of 99<sup>th</sup> and Harrison Streets as part of the development of Lot 380, Cimarron Woods, as per the Cimarron Woods Subdivision Agreement.
3. A 10-foot wide trail shall be installed, as per Exhibit E-1 of the Cimarron Woods Subdivision Agreement. Parking spaces near the west property line shall be shifted to the east to allow enough room for this trail to be constructed with separation from the parking lot.
4. Parking requirements will need to be satisfied as described in this staff report.
5. Revisions requested by the City Engineer, in his letter dated March 17, 2008, shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
6. Other concerns stated in this report shall be addressed prior to Final PUD submittal.

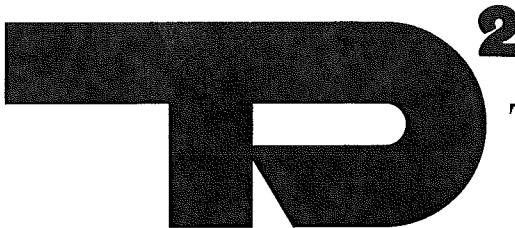
#### **VI. ATTACHMENTS TO REPORT**

1. Vicinity Map
2. City Engineer's letter
3. Landscape Plan
4. Preliminary Planned Unit Development (PUD) Plan
5. Architectural Renderings

#### **VII. COPIES OF REPORT TO**

1. Gerry Torczon, Torco Development Inc.
2. Mike Smith, Pedcor Investments, LLC.
3. Jennifer Smith, Pedcor Investments, LLC.
4. Roger Peterson, 7126 S. 100<sup>th</sup> Circle
5. Gary Kipfer, 10014 Emilie Street
6. Other Public Upon Request

  
\_\_\_\_\_  
Prepared by:  
 4-10-08  
\_\_\_\_\_  
Community Development Director Date



# THOMPSON, DREESSEN & DORNER, INC.

## Consulting Engineers & Land Surveyors

March 17, 2008

Mr. Marcus Baker  
City Planner  
City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

ROBERT E. DREESSEN, P.E.  
NELSON J. HYMANS, P.E.  
JAMES D. WARNER, L.S.  
CHARLES E. RIGGS, P.E.  
KA "KIP" P. SQUIRE III, P.E., S.E.  
JOHN M. KOTTMANN, P.E.  
ARTHUR D. BECCARD, P.E.  
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DEAN A. JAEGER, P.E.  
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MICHAEL T. CANIGLIA, L.S.  
JEREMY T. STEENHOEK, P.E.  
JOSHUA J. STORM, P.E.

RE: Rezoning & Conditional Use Permit Reviews 2008  
Lot 380, Cimarron Woods  
First Review of Preliminary PUD for Cimarron Terrace  
TD<sup>2</sup> File No. 171-357.2

Marcus:

I have reviewed the Site Layout & Grading and Site Landscaping plans in your transmittal dated March 6, 2008 for a preliminary PUD plan approval on Lot 380, Cimarron Woods. I offer the following comments:

1. The previous PUD plan for this lot that was approved with the final plat of Cimarron Woods proposed a multi-family project containing 418 units in 19 buildings with both covered and uncovered parking stalls. The current application is for 354 units with all open parking stalls. The applicant needs to identify the number of 1, 2, or 3 bedroom units that are proposed so that the required parking can be reviewed.
2. The applicant needs to submit a proposed schedule of construction in accordance with Article 5.15.04.01 of the zoning regulations.
3. The applicant should consider a revised phasing so that the five northwest buildings are included in Phase 1, which would allow connection of the grass paver emergency access. In any event, the emergency access will need to be connected to Phase 1 of the project.
4. A public sanitary sewer needs to be extended through the site to reach the location at which drainage enters the east side of the site from 96<sup>th</sup> Street. This is needed so that the property at the southeast corner of 96<sup>th</sup> and Harrison Street will have access to a sanitary sewer. This should be identified on the preliminary PUD plan.
5. The preliminary PUD plan needs to identify the location and extent of storm water detention basins in this lot in order to comply with the requirement to limit peak storm water discharge rates to not more than 125% of the pre-development peak flow for a 10-year frequency storm event.
6. The existing street grades in 99<sup>th</sup> Street Circle need to be corrected. The existing contours shown appear to be the pre-development grades. There is an existing inlet and storm sewer at the south end of the Circle that discharges into this lot. The provision for continuation of this storm sewer along with sewer and drainage easement provisions needs to be shown on the preliminary PUD plans.

Mr. Marcus Baker

March 17, 2008

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7. Prior to the submittal of a final PUD plan, there will need to be provisions for ingress/egress, drainage, and utility easements since we understand there will be a request to divide the site into two platted lots. This creates the potential for having two different owners and therefore provision for shared use and maintenance of facilities must be provided.
8. The applicant should be aware that the installation of a traffic signal at the intersection of 99<sup>th</sup> and Harrison Street is required in conjunction with the construction of apartments. This was set forth in the subdivision agreement for Cimarron Woods and provides for the signal to be funded 50% by the developer and 50% by SID 237.
9. The preliminary PUD needs to identify the inclusion of a trail connection from this site to the trail system in the Cimarron Woods park system. This was set forth in the Park Plan in the approval of the Cimarron Woods.
10. The application should contain data showing that the proposed building coverage does not exceed 40% of the site. It appears there is no problem with this criterion, but the information should be provided. In addition, the amount of open space should be set forth to demonstrate compliance with the 30% criterion.
11. The preliminary PUD plan needs to identify the construction of public sidewalks along 99<sup>th</sup> Street abutting the project and needs to show a pedestrian sidewalk connection from the interior system to the intersection of 96<sup>th</sup> and Harrison Street.
12. The application needs to include information on the height of the proposed buildings.
13. The applicant needs to provide a preliminary assessment from a qualified environmental consultant identifying the potential waterway/wetlands issues and a description of the approval process that will be required as part of the preliminary PUD submittal. It is recognized that formal delineation work cannot be performed until after May 1 based on Corps of Engineers guidelines.
14. The Preliminary Planned Unit Development plan shows the legal description as Lot 308. This is actually Lot 380. This is a minor issue but needs to be corrected.
15. The vicinity map on the Preliminary Planned Unit Development plan needs to be a more current map showing the existing street pattern to the east, south, and west of the site.

This site is also within the 96<sup>th</sup> Street Gateway Corridor sub-area overlay district. The following factors shall be considered when a final PUD submittal is prepared:

16. Parking areas are to be screened from view from public ways.
17. Parking areas shall be enhanced with landscaped spaces. This may require long runs of parking stalls to be broken up with landscaped islands.
18. Dumpster locations will need to be shown and need to be screened in accordance with the Zoning Regulations.
19. Proposed lighting plans shall be prepared that minimizes impact on adjacent residential lots.
20. Appropriate City staff will need to review the landscaping plan.
21. City staff will need to determine whether this site is required to submit an Application for Certificate of Approval for review by the City's design review architect.

Mr. Marcus Baker

March 17, 2008

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I recommend that these items and any other concerns identified by your review be addressed by the applicant prior to approval of the Preliminary PUD plan.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

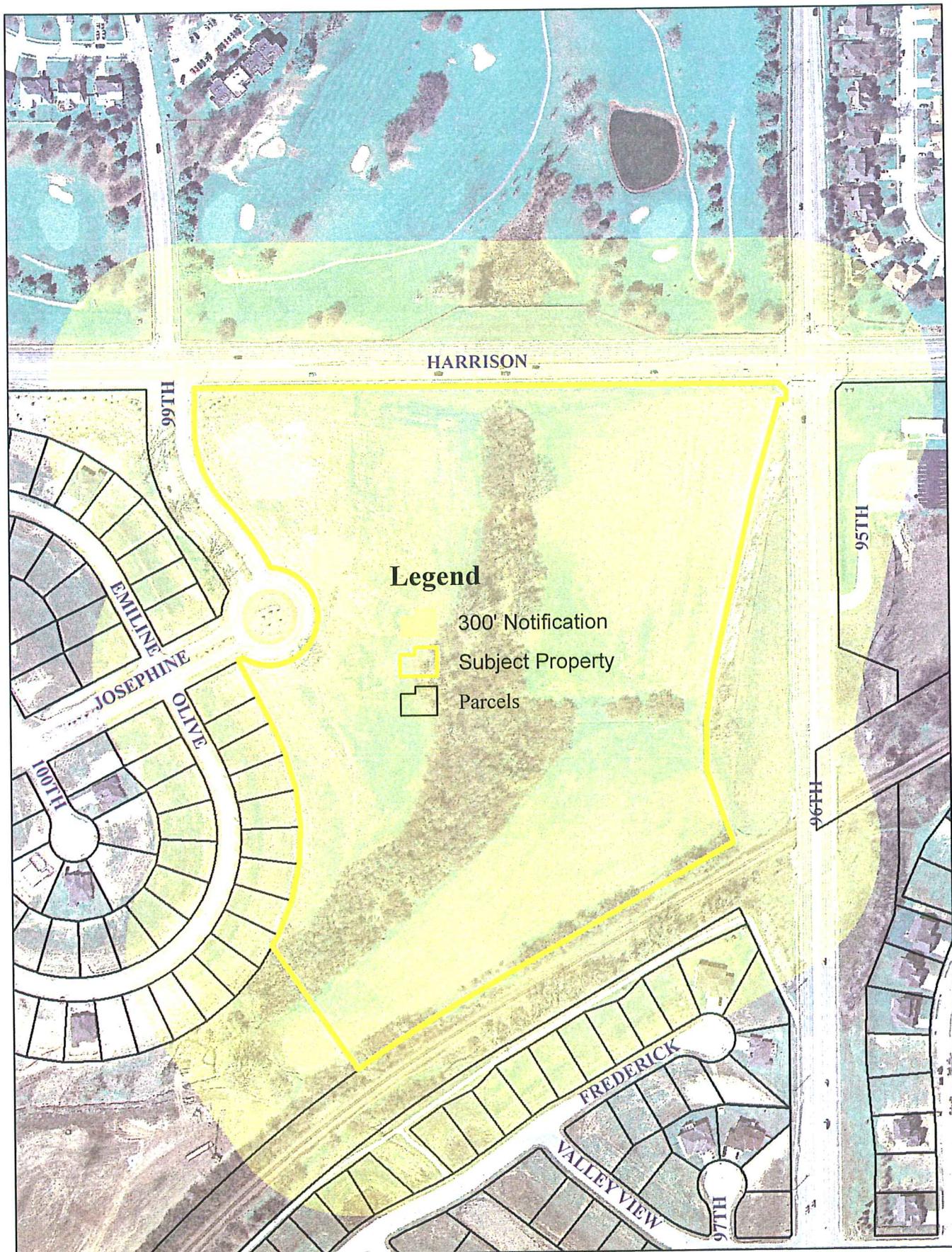


John M. Kottmann, P.E.

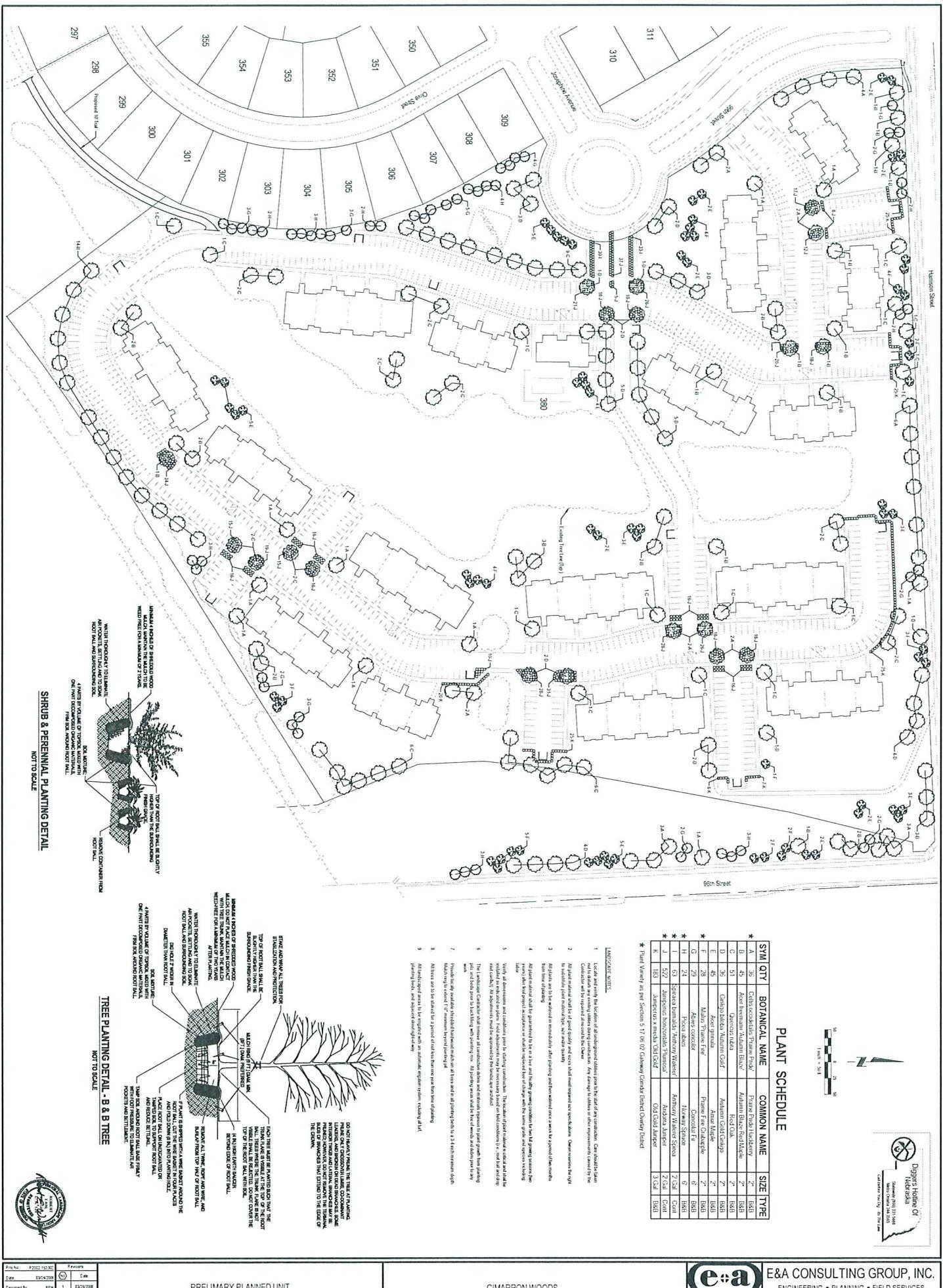
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# Vicinity Map



0 250 500  
Feet



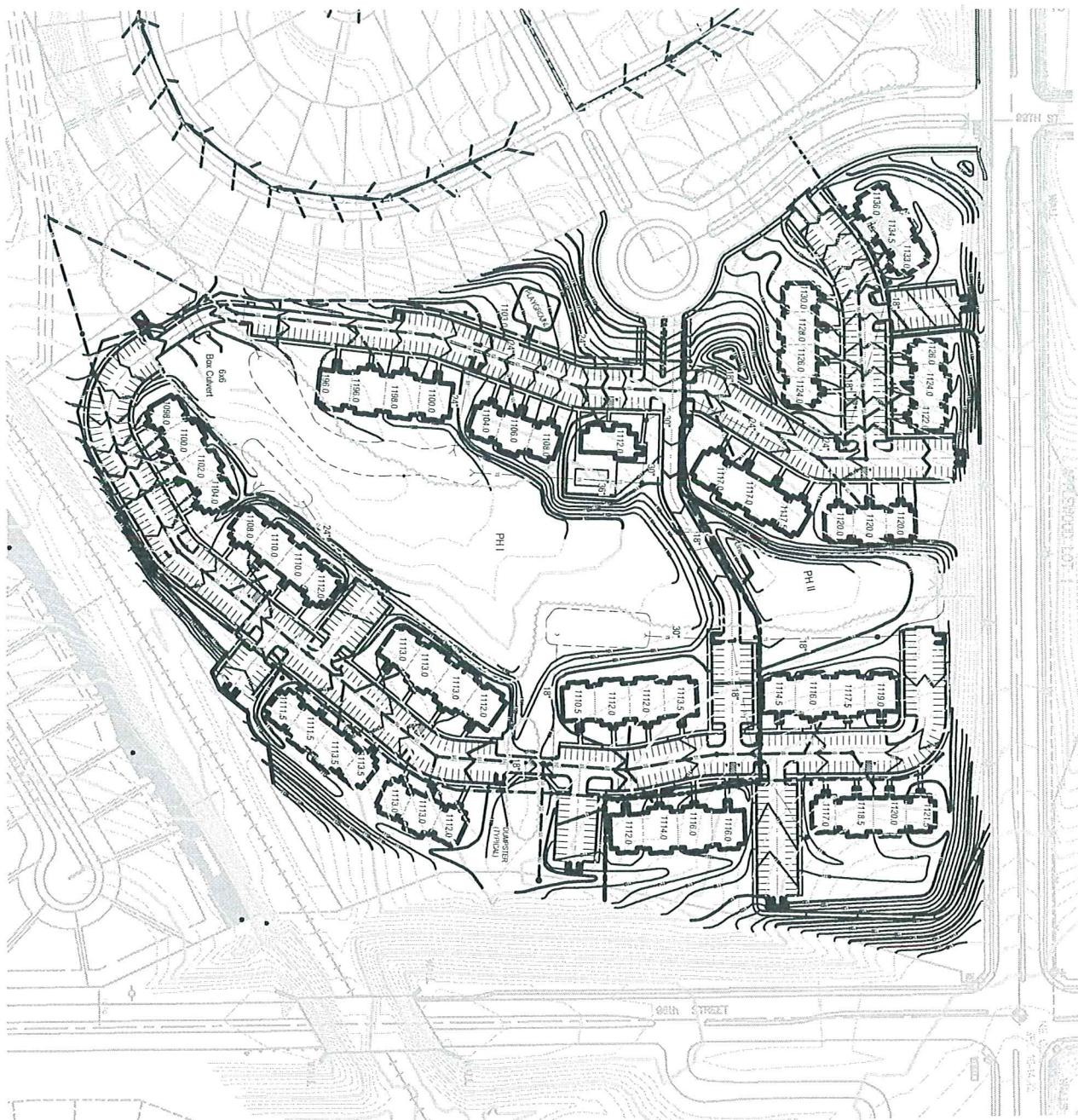
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Date	03/04/2008	<input checked="" type="checkbox"/>
Designed By	REW	1
Drawn By	NMH	
Checked By		

PRELIMINARY PLANNED UNIT  
DEVELOPMENT LANDSCAPE PLAN

CIMARRON WOODS  
LA VISTA, NEBRASKA



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



LEGAL DESCRIPTION: LOT 200, CHAMBER OF THE WOODS, A SUBDIVISION LOCATED IN THE NW 1/4 OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 8TH PM, DODGE COUNTY, NEBRASKA.

ONE PEDCOURTSQUARE 770 3RD AVE. SW  
CAREL, IN 4012

CIMARRON WOODS  
LA VISTA, NEBRASKA

PROJECT  
SITE

E&A CONSULTING GROUP, INC.  
ENGINEERS • PLANNERS • SURVEYORS

7130 SOUTH 29TH STREET SUITE 2  
LINCOLN, NE 68506-5841  
PHONE (402) 465-7211  
FAX (402) 465-7219

PROJECT NUMBER	PROJECT DETAILS			PROJECT STATUS
	PROJECT NAME	PROJECT NUMBER	PROJECT DESCRIPTION	
PROJ-A	Project Alpha	PROJ-A	Initial Project Alpha	Planned
PROJ-B	Project Beta	PROJ-B	Initial Project Beta	Planned
PROJ-C	Project Gamma	PROJ-C	Initial Project Gamma	Planned
PROJ-D	Project Delta	PROJ-D	Initial Project Delta	Planned
PROJ-E	Project Epsilon	PROJ-E	Initial Project Epsilon	Planned
PROJ-F	Project Zeta	PROJ-F	Initial Project Zeta	Planned
PROJ-G	Project Eta	PROJ-G	Initial Project Eta	Planned
PROJ-H	Project Theta	PROJ-H	Initial Project Theta	Planned
PROJ-I	Project Iota	PROJ-I	Initial Project Iota	Planned
PROJ-J	Project Kappa	PROJ-J	Initial Project Kappa	Planned
PROJ-K	Project Lambda	PROJ-K	Initial Project Lambda	Planned
PROJ-L	Project Mu	PROJ-L	Initial Project Mu	Planned
PROJ-M	Project Nu	PROJ-M	Initial Project Nu	Planned
PROJ-N	Project Xi	PROJ-N	Initial Project Xi	Planned
PROJ-O	Project Omicron	PROJ-O	Initial Project Omicron	Planned
PROJ-P	Project Pi	PROJ-P	Initial Project Pi	Planned
PROJ-Q	Project Rho	PROJ-Q	Initial Project Rho	Planned
PROJ-R	Project Sigma	PROJ-R	Initial Project Sigma	Planned
PROJ-S	Project Tau	PROJ-S	Initial Project Tau	Planned
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PROJ-13	Project Tau	PROJ-13	Initial Project Tau	Planned
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PROJ-53	Project Tau	PROJ-53	Initial Project Tau	Planned
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PROJ-55	Project Phi	PROJ-55	Initial Project Phi	Planned
PROJ-56	Project Chi	PROJ-56	Initial Project Chi	Planned
PROJ-57	Project Psi	PROJ-57	Initial Project Psi	Planned
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PROJ-59	Project Epsilon	PROJ-59	Initial Project Epsilon	Planned
PROJ-60	Project Zeta	PROJ-60	Initial Project Zeta	Planned
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PROJ-62	Project Theta	PROJ-62	Initial Project Theta	Planned
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PROJ-77	Project Psi	PROJ-77	Initial Project Psi	Planned
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PROJ-85	Project Lambda	PROJ-85	Initial Project Lambda	Planned
PROJ-86	Project Mu	PROJ-86	Initial Project Mu	Planned
PROJ-87	Project Nu	PROJ-87	Initial Project Nu	Planned
PROJ-88	Project Xi	PROJ-88	Initial Project Xi	Planned
PROJ-89	Project Omicron	PROJ-89	Initial Project Omicron	Planned
PROJ-90	Project Pi	PROJ-90	Initial Project Pi	Planned
PROJ-91	Project Rho	PROJ-91	Initial Project Rho	Planned
PROJ-92	Project Sigma	PROJ-92	Initial Project Sigma	Planned
PROJ-93	Project Tau	PROJ-93	Initial Project Tau	Planned
PROJ-94	Project Upsilon	PROJ-94	Initial Project Upsilon	Planned
PROJ-95	Project Phi	PROJ-95	Initial Project Phi	Planned
PROJ-96	Project Chi	PROJ-96	Initial Project Chi	Planned
PROJ-97	Project Psi	PROJ-97	Initial Project Psi	Planned
PROJ-98	Project Omega	PROJ-98	Initial Project Omega	Planned
PROJ-99	Project Epsilon	PROJ-99	Initial Project Epsilon	Planned
PROJ-100	Project Zeta	PROJ-100	Initial Project Zeta	Planned

PRELIMINARY PLANNED UNIT DEVELOPMENT



CLUBHOUSE RENDERING



APARTMENT BUILDING RENDERING

# Memorandum



**To:** Planning Commission Members

**CC:**

**From:** Marcus Baker, City Planner

**Date:** 4/10/2008

**Re:** Plat Vacation

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**Agenda Item 4C:** Proposed Plat Vacation of lots within La Vista Falls Golf Course and La Vista's Central Park

The proposed vacation of lots within Central Park and the City's golf course would effectively dissolve all lot boundaries and rights-of-way within the plat's boundaries. All rights-of-way would remain in the City of La Vista's ownership as well as all of the designated lots and outlots. Two tax parcels would be created as a result of the vacation: one for the park and one for the golf course.

Please see the attached map for complete detail on lots and rights-of-way to be vacated. The yellow polygons represent the existing lots, outlots, and right-of-way boundaries. The dashed black line represents the boundaries of the vacation.

**Staff Recommendation Item 4C:** Recommend approval of Plat Vacation to City Council.