

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JUNE 2, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR PRELIMINARY PUD, LOT 380, CIMARRON WOODS (SW OF 96 <sup>TH</sup> & HARRISON)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT 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 84 units in Phase I and 192 units in Phase II, for a total of 276 units; the project also includes 168 garage stalls in addition to the surface parking stalls. The previous request submitted by the developer which was heard by the Council approximately one year ago included a total of 354 units and 24 garage stalls. Modifications have also been made to the location of the clubhouse, swimming pool and playground.

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. Preliminary building design review has been completed however final approval will occur as part of the conditional use permit. A detailed review of the application is contained in the attached staff report.

At the Planning Commission meeting, existing drainage and flooding issues in Cimarron Woods were discussed at length. There are a few homes and additional vacant properties that have experienced high water run-off conditions from upstream in the past. While this proposed development on Lot 380 cannot solve the existing problems, it should be designed in such a way that it will not add to the existing problems. This can be achieved by not allowing peak run-off in the proposed development to exceed existing conditions (on Lot 380) for all storm events, up to a 100-year storm.

Additional comments have been received regarding the public hearing schedule for the revised application. It is

not uncommon for staff to suggest an alternate submittal deadline for a revised application as long as all public notification requirements can be met. All written comments which have been received to date are attached to the staff report.

The Planning Commission held a public hearing on May 21, 2009, 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.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY 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 May 21, 2009, 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 intersection of 99<sup>th</sup> and Harrison Streets as part of Phase I development of Lot 380, Cimarron Woods, as per the Cimarron Woods Subdivision Agreement. The traffic signal and all additional improvements recommended by the updated traffic study shall be installed before final building occupancies are allowed in Phase I.
3. A 10-foot wide trail shall be installed in Phase II of the development, as per Exhibit E-1 of the Cimarron Woods Subdivision Agreement. An opening or gate needs to be provided in the fence to access the pedestrian trail on the Westside of the property. Preferably, the gate should be at a convenient and accessible location to apartment buildings 7 and 14.
4. Revisions requested by the City Engineer, in his letter dated April 30, 2009, shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal. Additionally, peak stormwater run-off for this project shall not exceed the existing conditions of Lot 380 for all storm events, up to a 100-year storm.
5. Revisions and additional information requested by the City's Design Review Architect shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
6. Other revisions stated in this report shall be addressed prior to Final PUD Plan and Conditional Use Permit submittal.
7. A preliminary assessment of the potential waterway / wetland issues needs to be performed by a qualified environmental consultant prior to approval of the Final PUD plan. All applicable Army Corps of Engineers permits shall also be acquired by the developer prior to approval of the Final PUD plan.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista,

Nebraska, that the preliminary 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 2ND DAY OF JUNE 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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CITY OF LA VISTA  
CITY COUNCIL

## STAFF REPORT

PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD)  
CIMARRON TERRACE APARTMENTS

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**DATE OF HEARING:**

June 2, 2009

**PROPOSAL:**

Subdivision of Lot 380, Cimarron Woods into two (2) lots for phased development of apartment buildings as a Planned Unit Development (PUD)

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### PROPERTY INFORMATION

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**APPLICANT:**

Pedcor Investments, LLC  
One Pedcor Square, 770 3<sup>rd</sup> Ave SW  
Carmel, IN 46032

**PROPERTY OWNER:**

Torco Development, Inc.  
11205 S. 150<sup>th</sup> Street, Suite 100  
Omaha, NE 68138

**LOCATION AND SIZE:**

Lot 380, Cimarron Woods Subdivision  
SW Corner of 96<sup>th</sup> and Harrison Streets  
Lot = 25.938 Acres.

**CURRENT ZONING:**

R-3, High Density Residential  
Gateway Corridor Overlay District, Sub-area Secondary Overlay  
PUD-1, Planned Unit Development Overlay District

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## APPLICABLE DEFINITIONS

(from Section 2 of Zoning Ordinance)

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**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together.

**PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

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## BACKGROUND

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### **History of Lot 380, Cimarron Woods:**

On March 20, 2003, the original Cimarron Woods PUD was approved by the City for single family residential and high density residential. The high density residential component specifically called for 418 apartment units on Lot 380.

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.

On April 17, 2008 Planning Commission recommended approval of a revised Preliminary Planned Unit Development Plan. The 2008 Preliminary PUD plan differed significantly from the original Preliminary PUD Plan that was approved in 2003, which is why a new Preliminary PUD application was required.

On June 3, 2008, the City Council denied the request. Minutes from the meeting indicate comments regarding scale, design, character and standard of quality with regards to Cimarron Woods neighborhood. The City Council also mentioned the lack of garages and the amount of stormwater runoff. Also an updated traffic study was requested.

On May 21, 2009 Planning Commission held a public hearing regarding the new application. Their recommendation follows at the end of this report. As long as all public notification requirements in State Statute can be satisfied and City Council and City Staff have adequate time to review documents after Planning Commission's hearing, it is not uncommon for a revised application to have a public hearing set for the first City Council meeting of the month. In this particular case, City Council had a public hearing for a similar application in the past year. Therefore, the City Council's public hearing for Cimarron Terrace was announced as June 2, 2009 at the May 21<sup>st</sup> Planning Commission meeting.

### **Description of Proposed Development:**

On April 9, 2009, the City of La Vista received a new application for the development of Cimarron

Terrace Apartments. The developer proposes to subdivide Lot 380 into two parcels to be built out in two phases for apartment buildings and a clubhouse with swimming pool. The current proposal includes 276 apartment units and 168 garages. The last application, which was denied, called for 354 apartment units and 24 garages. Therefore, the new proposal has significantly fewer apartment units and substantially more garages included.

**Existing Conditions of Site:**

The site is currently undeveloped with moderate to steep slopes. An open drainage channel carries stormwater from north to south. The drainage area contains an abundance of mature deciduous trees.

**Surrounding Area and Adjacent Neighborhoods Land Uses and Zoning:**

North – City of Omaha, Applewood Golf Course;

East – Cornerstone Baptist Church, TA Transitional Agriculture; and Southwind 2, R-1 Single Family;

South – Cimarron Woods, R-1 Single Family; and

West – Cimarron Woods, R-1 Single Family

**Applicable Regulations:**

Section 5.08 of the Zoning Ordinance, R-3 High Density Residential District

Section 5.15 of the Zoning Ordinance, PUD-1 Planned Unit Development District

Section 5.17.06 of the Zoning Ordinance, Gateway Corridor District Secondary Overlay

**Applicable Plans:**

The Comprehensive Plan and Future Land Use Map

Cimarron Woods Subdivision Plat and Subdivision Agreement

Cimarron Woods Park and Trail Plan

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## REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES

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**Black Hills Energy, Denise Montgomery**

No comments received

**City Engineer, John Kottmann:**

1. The required number of parking stalls for this development is 540, which is equivalent to one parking space per bedroom. The clubhouse would require an additional 20 parking spaces. The proposal shows 591 parking spaces provided; therefore, the minimum number of parking stalls has been satisfied.
2. Heights need to be shown for all buildings, including detached garages, so that compliance with height restrictions can be determined.
3. Carports will not be compliant with design review regulations; therefore, this label should be removed from all plans.
4. The Preliminary PUD plan needs to show proposed utility and access easements. The access easement would assure ingress/egress in case Lot 2 is bought by a different owner in the future.
5. A break or gate needs to be provided in the fence to access the pedestrian trail on the Westside of the property. Preferably, the gate should be at a convenient and accessible location to the

apartment buildings 7 and 14.

6. A preliminary drainage study is currently under review, including the Post Construction Water Quality Exhibit. These were submitted May 12<sup>th</sup>.
7. A traffic signal will need to be installed at 99<sup>th</sup> and Harrison Street, as per the original subdivision agreement for Cimarron Woods Subdivision.
8. A preliminary assessment of the potential waterway / wetland issues needs to be performed by a qualified environmental consultant. The study submitted on May 12<sup>th</sup> is from 1999, which is outdated and will need to be replaced. All applicable Army Corps of Engineers permits will also be required. At the May 21, 2009 Planning Commission meeting, existing drainage and flooding issues in Cimarron Woods were discussed at length. There are a few homes and additional vacant properties that have experienced high water run-off conditions from upstream in the past. While this proposed development on Lot 380 cannot solve the existing problems, it needs to be designed in such a way that would not add to the existing problems. This can be achieved by not allowing peak run-off in the proposed development to exceed existing conditions (on Lot 380) for all storm events, up to a 100-year storm.

**Chief Building Official, Jeff Sinnett**

No comments received

**Design Review Architect, Kevin Schluckebier**

1. Brick shall be the primary building material. Masonry needs to be used more on the back of the apartment complex buildings, specifically add masonry at center areas to 3<sup>rd</sup> Floor level at Sheets A202 and A203, similar to A201.
2. The acorn light fixtures used on site need to be downward shining only. The manufacturer of these fixtures assures these fixtures can be made “dark sky compliant,” which would satisfy the requirements in the Gateway Corridor District.
3. Elevation drawings of the clubhouse need to be reviewed for compliance. These were not submitted with the original design review application; however, these drawings were submitted May 12<sup>th</sup> and are now under review.
4. Elevation drawings of the detached garages need to be reviewed for compliance. These were not submitted with the original design review application; however, these drawings were submitted May 12<sup>th</sup> and are now under review.
5. Provided examples of how apartment complexes step with grade need to be reviewed for compliance. These were submitted on May 22<sup>nd</sup> and are now under review.

**Fire Chief, Rich Uhl**

The median at the entrance needs to be brought back to the edge of the right-of-way line, so that no portion of the median is within the right-of-way. Also the turn radii at the main entrance to Cimarron Terrace need to be widened some to allow for a fire truck to enter the premises more easily.

**Metropolitan Utility District, Jeff Loll**

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.

**Omaha Public Power District, Steve Sauer**

No comments received

**Police Chief, Bob Lausten**

No comments received

**Public Works Director, Joe Soucie**

No comments received

**Public School District**

No concerns; Portal Elementary and La Vista Junior High would accommodate any children that would reside in this new development. The Papillion-La Vista School District is currently planning for new schools in the district to account for rising populations in Sarpy County.

**Qwest, Aaron Krebs**

No comments received

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## **PUBLIC COMMENTS**

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Several phone calls have been received by the Planning Staff regarding this application from concerned neighbors. Primarily, comments have focused on traffic concerns and the quality of the proposed development.

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## **PLANNING STAFF ANALYSIS**

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**Land Use:**

The current application reduces the number of proposed apartment units and significantly increases the number of garages, which attempts to address major issues raised by residents of Cimarron Woods and Southwind subdivisions in the previous application to City Council.

Phase 1 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; pool; playground area; and perimeter landscaping along Harrison, 96<sup>th</sup> Street, and 99<sup>th</sup> Street are required to be developed as part of Phase One.

**Transportation:**

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 2.

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. In June 2008, E&A Consulting Group prepared a traffic analysis at the

intersection of 99<sup>th</sup> and Harrison and on April 7, 2009 provided an update to determine expected Level of Service (LOS) and adequacy of auxiliary turning lanes based on full build out of Lot 380.

Some of the dumpster locations and parking areas may need further review to ensure good traffic maneuverability and access to buildings. For example, the parking area to the South of building 8 and to the East of the garages appears inconvenient and unneeded. Also, the parking area to the North of building 9 and to the West of the garages could also be eliminated.

The City Planner suggests the addition of bicycle parking racks at the clubhouse / pool and playground, as well as in front of apartment buildings.

**Landscaping:**

Substantial landscaping of the property provides a significant visual buffering effect from the arterial roadways and adjoining neighborhoods. Interior landscaping around parking areas and buildings provides more visual interest and shading.

Some of the existing mature trees and vegetation will be conserved within the development. The developer proposes a narrow road cutting through the existing groves of trees at two locations on the property. Fill material for building sites and parking lots will likely cause many trees to be removed.

**Stormwater Drainage:**

The developer needs to designate which stormwater detention areas are to be constructed for Phase I and dedicate needed easements that would be associated with those detention areas.

Installation of the proposed stormwater detention areas will likely cause existing trees to be removed. 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. 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.

**Process:**

An application for a Conditional Use Permit and Final PUD Plan approval will be required pending approval of the Preliminary PUD Plan. As noted previously, the applicant intends on subdividing the parcel along the phased development line. This subdivision may be handled as an Administrative Plat.

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## PLANNING COMMISSION RECOMMENDATION

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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 Phase I development of Lot 380, Cimarron Woods, as per the Cimarron Woods Subdivision Agreement.

The traffic signal and all additional improvements recommended by the updated traffic study shall be installed before final building occupancies are allowed in Phase I.

3. A 10-foot wide trail shall be installed in Phase II of the development, as per Exhibit E-1 of the Cimarron Woods Subdivision Agreement. An opening or gate needs to be provided in the fence to access the pedestrian trail on the Westside of the property. Preferably, the gate should be at a convenient and accessible location to apartment buildings 7 and 14
4. Revisions requested by the City Engineer, in his letter dated April 30, 2009, shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
5. Revisions and additional information requested by the City's Design Review Architect shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
6. Other revisions stated in this report shall be addressed prior to Final PUD Plan and Conditional Use Permit submittal.
7. A preliminary assessment of the potential waterway / wetland issues needs to be performed by a qualified environmental consultant prior to approval of the Final PUD plan. All applicable Army Corps of Engineers permits shall also be acquired by the developer prior to approval of the Final PUD plan.

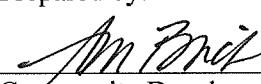
### **Additional Staff Recommendation:**

Add to Condition #4 an additional sentence: Peak stormwater run-off for Cimarron Terrace Apartments shall not exceed existing conditions (of Lot 380) for all storm events, up to a 100-year storm.

### **Attachments:**

1. Documented Public Comments
  - a. Emailed comments from Jonathan Ripp dated May 12, 2009
  - b. Letter from Eileen Williamson dated May 8, 2009
  - c. Summary of Comments from adjacent neighbors submitted by Jennifer Taylor at the May 21, 2009 Planning Commission hearing
  - d. Letter from Gregory Scaglione dated May 21, 2009
  - e. Emailed comments from Eileen Williamson dated May 22, 2009
2. Preliminary Planned Unit Development Plan, revised May 8, 2009
3. Preliminary Planned Unit Development Landscape Plan, revised May 8, 2009
4. Building Elevation Plans
  - a. A201 – A203 Apartment Buildings
  - b. G101 Detached Garages
  - c. CA201 Clubhouse
5. ~~Post Construction Water Quality Exhibit~~

  
\_\_\_\_\_  
Prepared by:

 5-28-09  
\_\_\_\_\_  
Community Development Director

Date

## Marcus Baker

**From:** Ripp, Jonathon [jripp@fnni.com]  
**Sent:** Tuesday, May 12, 2009 3:44 PM  
**To:** Marcus Baker  
**Subject:** Lot 380 Cimarron Woods Concerns

Hi Marcus - We spoke on the phone last week regarding the zoning notice I saw on the corner of 96th and Harrison for lot 380 in Cimarron Woods. I have come across some plans on-line that the developer plans to submit to the planning commission next week and have some concerns.

The proposed apartment buildings are enormous and not at all what I was expecting would end up behind our house. We were under the impression all along that a lower-density, 2-story, nicer looking apartment complex would be developed (similar to the apartments on the north east corner of 96th and Giles). I am afraid that the proposed apartments would not fit in at all with the very nice neighborhood that has developed in Cimarron Woods. I am worried about my property value decreasing, and increased traffic and congestion giving the large units.

I am not sure what the city and neighborhood covenants are but I would hope that they would not allow these large units to be built and crammed into a relatively small area of land. Given the size and the demographics of the land (very hilly and steeply sloping up to the intersection) I am wondering if a R-3 zoning is appropriate to ensure the right development for the area occurs.

I just wanted to voice my concerns to you as they will be presenting them to you next week.

Thanks!

Jon

**Jonathon Ripp, CFA**  
Vice President, Financial Strategies & Customer Operations  
Capital Markets



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May 8, 2009

La Vista Mayor, Douglas Kindig  
La Vista City Council Members  
La Vista Planning Commission Members  
City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

Dear Mayor Kindig, City Council Members and Planning Commission Members:

I have been a resident of Cimarron Woods since October 2005, and I am writing to express my thanks for the City Council's decision last year to decline the planning application for the apartment development at the corner of 96<sup>th</sup> Street and Harrison Street. I believe the concerns regarding requiring an attached garage per apartment unit, the proposed three-story apartment height and traffic flow into the apartments and into the Cimarron Woods neighborhood were legitimate areas for concern.

My neighbors and I understand that this land was allocated for the purpose of multi-family dwellings, but do not believe the design as it was presented then or as it has been presented now reflects the city's intentions when the Cimarron Woods Development was planned and when the Residential Agreements were signed.

I am one of hundreds of citizens who drive down Harrison Street and 96<sup>th</sup> Street as part of my daily commute. The work you have done to create and enforce the Gateway Corridor requirements to establish La Vista's reputation as a premiere Nebraska community truly shows. You can see it in the attention given to building design, lighting, walkways, landscape planning and respecting the environment through ensuring open spaces, protecting established trees and the contoured landscapes.

To avoid confusion with the Cimarron Woods West Homeowners Association, its tax status and its existing structure, I am leading a committee of concerned neighbors from the neighborhoods that would be impacted by building a high concentration of apartments on that site. While most of our participants come from Cimarron Woods West, we have contacted residents of Cimarron Woods Villas, Cimarron Woods East, South Winds, Val Vista and Val Verde neighborhoods.

I can serve as a single point of contact to help channel concerns raised by our neighbors regarding the planned development to help avoid confusion or multiple contacts with neighbors and allow you to operate in an efficient manner.

City of La Vista  
May 8, 2009  
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I also would like to remind you that as mentioned last year, the 300 foot area for notifying people of the development plan and upcoming open forums will reach few, if any, of the affected neighbors.

My committee would like to be involved throughout the planning process for developing this land and to ensure communication between the City, developer and neighbors is open, easy and free-flowing.

I have obtained copies of all documents submitted with this application from April 9 up through April 15 as well as all planning documents, meeting minutes and agendas available through the City of La Vista Web Site. Please provide me copies of any Planning Commission minutes or documents, City Council minutes or documents not available on the City of La Vista Web Site or Correspondence regarding planning, zoning and development on the land referred to in our Residential Agreement as Cimarron Woods Lot 380.

Attached is a copy of the letter our neighbors sent following last year's vote.

Sincerely,



Eileen Williamson

City of La Vista Planning Commission  
ADDRESS

To Whom It May Concern:

We are writing to express our concerns about the development in the north east corner of Cimarron Woods subdivision, Lot 380. As you may be aware, a number of our neighbors attended the City Council's meeting on June 3, during which we shared some of our concerns with the development to the City Council. Our concerns primarily relate to preserving the character and integrity of our neighborhood, maintaining the safety of our neighbors, and ensuring that the entire neighborhood remains aesthetically appealing.

Character and Integrity of our Neighborhood. As you know, each of the homes in Cimarron Woods was built to meet stringent size and aesthetic requirements. Each home is required to have the street facing side at least 50 percent brick and construction height cannot be taller than 2 ½ stories. The 3-story apartment complex structures proposed by PedCor are a significant departure from the covenant-specified characteristics of the neighborhood. Each house in Cimarron Woods is constructed with a 3-car garage and the villas are constructed with a 2-car garage under the covenant's mandate. Again, the very limited parking proposed by PedCor - 24 covered parking spots for 180 units - is far from the requirements placed on the homes in the neighborhood.

Safety of our Neighborhood. We are also very concerned about the increased traffic flow and its impact on the safety of our neighborhood. As proposed, there will be two entrances/exits from Lot 380. Both onto 99<sup>th</sup> Street, less than 50 yards apart, which the developer believes will filter traffic onto Harrison Street. However, it does not appear that a traffic light will be put in at the intersection of 99<sup>th</sup> and Harrison for some time. The absence of a light would create increased congestion at this intersection and would likely lead to a significant increase in traffic heading west on Josephine and potentially the wrong way onto 99<sup>th</sup> street to reach Josephine to use the 102<sup>nd</sup> Street exit. The light needs to be installed prior to any construction to limit congestion and support increased construction traffic. Additionally, there are no impediments to drivers speeding west on Josephine and believe traffic calming measures such as roundabouts or speed bumps need to be completed with construction.

We are also concerned about the design of the PedCor property from an aesthetic standpoint. These concerns range from the lack of landscaping to be placed around the facilities to the parking lot design. We have had very little time to study PedCor's landscape plan, but given the property's size, we expect there will be many trees and shrubs in proportion to the landscape requirements within the covenant.

The site plans also indicate parking will consist of long unbroken lines of spaces. We would like to visit with the Planning Commission about requiring these long stretches of concrete be separated into smaller lots for the betterment of the entire neighborhood.

Finally, we would appreciate the Planning Commission providing an expanded notice reach for any development plans for Lot 380 or other properties adjoining the Cimarron Woods developments. The 300-foot notice requirement does not reach into our neighborhood. A meeting notice published only two weeks prior to the meeting date creates a hardship that does not allow time for adequate plan review. Given the significant impact any development may have on our neighborhood, we would appreciate the opportunity to review plans submitted for any projects proposed for Lot 380 or other properties adjoining the Cimarron Woods developments soon after the submittal deadline to allow adequate time for the neighborhood to meet and discuss any proposed project.

To that end, we ask you to place the following Cimarron Woods neighbors on a list of those to be notified if a project is submitted for development of Lot 380 or other properties adjoining the Cimarron Woods developments. This list may also be provided to any developer who wishes to schedule a meeting with the neighbors to discuss a proposed project. These individuals listed below will serve as a point of contact to distribute information via email to the larger group of concerned residents of Cimarron Woods who attended the public hearing at the La Vista City Council on June 3.

- 1)
- 2)
- 3)
- 4)

This is simply a summary of our concerns for any development in Lot 380 or other properties adjoining the Cimarron Woods developments and we would appreciate the opportunity to fully participate in any future public hearings involving development in our neighborhood. If you have any questions or comments, please feel free to contact \_\_\_\_\_ or \_\_\_\_\_.

Cimarron Woods Neighbors

## Cimarron Terrace Apartments

City of La Vista Planning Commission  
May 21, 2009

Subdivision of Lot 380, Cimarron Woods into two (2) lots for phased development of apartment buildings as a Planned Unit Development (PUD)

### Summary of Comments

- The adjacent neighbors do not oppose apartments on this site, nor do they oppose any particular tenant mix, which may include low-income housing.
- The adjacent neighbors respectfully request the development be required to **adhere to all existing R-3 and Gateway Corridor zoning regulations**, including, but not limited to, maximum impervious coverage percentages and resulting drainage/flooding issues, setback and building design requirements.

#### Drainage:

- Pursuant to the Staff Report, Phase I is to function as a stand-alone development. Phase I has 48.72% impervious coverage, exceeding the 40% maximum allowed. The entire plan, both Phases I and II, has 41.5% impervious coverage.
- The Preliminary Drainage Study calculates drainage based on 38% impervious coverage area and is based on complete development of the entire site.
- The plan submitted, per the staff report, does not indicate which, if any, of the detention ponds will be installed as part of Phase I.

#### *What is the drainage impact of Phase I only?*

The downstream neighbors currently experience flooding of the creek. Developing Phase I in the manner proposed will substantially increase the impervious coverage of the site, which can only increase the amount of water pushed downstream, possibly increasing or exacerbating the existing flooding problems at the site.

#### *What is the status of tree removal and the resulting impact on drainage?*

- The Preliminary Drainage Study indicates that the “center of the lot is heavily wooded and will remain, for the most part, undisturbed by the apartment development”.
- The Staff Report indicates that “**some** of the existing mature trees and vegetation will be **conserved**”, but that “fill material for building sites and parking lots will likely cause **many trees to be removed**”.
- The Staff Report also concludes that installation of the proposed stormwater detention areas will likely cause **existing trees to be removed**.

Although the landscaping plan outlines the “existing tree line”, the proposed detention ponds directly abut or overlap this line, supporting the staff report’s conclusions that many of the existing tree cover will be lost as a result of this development.

*Appearance:*

The Gateway Corridor District requires the following Criteria for Appearance (among others):

- The height and scale of each building shall be compatible with its site and existing buildings.
- Monotony of design in single or multiple building projects shall be avoided. (*This is stated twice within the regulations*). Variation of detail, form, and siting, shall be used to provide visual interest.
- Where ***natural or existing topographic patterns*** contribute to beauty and utility of a development, they ***shall be preserved and developed***.
- The primary building material of all portions of the structures shall be negotiated with the City, however, sample materials shall include...brick (clay), stucco, wood, glass, split faced masonry units, and stone...

Furthermore, there is over 40 feet of elevation drop from the east side of the property to the southwest corner. It is unclear from the information submitted, how the proposed buildings would step with grade.

*Setbacks:* The setbacks stated on the site plan are 25’ for Front, Street Side and Rear yards, and 5’ for Side yard. R-3 Multi-family dwellings minimum yard setbacks are 30’ for Front, Street Side and Rear yards, and 10’ for Side yard.

*Wetland / Waterways:*

Existing maps indicate areas of designated wetland may exist on the site. If the existing report is from 1999, it should be updated, as substantial changes have occurred regarding wetlands and waterways since that time.

Based on a preliminary review of the information received by the adjacent neighbors, the following suggestions are made with regard to the proposed development, as submitted:

*Suggestions:*

- If Phase I is to function as a stand alone development, the development plan should be redesigned such that Phase I has impervious coverage area of less than 40%.
- A drainage study should be done on Phase I only, to determine its separate and individual impact.
- The development plan should be redesigned to adhere to R-3 setbacks requirements, at a minimum.
- Plans should be redesigned and resubmitted for Design review, as noted in the Staff Report.
- The developer should be encouraged to employ Low Impact Development Best Management Practices to reduce the size or need for detention ponds and any trees lost.
- The developer should undertake a tree mitigation plan, to account for any trees lost as a result of the development.

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**KOLEY ■ JESSEN**

May 21, 2009

La Vista City Council  
La Vista City Hall  
8116 Park View Boulevard  
La Vista, NE 68128

Re: City's Staff Report  
Our File No. 11564-0000

Dear Council Members, Mayor, and Administrator:

As you know, Pedcor Investments, A Limited Liability Company ("Pedcor") and Torco Development, Inc. ("Torco") submitted a previous Preliminary Planned Unit Development ("PUD") Plan, which the City Council denied. We contend that the denial was improper.

Although reserving all rights and claims related to the previous Preliminary PUD Plan, Pedcor and Torco have submitted the present application to the City. Pedcor and Torco are pleased that the City Staff is recommending the present application. However, there are statements in the City Staff's Report ("Report") which apparently set forth the City's view of the denial of the previous Preliminary PUD Plan.

Pedcor and Torco respectfully disagree with the statements in the Report relating to the rationale for the City Council's June 3, 2008, denial of the Preliminary PUD Plan. Pedcor and Torco expressly reject any notion that such statements occurred, or if they did occur, represented a reasonable basis for the City's denial.

Pedcor and Torco seek to clarify some of the misstatements – found in the fourth paragraph under the Background heading of the Report. The Report states that "an updated traffic study was requested," despite the existence of an updated traffic study at the time of the June 3, 2008, hearing. Further, the Report states that the City Council commented on the "scale, design, character and standard of quality" of the proposed development but fails to include that the City Council had no specific objection and no specified standards in place to measure these qualities.

**GREGORY C. SCAGLIONE**  
DIRECT, 402.343.3721  
GREG.SCAGLIONE@KOLEYJESSEN.COM

La Vista City Council  
May 21, 2009  
Page 2

Hopefully, the present application will be approved, thus, mooting the dispute related to the previous Preliminary PUD Plan. Thank you.

Very truly yours,



Gregory Q. Scaglione

GCS/cm

cc: Scott Butler, Pedcor Investments, A Limited Liability Company.  
Jerry Torczon, Torco Development, Inc.  
Larry Jobeun, Fullenkamp, Doyle & Jobeun  
Jerry Friedrichsen, Fitzgerald, Schorr, Barmettler & Brennan, P.C., L.L.O.  
Brian J. Koenig

**Brenda Gunn**

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**From:** Mary Alex  
**Sent:** Friday, May 22, 2009 4:41 PM  
**To:** Brenda Gunn  
**Subject:** FW: When does lot 380 go to City Council?

To the members of the City Council,

Below is an email I received from Marcus Baker this morning.

I spoke to our attorney this morning and she has also spoken to Marcus, we have been given the impression that City Administration and the City Council is pushing to hear this PUD on June 2, 2009.

It is clearly noted here on your city web site what the planning schedule is. It says the meeting will be held on June 16.

<http://www.ci.la-vista.ne.us/index.aspx?nid=340>

I strongly believe that the concerns of the neighbors are NOT being considered in any way shape or fashion. I have continuously voiced my dismay at the manner in which documents have been submitted by PedCor. Now, the city, not PedCor is giving us only 11 days which includes a holiday weekend to prepare ourselves for the city council. If you take into account the holiday, we are given 7 days.

From the beginning of this as far back as last year, it seems that every effort has been made to hinder public comment.

From telling us that rezoning was a "housekeeping measure" to not being notified that the development was going before planning commission because Cimarron Woods is a SID and not annexed by the City of La Vista (and occupied homes are not within 300 feet of the development)

While the letter of regulation for notification and meetings is being followed, when PedCor makes requests for accommodation they are met. I have repeatedly asked for the same degree of respect. I think it is unconstitutional that you can make decisions for the development of my neighborhood yet no one on the city council represents a SID and I don't even have a say in voting for or against members of the city council.

I am asking for the PUD to go before City Council as stated on the public web site AND in the documents submitted by PedCor. See Page 3 of the Building Design Criteria review submitted on April 15. This date which is in the public record is June 16, 2009 NOT June 2, 2009.

The neighbors I am working with have already voiced concerns to me that include, feelings of being betrayed by the city council, that we being sabotaged, railroaded, sandbagged. You get my point. We know that a member of city council has a family member who had lived in this neighborhood until the home was foreclosed on. That same city council member was seen in the neighborhood following last year's vote talking to some residents. The neighbors I am working with who are aware of this, point to it as evidence that the actions taken are deliberately outside the neighborhood's favor.

The people who live in Cimarron Woods have worked and do work very hard to afford these homes. This isn't an affluent neighborhood of hand-me-down homes or money. Our full-time jobs and responsible financial planning are what enables the livelihood that permits us to live in this community. Groups "fighting City Hall" is every day business for the City Planner and it is every day business for PedCor.

This is something we are doing when we get home from work, or we are taking a lot of time from our personal

jobs to address this development.

We know that PedCor is in the business of doing business as is the City. But, this is something our neighbors take very personally and are reacting to from a personal perspective.

There were 8 items placed as stipulations to final PUD approval from the Planning Commission at last night's meeting. I would submit, and with the help of our attorney, plan to submit that there are a number of other items that have yet to be addressed in the development plan and should be included before final approval. I would also argue that these items have the potential to lead to significant changes to the plan resulting in them going back to the Planning Commission as another PUD requiring rehearing anyway.

However, at this point, I am aware that one of those 8 items includes obtaining something called a 404 permit and that it takes a minimum of 6 months to obtain this permit. If that is indeed the case, and the City Council is pushing to get this on the June 2 agenda versus the June 16 agenda, won't you be lacking substantial information before you can make a truly informed decision?

Why not delay your vote until evidence of the completion of these 8 requirements have been met and ample notice has been given to ALL residents of Cimarron Woods and Southwinds? It seems like the fair thing to do. At a minimum, you should hold the hearing as scheduled on the city web site, which is June 16.

Thank you,  
Eileen Williamson

\*\*\*\*\*

Eileen Williamson  
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**From:** Marcus Baker [mailto:[mbaker@cityoflavista.org](mailto:mbaker@cityoflavista.org)]  
**Sent:** Friday, May 22, 2009 10:16 AM  
**To:** Eileen.Williamson  
**Subject:** RE: When does lot 380 go to City Council?

Eileen,

The City Council's public hearing for Cimarron Terrace is set for June 2<sup>nd</sup>. I am not sure what planning documents said otherwise, but I apologize for any confusion with the dates.

J. Marcus Baker, AICP  
Planner, City of La Vista  
Department of Community Development  
8116 Park View Blvd  
La Vista, NE 68128  
(402) 331-4343

**From:** Eileen.Williamson [mailto:[Eileen.Williamson@kiewit.com](mailto:Eileen.Williamson@kiewit.com)]  
**Sent:** Friday, May 22, 2009 9:39 AM  
**To:** Marcus Baker  
**Subject:** When does lot 380 go to CIty Council?

The planning documents say June 16, at the meeting last night, you said June 2.

Which is it?



\*\*\*\*\*  
Eileen Williamson  
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\*\*\*\*\*

**CITY OF LA VISTA**  
**PLANNING COMMISSION MINUTES**  
**MAY 21, 2009**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, May 21, 2009, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Also in attendance was Marcus Baker, City Planner, John Kottmann, City Engineer and Ann Birch, Community Development Director.

Legal notice of the public meeting and hearing was posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission and a copy of the acknowledgement of the receipt of notice is attached to the minutes. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

Citizens may address the Planning Commission about items not on the agenda on the comments from the floor. Comments should be limited to five minutes. We ask for your cooperation in order to provide and organize the meeting.

**1. Call to Order**

The meeting was called to order by Chairman Krzywicki at 7:00 p.m. Copies of the agenda and staff report were made available to the public.

Citizens may address the Planning Commission about items not on the agenda on the comments from the floor. Comments should be limited to five minutes. We ask for your cooperation in order to provide and organize the meeting.

**2. Approval of Meeting Minutes – April 17, 2009**

Hewitt motioned to approve the minutes of April 17, 2009. Alexander seconded the motion. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Gahan and alternate, Nielsen. Nays: None. Abstain: Circo, Alexander and Horihan. Motion carried.

**3. Old Business**

None.

**4. New Business**

Krzywicki asked if everyone had a chance to read the letter from Ann Birch about the open meeting, regarding fairness in a public hearing and if anyone had any item to discuss before going further.

**A. Public Hearing for a Conditional Use Permit to allow outdoor storage**  
**For Waldinger Corporation on Lot 4 of Papio Valley 2 Business Park in the NE ¼ of Section 19, Township 14N, Range 12W.**

i. Staff Report: The applicant requests outdoor storage of materials to be used in the production of finished goods and for storage of finished product prepared for shipping. Outdoor storage shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles).

Planning Staff finds that the application can satisfy the standards set forth in Sec 6.05 of the Zoning Ordinance and therefore recommends approval of the Waldinger Corporation's Conditional Use Permit with the following conditions:

1. A security fence shall be constructed around the graveled surface to reduce the chance of gravel dust going airborne due to vehicles driving or parking on the graveled area.
2. Visual screening of the outdoor storage area shall meet the requirements of Sec 7.17.04 of the Zoning Ordinance.
3. All landscaping requirements in Sec 7.17.03 shall be satisfied.

Malmquist asked the size of the storage area. A square footage was not disclosed by the applicant but has shown on the plan.

ii. Public Hearing: Malmquist motioned to open public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Public hearing opened at 7:15 p.m.

Blaine Wilcox, Waldinger Association, presented to say the size of the storage area is just over one acre. He states they tried to go to great lengths to address the landscaping requirements. There is also a concrete curb (6"-8" high) at the edge of their paving which will eliminate traffic going through. They do question the need for fencing and feel it would be more attractive without a fence, but are willing to include a fence if security dictates.

Gahan inquired if going onto the gravel area requires a forklift. Wilcox said yes, it would be a staging area of raw material, for a couple of weeks, until they are shipped out to project sites. Fabricated product would be stored there for a period of days until it is loaded and shipped to job sites. It is not vehicle storage, not a bone yard, it would be used for raw material and finished product in and out.

Circo asked if there would be any semi (truck) traffic. Wilcox said there will not be semi truck traffic. There is no intent for any vehicle traffic.

Circo asked if there were any type of fence around the property. Wilcox said none at all. The plan is to provide a natural-scape.

Krzywicki asked if the product is manufactured or waiting shipment, or awaiting manufacture. Wilcox said both raw and manufactured product.

Malmquist asked about the one curb cut. Wilcox said his plan is to have it 30-35 ft wide to get fork traffic in and out.

Circo asked about the average weight of a piece that would be stored in the area. Wilcox answered about 2-3 hundred pounds, some 2-3 thousand pounds.

Circo motioned to close the public hearing. Andsager seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Public hearing closed at 7:22 p.m.

Circo asked if there was a question as to whether staff was requiring a fence to be constructed. Baker said staff was looking for some way that would deter cars from driving over the gravel and kicking up dust and dirt. If the commission thinks the curb is enough, conditions of approval could be changed.

Malmquist voiced concerned about the way a fence would look and felt landscaping or berming would be more attractive. A fence may not lead to dust abatement.

Hewitt wondered if conditional use item #1 could be changed to read, "a security fence or landscape screening" to allow an additional option.

Circo felt a security fence would not stop the dust issue. Baker said the fence was suggested to keep vehicle traffic from crossing the area or parking on the gravel.

Krzywicki pointed out that the documents suggested that a gravel surface provided the benefit of the water to infiltrate the ground instead of running off into streams, creeks, etc..

Hewitt suggested that conditional use item #1 be altered to read, "a barrier and/or landscape screening shall be constructed around the gravel surface to reduce the chance of gravel/dust going airborne due to unnecessary driving" may address the concerns.

iii. Recommendation: Hewitt motioned to recommend approval of the Conditional Use Permit with conditions # 2 and 3 as is and set forth in the planning staff recommendation with the exception of item #1 to read: "a barrier and/or landscape screening shall be constructed around the gravel surface to reduce the chance of gravel dust going airborne due to unnecessary driving or parking on the gravel area." Malmquist seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, and Gahan. Nays: None.

Tentatively scheduled for City Council agenda of June 16, 2009.

**B.** Public Hearing for Cimarron Terrace Preliminary Planned Unit Development (PUD) and Preliminary Plat located at Lot 380, Cimarron Woods Subdivision in the NE ¼ of Section 16, Township 14N, Range 12W, City of La Vista, Sarpy County, NE.

i. Staff Report: Applicant, Pedcor Investments, LLC has submitted a proposal for subdivision of Lot 380, Cimarron Woods into two (2) lots for phased development of apartment buildings as a Planned Unit Development (PUD). The 25.938 acre property is owned by Torco Development, Inc. The area is currently zoned as R-3, High Density Residential.

Several phone calls have been received by the Planning Staff regarding this application from concerned neighbors. Primarily, comments have focused on traffic concerns and the quality of the proposed development.

Planning staff recommends 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. The traffic signal and all additional improvements recommended by the updated traffic study shall be installed before final building occupancies are allowed in Phase I.
3. A 10-foot wide trail shall be installed in Phase II of the development, as per Exhibit E-1 of the Cimarron Woods Subdivision Agreement. An opening or gate needs to be provided in the fence to access the pedestrian trail on the Westside of the property. Preferably, the gate should be at a convenient and accessible location to apartment buildings 7 and 14.
4. Revisions requested by the City Engineer, in his letter dated April 30, 2009, shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
5. Revisions and additional information requested by the City's Design Review Architect shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
6. Other revisions stated in this report shall be addressed prior to Final PUD Plan and conditional Use Permit submittal.

Planner Baker welcomed Commissioners' questions before proceeding into public hearing.

Hewitt asked about the access from 99<sup>th</sup> Street which reads that there are two access points, however, it appears that there is an island that follows 99<sup>th</sup> up to the round-about and would look like a piece would need to be cut from that median.

Kottmann clarified that there is one full access and one right-in, right-out.

Gahan asked if the traffic signal on Harrison Street would have turn signals for those going westbound.

Kottmann said there would be left turn arrows, left turn phases and signals eastbound and westbound on Harrison with left turn phases.

Gahan asked if it were possible to enter the main entrance and go all the way through the complex and come back around and leave, Baker affirmed that would be correct.

- ii. Public Hearing: Circo motioned to open public hearing. Hewitt seconded.

Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Nays: None. Public hearing opened at 7:35 p.m.

Larry Jobeun, appeared on behalf of the applicant, Pedcor Investments LLC, accompanied by Mike Smith and Mark Westergard of E & A Consulting Group.

Jobeun gave a slide presentation on the Pedcor Investment LLC, explaining that they are a suburban fringe developer with projects in Indiana, Tennessee, and Nebraska.

The project under consideration tonight is currently zoned R-3, PUD-1 with a Gateway Corridor Overlay District. This declares that the land use has already been decided as a multi-family residential site. The zoning code allows for 19.36 units per acre.

In 2008, Pedcor applied to construct 354 multi-family units in two phases that had a total density of approximately 13.6 units per acre. The proposal tonight is to construct 276 multi-family units, in fourteen buildings, in three phases with a total of 168 garages. The total density of the overall development is 10.64 units per acre, well under the 19.36 units allowed in this R-3 zoning.

There is an abundance of green space and landscaping and the existing treed areas will be preserved to the highest extent possible. There are on-site detention ponds, storm water management plans in place and the traffic signal at 99<sup>th</sup> and Harrison Streets will be installed with the first phase of the proposed development and will have access to the trail system. A perimeter fencing will run approximately from the round-a-bout to the upper south of the property constructed of black steel consistent with that approved by the residents of adjacent Cimarron Woods.

The club house is 3,317 square feet; professionally staffed and includes an entertainment room, full service kitchen, tables, chairs, swimming pool and playground.

Parking is sufficient in that there are 590 parking spaces for the 540 unit project.

The proposed project plans by phase:

Phase One: 9.887 acres, 84 multi-family units in 5 buildings and 64 garages. Density. 8.5 units per acre. Composition will be: 24 one bedroom units, 36 two bedroom units and 24 three bedroom units.

Phase Two: 16.05 acres, 192 multi-family units with density of 11.96 units per acre.

Jobeun continued saying the proposal is a well designed, attractive project that preserves a substantial amount of green space, is low density, heavily landscaped, and is consistent with the zoning and as previously subdivided. The conditions of staff are acceptable and feel that all outstanding issues will be appropriately addressed in the final PUD.

Horihan asked about the volume of the BMPA in the post construction water quality exhibit, areas A and B, and the square footage. She wondered which detention basins would be built, she doesn't see the run-off going into the BMPA in Phase I.

Westergard said it has to yet be determined which of the BMPs (Best Management Practices) would be built. The entire site will probably be graded at one time, so all three of the BMPs, if required, would be constructed. The drainage would be immediately constructed in Phase One of the project and would meet the criteria of the City.

Horihan asked if that takes into account the new crossing in between Phase One and Two. Westergard said that does take into account both of the culvert crossings. Phase one is a 24 inch culvert and Phase Two has been downsized to limit the discharge from a 6" x 6" box to a 36 inch culvert.

Horihan asked on the overall site if there was 30% open space. Birch responded that some of the PUD ordinances require 25% open space. This amount can be established by the PUD.

Nielsen asked why vinyl siding was chosen for the project. Jobeun explained this was in compliance with the architectural review by the city and it is a long lasting building material.

Kramolisch asked about the maintenance landscape. Jobeun said Pedcor Investments LLC would continue to maintain the property.

Krzywicki stated there is a lot of water that flows through the property, down towards the south of the entire development that pools into a marsh area and asked what would become of the detention ponds if there is no water running through. Jobeun said these are normally dry detention ponds, the storm water management ponds would be wet after a storm and would be released over a 48-hour period. The primary detention, in the middle, would be controlled by the 36 inch outlet pipe to the south, and 24 in on the north.

Krzywicki asked how these detention ponds ensure that the neighbors will not have water in their homes. Jobeun said the complex would ensure that the historical storm is not made any more severe by this development.

City Engineer, Kottmann added that a great deal of time had been spent on the drainage on this project. All studies have been consistent. The drainage system in Cimarron Woods originally had been designed in anticipation of apartments being constructed on this property. With regard to the apartment site, which is approximately 8% of the total drainage area down to a particular group of homes, a request has been made that there is no increase in peak run-off from 2 through 100 year storm events, which is in excess of the subdivision requirements; and is in excess of the original design criteria for the subdivision, but there is adequate green space on the site and there has been a recent adoption of storm water quality regulations. This apartment complex should not be contributing to whatever problems are or are not occurring downstream.

Jennifer Taylor, appeared on behalf of some of the neighbors in Cimarron Woods to present their concerns and comments. Some of those comments have already been addressed tonight.

It was pointed out that the group she represents is not opposed to apartments and understand this piece of land was always to be apartments. Also, the neighbors do not oppose a tenant mix. They desire to ensure that this particular development adheres to all of the R-3 and gateway corridor requirements to include maximum pervious coverage percentages, drainage and flooding issues, and set back and building design requirements.

Taylor generally states that the goals set forth in the code of the gateway corridor provisions intend to ensure a continuity of character between the neighborhood and the proposed development and to enforce certain guidelines so that the proposed development fits in with the entire neighborhood. These neighbors want to make sure when you drive into the entrance on 99<sup>th</sup> Street that what you see in that development reflects the same character, nature, design and feel that the Cimarron Woods single family home development has.

Taylor confirmed that Phase One needs to be a stand alone development, in case Phase Two does not get built. Taylor stated the maximum pervious coverage ratio is actually 48.72% for Phase One, as submitted. The maximum pervious coverage rate allowed in R-3 is 40%; therefore, the coverage rate in the Phase One development exceeds impervious coverage by nearly 10%. The site as a whole is about 41.5% because Phase Two is less than the maximum coverage.

Birch pointed out that the City has maximum building coverage, but not maximum impervious coverage. Building coverage is listed as 40% which includes buildings, not pavement. Therefore, proposed impervious coverage is acceptable.

Taylor continued to say that this is a concern of the neighbors that there is so much building and pavement coverage on Phase One. She felt in speaking with Mr. Westergard that the issue of detention ponds and drainage issues on Phase One has been addressed, although she feels it is not clear as to which ones will be included in Phase One.

The neighbors, Taylor says, are concerned with tree removal. Pedcor acknowledges that they intend to keep all of the trees in the center and part of the drainage plan. The staff report indicates that some of the trees and vegetation would be conserved but that fill material for building sites and parking would cause many trees to be removed, and installation of the proposed storm water detention areas would likely cause existing trees to be removed. Thus, there seems to be a disconnect between the staff's view and Pedcor on how the trees will be dealt with. If some of the trees are lost are there plans to replace those?

The Gateway Corridor District requires certain criteria for appearance, Taylor states. The city's architect has reviewed and had input into the plans of this development, the neighbors had a certain idea into what these buildings would look like. For example, the district requires that the height and scale of each building shall be compatible with its site and existing buildings; that monotony design in a single or multiple building project shall be avoided; that natural and topographic patterns are preserved; and, that the primary building material of all portions of structures be brick, clay, stucco, glass, wood, masonry, etc. and the neighbors were looking for these buildings to reflect something that resembles the style and character of existing single family homes.

Taylor points out that Mr. Kottmann has indicated that the water and wetland study needs to be updated from the existing one of 1999. She feels this leaves some questions open as to how this is going, how this development will actually be affected by any sort of Army Corp of Engineer permits or any wetland or waterway study.

Taylor closes with a few suggestions that if Phase One is to function as a stand alone development, the neighbors would like to see a drainage study that addresses just Phase One. There are additional design plans in consideration that are of concern. She feels that the proposed development may, or may not, meet the necessary requirements, but that there seems to be a lot of information that was to be provided, or will be provided, or will be reviewed between now and the final PUD and they would ask that the Commission take this as a point that Pedcor answer all of those questions, put forth all of that information, and bring everything together before the preliminary PUD proceeds to City Council.

Tom Ecker, Cimarron Woods resident, passed out pictures of flooding that occurred in his yard in the past. He indicated there are flooding issues which have not been addressed and adding apartments that have a vast amount of parking lot poses a concern. He feels the culvert beneath the railroad tracks is not sufficient to drain all the water it would need to with the proposed development.

Eileen Williamson, Cimarron Woods resident, re-iterated that items she discussed in a previous Planning Commission regarding timeliness of information to be under consideration on this proposed development is lacking and the neighborhood should be given the respect of time to review these materials themselves. She, too, has flooding which comes out of the creek bed through a 60 inch culvert and the same engineer that said that would not cause flooding is saying this proposed development will not cause flooding.

Williamson asked the developer about tornado safety and was surprised that there is no requirement from the City of La Vista for tornado shelters to be included in the development of an apartment complex.

Williamson argued that within the Gateway Corridor requirements is a setback requirement of 30 feet from the road, but it should be harmonious with neighboring development. Immediately across 99<sup>th</sup> Street are villas which are 75 feet back from the street because there is a planned outlot. So, driving down Harrison Street there is 75 feet, at 99<sup>th</sup> Street you have 30 feet at the proposed development, so there is no harmony. Regarding buffers and landscaping, the 10 foot trail which extends up to the round-a-bout is nice, but requirement E-1 in the subdivision agreement requires that a minimum of 3 feet is necessary between the sidewalk and the avenue, but the proposed trail abuts someone's property line along with a see through fence. People living in lots 301-309 in the villas decide they want one of two fences, you could have a house, a backyard, a white or black fence, a 10 foot sidewalk and another fence. There is no room for landscaping. She asks that a Planning Commission vote be delayed until the neighborhood can review newer submittals to the proposed development.

Jobeun responds that impervious coverage, drainage requirements and any other applicable site regulator has been comply with. As far as the setbacks, the PUD does say 25 feet. These items have been reviewed by the city staff, engineer, and architect and were found to be in compliance and therefore the favorable recommendation report to the commission.

Jobeun feels there has been a lot of effort by Pedcor to make this property consistent by material choices, architectural design and compatibility and a first class development. Pedcor cannot change anything themselves without coming back to the Planning Commission and City Council for further review. There is no intention to cut down any trees, and he is not aware of any tree mitigation requirements with the city.

He asks that the preliminary PUD be forwarded to City Council and they would continue to work with the city and staff towards a first class project.

Westergard said the preliminary submittal made was complete to the extent that staff would recommend approval with conditions. Pedcor chose to submit things that were really not required, until the final plat, just to give a level of comfort that it could be done. So, items that appear to be submitted late were actually items that show, at a final stage conditions would be met.

Westergard says the outline of the trees is the drip line. The intent is to save everything inside of that except for the two street crossings that they have. The post-construction storm water detention basins are outside of the drip line, but again the intent is to save everything with the exception of the two street crossing areas.

Tom Ecker, Cimarron Woods resident, indicates that there is still flooding despite the efforts that have been tried by E&A Consulting. The water issue is one of his biggest concerns.

Hewitt clarified with Williamson that a four page document had been signed by Williamson, but that there are two pages that were added that did not have any signature and wondered if they belong to her as well. Williamson identified the pages as belonging to her.

Taylor returned with additional comments that the primary concern is drainage. Although Mr. Westergard indicates that there will be no increase in drainage problems there are substantial problems now and one can see how it is that the neighbors might be concerned about so much additional development and how that basin would drain. She appreciates what Pedcor has done, but would propose that anyone that could put 502 units on a piece of ground while adhering to the Gateway Corridor regulations, setbacks and all the other zoning requirements it would be very difficult to put that number on this particular piece of ground. This is a unique parcel that has substantial limitations based on location, setbacks, trees and the creek bed that would make that number difficult.

Horihan asked about the wetlands study, specifically about wetland mitigation if needed. Westergard responded that the preliminary indications show that there was little or no change. They do not expect to have any mitigation required by compromising any wetlands above the 10<sup>th</sup> of an acre to do their street crossings, which would be in the allowable limits.

Horihan also asked if a Section 404 permit would be needed from the Army Corps of Engineers. Westergard affirmed both crossings would require a permit.

Malmquist motioned to close the public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, and Gahan. Nays: None. Public hearing closed at 8:30 p.m.

Baker clarified that the deadlines are set for Planning Commission applications. As long as a complete application has been received by the deadline, then the city can move forward with the review process. However, revisions and corrections are requested by Staff and new material can be presented to staff and to the commission up until the meeting night itself. If the Planning Commission ever feels like they do not have enough information to make a recommendation, they can choose to continue the public hearing to give staff more time if needed.

Hewitt asked Kottmann about the first entrance and how you cannot get to it from Harrison Street because of the median and what kind of traffic study would be needed. Kottmann answered that the proximity of it to Harrison Street is too close for that to function during peak hours.

iii. Recommendation: Malmquist moved to recommend to City Council approval of the Preliminary Planned Unit Development with the conditions stated in the staff report and add a condition #7 stating a preliminary assessment of the potential waterway wetland issues will need to be performed by a qualified environmental consultant before Final PUD approval and all applicable Army Corps of Engineer's permits shall be completed before the Final PUD approval.

Kottmann suggested that relative to the testimony heard about drainage and the applicants engineer, it may be appropriate to add another condition that approval would be subject to no net increase in peak run-off for storm events 2-year through 100-year frequency and to provide a detailed phasing of the storm water detention. Malmquist agreed to include this statement in her motion. Gahan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Alexander, and Gahan. Nays: Hewitt, Horihan and Circo. Motion passed on a 6 to 3 vote.

Item is tentatively scheduled for City Council's agenda of June 2, 2009.

**C. Public Hearing for Harrison Heights Preliminary Planned Unit Development (PUD), Preliminary Plat, Comprehensive Plan amendment to the Future Land Use Map, and Re-zoning request for property located at Lots 13 and 14 of Crestview Heights Subdivision in the NE 1/4 of Section 14, Township 14N, Range 12W.**

i. Staff Report. The Empire Group, LLC, applicant and property owner, proposes to subdivide Lots 13 & 14 in Crestview Heights into five (5) lots for the development of elderly/retirement housing, an assisted living facility, and three commercial uses as a Planned Unit Development (PUD). The lots are 12 acres in size and are currently zoned TA, Transitional Agriculture.

The proposal includes 112 senior living apartment units with 55 garages and 48 assisted-living units with no garages. Three commercial buildings are proposed that would total 20,500 square feet of flex commercial space. The site is currently being graded for building pads.

City Engineer recommends the following:

1. A traffic impact study was prepared and submitted that complied with the scope set forth in our initial review letter. The services of Felsburg, Holt & Ullevig were utilized to review this impact study. It has been determined that the Level of Service will be satisfactory given the current proposal.
2. There is an existing break in the controlled access along Harrison Street at roughly the center of the project area. The proposed development plan will require relocating this break to the west. Cross easements will be needed to allow for sharing of accesses and a development agreement will be needed to provide for shared maintenance of the accesses and any other shared improvements.
3. The proposed commercial buildings have a combined 20,500 gross square feet. This would require 103 parking stalls and the plan shows 109 stalls. The final PUD plan will need to address ADA parking stalls. The proposed senior independent living apartments are proposed to be two-thirds 2 bedroom and one-third 1 bedroom units. The parking regulators would require one stall for each bedroom. For a total of 112 units this would require 187 stalls. However, the applicant has indicated that since these are senior apartments, the second bedroom is most often used for hobbies, storage, or occasional guests. Therefore, they indicate the required parking is 118 stalls rather than 187. They are proposing 157 spaces between garage and open parking stalls. I find this to be satisfactory based on the apartments being used for senior housing. The assisted living facility is proposed to have 48 units. The parking regulators would require 1 stall per unit plus space per employee on the largest shift. The plan for Lot 4 proposes 76 stalls and indicates that 52 are required implying a staff of 4 persons. There appears to be a generous amount of parking and some of the

long continuous rows of parking should receive some landscaped islands to improve appearance and reduce impervious coverage which appears unnecessary.

Several phone calls have been received by the Planning Staff regarding this application from concerned neighbors. No written letters have been received. Concerns appeared to be alleviated when neighbors understood the development proposal was for elderly and retirement housing.

Approval of the Comprehensive Plan Amendment to change the Future Land Use Map designation for proposed Lots 4 & 5 in Harrison Heights Subdivision from "Public" to "High Density Residential" and for proposed Lots 1-3 in Harrison Heights Subdivision from "Public" to "Commercial."

Approval of Rezoning proposed Lots 4 & 5 in Harrison Heights Subdivision from TA, Transitional Agriculture to R-3 PUD-1, High Density Residential and rezoning proposed Lots 1-3 of Harrison Heights Subdivision from TA, Transitional Agriculture to C-2 PUD-1, General Commercial.

Approval of the Preliminary PUD Plan / Preliminary Plat of Harrison Heights Subdivision with the following conditions:

1. A variance needs to be granted to Section 5.15.04.13 by the Board of Adjustment to allow for residential access onto an arterial street. This variance is required prior to Planning Commission's review of the Final PUD Plan and Final Plat.
2. City Staff will need to review the phasing of this development during the Final PUD review period. The applicant shall submit the phased development plan with the Final PUD and Conditional Use Permit.
3. The draft text of the PUD plan needs modifications to limit the uses of Lots 4 & 5 to elderly / retirement housing and assisted living facilities.
4. Revisions requested by the City Engineer, in his letter dated May 4, 2009, shall be incorporated into the Final PUD Plan, Final Plat and Conditional Use Permit submittal.
5. Other revisions stated in this report shall be addressed prior to Final PUD Plan, Final Plat and Conditional Use Permit submittal.
6. Commercial development shall meet the design standards set forth in the City of La Vista's Commercial Building Design Guidelines.

ii. Public Hearing: Malmquist motioned to open public hearing. Alexander seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Public hearing opened at \_\_\_\_\_ p.m.

Morgan Sykes, with E & A Consulting Group, representing the applicant Empire Group, LLC. Mr. Sykes apologizes for an error in the application that identified this as assisted living, which it is not. Lots 4 and 5 are both independent senior living. Lot 4, however, is a three-story market rate senior living restricted to an age restricted of 65 years or greater in these one- and two-bedroom apartments. Lot 5 is independent senior living that is age and income restricted attended to provide apartments to those living on limited incomes. An occupant would need to be over 62 years of age in the single bedroom unit and gross income would not exceed \$25,000 annually; the two bedroom unit would require gross income of not more than \$30,000 annually.

The applicants on Lot 4 and 5 propose to start construction in late fall of 2009 with completion in late 2010 or early 2011. Lot 1 would have a commercial building constructed initially and buildings 2 and 3 on that lot would be constructed only after tenants were found.

Hewitt asked if the commercial buildings are to support the independent living apartments. Sykes said they were intended to be general commercial for the area, so they are looking for more of a service oriented tenant, potentially office space. This type of housing will attract a certain type of commercial tenant.

Krzywicki asked if they had looked at the shopping center across the street and saw the vacancies there and wonder what is the viability of having tenants there. Sykes stated, the developer feels confident that tenants can be found for this space.

Krzywicki wondered about the one building setting so far back on the lot. Sykes said there had been potential interest about that being a daycare which has considerable green space requirements.

Krzywicki asked if the Crestview Heights Apartments east of this project property were restricted income. It was suggested those apartments may be income restricted, but not age restricted.

Krzywicki asked what the general market in the area for both age restricted and income restricted apartments. Sykes did not have that information available. The developers had a study done and it was felt this was a very good location, especially since there is not any age restricted independent living in La Vista, or Sarpy County.

Jim Saunders, local resident, questioned the assisted living reference in the staff report and the letters they had received. He points out that on page six of the staff report it is stated that the city supports the use of lots 13 and 14 for elderly housing and assisted living, but nowhere does it say about restricted income living, that the city supports it because of *assisted* living. He felt a lot of people didn't know it was going to be income restricted over 62 years of age and they thought it was assisted living. His question was does the city still support this as much, now that the city knows it is not assisted living. Saunders felt this would be affordable, restricted living housing, but it is still low income housing. He moved into the area because it was a single family area with a farm field next to it, not high density, not senior living, or anything. They were told there was a reservoir under the ground and no one would ever build anything there. Now they find there are apartments being built on it.

Baker explained that he himself was under the impression originally that one building was to be assisted living and one independent living facility and felt the two worked well to accommodate the senior housing. Baker felt the city should plan for the aging population of the city and try to accommodate those life long residents who wish to stay in the city.

Saunders asked if the Planning Commission was going to vote tonight on this. Krzywicki said they could have motions to vote on the three separate items on the agenda. Hewitt said the commissioners make recommendations to City Council and it is Council that would make the final approval.

Quinn Abraham, local resident, had concerns because he is close to the commercial area and they would be planting a minimum of trees. He would like to see something more substantial as a buffer to the proposed buildings. Another concern was the entrance from Emiline. He felt it would be nicer if that entrance could be moved closer to Harrison Street, but realizes that may be a traffic issue. As far as assisted living goes, his concern would be the garages. They seem awfully close to his property cutting into that hill. Also, the dumpster would be located there and would not be very appealing. He also does not like the fact that the apartments are three story and vinyl sided. He would like to see more brick or something nicer in that area. He was concerned about traffic as well.

Krzywicki asked the applicant about the exterior of the finish. Sykes said the rendering reflects what they are currently building in Omaha.

Terrie Saunders, local resident, who was also looking forward to an assisted living facility in the area so that she could 'move across the street in a few years'. Her question is to the density of low income housing in that neighborhood. She assumes that all of the low income/subsidized within the City of La Vista is going to be located in that 2 or 3 block square at 74<sup>th</sup> and Harrison. Since the developer is from Idaho we then have an absentee landlord as well.

Krzywicki asked about the age and income restrictions and how the age restriction would be enforced after a unit has been rented. Sykes said that site will have an on-site manager. The program is a tax credit and the tax credit is sold to fund the project and the project is audited a couple of times a year

to make sure all the tenants meet the requirements of age and income. Sykes also added that this age group are not those who are all getting up and going to work at the same time every day. So, typically the peaks that you have in other apartment living is offset.

Terrie Saunders returned to state that there is a considerable difference between low income and assisted living in terms of the facility and the type of the tenants. She wasn't concerned so much about the residents of the low-income facility as they are about their children and grand-children. You are going to have these visits in the independent facility. It is urged that you take a look at this.

Baker said the city tries to avoid discussions as to what income is living there or what age restriction, but there is a difference between assisted living and multi-family dwelling.

Vic Pelster, the developer for the property, takes the bulk of the

**MARCUS, SHARON D. STOPPED HERE DOING THESE MINUTES ON 5/28/2006**

Malmquist motioned to close the public hearing. Horihan seconded. After some discussion, Horihan moved to open hearing again. Hewitt seconded the re-opening. Horihan moved to continue the hearing. Kramolisch seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Nays: None. Public hearing closed at \_\_\_\_\_ p.m.

**D. Public Hearing for revising Section 2.02.155, Section 2.02.156, and Section 7.10, all relating to Home Occupations**

i. Staff Report: Home occupations have become increasingly popular as technology enables more and more people to work from computers and mobile devices in remote locations. Planning staff believes the zoning code needs to be modernized to reflect these advances in technology and provide an effective and efficient planning process to accommodate the trend.

In summary, the revisions seek to clarify the definition of "Home Occupation" and enhance existing code requirements related to home occupations and licensing. For example, Home Occupation II (Minor) permits would no longer require a resident to gather signatures of approval from neighbors within 200 feet. Also, the lists of uses defining specific home occupations have been replaced with generic performance standards or categories. According to the Home Based Business Council, over 200 potential home occupations have been identified. It is not possible to list them all in the code. Therefore, instead of regulating based on the type of business, the City could instead regulate based on necessary parking, number of employees, and other mitigating factors.

Staff recommends approval of the proposed revisions with any added changes, if applicable.

ii. Public Hearing: Public hearing was continued from May 21, 2009 Planning Commission.

//////////

Alexander motioned to close the public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Public hearing closed at \_\_\_\_\_ p.m.

iii. Recommendation: Circo moved to recommend approval of the proposed revisions with any added changes. Horihan seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None.

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission**

Mike Circo was nominated and elected for the position of Vice Chairperson, vacated by Marv Carcich.

**7. Adjournment**

Gahan motioned to adjourn. Circo seconded. Ayes: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Alexander, Horihan, Circo, Gahan and alternate, Nielsen. Nays: None. Motioned carried. Nays: None. Meeting was adjourned at 10:30 p.m.

Reviewed by Planning Commission:

Recorder

Planning Commission Chair

Approval Date





## LANDSCAPE

1. Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
2. All plant material shall be of good quality and sizes shall meet required size specifications. Owner reserves the right to substitute plant material type, size and/or quantity.
3. All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
4. All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (two years) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
5. Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., not ball and drop in lot conflict). All adjustments must be approved by the landscape architect.
6. The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
7. Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth. Mulch ring to extend 1'0" minimum beyond planting pt.
8. All trees are to be staked for a period of not less than one year from time of planting.
9. All landscaped areas to be irrigated with an automatic irrigation system, including all turf, irrigation beds, and stamped steel planters.

**TREE PLANTING DETAIL - B & B TREE**

MINIMUM 4 INCHES OF SHREDDED WOOD  
MULCH. MAINTAIN THE MULCH TO BE  
WEED FREE FOR A MINIMUM OF 2 YEARS.

TOP OF ROOT BALL SHALL BE SLIGHTLY  
HIGHER THAN THE SURROUNDING  
FINISH GRADE.

A cross-section diagram of a soil profile. The top layer is a thin, light-colored layer with vertical columns of plants, likely grass, growing in it. Below this is a thicker, darker layer with a diagonal hatching pattern, representing a different soil type or depth. The bottom layer is a light-colored, textured layer representing the bedrock or parent material.

WATER THOROUGHLY TO ELIMINATE

SOIL MIXTURE  
4 PARTS BY VOLUME OF TOPSOIL MIXED WITH

ONE PART DECOMPOSED ORGANIC MATERIALS,  
FIRM SOIL AROUND ROOT BALL

**SHRUB & PERENNIAL PLANTING DETAIL**

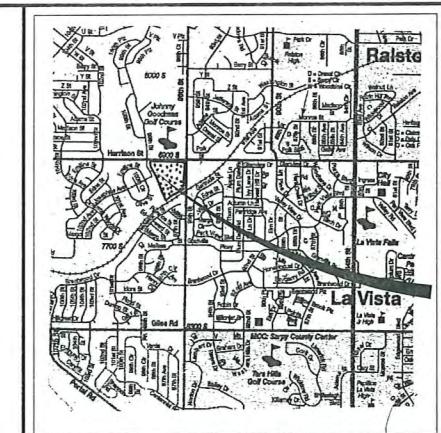
NOT TO SCALE

A circular registration stamp for a landscape architect. The outer ring contains the text "LANDSCAPE ARCHITECT" at the top and "STATE OF NEBRASKA" at the bottom. The center of the stamp contains the name "ROBERT EARL" and the registration number "12". Below the name is the date "JULY 1974".

PRELIMINARY PLANNED UNIT  
DEVELOPMENT LANDSCAPE PLAN

**CIMARRON WOODS REPLAT ONE**  
LAWNS, NEBRASKA

Date:	04/09/2009	No:	
Designed By:	REMV		
Drawn By:	MAT		
Checked By:			



## PROJECT SITE



CONSULTING GROUP, INC.  
ENGINEERS • PLANNERS • SURVEYORS  
17TH STREET, OMAHA, NE 68154

**CIMARRON WOODS REPLAT ONE**  
LAVISTA, NEBRASKA

### VICINITY MAP

LEGAL DESCRIPTION

LOT 380, CIMARRON WOODS, A SUBDIVISION LOCATED IN THE N1/2 OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

CONTAINING 25.937 ACRES, MORE OR LESS.

OWNER

ENGINEER  
E & A CONSULTING GROUP  
330 NORTH 117TH STREET

DEVELOPER

#### NOTES

1. EXISTING AND PROPOSED ZONING IS R-3 PUD-1.
2. EXISTING AND PROPOSED CONTOURS ARE SHOWN AT 2-FOOT INTERVALS AND ARE BASED ON USGS DATUM.
3. THERE SHALL BE NO DIRECT VEHICULAR ACCESS ONTO 96TH STREET OR HARRISON STREET FROM ANY LOTS ADJOINING SAID STREETS.
4. WATER SERVICE SHALL BE PROVIDED BY MUD. BLACKHILLS ENERGY SHALL PROVIDE GAS SERVICE.
5. ALL STORM SEWER SIZES ARE 15" UNLESS OTHERWISE NOTED.
6. DUMPTSTER LOCATIONS AND NUMBER SUBJECT TO REVIEW AND APPROVAL OF THE CITY OF LA VISTA.
7. THE DEVELOPERS PROPOSED METHOD FOR DETERMING RESIDENTS FROM ENTERING THE RAILROADS RIGHT OF WAY IS TO INSTALL A FENCE ALONG THE RIGHT OF WAY ADJOINING THE DEVELOPERS PROPERTY, THE TYPE AND SIZE HAVE YET TO BE DETERMINED.
8. THE PROPOSED CLUBHOUSE IS INTENDED FOR RESIDENT USE ONLY. SPECIFIC USES INCLUDE COMMUNITY ROOM, ENTERTAINMENT CENTER WITH TV, FULL KITCHEN, RESTROOMS, AND OFFICES.
9. A PERMANENT RECIPROCAL INGRESS AND EGRESS, PARKING AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 AND 2. THEIR GUESTS AND INVITTEES OVER ALL OF SAID LOTS 1 AND 2, EXCEPT THOSE PARTS OF SAID LOTS 1 AND 2 WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED.

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

#### EXISTING AND PROPOSED ZONING: R3 PLD 1

— 1200 — EXISTING CONTOURS  
— 1200 — PROPOSED CONTOURS  
— SS — PROPOSED SANITARY SEWER

REQUIRED SETBACK LINE

FRONT YARD SETBACK.....	25'
SIDE YARD SETBACK.....	10'
STREET SIDE YARD SETBACK.....	25'
REAR YARD SETBACK.....	10'

POST CONSTRUCTION STORM  
WATER MANAGEMENT AREA

PROJECT DENSITIES								
BUILDINGS (Q. FT.)	PAVING (SQ. FT.)	TOTAL IMPERVIOUS	AREA (AC) (SQ. FT.)	% IMPERVIOUS	PARKING PER CODE	REGULAR STALLS	GARAGE STALLS	TOTAL STALLS PROVIDED
58,529	151,290	209,819	9,887 430,678	48.72%	168	153	64	217
06,520	153,462	259,982	16,050 699,138	37.19%	372	270	104	374
65,049	304,752	469,801	25,937 1,129,816	41.58%	540	423	168	591

## UNIT DENSITIES

	BEDROOMS	NO. OF BEDROOMS	#UNITS	UNITS/ACRE
PHASE 1				
	1 BR	24	24	
	2 BR	72	36	
	3 BR	72	24	
	TOTAL	168	84	8.5
PHASE 2				
	1 BR	60	60	
	2 BR	168	84	
	3 BR	144	48	
	TOTAL	372	192	11.96
PHASE 1 & 2				
TOTAL		540	276	10.64

RECEIVED  
MAY 28 2009  
By \_\_\_\_\_

PRELIMINARY PLANNED UNIT DEVELOPMENT


**LANDSCAPE NOTES:**

- Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
- All plant material shall be of good quality and sizes shall meet required size specifications. Owner reserves the right to substitute plant material type, size and/or quantity.
- All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
- All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (two years) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
- Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop in lot conflict). All adjustments must be approved by the landscape architect.
- The landscape contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
- Provide locally available hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth. Mulch may extend 12'-0" minimum beyond planting pit.
- All trees are to be staked for a period of not less than one year from time of planting.
- All landscaped areas are to be irrigated with an automatic irrigation system, including all turf, planting beds, and adjacent street right-of-way.

**PHASE I  
PLANT SCHEDULE**

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
*	A 3	Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry	3'	B&B
*	B 7	Tilia x fauvescens 'Genleven'	Genleven Littleleaf Linden	3'	B&B
*	C 5	Quercus bicolor	Swamp White Oak	3'	B&B
*	D 15	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	3'	B&B
*	E 9	Amelanchier arborea	Downy Serviceberry (clump form)	3'	B&B
*	F 19	Malus 'Prairie Fire'	Prairie Fire Crabapple	3'	B&B
G	-	Pseudotsuga menziesii	Douglas Fir	6'	B&B
H	-	Picea abies	Norway Spruce	6'	B&B
I 160	Spiraea bumalda 'Anthony Waterer'	Anthony Waterer Spirea	2 Gal.	Cont.	
J 346	Juniperus horizontalis 'Plumosa'	Andorra Juniper	2 Gal.	Cont.	
K 327	Juniperus x media 'Old Gold'	Old Gold Juniper	2 Gal.	Cont.	
L 14	Acer ginnala	Amur Maple	3'	B&B	
M 16	Malus 'Red Jewel'	Red Jewel Crabapple	3'	B&B	

\* Plant Variety as per Section 5.17.06.02 Gateway Corridor District Overlay District.

**PHASE II - INTERIOR  
PLANT SCHEDULE**

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
*	A 13	Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry	3'	B&B
*	B 15	Tilia x fauvescens 'Genleven'	Genleven Littleleaf Linden	3'	B&B
*	C 17	Quercus bicolor	Swamp White Oak	3'	B&B
*	D 22	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	3'	B&B
*	E 17	Amelanchier arborea	Downy Serviceberry (clump form)	3'	B&B
*	F 22	Malus 'Prairie Fire'	Prairie Fire Crabapple	3'	B&B
*	G 30	Pseudotsuga menziesii	Douglas Fir	6'	B&B
*	H 24	Picea abies	Norway Spruce	6'	B&B
I 287	Spiraea bumalda 'Anthony Waterer'	Anthony Waterer Spirea	2 Gal.	Cont.	
J 313	Juniperus horizontalis 'Plumosa'	Andorra Juniper	2 Gal.	Cont.	
K 326	Juniperus x media 'Old Gold'	Old Gold Juniper	2 Gal.	Cont.	
L 22	Acer ginnala	Amur Maple	3'	B&B	
M 22	Malus 'Red Jewel'	Red Jewel Crabapple	3'	B&B	

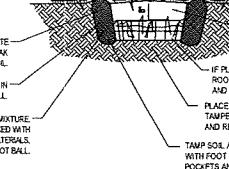
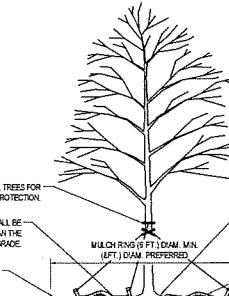
\* Plant Variety as per Section 5.17.06.02 Gateway Corridor District Overlay District.

**EXTERIOR  
PLANT SCHEDULE**

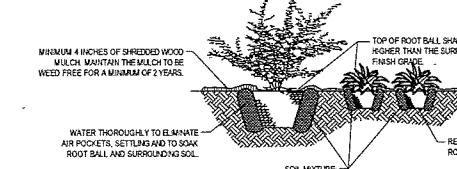
SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
*	A 20	Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry	4'	B&B
*	B 10	Tilia x fauvescens 'Genleven'	Genleven Littleleaf Linden	4'	B&B
*	C 5	Quercus bicolor	Swamp White Oak	4'	B&B
*	D 11	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	4'	B&B
*	E 21	Amelanchier arborea	Downy Serviceberry (clump form)	4'	B&B
*	F 16	Malus 'Prairie Fire'	Prairie Fire Crabapple	4'	B&B
*	G 9	Pseudotsuga menziesii	Douglas Fir	6'	B&B
*	H 10	Picea abies	Norway Spruce	6'	B&B

\* Plant Variety as per Section 5.17.06.02 Gateway Corridor District Overlay District.

NOTE: EXTERIOR TO BE PLANTED AT THE SAME TIME AS PHASE I



NOT TO SCALE



NOT TO SCALE

**TREE PLANTING DETAIL - B & B**

NOT TO SCALE

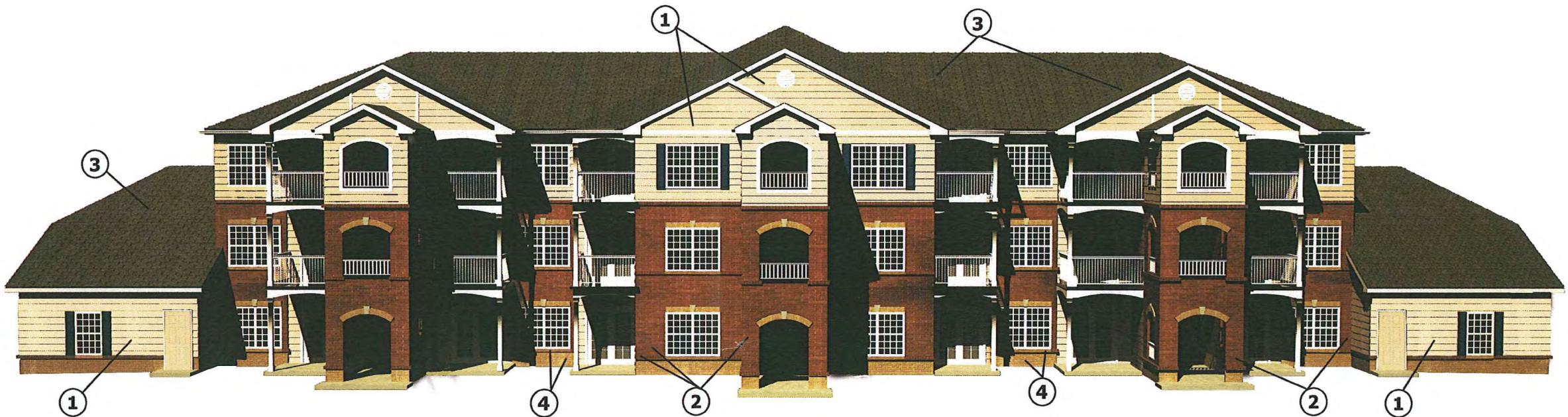
**SHRUB & PERENNIAL PLANTING DETAIL**


CIMARRON WOODS REPLAY ONE  
LAWNS, NEBRASKA

PRELIMINARY PLANNED UNIT  
DEVELOPMENT LANDSCAPE PLAN

**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
225 NORTH 111TH STREET, OMAHA, NE 68144  
PHONE: (402) 954-3120 FAX: (402) 954-3539  
WEBSITE: [www.eandagroup.com](http://www.eandagroup.com)

Project Name: **CIMARRON WOODS REPLAY ONE**  
Revised Date: **05/28/2009**  
Prepared By: **Robert C. Johnson, PE**  
Checked By: **Mark A. Johnson, PE**  
Reviewed By: **Mark A. Johnson, PE**  
Stamp: **ROBERT C. JOHNSON, PE, S.A.E.**  
Signature: **Robert C. Johnson, PE**  
Signature: **Mark A. Johnson, PE**



## LEGEND

① **SIDING:**

Mfg: Revere Building Products  
 Type: Sovereign Select - Ultra-Premium Vinyl Siding  
 Style: Dutch Lap Double 5" 3/4" Butt  
 Color: Wicker

② **BRICK:**

Mfg: Brick Craft  
 Type: Standard Size  
 Color: Red Range Velour

③ **SHINGLES:**

Mfg: GAF Timberline Series  
 Style: Dimensional  
 Color: Weathered Wood

④ **BRICK:**

Mfg: Brick Craft  
 Type: Standard Size  
 Color: Country Road

**CIMARRON TERRACE APARTMENTS**  
 La Vista, Nebraska

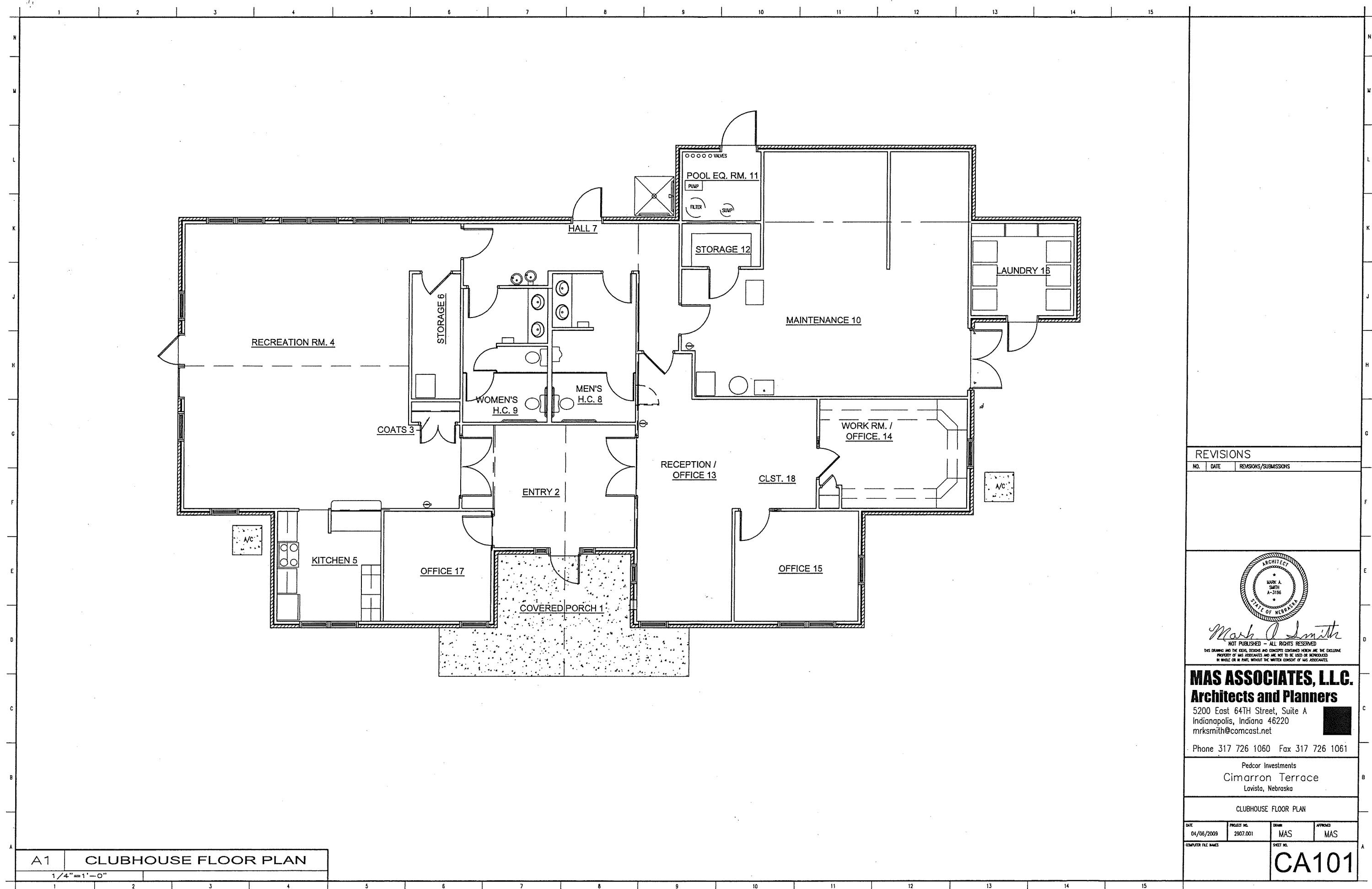
**PEDCOR**  
 INVESTMENTS  
 A Limited Liability Company



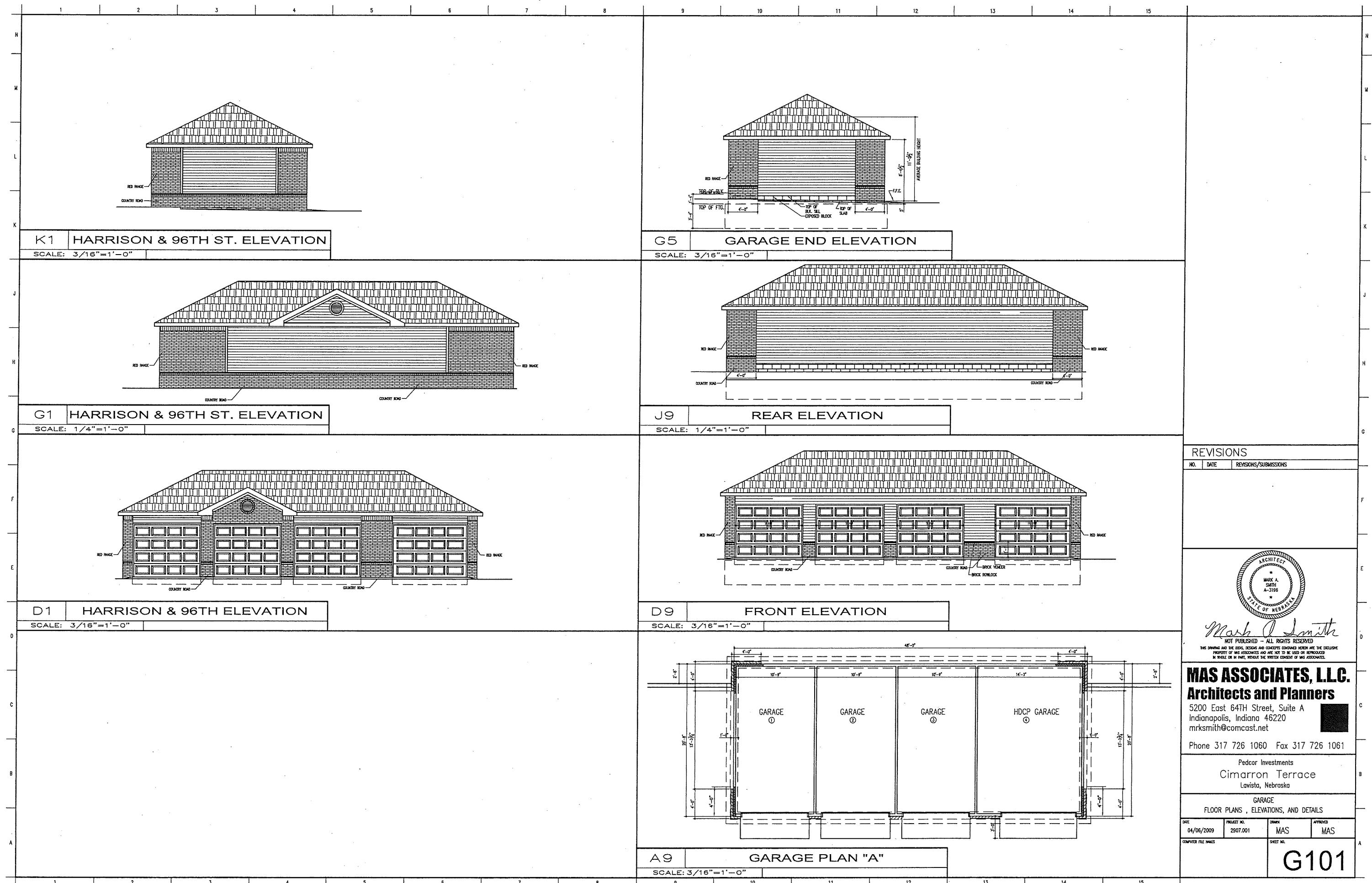




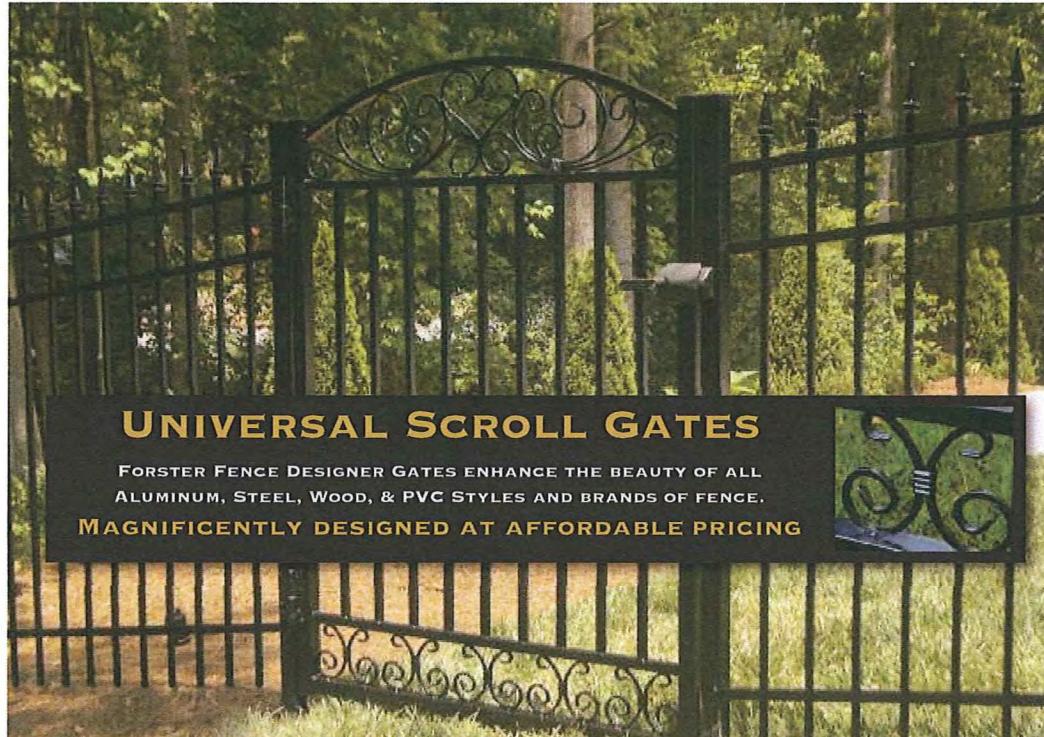












**UNIVERSAL SCROLL GATES**

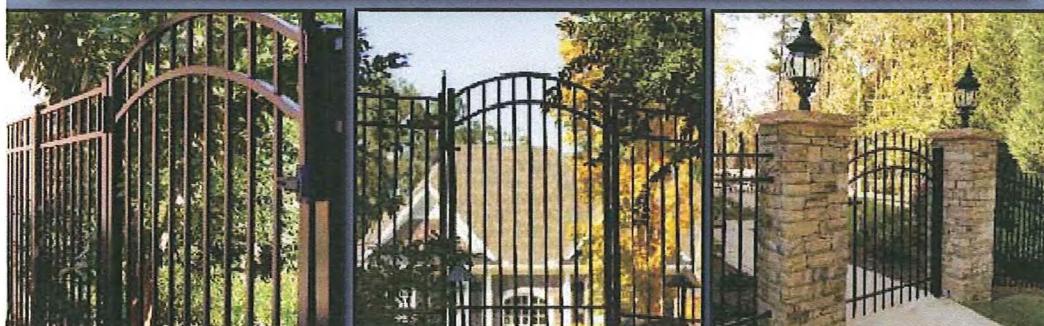
FORSTER FENCE DESIGNER GATES ENHANCE THE BEAUTY OF ALL ALUMINUM, STEEL, WOOD, & PVC STYLES AND BRANDS OF FENCE.

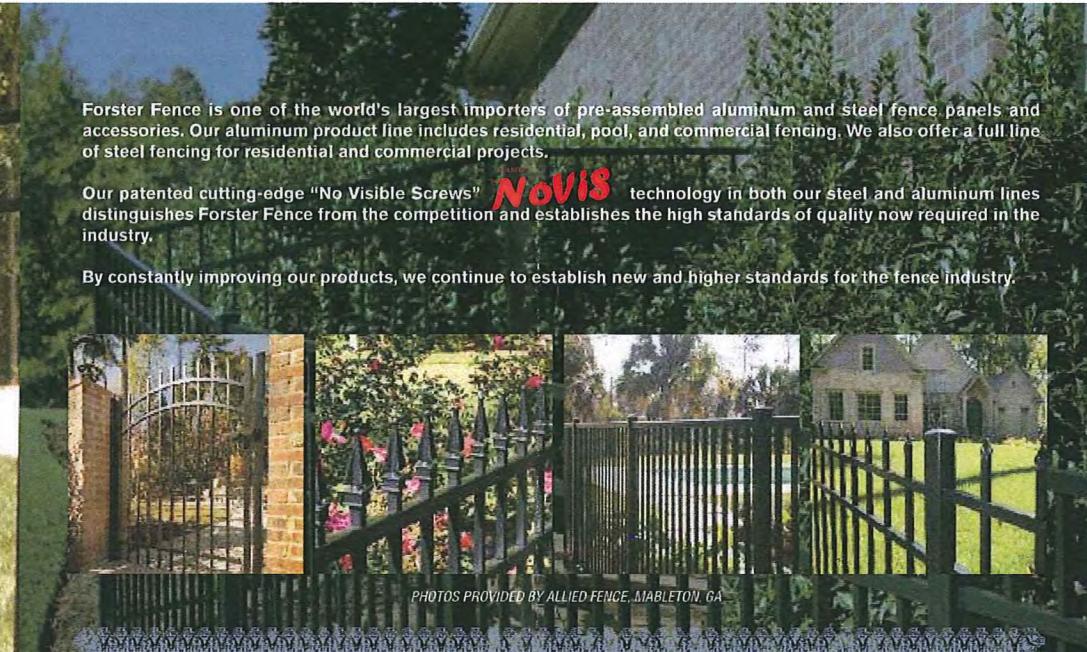
MAGNIFICENTLY DESIGNED AT AFFORDABLE PRICING

**DECORATIVE, AFFORDABLE STEEL GATES**

FORSTER FENCE MANUFACTURES HIGH QUALITY, FULLY WELDED STEEL STRAIGHT GATES AND ARCH GATES.

YOU'LL NEVER HAVE TO USE AN ALUMINUM GATE WITH A STEEL FENCE AGAIN!





Forster Fence is one of the world's largest importers of pre-assembled aluminum and steel fence panels and accessories. Our aluminum product line includes residential, pool, and commercial fencing. We also offer a full line of steel fencing for residential and commercial projects.

Our patented cutting-edge "No Visible Screws" **Novis** technology in both our steel and aluminum lines distinguishes Forster Fence from the competition and establishes the high standards of quality now required in the industry.

By constantly improving our products, we continue to establish new and higher standards for the fence industry.



PHOTOS PROVIDED BY ALLIED FENCE, MABLETON, GA

**FORSTERFENCE**  
ORNAMENTAL STEEL FENCE WARRANTY

The Forster Fence Company warrants to the original purchaser of our ornamental steel fence that our fence will be free from defect in workmanship. Under normal and intended use we warrant that our paint will not crack, chip or peel commencing with the purchase date of our product from an authorized installation fence contractor and extending according to the applications as defined in the Application Warranty Schedule below. Normal and intended use does not include heavy salt and chemical based sprays with high mineral content, abrasion, physical damage, extensive plant growth, or damage caused by gardening equipment. In addition, any defect caused by cutting or welding any of our fence products is not covered by this warranty. This warranty does not cover any of our fence products installed by an unlicensed fence contractor.

**Application Warranty Schedule**

Fence installations 0 to 1 miles from salt water coastlines - 5 years  
 Fence installations 1 to 20 miles from salt water coastlines - 10 years  
 Fence installations over 20 miles from salt water coastlines - 20 years

Upon acceptance of a claim by the Company, Forster Fence will at its option either replace the defective products or issue a pro-rated credit. The cost of removal of the defective products, the cost of freight, or installation of the replacement products is not included in the warranty and Forster Fence does not provide any of these services.

The above constitutes the complete warranty by Forster Fence and no other agreement, written or implied, is valid. No person is authorized to change or modify this warranty. Recovery for consequential or incidental damages is hereby excluded. This warranty gives you specific legal rights, and you may also have other rights, which vary from state to state.

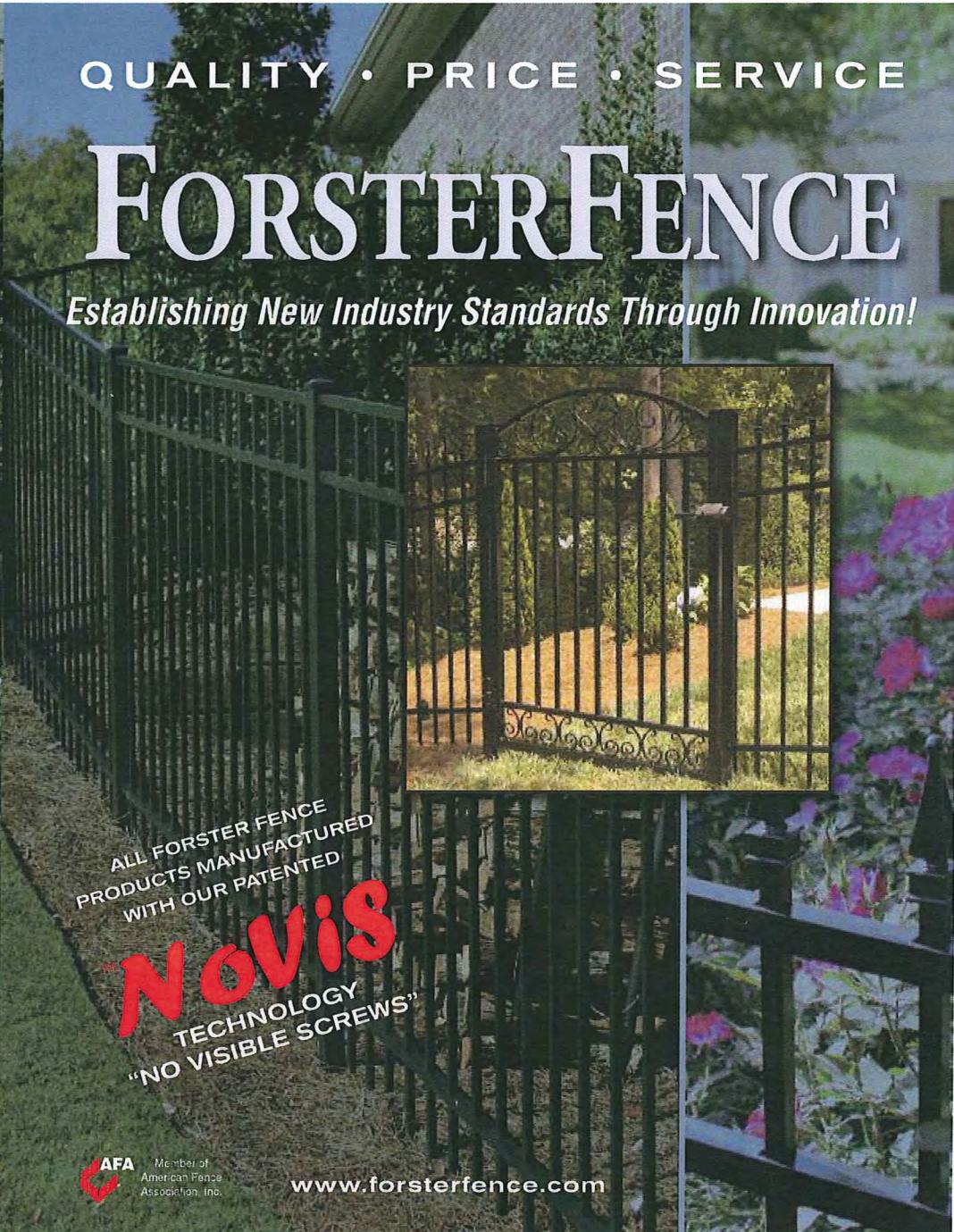
Forster Fence Company, Inc.  
 Tel: 561-395-3046 • Fax: 561-395-3203 • [www.forsterfence.com](http://www.forsterfence.com)

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QUALITY • PRICE • SERVICE

# FORSTERFENCE

*Establishing New Industry Standards Through Innovation!*



ALL FORSTER FENCE  
PRODUCTS MANUFACTURED  
WITH OUR PATENTED  
**Novis**  
"NO TECHNOLOGY  
"NO VISIBLE SCREWS"

**AFA** Member of  
American Fence  
Association, Inc.

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# FORSTERFENCE STEEL BRACKET SYSTEM

Panels, Posts, Gates all individually wrapped, shipped on Steel Pallets, and easy to handle or fork lift



Forster  
Fence  
Steel Panels  
come fully  
assembled

**FORSTER FENCE INNOVATIVE *Novis*  
"NO VISIBLE SCREWS" SYSTEM IS THE  
CLEANEST LOOK IN THE INDUSTRY**

OUR CUSTOMER DOESN'T HAVE TO WORRY ABOUT UNSIGHTLY  
SCREWS THAT BACK OUT OR RUST.



## FORSTER FENCE'S UNIQUE SYSTEM

...IS THE MOST RACKABLE PANEL IN THE INDUSTRY.  
EVERY SERIES AND STYLE RACKS 32 INCHES PER  
8 FOOT SECTION.

## FORSTER FENCE'S STEEL PANEL

...IS FIVE TIMES AS STRONG AS TRADITIONAL ALUMINUM  
ORNAMENTAL FENCE AND 15% STRONGER THAN THE  
COMPETITOR'S STEEL ORNAMENTAL FENCE.



## FORSTER FENCE'S STEEL PANEL IS 100% GALVANIZED

EACH INDIVIDUAL PIECE IS POWDER COATED BEFORE ASSEMBLY. THIS PROCESS  
ENSURES FORSTER FENCE'S STEEL FENCE CAN WITHSTAND ALL CLIMATES AND  
TEMPERATURES.

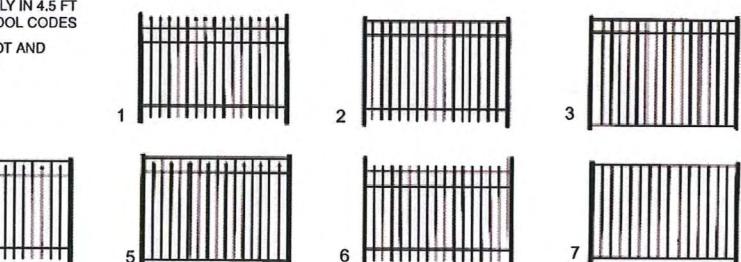
PATENTED  
**Novis**  
TECHNOLOGY

Our unique stainless steel clip system makes installation faster and easier!

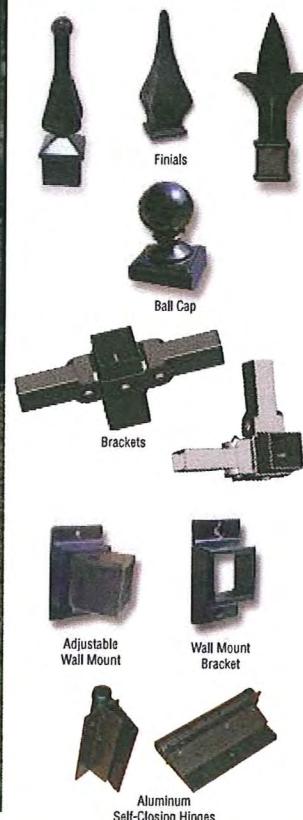


## FORSTER ALUMINUM FENCE STYLES

- STYLES 3 & 5 AVAILABLE ONLY IN 4.5 FT PANELS AND MEET BOCA POOL CODES
- STYLE 7 AVAILABLE IN 4 FOOT AND 5 FOOT PANELS AND MEETS BOCA POOL CODES



## FENCE AND GATE ACCESSORIES



## UNIVERSAL SCROLL GATES

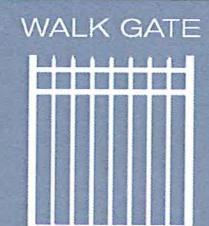


Gate Openings: 4' - 5' - 6'  
Height Available: 4' - 4.5" - 5' - 6"

Gate Openings: 10' - 12'  
Height Available: 4' - 4.5" - 5' - 6"

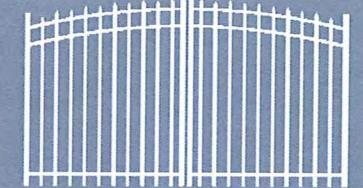
\* Manufactured without bottom scroll to meet BOCA pool codes

## STANDARD GATES



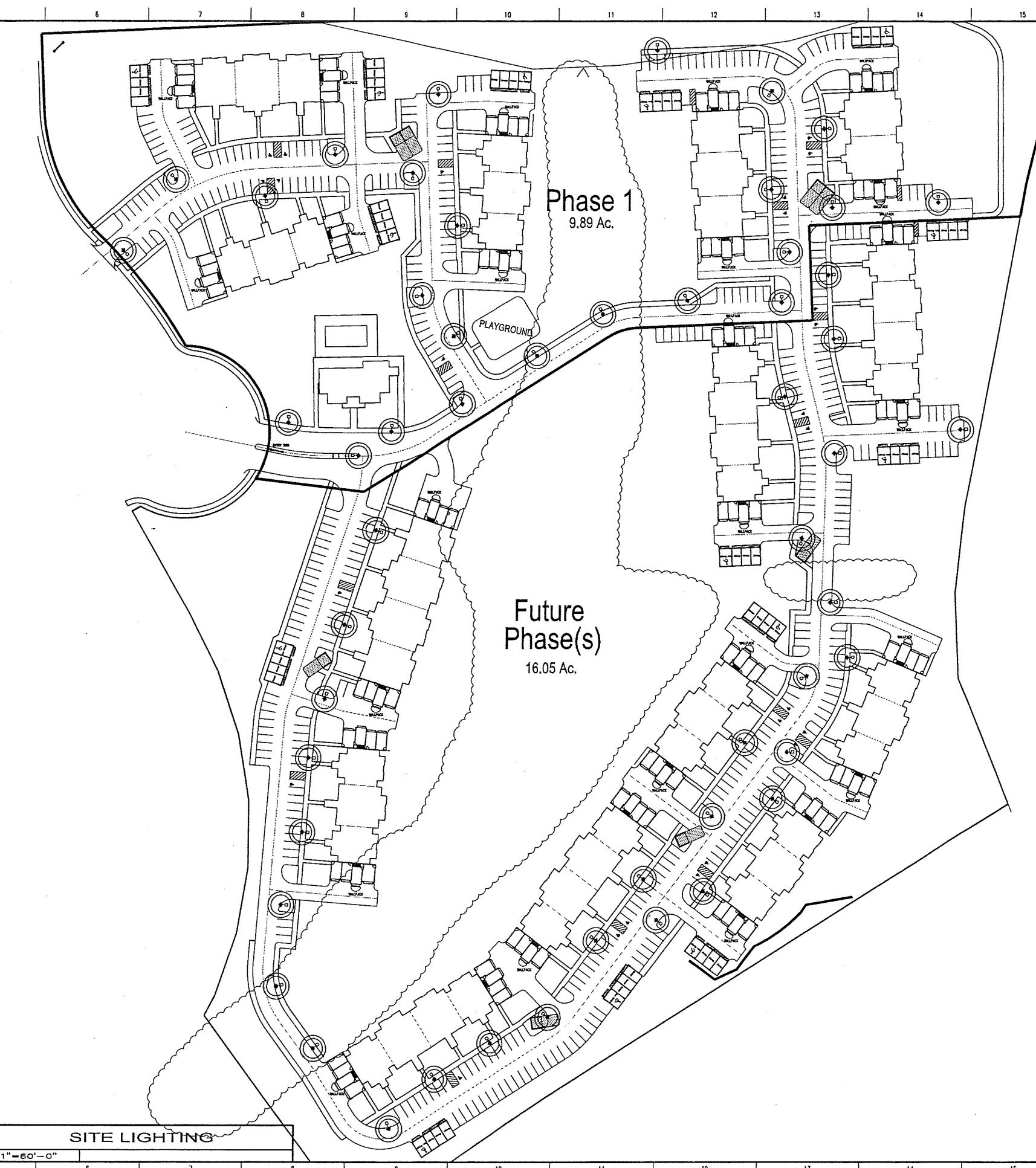
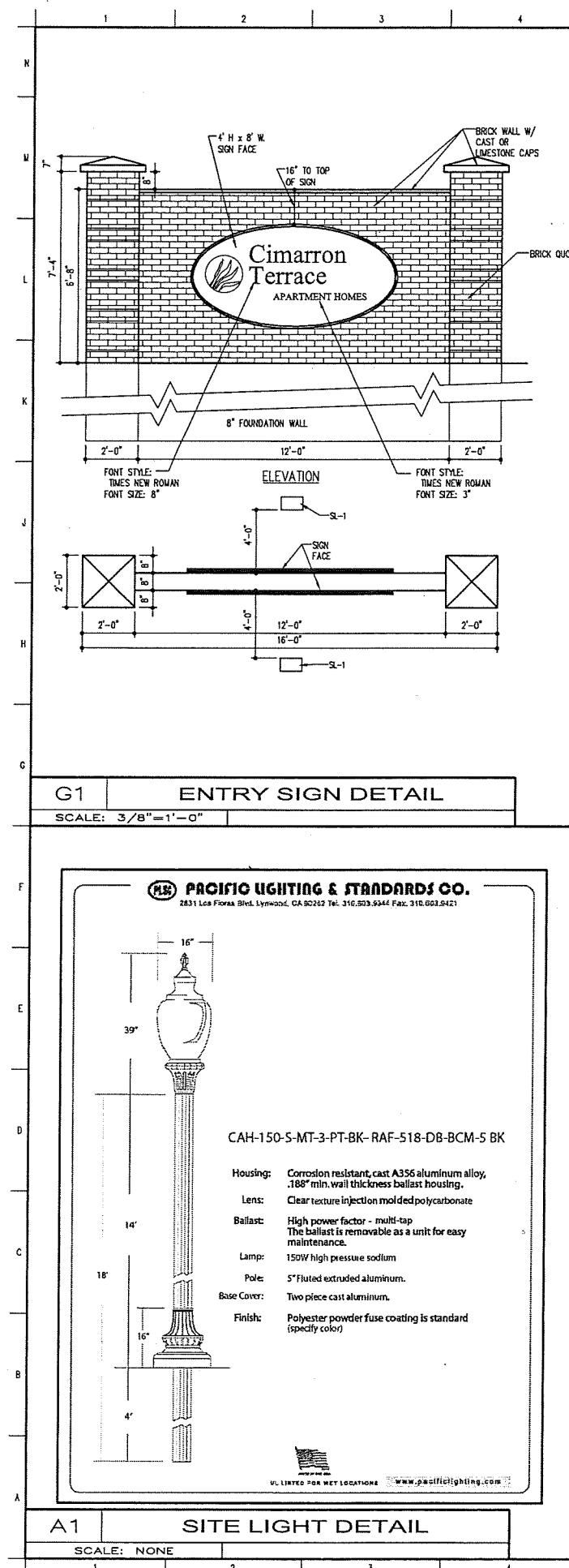
Gate Openings: 4' - 5' - 6'  
Height Available: 4' - 4.5" - 5' - 6"

## DOUBLE DRIVE GATE



Gate Openings: 8' - 10' - 12'  
Height Available: 4' - 4.5" - 5' - 6"





**REVISIONS**  
No. Date Revisions/Submissions

**Mark A. Smith**  
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Indianapolis, Indiana 46220  
mrksmith@comcast.net

Phone 317 726 1060 Fax 317 726 1061

Pedcor Investments  
Cimarron Terrace  
Lovista, Nebraska

**SITE LIGHTING**

DATE 04/06/2009	PROJECT NO. 2907.001	DESIGN MAS	APPROVED MAS
COMPUTER FILE NAME SL101		SL101	

**SL101**