

AGENDA ITEM 4 B

BELLA LA VISTA



**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER: 2012-PUD-01; 2012-CUP-02; 2012-SUP-02 FOR HEARING OF:
April 19, 2012
Report Prepared on: April 12, 2012

I. GENERAL INFORMATION

A. APPLICANT:

Bella La Vista Housing Partners, LP
416 East Third Street
Kansas City, MO 64106

B. PROPERTY OWNER:

Garrison Development
416 East Third Street
Kansas City, MO 64106

C. LOCATION: East of Chandler Road and 132nd Street

D. LEGAL DESCRIPTION: Lot 2, Bella La Vista

E. REQUESTED ACTION(S): Rezoning from R-3 to R-3 PUD, Final PUD Plan, Conditional Use Permit (CUP), and Replat for Lot 2 Bella La Vista

F. EXISTING ZONING AND LAND USE: R-3 – High Density Residential, Vacant/Agricultural

G. PURPOSE OF REQUEST: Approval of a rezoning to R-3 PUD, Final PUD Plan, Conditional Use Permit (CUP) and Replat for a multi-family residential development.

H. SIZE OF SITE: 36.21 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Existing Lot 2, Bella La Vista is rolling terrain, sloping downward towards the south.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. North:** R-1 Single-Family Residential; Millard Highlands South
- 2. East:** C-3 Highway Commercial/Office Park; Southport West
- 3. South:** C-3 Highway Commercial/Office Park; Bella Vista Lot 1
- 4. West:** I-1 Light Industrial; Centech Business Park

C. RELEVANT CASE HISTORY:

1. Rezoning of the property from TA – Transitional Agriculture to R-3 – High Density Residential was approved May 16, 2006.
2. At their March 6, 2012 meeting, the City Council approved of the preliminary PUD contingent on the removal of the proposed Phase 2 and removal of the connection of 130th Street to the development.

D. APPLICABLE REGULATIONS:

1. Section 5.08 of the Zoning Regulations – R-3 High Density Residential
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development (Overlay District)
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
4. Article 6 of the Zoning Regulations – CUP – Conditional Use Permit
5. Section 3.08 of the Subdivision Regulations – Replats

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates the area for high-density residential development.

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. The main access for the property will be the intersection of 132nd Street and Chandler Road.
2. The existing traffic study does not address the future traffic generation of the proposed Outlot A. The designation as an outlot will prevent building permits until the traffic impact of development on Outlot A, as well as other issues, are addressed when proposed development plans on this parcel are determined.

D. UTILITIES:

1. The property has access to water, sanitary sewer, gas, power and communication utilities along 132nd Street.

IV. REVIEW COMMENTS:

1. With approval of the Final PUD, the applicant will also need to have the Replat and Conditional Use Permit approved in order to commence development.
2. The proposed architectural design is currently under review. Design review will need to be finalized as part of the Conditional Use Permit, a prerequisite of multi-family development in the R-3 High Density Residential District.

3. The landscape plan is currently under review for compliance with the Gateway Corridor District Regulations, a requirement within the Conditional Use Permit.
4. In order to develop in accordance with the design approved by City Council in the Preliminary PUD, a waiver of Section 4.02 of the Subdivision Regulations is needed requiring an extension of existing streets that abut the plat for 130th Street.
5. Due to the size of the parcel involved, staff has accepted the scale of the PUD site plan, though Section 5.15.10 of the Zoning Ordinance requires the plat to be drawn at least to 100 scale.
6. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan (PCWSMP). A permit will be required through the Permix website that is utilized by all Papillion Creek Watershed Partnership communities. A PCSWMP and a draft Maintenance Agreement has been provided in the draft Subdivision Agreement. The PCSWMP will be reviewed in detail as part of the review process through the Permix web site, but the concept of using an extended detention basin to serve both lots is acceptable.
7. The following issues regarding the Drainage Study need to be completed prior to City Council review:
 - a. Review the total flows for existing conditions in the summary table for various storm events in the executive summary. It is believed that these totals should match Hydrograph 3 results.
 - b. Is the detention for future development of Area A-10 not covered by the proposed retention basin on Lot 1?
 - c. How is Area A-9 east of Lot 1 going to drain? It does not appear from the proposed grading that it will drain.
 - d. After the aforementioned revisions are complete, a signed and sealed copy will need to be included in the submittal.

V. PLANNING COMMISSION RECOMMENDATION - Rezoning from R-3 to R-3 PUD and Final PUD:

Approval of Rezoning from R-3 to R-3 PUD and Final PUD Plan for Lot 2 Bella La Vista, subject to the satisfactory resolution of the following issues prior to City Council review:

1. Finalization of the landscape plan will need to be completed prior to the publication due date for the upcoming City Council meeting.

VI. PLANNING COMMISSION RECOMMENDATION – Conditional Use

Permit:

Approval of a Conditional Use Permit for Lot 2 Bella La Vista, subject to the satisfactory resolution of the following issues prior to City Council review:

1. Preparation of the final draft and any remaining issues regarding the Conditional Use Permit as approved by the City Engineer and the City Attorney.
2. Finalization of the design review will need to be completed prior to the publication due date for the upcoming City Council meeting.

VII. PLANNING COMMISSION RECOMMENDATION - Replat:

Approval of Replat for Lot 2 Bella La Vista, subject to the satisfactory resolution of the following issues prior to City Council review:

1. Satisfactory resolution of the issues regarding the Drainage Study discussed in Section IV(7) above as approved by the City Engineer.
2. Satisfactory final draft of the Subdivision Agreement including issues regarding the PCSMP in Section IV(6) above as approved by the City Attorney.
3. Approval of a waiver of Section 4.02 of the Subdivision Regulations, Design Standards for Streets.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Initial review report from City Engineer
3. Final PUD Site Plan Maps
4. Final PUD Landscape Plan Map
5. Draft Conditional Use Permit
6. Design Review Documentation
7. Waiver Request Letter
8. Final Plat Map

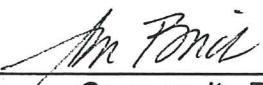
VII. COPIES OF REPORT SENT TO:

1. John Wygoski, Fauss-Wygo
2. Douglas S. Dreesen, P.E., Thompson, Dreesen, and Dorner
3. Patrick Sullivan, Adams & Sullivan, P.C.
4. Public Upon Request



Prepared by:

4-13-12



Community Development Director

Date



Bella La Vista

Final PUD, Rezoning to R-3 PUD, Conditional Use Permit, and Replat

April 12, 2012
CAS





March 20, 2012

Mr. John Wygoski
Fauss Wygo
111 N 181st St.
Suite 202
Omaha, NE 68022

RE: Final PUD -Initial Review
Final Plat-Initial Review
Conditional Use Permit & Subdivision Agreement-Initial Review
Bella La Vista Replat 1 (Replat of Lot 2, Bella La Vista)
Proposed Multi-Family Housing Project

Mr. Wygoski:

We have reviewed the documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Final PUD and in the Subdivision Regulations for the Final Plat, the City has the following comments:

Final PUD Plans:

1. There is a group of 4 proposed parking stalls to the northwest of proposed Building "A". It is recommended that those stalls be moved southeasterly to clear the 30 feet setback area. There is not a requirement for that, but that is the only feature in the 30 feet setback and moving it seems relatively easy to do and may help with neighbor relations.
2. Label dimension to setback line from the future road right-of-way line. On all sheets with existing or proposed contours, please label the contours. On Exhibit "C", please show proposed finish floor elevations (ground floor).
3. On Exhibit "D" identify the area that is being set aside for ingress-egress to Outlot "A" in the future as either an easement or right-of-way dedication. This should be done with shading and a legend with a notation to refer to subdivision agreement for more details. Also note the same on the final plat.
4. Exhibit "D" needs to identify the proposed turn-around space and easement at the end of the access road in the southeast corner of Lot 1. There also needs to be a stop sign identified for installation where the access road will connect to 132nd Street. Also on this exhibit, there should be notations calling for installation of ADA parking signs at

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

accessible parking stalls. Also, the type of pavement to be used in the various locations needs to be called out. The access road area needs to be paved to public street standards to preserve options for the future which would require not less than 7-inch thick, Portland cement concrete pavement with integral curbs.

5. Exhibit "D" should identify by notation that a public sidewalk will be built along 132nd Street not later than 3 years after recording of the final plat of Bella La Vista Replat 1. This will provide for opportunity for a future phase of apartments to occur and installation of widening of 132nd Street which would cause reconstruction of a public sidewalk if it were to be installed as part of Phase 1.
6. On Exhibit "G" call out the proposed fire hydrant installation. Also, show existing fire hydrants along 132nd Street. Review Article 91.32 of the La Vista Municipal Code to determine if additional fire hydrants are required. Other comments may be provided by the Fire Chief.
7. Also, on Exhibit "G" please identify what portion of the proposed sanitary sewer will be built to public standards to preserve the option for that portion to be accepted as a public sewer in the future. This will depend on how Outlot A is developed.

Final Plat:

8. The right-of-way width for all streets abutting the plat need to be dimensioned on the plat. This would include 132nd Street, 130th Street, and Highland Blvd.
9. A copy of any private restrictions or covenants affecting the subdivision shall be provided.
10. A waiver of Article 4.02 of the Subdivision Regulations, which requires extension of existing streets that abut the area being platted, needs to be submitted.
11. Need to illustrate a drainage easement across Lot 1. This easement area will need to contain the major storm drainage path and the storm water detention areas associated with a 100-year event.
12. Article 5.15.10 of the Zoning Regulations requires the plat to be drawn at least to 100 scale.

Drainage Study:

13. In the second page of text in the Executive Summary, under Existing Conditions identify that "Total Drainage Area" excludes the Millard Highlands Area.
14. In the second page of text in the Executive Summary, under Proposed Conditions in the second paragraph, please illustrate the off-site drainage area of 18.38 acres on Exhibit "C" or as an appendix to the calculations and reference in the text.
15. Explain how the first one-half inch of storm runoff will be treated. For example, will there be a bio-retention basin(s) in the detention area OR will there be at least 12-hours of detention time for the first one-half inch of runoff volume?
16. A conceptual Post Construction Storm Water Management Plan needs to be provided. This could be done by adding information to Exhibit "H".
17. At the end of the text in the Executive Summary there is a sentence talking about StormTech chambers. I believe this sentence needs to be deleted.
18. It would be quite helpful to have a comparison table at the end of the executive summary. This would compare the 2, 10, 50 and 100-year storm event peak flows for existing conditions of the off-site and the on-site areas down to the point of discharge of the proposed culvert from the detention basin with the developed conditions of the on-site area and the off-site area down to the same point.
19. Illustrate the boundary of Area A-10 on Exhibit "C". Also, the notation for this area was truncated and appears as Area A-1 instead of A-10 on Exhibit "C".
20. Include a statement as to whether the proposed detention basin will accommodate future development to the east of Lot 1 or whether the future development will have to have its own detention facilities.
21. In the Hydraflow computations please include a hydrograph that combines Hydrographs 1 and 2 (existing conditions for both on-site and off-site areas) for 2, 10, 50 and 100 year frequency storm events.

Plat Application & Cost Estimate:

22. In regards to the cost estimate worksheet, Exhibit "F", please identify and/or include sanitary sewer connection fees to SID 104 as well as the tract sewer connection fee to the City in the amount of \$858.00 per unit including one unit for the clubhouse. Identify what portion of the costs shown for sanitary sewer, interior water, and storm sewer pertain to the portions that are public or may become public depending on how Outlot "A" develops.

Draft Conditional Use Permit:

23. The draft Conditional Use Permit is currently under review, redline comments will be provided once review is complete.

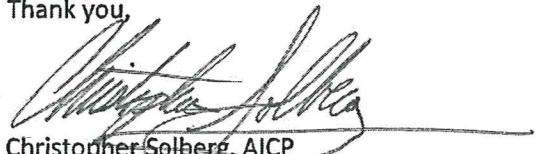
Draft Subdivision Agreement:

24. The draft Subdivision Agreement is currently under review, redline comments will be provided once review is complete.

This review does not address processing requirements related to the revisions to the preliminary PUD that took place at the City Council meeting and does not address the architectural design review process.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP
City Planner

cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Doug Dreesen; Thompson, Dreesen, and Dorner
Gary Hassenflu; Bella La Vista Housing Partners, LP

EXHIBIT B
CITY OF LAVISTA
CONDITIONAL USE PERMIT
Phase 1 - Lot 1, Bella La Vista Replat 1
BELLA LA VISTA APARTMENTS

Conditional Use Permit for Bella La Vista Apartments - Phase 1

This Conditional Use Permit issued this _____ day of _____, 20____ by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Bella La Vista Housing Partners, L.P., a Nebraska limited partnership authorized to do business in Nebraska ("Bella La Vista Housing" or "Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Bella La Vista Housing is the legal owner of Lot 2, Bella La Vista Subdivision, consisting of 36.21 acres, more or less ("Lot 2"), which property is located outside of the corporate limits of the City but within the City's zoning and platting jurisdiction. Bella La Vista Housing desires to develop a portion of Lot 2 in a unified, compatible manner as a multi-family housing development.

WHEREAS, Bella La Vista Housing, subject to recording with the Sarpy County Register of Deeds an approved replat of Lot 2 into two lots, Lot 1 and Outlot A, Bella La Vista Replat 1, Sarpy County, Nebraska, shall construct and operate a multiple family dwelling complex to be known as Bella La Vista Apartments upon the following described tract of land within the City of La Vista's zoning jurisdiction:

Lot 1, Bella La Vista Replat 1, Sarpy County, Nebraska (the "Property"),

being approximately 5.49 acres, and which complex will be comprised of 3 buildings, 60 units, 30 detached garages and a clubhouse, as presented to the City Council with Bella La Vista Housing's request for replatting, planned unit development and conditional use permit. Outlot A, Bella La Vista Replat 1, shall be reserved for possible future development of additional multi-family housing.

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating a multiple family dwelling complex on the Property as described above; and

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

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

Conditions of Permit

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

1. Development and operation on the Property is governed by this Permit. Any proposed development of Outlot A shall require further applications, analyses, reviews and approvals to, of and by the City, including, but not limited to, additional drainage and traffic studies, replats, conditional use permits, and amendments to the applicable planned unit development plan and subdivision agreement. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A".
 - b. Architectural review of the building design, landscaping, and lighting has been completed and the foregoing plans are approved as shown in Exhibits " " through " ".
 - c. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other Exhibits of this Agreement, as well as the Bella La Vista Replat 1 ("Final Plat"), Planned Unit Development Plan ("PUD") and Subdivision Agreement applicable to the Property, ("Subdivision Agreement"), as approved by the City and incorporated herein by this reference. Any modifications to the site plan must be submitted to the Chief Building Official for approval. Modification of any other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.
 - d. There shall be no construction traffic on Highland Boulevard related to development on Lot 1 or Outlot A of Bella La Vista Replat One.
 - e. As-built topographic surveys of storm water detention areas shall be required before certificates of occupancy are issued for any building on the Property, with a requirement that any discrepancies from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
 - f. No vehicle repair (other than emergency maintenance such as changing a tire), inoperable or abandoned vehicles, or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "A". The Owner shall have seventy-two (72) hours after notice to correct any violation or cause the removal of any such vehicle that is in violation.
 - g. Owner shall obtain all required permits for the Use from the City of La Vista .
 - h. Owner shall comply (and shall ensure that all structures, appurtenances and improvements, and all activities occurring or conducted on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
 - i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Owner's Use of the Property.
 - j. A drainage study for the Property has been completed, as referenced in the Subdivision Agreement applicable to Lot 1 and Outlot A, Bella La Vista Replat1, with respect to the proposed Use on Lot 1. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
 - k. Owner shall ensure that any clubhouse on the property is professionally staffed during open hours.
 - l. If at any time any part of Bella La Vista Replat 1 is owned by any person or entity other than Owner, all owners shall cooperate and coordinate to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.

3. In respect to the Gateway Corridor Overlay District, building design has been approved per letter from the City's design review architect, BCDM Architects, dated _____

4. The Owner's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:

- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
- b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void. Construction of the improvements on the Property, consisting of 60 units, 30 garages, and a "clubhouse" and having the design, dimensions, construction and amenities set forth in application(s) for Bella La Vista Replat 1, this Permit and PUD zoning by or on behalf of Owner, as approved, ("Application") shall be commenced within 12 months after the date of the approval of this Permit and completed with certificate of occupancy within 24 months after commencement of construction, subject to such extension of time as granted by Chief Building Official in the event Owner commences construction within the time specified in this Section 4(b) and diligently continues with construction thereafter, and completion within the time required in this Section 4(b) is delayed for cause beyond the reasonable control of Owner; otherwise such Permit shall become void.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property

5. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the Permitted Use There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit,
- c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
- d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.

6. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

7. In the event the Owner fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Owner fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and

employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

8. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect Miscellaneous.

The conditions and terms of this Permit shall be binding upon owner, its successors and assigns.

1. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner of any breach of this Permit. Owner, which for purposes of taking action to cure a breach shall also include a limited partner of Bella La Vista Housing Partners, L.P., shall be permitted to cure any breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 2 and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
3. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
4. Any notice to be given City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner:

Bella La Vista Housing Partners, L.P.

A Limited Partnership
416 E. Third Street
Kansas City, MO 64106

5. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

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

THE CITY OF LA VISTA

By _____

Douglas Kindig, Mayor

Attest:

Pamela A Buethe, CMC
Deputy City Clerk

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

Bella La Vista Housing Partners, L.P., a Nebraska limited partnership

By Bella La Vista Housing Corporation, general partner

By: _____
Garrison Hassenflu, President

March 27, 2012

Mr. Chris Solberg
City of LaVista
Planning Department
8116 Park View Blvd.
La Vista, NE 68128-2198



RE: Bella La Vista
Waiver Requests
TD2 File No. 1610-136.6

Mr. Solberg:

We are writing to request the following waivers:

Waiver of Article 4.02 of the Subdivision regulations requiring extension of existing streets that abut the plat for 130th Street. This is due to City Council request NOT to extend 130th Street into Bella La Vista.

Waiver of Article 5.15.10 of the Zoning Regulations requiring the plat to be drawn at least to 100 scale. This is due to the fact that the plat is legible at the scale presented.

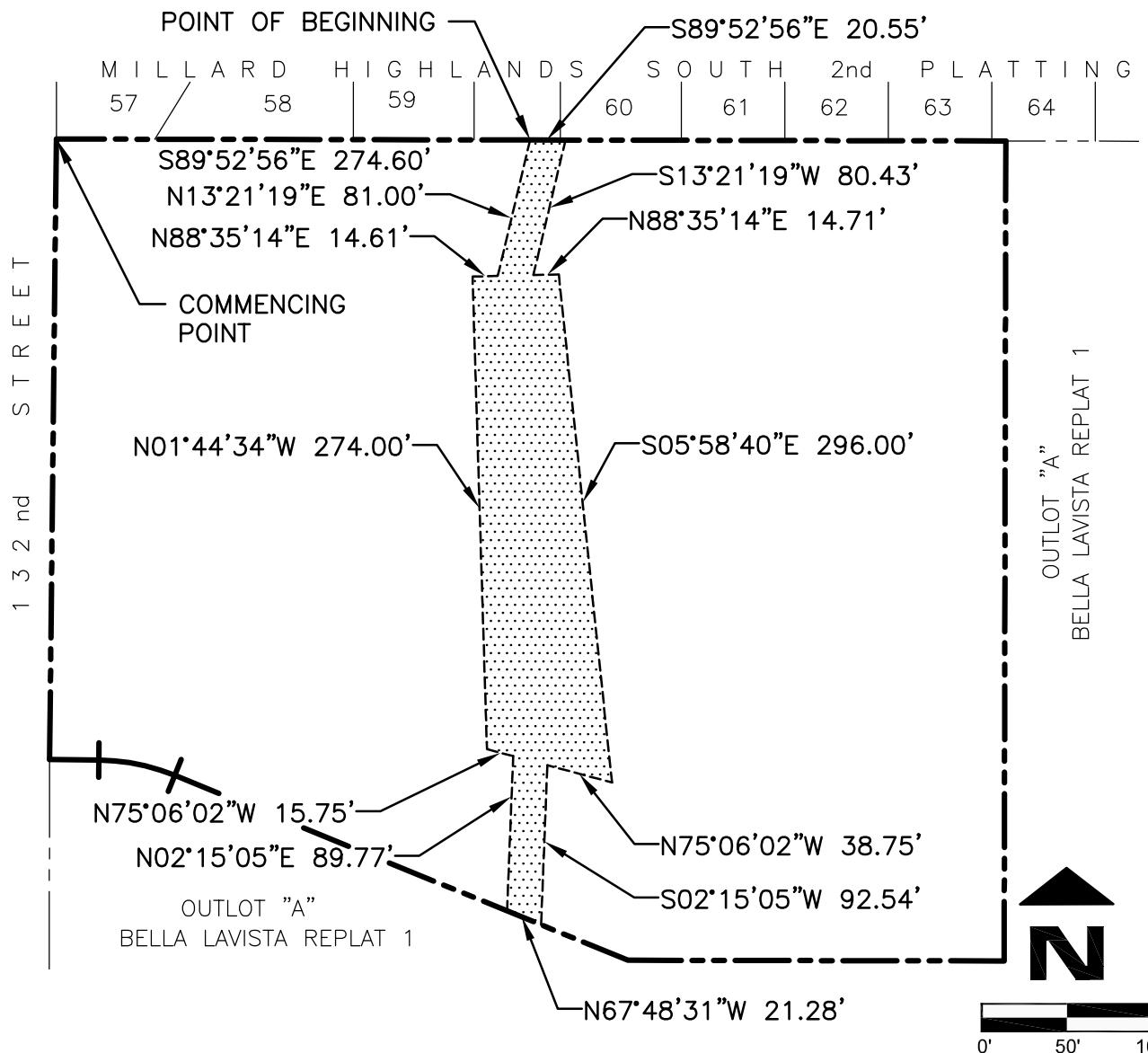
Please contact the undersigned with any questions or if additional information is required.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.

Douglas S. Dreessen, P.E.
Douglas S. Dreessen, P.E.

DSD/bam



LEGAL DESCRIPTION

THAT PART OF LOT 1, BELLA LA VISTA REPLAT 1, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID LOT 1; THENCE S89°52'56"E (ASSUMED BEARING) 274.60 FEET ON THE NORTH LINE OF SAID LOT 1 TO THE POINT OF BEGINNING; THENCE CONTINUING S89°52'56"E 20.55 FEET ON THE NORTH LINE OF SAID LOT 1; THENCE S13°21'19"W 80.43 FEET; THENCE N88°35'14"E 14.71 FEET; THENCE S05°58'40"E 296.00 FEET; THENCE N75°06'02"W 38.75 FEET; THENCE S02°15'05"W 92.54 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE N67°48'31"W 21.28 FEET ON THE SOUTH LINE OF SAID LOT 1; THENCE N02°15'05"E 89.77 FEET; THENCE N75°06'02"W 15.75 FEET; THENCE N01°44'34"W 274.00 FEET; THENCE N88°35'14"E 14.61 FEET; THENCE N13°21'19"E 81.00 FEET TO THE POINT OF BEGINNING.