

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 3, 2008 AGENDA**

| <b>Subject:</b>  | <b>Type:</b>                              | <b>Submitted By:</b>                           |
|--|---|--|
| APPLICATION FOR PRELIMINARY PUD,<br>LOT 380, CIMARRON WOODS<br>(SW OF 96 <sup>TH</sup> & HARRISON) | ◆ RESOLUTION<br>ORDINANCE<br>RECEIVE/FILE | ANN BIRCH<br>COMMUNITY DEVELOPMENT<br>DIRECTOR |

**SYNOPSIS**

A public hearing has been scheduled and a resolution has been prepared to approve the preliminary planned unit development (PUD-1) for approximately 26 acres located southwest of 96<sup>th</sup> & Harrison Street.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider the preliminary planned unit development application by Pedcor Investments, LLC, on approximately 26 acres platted as Lot 380, Cimarron Woods, generally located southwest of 96<sup>th</sup> and Harrison Street.

The property is currently zoned R-3 PUD-1 with the Gateway Corridor Overlay District. The Cimarron Woods plat, PUD plan and subdivision agreement identified this lot for multi-family development and included a site plan showing 418 units. The proposed development to be known as "Cimarron Terrace" consists of 180 units in Phase I and 174 units in Phase II, for a total of 354 units. The application has been submitted for preliminary planned unit development (PUD) review; if approved, an application will be required for final PUD review and approval of a conditional use permit. Final building design review will also be required as part of the conditional use permit. A detailed review of the application is contained in the attached staff report.

The Planning Commission held a public hearing on April 17, 2008, and recommended approval of the preliminary planned unit development plan contingent upon several revisions (see staff report). The request is in general conformity with the provisions of the La Vista Comprehensive Plan, does not adversely effect the development of neighboring areas, and meets the requirements of the La Vista Zoning Ordinance, subject to the resolution of the items identified by staff and the City Engineer.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PLANNED UNIT DEVELOPMENT (PUD 1) PLAN FOR LOT 380 CIMARRON WOODS, A SUBDIVISION LOCATED IN THE N1/2 OF SECTION 16, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary planned unit development plan for Lot 380, Cimarron Woods; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary planned unit development plan; and

WHEREAS, on April 17, 2008, the La Vista Planning Commission held a public hearing and reviewed the preliminary planned unit development plan and recommended approval subject to resolution of the following items identified by the city engineer and staff:

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 developer's expense 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 the 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.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Planned Unit Development (PUD-1) plan for Lot 380, Cimarron Woods, located in the N1/2 of Section 16, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 96<sup>th</sup> & Harrison Streets be, and hereby is, approved subject to the items listed above.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF JUNE 2008.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Bueth, CMC  
City Clerk

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER:

FOR HEARING OF: June 3, 2008

Report prepared on May 28, 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, Gateway Corridor  
Overlay District; Vacant

**G. PURPOSE OF REQUEST:**

Multi-family housing / Apartments 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.
8. On April 17, 2008 Planning Commission reviewed a new Preliminary Planned

Unit Development Plan as it differed significantly from the original Preliminary PUD Plan that was approved in 2003. Garages are not being planned for all units; the internal roadways are different; the arrangement of the apartment complexes is different; and fewer apartment units are proposed.

**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. Specifically, the trail should not dead-end in the parking lot. Instead the trail needs to be designed to continue north past the proposed playground area and connect with 99<sup>th</sup> Street.

**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. The site plan identifies six garage structures located throughout the complex which would contain 24 covered parking stalls.
5. 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 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, 99<sup>th</sup> Street, and the 96<sup>th</sup> Street rights-of-way are planned to be landscaped in a manner consistent with the existing landscaping in Cimarron Woods. The perimeter landscaping is planned to be completed at the same time as Phase One of the development.
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, perimeter landscaping, and playground area will be developed as part of Phase One.
2. 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.
3. 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.
4. The Cimarron Woods PUD Plan approved in 2003 proposed 418 multi-family units. The current proposal reduces the number of units requested to 354. The R-3 Zoning District

- requires a minimum of 2,250 sq. feet of land per unit; therefore, a minimum of 18.3 acres of land is required. Lot 380 is nearly 26 acres, so the density requirement has been satisfied.
5. This property is also in the Gateway Corridor Overlay District; an application for architectural design review has been reviewed and comments from the City's Architect have been integrated into the building design. Final design approval would occur at the time of the CUP application.
  6. For additional review comments, see the attached letter from John Kottmann, City Engineer; comments that have not yet been addressed would be required to be completed at the time of the Final PUD Plan and CUP application.

#### **V. DEPARTMENT RECOMMENDATION**

Approval with conditions as noted below.

#### **VI. PLANNING COMMISSION RECOMMENDATION**

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

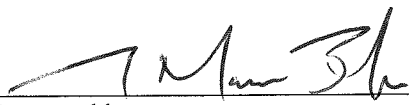
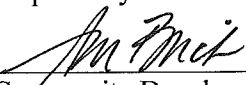
1. The Preliminary PUD Plan and application refers to the property as being zoned R-1 (PUD). This needs to be revised on the Final PUD Plan to read R-3, PUD-1 zoning.
2. A traffic signal shall be installed at the intersection of 99<sup>th</sup> and Harrison Streets as part of the development of Lot 380, 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.

#### **VII. ATTACHMENTS TO REPORT**

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

#### **VIII. COPIES OF REPORT TO**

1. Gerry Torczon, Torco Development Inc.
2. Mike Smith, Pedcor Investments, LLC.
3. Jennifer Smith, Pedcor Investments, LLC.
4. Other Public Upon Request

  
Prepared by: \_\_\_\_\_  
 5-30-08  
Community Development Director Date

## **Section 5.15 PUD-1 PLANNED UNIT DEVELOPMENTS**

**5.15.01 Intent:** The intent of the PUD-1 District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

The PUD-1 District is a floating zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

### **5.15.02 Recommendation, findings of fact and development sizes**

The planning commission, in its minutes, shall set forth its reasons for recommendation of approval or denial of the application for a PUD-1 District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

- 5.15.02.01 Said planned unit development shall be in general conformity with the provisions of the La Vista Comprehensive Plan.
- 5.15.02.02 Said planned unit development shall not have a substantially adverse effect on the development of the neighboring area.
- 5.15.02.03 The minimum size allowed for a PUD-1 District shall be as follows:
  - 1. Residential, one (1) acre.
  - 2. Commercial, three (3) acres.
  - 3. Industrial, three (3) acres.
  - 4. Height, bulk, and setback requirements may be varied so as to promote an efficient and creative PUD-1 District.

### **5.15.03 Use regulations.**

In District PUD-1 no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in R-1 through R-4 Districts inclusive and C-1 through C-3 Districts, and I-1 and I-2 Districts. All uses must be approved as shown on the development plan as specified in this division.

### **5.15.04 Standards and conditions for development.**

A planned unit development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state:

- 5.15.04.01 The applicant shall satisfy the planning commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application by the City Council. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the City Council upon review and recommendation by the Planning Commission upon the showing of good cause by the developer.
- 5.15.04.02 The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the City Council to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- 5.15.04.03 The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- 5.15.04.04 The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- 5.15.04.05 The entire tract or parcel of land to be occupied by the planned unit development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such planned unit development shall be filed jointly by all owners.



- 5.15.04.06 The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
- 5.15.04.07 Off-street parking and loading shall be provided in accordance with the parking and loading regulations.
- 5.15.04.08 When a commercial or industrial use within a PUD-1 District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way.
- 5.15.04.09 All residential, commercial, and industrial buildings shall set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Planning Commission and City Council for the protection of health, safety, and general welfare.
- 5.15.04.10 Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:  
Residential, forty (40) percent maximum.  
Commercial, *sixty (60) percent maximum. (Ordinance No. 882, 11-19-02)*  
*Industrial, sixty-five (65) percent maximum. (Ordinance No. 882, 11-19-02)*
- 5.15.04.11 A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Section 5.15.04.16 below. Common open space for the leisure and recreation of PUD-1 residents only shall be owned and maintained in common by them, through a homeowner's association. *(Ordinance No. 950, 3-1-05)*
- 5.15.04.12 The PUD-1 District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the City Council if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
- 5.15.04.13 No residential use shall have direct access onto an arterial street.
- 5.15.04.14 All commercial areas must have access via a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets, unless developed as a pad site within the overall development.
- 5.15.04.15 Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the planned unit development.
- 5.15.04.16 Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space which is accessible and available to all occupants in common by a homeowner's condominium or resident's association.
- 5.15.04.17 When a developer intends to design a new concept development, the Planning Commission and City Council may grant lesser front, side, and rear yard setbacks, including zero (0) lot line setbacks.

**5.15.05 Application for approval of Preliminary PUD-1.**

- 5.15.05.01 An application for a PUD-1 shall be handled in the same manner prescribed for amending this Ordinance. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
- 5.15.05.02 The applicant shall prepare and submit thirty (30) folded copies of the preliminary development plan for review and approval by the planning commission. Said preliminary shall include a site plan showing:
  - 1. Contours at intervals of two (2) feet or spot elevations on a one hundred (100) foot grid shall be required on flat land;

2. Location, size, height, and use of all proposed structures in conformance with the yard requirements;
3. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
4. All streets adjoining subject property and the width of the existing right-of-way;
5. Areas set aside for public and private open space with the type of recreational facilities planned for each are indicated;
6. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
7. Designation of individual lots if such lots are proposed to be sold to individual owners;
8. Location of required screening;
9. Location of natural features such as ponds, tree clusters, and rock outcropping;
10. Existing development on adjacent properties within two hundred (200) feet.

- 5.15.05.03 The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
1. Net area in square feet or acres. (*Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.*)
  2. Density of dwelling units per acre of the total dwelling units for the entire plan.
  3. Building coverage of the net area of the planned unit development by individual parcel or total development.
  4. The percentage of the development plan provided for common open space as defined by this regulation. (*Note: Normally, this figure should be approximately fifty (50) percent.*)
  5. If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
  6. Required number of off-street parking spaces.
  7. Gross floor area proposed for commercial buildings.
  8. All proposed land uses shall be listed by parcel.
- 5.15.05.04 A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
- 5.15.05.05 The full legal description of the boundaries of the property or properties shall be included in the planned unit development.
- 5.15.05.06 A vicinity map, shall be included, showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.
- 5.15.05.07 A description, rendering or drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
- 5.15.05.08 When a planned unit development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- 5.15.05.09 Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
- 5.15.05.10 The Planning Commission shall hold a Public Hearing on the preliminary PUD-1 after the PUD has been reviewed by City of La Vista staff after giving notice as required by Statute for hearings in amendments.
- 5.15.05.11 Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the City Council and the applicant specific findings of fact with respect to the extent which the preliminary plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD-1. The planning commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.

- 5.15.05.12 The City Council may or may not approve the preliminary development plan and authorize the submitting of the final development plan.
- 5.15.05.13 Substantial or significant changes in the preliminary PUD-1 shall only be made after rehearing and re-approval.

**5.15.06 Final approval.**

- 5.15.06.01 After approval of a preliminary plan and prior to the issuance of any building permit, the applicant shall submit an application for final approval with City staff. Said final application may include the entire PUD-1 District or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include thirty (30) folded copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in this Ordinance for a PUD-1 District. The final plan shall include the same information as the preliminary plan except the following shall also be provided:
1. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
  2. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
  3. All easements and appropriate building setback lines;
  4. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
  5. Lot and/or parcel numbers;
  6. Location, size, height, and use of all proposed or present buildings;
  7. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.
  8. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
  9. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner is tentatively approved does not:
    - A. Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
    - B. Increase by more than ten (10) percent the floor area proposed for non-residential use; nor
    - C. Increase by more than five (5) percent the total ground area neither covered by buildings nor involve a substantial change in the height of buildings.
    - D. Substantially change the design of the plan so as to significantly alter:
      - (1) Pedestrian or vehicular traffic flow.
      - (2) The juxtaposition of different land uses.
      - (3) The relation of open space to residential development.
      - (4) The proposed phasing of construction.
      - (5) Proposed use of one or more buildings to a more intensive use category as delineated in this Ordinance.
- 5.15.06.02 A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Planning Commission shall review the final plan for compliance, upon review and comment by the City of La Vista staff, with the approved preliminary plan. Upon review approval, said final plan shall be filed with the City Council for final approval and acceptance.
- 5.15.06.03 In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this division as for original approval.

### **5.15.07 Density Bonuses**

5.15.07.01 The use of the PUD-1 District, in conjunction with Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.

5.15.07.02 Density Bonuses may be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30% of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30% in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

#### ***Normal Development***

- A developer has 10 acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

#### ***Development with Conservation Easements***

- Same site of 10 acres = 435,600 square feet
- 30% of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

5.15.07.03 Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three (3) acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic systems as regulated by the Nebraska Department of Environmental Quality.

### **5.15.08 Enforcement and modification of plan.**

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the PUD-1 plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

5.15.08.01 The provisions of the plan relating to:

1. The use of land and the use, bulk, and location of buildings and structures; and
2. The quality and location of common space; and
3. The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity, by the City, without limitation on any powers or regulation otherwise granted by law.

5.15.08.02 All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

### **5.15.09 Amendments.**

The PUD-1 District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD-1 District.

**5.15.10 Platting.**

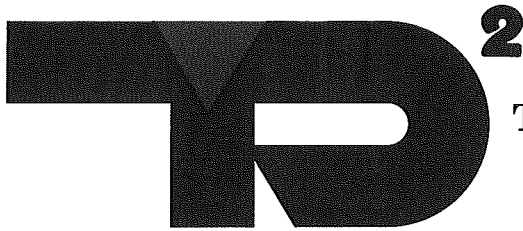
For unplatted tracts or tracts being replatted, the approval of the preliminary PUD-1 shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be either one hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

**5.15.11 Fees.**

For the following applications, the indicated fees shall be paid to the City:

1. Preliminary PUD-1; as set in the Master Fee Schedule.
2. Final PUD-1; as set in the Master Fee Schedule.

These fees are separate and do not include any Preliminary and Final Plat Fees required by the City of La Vista. (*Ordinance No. 882, 11-19-02*)



**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.  
DOUGLAS S. DREESSEN, P.E.  
DEAN A. JAEGER, P.E.  
RICHARD M. BROYLES, L.S.  
DAVID H. NEEF, L.S.  
RONALD M. KOENIG, L.S.  
CHRIS E. DORNER, L.S.

TIMOTHY T. PAPSTEIN, P.E.  
MICHAEL J. SMITH, L.S.  
TROY J. NISSEN, P.E., S.E.  
DOUGLAS E. KELLNER, P.E.  
GARY A. NORTON, P.E.  
BRIAN L. LODES, P.E.  
KURTIS L. ROHN, P.E.  
JEFFREY L. THOMPSON, P.E.  
DAREN A. KONDA, P.E.  
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.

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

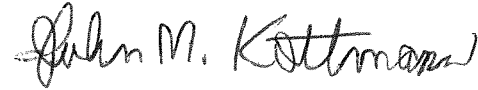
March 17, 2008

Page 3

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.

A handwritten signature in black ink, appearing to read "John M. Kottmann". The signature is written in a cursive, flowing style.

John M. Kottmann, P.E.

JMK/jlf

cc: File





**LEGAL DESCRIPTION**

**OWNER**  
ORCO DEVELOPMENT, INC.  
205 S. 166TH STREET, SUITE 100  
OMAHA, NE 68134

NOTES

EXISTING AND PROPOSED ZONING IS R-1 (PUD);

EXISTING AND PROPOSED CONFIGURES ARE SHOWN AT 2' FOOT INTERVALS, AND ARE BASED ON USGS DATA.

THERE SHALL BE NO DIRECT VEHICULAR ACCESS onto 91TH STREET OR HARRISON STREET FROM ANY LOTS ADJOINING

ADJACENT LOTS.

WATER SERVICE SHALL BE PROVIDED BY MUD. ONLY A SMALL DETENTION BASIN SERVICE

DUMPSTER LOCATIONS AND NUMBER SUBJECT TO REVIEW AND APPROVAL OF THE CITY OF ALBANY, THE DEVELOPER PROPOSED METHODS FOR DETERMINING REBUDGETS FROM ENTERING THE RAILROADS, THE STREET ALONG THE NORTH OF WAY ADJOINING THE DEVELOPER'S PROPERTY, THE TRUCKS TO BE RECEIVED.

1. PHASE I PROPOSED SCHEDULE OF CONSTRUCTION:  
CITY COUNCIL APPROVAL  
CLOSING AND BUILDING PERMITS  
COMPLETION OF CLUBHOUSE AND 1ST BUILDING  
ALL BUILDINGS COMPLETE

### LEGEND

**LEGEND**

| EXISTING CONTOURS          |          | PROPOSED CONTOURS          |          |
|----------------------------|----------|----------------------------|----------|
| - 1200 -                   | - 1200 - | - 1200 -                   | - 1200 - |
| FRONT YARD SETBACK.....25' |          | FRONT YARD SETBACK.....25' |          |
| SIDE YARD SETBACK.....5'   |          | SIDE YARD SETBACK.....5'   |          |

PROPOSED SANITARY SEWER  
STREET SIDE YARD SETBACK 25'  
REAR YARD SETBACK 25'

PROPOSED STORM SEWER

PERMANENT DETENTION BASINS

| PROJECT DENSITIES |           |       |            |                  |                |               |
|-------------------|-----------|-------|------------|------------------|----------------|---------------|
| BED ROOMS         | AREA (AC) | UNITS | UNITS/ACRE | PARKING PER CODE | PARKING STALLS | GARAGE STALLS |

[illegible]

|      |     |      |  |
|------|-----|------|--|
| 12R  | 60  | 120  |  |
| 7.00 | 9.4 | 96.3 |  |

|      |    |      |  |
|------|----|------|--|
| 4.0% | 5  | 4.0% |  |
| 3.0% | 36 | 162  |  |

|       |     |      |     |     |
|-------|-----|------|-----|-----|
| TOTAL | 180 | 12.7 | 534 | 379 |
|-------|-----|------|-----|-----|

|        |        |    |     |
|--------|--------|----|-----|
| ASE II | 100    | 72 | 144 |
|        | 10,000 |    |     |

|      |  |    |  |  |     |  |
|------|--|----|--|--|-----|--|
| 2 56 |  | 78 |  |  | 234 |  |
|------|--|----|--|--|-----|--|

|     |    |     |  |
|-----|----|-----|--|
| 100 | 24 | 100 |  |
|     |    |     |  |

|       |     |     |     |     |
|-------|-----|-----|-----|-----|
| TOTAL | 174 | 164 | 466 | 210 |
|-------|-----|-----|-----|-----|

[illegible]

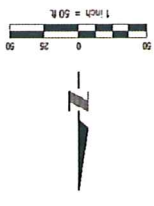
**NORTHEAST CORNER**  
**SECTION 16-T14N-R12E**



K:\Projects\2002\153\p01\General\SITE\_000.dwg, Layout1-30x42-NS (Plat), 5/28/2008 11:11:03 AM, larryd, Letter (8 1/2 x 11 in.)











## LEGEND

- ① **SIDING:**  
Mfg: Royale Building Products  
Type: Sovereign Select - Ultra-Premium Vinyl Siding  
Style: Dutch Lap Double 3" 3/4" Duet  
Color: Wicker
- ② **BRICK:**  
Mfg: Brick Craft  
Type: Standard Size  
Color: Red Range Valour
- ③ **SHINGLES:**  
Mfg: GAF Timberline Series  
Style: Dimensional  
Color: Weathered Wood
- ④ **BRICK:**  
Mfg: Brick Craft  
Type: Standard Size  
Color: Country Road

# BUILDING 12A12B (1 & 2 Bedroom) CIMARRON TERRACE APARTMENTS La Vista, Nebraska















