

AGENDA ITEM 4C

Conditional Use Permit –

Ground Floor Multi-Family Apartments -

Lot 14 La Vista City Centre – City Centre 1, LLC



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

CASE NUMBERS: PCUP24-0001

FOR HEARING ON: FEBRUARY 29, 2024
REPORT PREPARED ON: FEBRUARY 18, 2024

I. GENERAL INFORMATION

A. APPLICANT(S):

City Centre 1 LLC
Attn: Christopher Erickson
8216 City Centre Dr.
La Vista, NE 68128

B. PROPERTY OWNER:

City Centre 1 LLC
Attn: Christopher Erickson
8216 City Centre Dr.
La Vista, NE 68128

C. LOCATION: Generally located northeast of the intersection of Main Street and City Centre Drive.

D. LEGAL DESCRIPTION: Lot 14 La Vista City Centre.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit (CUP) for ground-floor multi-family units in the existing mixed-use development.

F. EXISTING ZONING AND LAND USE: Lot 14 La Vista City Centre is zoned MU-CC which allows for above-ground floor multi-family residential outright and base floor commercial outright as a mixed use. The Vivere North structure consists of a mixture of base floor commercial bays with upper-story multi-family units.

G. PURPOSE OF REQUEST: Applicant is seeking to convert two existing commercial bays within the structure to eight ground-floor multi-family units.

H. SIZE OF SITE: Approximately 2.03 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Urban Medium Intensity Residential	R-1 Single-Family Residential	Central Park
East	Urban Medium Intensity Residential	R-1 Single-Family Residential	Briarwood
South	Urban Commercial	MU-CC Mixed-Use City Centre	Lot 15 (Vivere South) Mixed-Use Multi-Family Residential and Commercial
West	Urban Commercial	MU-CC Mixed-Use City Centre	Astro Event Center

B. RELEVANT CASE HISTORY:

1. The final plat for La Vista City Centre was originally approved by City Council on July 19, 2016. At that time, the property was rezoned to MU-CC Mixed-Use City Centre.

C. APPLICABLE REGULATIONS:

1. Section 5.19 of the City of La Vista Zoning Ordinance – MU-CC Mixed-Use City Centre District
2. Section 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits (CUP)

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property as Urban Commercial.
2. The proposed project will meet Policy Live-2.2 of the La Vista Comprehensive Plan which reads: "Promote the development of housing types and supportive programs for people of retirement age, allowing residents to age in place with access to daily services." This policy directly promotes Goal 2 of the Live Long category of the Comprehensive Plan, which reads: "Maintain the balance of diverse, high-quality housing that

appeals to people of varying backgrounds, incomes and abilities.”

B. OTHER PLANS: This area has also been designated as blighted and substandard and in need of redevelopment. A proposed amendment to the 84th Street Redevelopment Plan would allow for the reduction in commercial square footage in the Phase 1 area of the development to permit this conversion of commercial bays to ground-floor multi-family residential units.

C. TRAFFIC AND ACCESS:

1. The proposed change in use from commercial to residential for this portion of the existing structure on Lot 14 La Vista will result in a less intensive use when considering traffic and parking. No additional changes are anticipated to the existing traffic and access infrastructure to accommodate the additional residential units.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The La Vista City Centre district does not have any minimum off-street parking requirements for multi-family residential uses.
2. A total of 75 covered garage stalls are provided on the base floor of the structure. Additional parking is available in Parking Garage #1.

IV. REVIEW COMMENTS:

1. Applicant is requesting to infill a portion of the existing podium (ground level) at the Vivere Apartments north building with 8 ground-floor multi-family units and additional storage. This portion of the structure is currently designated for commercial development. However, the construction of the Astro Event Center has limited the visibility of this area and limited the viability of these commercial bays.
2. The conversion of a portion of the base-floor commercial area of the Lot 14 building will require amendments to the 84th Street Redevelopment Plan and the subdivision agreement that refers to the expectations for Phase 1 of La Vista City Centre.
3. The building, site, and landscape design is under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to the approval of a building permit.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of the amendments to the Redevelopment Plan and Subdivision Agreement, and the approval and recording of the final replat and subdivision agreement.

VI. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Staff Review Letter
- C. Draft Conditional Use Permit

VII. COPIES OF THE REPORT SENT TO:

- A. Chris Erickson, City Centre 1, LLC
- B. Christopher Houston, Tack Architects
- C. Public Upon Request



Prepared by: Deputy Community Development Director



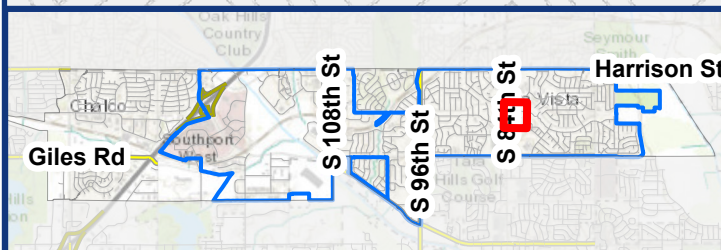
Community Development Director

2/23/2024



Date



Vivere Ground Floor Apartments CUP - Vicinity Map



Legend

-  Property Lines
-  CUP Boundary





February 15, 2024

Christopher Erickson
City Centre 1
8216 City Centre Dr.
La Vista, NE 68128

RE: Conditional Use Permit – Ground Floor Multi-Family Apartments – Initial Review Letter
Lot 14 La Vista City Centre

Mr. Erickson,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. The draft landscaping plan does not provide sufficient detail on the plantings proposed in the area of impact around the current structure.
2. It is assumed that the proposed additional apartments will be managed through the on-site management office currently within the building and have access to the same parking, services, and amenities available to the rest of the Vivere North building. However, a statement needs to be added to the operating statement to that effect.
3. Please extract the building elevations currently displayed on page A2.01-P2 to a separate page in the submittal package as it will be referred to specifically as an exhibit within the conditional use permit. Also, please add call-outs in relation to the materials in the elevations (noting “existing” for the materials that are existing to the current structure.
4. The façade improvements will need to be reviewed by La Vista’s third-party design review architect for conformance with the La Vista City Centre Design Guidelines. Although a new application is not warranted, more information on materiality needs to be submitted for review. Substantial completion of this design review process must be completed prior to application for building permits.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

Please submit 2 full-size revised copies of the CUP plans and related documents (along with electronic copies) to the City for further review. In order to be considered for a meeting of the Planning Commission on February 29th, revised documents need to be provided by February 21st for inclusion in the packets sent to the Commission members. A draft CUP has been prepared and shared with you as an attachment to this letter. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



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

Attachment

cc:

Christopher Houston, Tack Architects
Bruce Fountain, Community Development Director – City of La Vista
Rita Ramirez, Assistant City Administrator – City of La Vista
Cale Brodersen, Associate Planner – City of La Vista

CITY OF LAVISTA
CONDITIONAL USE PERMIT

**Conditional Use Permit for Ground Floor Multi-Family Apartments
(Vivere North)**

Lot 14, La Vista City Centre

This Conditional Use Permit is issued this 19th day of March 2024 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to City Centre 1, a limited liability company authorized to do business in Nebraska ("City Ventures" or "Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate additional multiple-family units on the ground floor of an existing multi-dwelling building known as Vivere North Apartments upon the following described tract of land within the City of La Vista's zoning jurisdiction:

Lot 14 La Vista City Centre, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the ALTA/NSPS Land Title Survey; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing and operating ground floor multi-family units on the Property as described above; and

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

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

Conditions of the Permit

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

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any material breach hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Uses:
 - a. The site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit " B ".
 - b. Operations on the property will be limited to and carried out in accordance with the Operational Statement attached as Exhibit " C " and incorporated into this permit by reference.
 - c. Architectural review of the building design, landscaping, and lighting will be completed after approval of this Conditional Use Permit. Upon completion of the design review process, updated elevations and related plans will be included as Exhibits " B " through " F " prior to the recording of the Permit.
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this Agreement, as well as the final plat of Lot 14 La Vista City Centre ("Final Plat"), and Subdivision Agreement applicable to the Property, ("Subdivision Agreement"), as approved by the

City and incorporated herein by this reference. Any modifications to the Site Plan must be submitted to the Community Development Director for approval. Modification of any other document or Exhibit shall be subject to the approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.

- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to the approval of the Community Development Department, per the La Vista Zoning Ordinance.
 - f. Owner shall obtain all required permits for the Uses from the City of La Vista.
 - g. Owner shall comply (and shall ensure that all structures, appurtenances and improvements on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
 - h. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees relating to the Owner's Uses of the Property, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation but excluding any liability, loss, claim or expense proximately caused by the sole negligence of the City.
 - i. Owner agrees to continue to comply with requirements related to drainage that are specified in the Subdivision Agreement for the La Vista City Centre development.
 - m. Owner shall ensure that the leasing and business office on the property will be staffed during normal business hours.
 - o. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.
 - p. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the approved landscaping plan (Exhibit "B") and the requirements of the La Vista City Centre Design Guidelines.
3. The Owner's right to maintain the Uses of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked (with respect to a particular Use) only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
 - b. Construction will be in accordance with the City Building Code. Time limitation for building permits shall be in accordance with the City Building Code. Extensions shall be requested in writing and justifiable cause demonstrated.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property as related to said structures, facilities or materials.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Uses, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative

- rights are provided under laws, rules and regulations governing said permit.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
 - d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
 6. If the Owner upon the expiration or termination of this Permit fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.
 7. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.
 8. The conditions and terms of this Permit shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of, the Owner, its successors and assigns.
 9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
 10. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to written notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner in writing of any breach of this Permit and Owner shall be permitted to cure any breach. Such written notice shall specify the particular conditions giving rise to the breach, and, to the extent known, what actions are required to cure such breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 10 and diligently pursued and completed as soon as is reasonably possible, and allowing additional time does not substantially increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.
 11. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
 12. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner: City Centre 1
Christopher Erickson
8216 City Centre Dr.
La Vista, NE 68128

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

14. Exhibits. The following exhibits are incorporated herein by reference:

Exhibit "A":	ALTA/NSPS Land Title Survey
Exhibit "B":	Site Plan
Exhibit "C":	Operating Statement
Exhibit "D":	Site Landscaping Plan
Exhibit "E":	Elevation Renderings

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A Buethe, CMC
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this _____ day of _____, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista and Pamela Buethe, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Permit, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

CONSENT AND AGREEMENT

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

Owner:

City Centre 1, LLC

By: _____, it's owner

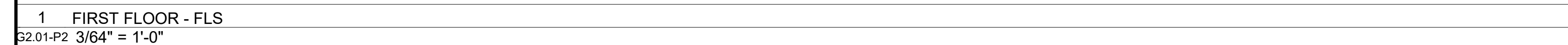
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)

On this day of _____, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be an owner of City Centre 1, LLC, a limited liability company, and the identical person whose name is affixed to the foregoing Permit, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public



Operating Statement:

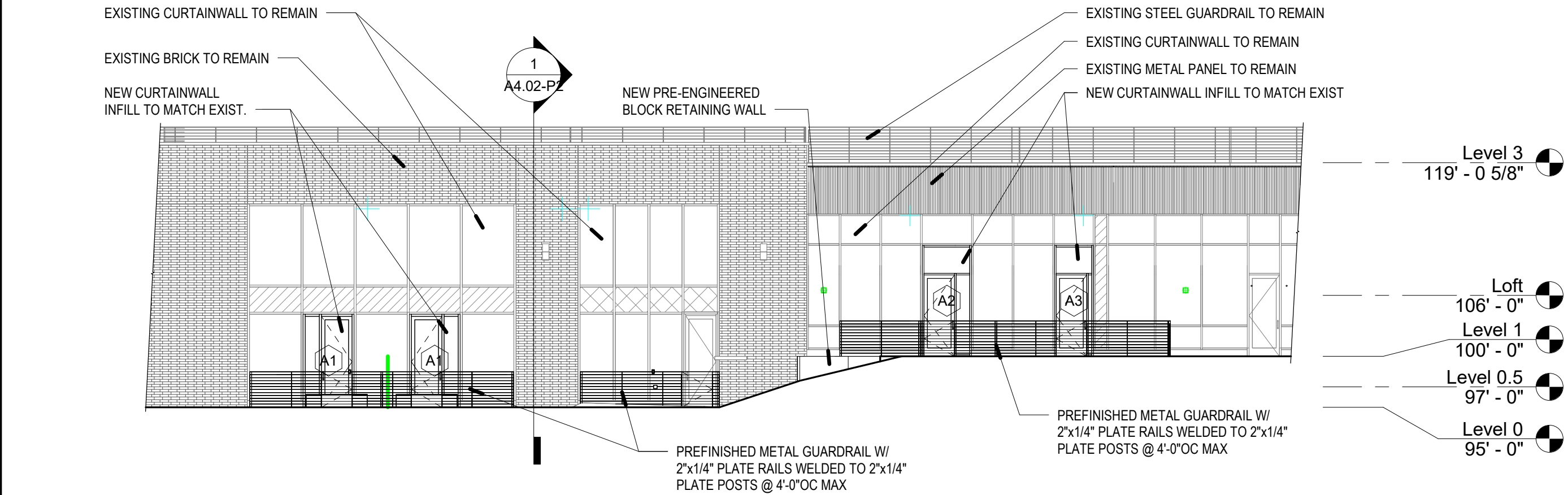
This proposed Conditional Use Permit application is for the conversion of approximately 7,500 SF of vacant space within the mixed-use building to be converted to 8 ground-floor, multifamily units, and a storage area.

When the building was originally constructed the lot next to it was intended to be smaller (~10,000 SF) event and restaurant building, a public plaza and an amphitheater. That plan evolved during the construction of the mixed-use building to be a much more significant music and event venue (over 50,000 SF) with attached amphitheater. That new venue is significantly larger and it physically blocked this portion of commercial space from view making it very difficult to lease for commercial use which is why we are proposing to convert it to multifamily use that is in line with the largest use within the existing building. The proposed storage space will support amenities within the property.

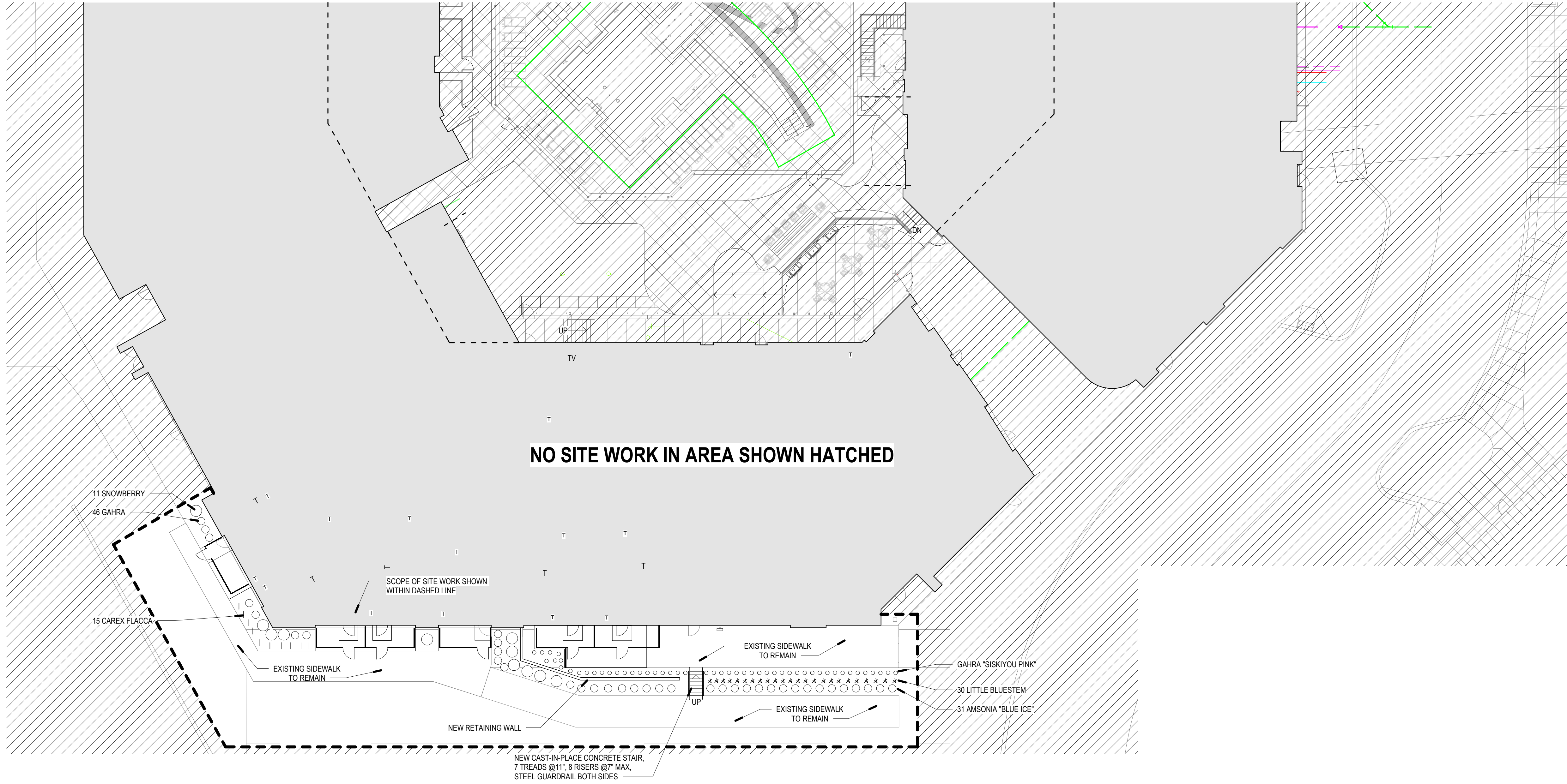
These additional multi-family units would have access to the building amenities included with the base multi-family project and would be managed by the same team as the base project. For all intensive purposes, once constructed, these would be included as a part of the larger multi-family asset and be managed as such.

An ALTA Survey and Plans for the project have been included with this application. Please feel free to reach out to me with any questions or for further discussion.

Chris Erickson
City+Ventures



1 EXTERIOR ELEVATION - WEST
EA 3/32" = 1'-0"



2 ARCH SITE PLAN
EA 1/16" = 1'-0"

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2922 N 61 Street, Studio 1
Omaha Nebraska 68104
www.tackarch.com

RECA Engineering Group, Inc.
6801 Old Glenview Road, Suite A
Lincoln, NE 68512
P: 402-491-4144
Thompson, Dreesen & Dorrer, Inc.
10836 Old Mill Road
Omaha Nebraska 68154
P: 402-330-8860

La Vista City Centre Mixed Use -
North Building - Lot 14
PROGRESS SET
Lot 14, S 84th Street & Brentwood Drive
La Vista, Nebraska 68128

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These documents have been prepared by TACKarchitects, Inc. specifically for the
following project:
La Vista City Centre Mixed Use - North Building - Lot 14
They are not suitable for use on other projects or locations without the express
written approval and participation of TACKarchitects, Inc. Any reproduction is
prohibited.

AGENCY APPROVAL(S):

EXHIBIT "D"

NO.	REVISION	DATE
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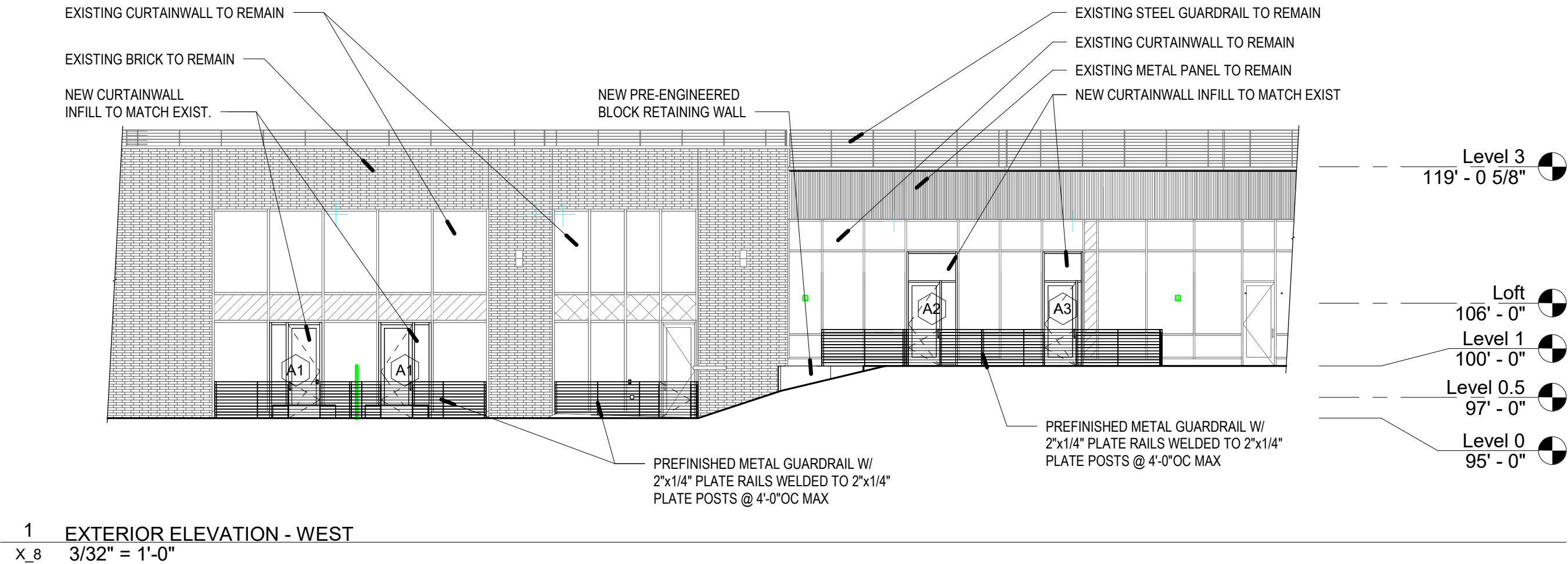
SHEET NAME:

DATE: 2/10/2023
PROJECT NO.: 2016.019.00

SHEET NO.:

EA

Exhibit "E"



Vivere Apartment Infill

Date: 2/21/2023