

## **AGENDA ITEM 3A**

**Planned Unit Development – Bear Creek Apartments – Lot 3B Willow Creek Replat II & Former ROW & Lot 240B EXC N 20FT Willow Creek Replat, located approximately southwest of the corner of Harrison Street and S. 144th Street – Krishna, LLC**

## **AGENDA ITEM 3B**

**Replat – Willow Creek Replat Four – Krishna, LLC.**

## **AGENDA ITEM 3C**

**Conditional Use Permit for Multiple Family Dwellings – Bear Creek Apartments – Lot 3B Willow Creek Replat II & Former ROW & Lot 240B EXC N 20FT Willow Creek Replat, located approximately southwest of the corner of Harrison Street and S. 144th Street – Krishna, LLC.**



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

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CASE NUMBERS: PPUD23-0006; PCUP23-0010; PRP23-0004

FOR HEARING ON: JULY 18, 2024; REPORT PREPARED ON: JULY 12, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Krishna, LLC  
Attn : Prem Arora  
17120 Sherwood Ave  
Omaha, NE 68116

**B. PROPERTY OWNER:**

Krishna, LLC  
Attn : Prem Arora  
17120 Sherwood Ave  
Omaha, NE 68116

**C. LOCATION:** 14455 Harrison Street, generally located southwest of the intersection of 144<sup>th</sup> Street and Harrison Street.

**D. LEGAL DESCRIPTION:** Lot 3B Willow Creek Replat III & Former ROW, Lot 240B EXC N 20FT Willow Creek Replat, and VAC Harrison ST ADJ Lot 3B Willow Creek Replat III (Parcel #011161965, 011613516 and #011614516)

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

1. Approval of a Planned Unit Development for Willow Creek Replat Four to allow for the construction of an additional multi-family residential apartment building containing 33 units as part of the Bear Creek Apartments. The full PUD area would contain 2 apartment buildings with a total of 87 units with a combined 121 bedrooms, in addition to 24 detached garage stalls.
2. Approval of a replat application for Lot 3B Willow Creek Replat III & Former ROW, Lot 240B EXC N 20FT Willow Creek Replat, and VAC Harrison ST ADJ Lot 3B Willow Creek Replat III to be replatted as Lots 1 and 2 Willow Creek Replat Four.
3. Approval of a Conditional Use Permit for the Bear Creek Apartments to bring the existing facility into compliance with the La Vista Zoning Ordinance, and to allow for the construction of 33 additional multi-family dwelling units in an apartment building on proposed Lot 1 Willow Creek Replat Four.

**F. EXISTING ZONING AND LAND USE:** R-3 High-Density Residential and Gateway Corridor District (Overlay District). This property contains the Bear Creek Apartments building and a vacant parcel. The Future Land Use Map designates these properties as Urban High Intensity Residential (UHIR).

**G. PURPOSE OF REQUEST:** The applicant is seeking to expand the Bear Creek Apartments and construct an additional apartment building on an adjacent parcel recently acquired from Sarpy County. In order to obtain sufficient buildable area, the applicant has requested allowances through the Planned Unit Development for reduced front yard building setbacks along 144<sup>th</sup> Street, in addition to a waiver from Section 7.05.10 of the La Vista Zoning Ordinance which requires a minimum of 0.5 enclosed garage stalls per residential dwelling unit in the R-3 and R-4 Zoning Districts for multi-family structures. The applicant has also requested shared parking through the PUD for the two proposed properties.

**H. SIZE OF SITE:** The PUD area includes approximately 4.29 acres.

## **II. BACKGROUND INFORMATION**

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

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding</u> <u>Development</u>
North	Low Density Residential (Omaha)	CC – Community Commercial District, and R-3 Single-Family Residential District (Omaha Zoning)	Today's Dental Millard and Stony Brook Neighborhood
East	Regional Commercial	C-2 General Commercial, Gateway Corridor District (Overlay District)	Don & Millie's; Omaha Car Care
South	Urban High-Intensity Residential	R-3 High-Density Residential, Gateway Corridor District (Overlay District)	Willow Creek Apartments
West	Urban High-Intensity Residential	R-3 High-Density Residential, Gateway Corridor District (Overlay District)	Willow Creek Apartments

**B. RELEVANT CASE HISTORY:**

1. The existing Bear Creek Apartments building was constructed in 2000 while in Sarpy County's jurisdiction and zoning requirements. The City's extraterritorial jurisdiction boundary was not extended to encompass the properties until a later date. Subsequently, the multi-family housing land use is currently legally non-conforming.
2. On March 29, 2022 Krishna, LLC purchased a portion of vacated Harrison Street right of way adjacent to the Bear Creek Apartments from Sarpy County with plans to construct an additional apartment building.

**C. APPLICABLE REGULATIONS:**

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
3. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
4. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
5. Section 3.07 of the La Vista Subdivision Regulation – Replat Procedures

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for Urban High Intensity Residential development. The La Vista Land Use Plan lists the R-3 High Density Residential Zoning District as a potential/compatible zone for the Urban High Intensity Residential designation. Subsequently, multi-family residential development in this location is compatible with the Future Land Use Map and the La Vista Comprehensive Plan.

**B. OTHER PLANS: N/A.**

**C. TRAFFIC AND ACCESS:**

1. Both properties will be served by driveway access off of Harrison Street.
2. A permanent ingress/egress easement on proposed Lot 1 will be recorded along with the Final Plat to ensure proper access to the apartment building and detached garages on proposed Lot 2.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. The number of off-street parking stalls proposed for the two lots included within the Bear Creek PUD area (Lots 1 and 2 Willow Creek Replat Four) exceeds the amount required by Section 7.06 of the La Vista Zoning Ordinance by 13 stalls.
2. The applicant has requested shared parking through the PUD, as Lot 1 as proposed would not meet the minimum off-street parking requirements by itself, but the two properties together exceed the parking requirements. Shared parking in this scenario is appropriate as the properties will share a parking lot, and will be unified under one single apartment complex name and operator.
3. The minimum off-street parking stall requirements and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Requirement</u>	<u># of Bedrooms</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Multi-Family: 1 space per bedroom	44	44	25
Lot 2		77	77	109
<b>Total</b>		<b>121</b>	<b>121</b>	<b>134</b>

4. Section 7.05.10 of the La Vista Zoning Ordinance requires a minimum of 0.5 enclosed garage stalls per residential dwelling unit in the R-3 and R-4 Zoning Districts for multi-family/apartment dwellings. These stalls count toward the total amount of off-street parking provided to meet the minimum requirement. The applicant has requested an allowance through the Planned Unit Development ordinance to waive this requirement due to the limited buildable area on the property due to the creek setback on the western portion of the property that prohibits additional building construction. The requirement in this instance would require 44 enclosed garage stalls, while only 24 exist and would be provided with this waiver. Were additional garage stalls to be constructed on this property in the place of existing surface parking stalls, it would result in a net loss of total off-street parking stalls as the garage stalls would take up more physical space. Considering the impact of the creek setback on the buildable area, and the desire to retain as many off-street parking stalls as possible, staff is supportive of the waiver to require fewer enclosed garage stalls through the PUD Ordinance so long as the minimum number of off-street parking stalls required is met.
5. If parking demand exceeds parking supply after the construction of the additional apartment building, the property owner will be required to take measures to ensure parking availability, including active enforcement of the removal of inoperable or unauthorized vehicles, and if necessary, lease

restrictions on the number of vehicle parking stalls permitted for the occupants of each unit, as identified in the operating statement of the draft Conditional Use Permit, attached to this report.

#### **IV. REVIEW COMMENTS:**

1. The applicant has requested an allowance through the PUD for a reduced front-yard building setback along 144<sup>th</sup> Street to allow for the construction of the additional apartment building. The front yard setback requirement for multi-family dwellings in the R-3 Zoning District, per Section 5.08.05 of the La Vista Zoning Ordinance, is 30 feet. The applicant has requested a 10 foot reduced front yard setback, due to the large amount of right of way owned by the State of Nebraska on the corner of S 144<sup>th</sup> which would still position the building further away from the roadway. Staff requested an acknowledgement/approval from the Nebraska Department of Transportation that a reduced front yard setback would not impede or conflict with any potential future plans of NDOT for expansion/use of the roadway. This approval letter from NDOT, dated February 29, 2024 is attached to this staff report.
2. An inspection of the existing Bear Creek Apartments building was conducted by the Fire Inspector and Chief Building Official on January 18, 2024 to ensure compliance with building and life safety codes. Several violations were noted during that inspection, and were found to be corrected during a reinspection by the Fire Inspector and Chief Building Official on February 21, 2024.
3. The applicant shall be required to adhere to any requirements that the Fire Inspector/Fire Marshall has regarding the existing facility and proposed new apartment building to ensure conformance with the life safety codes.
4. Proposed Lots 1 and 2 are included in the Gateway Corridor District (Overlay Zoning District) so all building, site, and landscaping designs will need to be approved through the City's design review process and adhere to the Gateway Corridor Design Guidelines.
5. To bring the site into compliance with the landscaping requirements of the La Vista Zoning Ordinance and the Gateway Corridor Design Guidelines and to support the application for a PUD, additional landscaping areas and irrigation have been required along Harrison Street and S 144<sup>th</sup> Street. The landscaping plan is currently under review by the City's third-party design review architect, and shall be approved prior to City Council review.
6. The existing non-conforming complex monument signs will be removed and will be replaced by one along S 144<sup>th</sup> Street that will

meet the design requirements of the Gateway Corridor Overlay District.

7. The development will be required to meet the requirements for a Post Construction Storm Water Management Plan as per City regulations.
8. The applicant's engineer has prepared a hydrological analysis requested by the Papio Missouri River Natural Resources District to verify that there will be no flooding concerns related to the sidewalk and parking pad being paved on the northwest corner of the property within the designated watercourse setback. This hydrological analysis has been received, is currently being reviewed, and shall be accepted by the Papio Missouri River NRD prior to City Council consideration of the applications identified in this staff report.
9. A condition is included in the attached draft conditional use permit that the Bear Creek Apartments (both existing and proposed new buildings) shall register for the City of La Vista's Rental Inspection Program annually, and conform with the requirements of that program including annual inspections of apartment units. The current proposal from the Chief Building Official is to inspect 1/3 of the units in the Bear Creek Apartments annually, so that every unit in the complex will be inspected on a three-year cycle. Inspections of the units in the existing building will begin immediately. Per the Rental Inspection Program Ordinance No. 1095, the units included in the new building would enter the inspection rotation after being occupied for a period of three years. Per the property owner, and included in the operating statement, language will be included in all future tenant leases that the apartments are subject to inspection pursuant to the City of La Vista's Rental Inspection Program.
10. The owner will be required to ensure that the perimeter sidewalks are maintained in good repair. This includes performing the maintenance, repair, and possible replacement for the sidewalks along Harrison Street for which Owner is responsible, and for coordinating with the responsible party to ensure the proper maintenance, repair, and possible replacement for the trail along S. 144th Street.
11. The owner has included a renovation plan in the operating statement to maintain and upgrade the apartment units in the existing building as they become vacant/available.

**V. STAFF RECOMMENDATION – PLANNED UNIT DEVELOPMENT:**

Staff recommends approval of the Planned Unit Development for Willow Creek Replat Four, contingent upon the approval of the Replat and Conditional Use Permit and resolution of the items identified in this staff report, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. STAFF RECOMMENDATION – REPLAT:**

Staff recommends approval of the replat of Lot 3B Willow Creek Replat III & Former ROW, Lot 240B EXC N 20FT Willow Creek Replat, and VAC Harrison ST ADJ Lot 3B Willow Creek Replat III, to be replatted as Willow Creek Replat Four Lots 1-2, contingent upon approval of the Planned Unit Development and Conditional Use Permit and resolution of the items identified in this staff report, as the replat is consistent with La Vista's Subdivision Regulations.

**VII. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit for Krishna, LLC for the Bear Creek Apartments, contingent upon the approval of the Replat and Planned Unit Development and resolution of the items identified in this staff report, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VIII. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review and response letters
- C. NDOT Approval Letter
- D. PUD plan set
- E. Preliminary Plat
- F. Final Plat
- G. Draft Conditional Use Permit

**IX. COPIES OF REPORT SENT TO:**

- A. Prem Arora, Krishna, LLC
- B. Trevor Veskrna, TD2
- C. Jim Lang, Lang Law
- D. Public Upon Request



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Prepared by: Associate City Planner



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Community Development Director

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7/12/24

Date

Harrison St

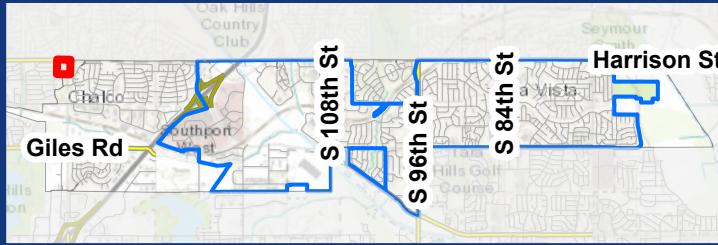
Site for  
Proposed  
New  
Building

Existing  
Apartment  
Building

S. 145th St

S. 144th St

## Bear Creek Apts PUD, CUP, Replat - Vicinity Map



### Legend

- Property Lines
- PUD & CUP Boundary





February 15, 2024

TD2

Attn: Trevor Veskrna  
10836 Old Mill Road  
Omaha, NE 68154

RE: Bear Creek Apartments – PUD, CUP, and Replat Applications -  
Initial Review Letter

Mr. Veskrna,

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

Planned Unit Development Application

1. Regarding Section 5.15.04.01, please include a proposed construction schedule with submittal, inclusive of any contemplated phasing.
2. Regarding Section 5.15.04.04, please provide a staging plan and/or phasing exhibit to ensure that ingress and egress/access, and adequate parking counts are able to be maintained, and that all utilities/current services can still be provided to the residences in Lot 2, during the construction on Lot 1.
3. Regarding Section 5.15.04.13 & 5.15.05.03, provide an exhibit or narrative of what areas are to be considered common open spaces and provide documentation as to how said common spaces between Lots 1 and 2 are to be maintained in perpetuity.

**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**

4. Regarding Section 5.15.05.02.5, please depict the limits of the public right-of-way on the submittal.
5. Regarding Section 5.15.05.03.6, the proposed number of enclosed (garage) parking stalls does not conform to La Vista's Zoning Ordinance Section 7.05.10 which requires 0.5 garage stalls per unit. Please confirm if there are any additional areas in which garages could be constructed.
6. Regarding Section 5.05.02, please provide numbers for the amount of existing parking stalls serving the Bear Creek Apartments, in addition to data on the utilization of existing parking (i.e. at night, when the greatest number of residents are home and their vehicles parked in the lot, how many stalls are currently being utilized and how many empty stalls remain?).
7. Additional landscaping areas will be required along S. 144<sup>th</sup> Street, in accordance with the Gateway Corridor Overlay District. The PUD landscaping plan is currently being reviewed by the City's third-party design review architect, and comments may be forthcoming.
8. The current monument sign for the complex along Harrison Street is located within Sarpy County right-of-way and must be relocated to your property in accordance with the City's signage requirements in Section 7.01 of the La Vista Zoning Ordinance, and the design guidelines for the Gateway Corridor Overlay District, which include a requirement for a masonry base that match the materials to be used on the new building. To be brought into compliance, the monument sign on the east side of the complex along S. 144<sup>th</sup> Street should also be replaced in accordance with the design requirements.
9. Please include the dimensions for the north side yard setback for the existing building on proposed lot 2 in the PUD plan set.
10. Where you are requesting reduced setbacks through the PUD (i.e. the reduced front yard setbacks along 144<sup>th</sup> Street, and the reduced north side yard setback for the building on proposed Lot 2), please add a note stating "\_\_\_' setback reduced through PUD" on the PUD site plan.
11. Regarding Section 5.15.05.03.06, please provide dimensions of the off-street parking, inclusive of alley widths.

12. Regarding Section 5.15.05.04, please provide details on the point of connection and other pertinent design information for the sanitary sewer.
13. Regarding Section 5.15.05.07, please provide a rendering of the proposed buildings, inclusive of elevations and other applicable pertinent information.
14. Regarding Section 5.15.05.09, please provide copies of any restrictive covenants that exist on the property.
15. Additional fire hydrants serving the property are to be required per the Fire Inspector with the Papillion Fire Department. Please identify the location(s) for additional hydrants on the PUD plans.
16. Please confirm with the state of Nebraska if any environmental assessment and remediation efforts are required on Proposed Lot 1 in relation to the fuel station that existed previously on that property.
17. On July 17, 2023 Jim Lang forwarded an e-mail from Timothy Weander with the Nebraska Department of Transportation suggesting that NDOT would approve the 10foot reduced building setback from the NDOT right-of-way along S. 144<sup>th</sup> Street. Please provide a more formal approval letter from NDOT that they are in approval of the updated site plan, as proposed, including the reduced front-yard setback.

#### Replat Application

18. As an application for a combined replat, the Planning Commission and City Council will review both the preliminary and final plat documents concurrently. Please submit the final plat document for staff review.
19. Regarding Section 3.03.07, please provide the size, flow lines, and elevation of the existing sanitary & storm sewer.
20. Regarding Section 3.03.07, please provide pre- and post-construction inspection reports of connection to public sanitary sewer.

21. Regarding Section 3.03.10, please provide any proposed cross access and/or ingress/egress required for access to Harrison Street through Lot 1. Easements shall be marked on the preliminary and final plat documents, and if the easement is to be recorded via a separate document, the draft language and exhibits must be provided.
22. Regarding Section 3.03.12, please provide any easements or other restrictive covenants for public utilities or right-of-way.

#### Conditional Use Permit Application

23. Per Section 6.02, please provide an operating statement that describes the use in great detail, including the breakdown of units/bedrooms for each building, any amenities provided to residents, operating hours for the leasing office, etc.
24. The Fire Inspector has noted the existing building has an extensive history of mechanical, fire, and life safety code violations. Regarding Section 6.05.01, a complete inspection of the existing building was conducted by the Fire Inspector and Chief Building Official on January 18, 2024 to ensure that it is being maintained in accordance with building and life safety codes. Violations were noted by the Fire Inspector and Chief Building Official, and such violations must be corrected prior to consideration of your applications by the Planning Commission. Please see the inspection reports attached, for your reference on the necessary corrections.
25. Regarding Section 6.05.01, please demonstrate that the construction of a new building will not hamper the applicant's ability to properly maintain the existing building in a state of good repair and sanitation in accordance with current zoning and building ordinances/life safety codes.
26. Regarding Section 6.05.04, please provide the methodology used to determine the 3:1+20' stream setback as established in the PUD, CUP and Replat plans.

### General Development Comments

27. The building design for the proposed building on Lot 1 Willow Creek Replat Four must be reviewed as part of the design review process that is required for developments within the Gateway Corridor Overlay District prior to building permit submittal. The full design review process will be conducted outside of the PUD, CUP, and replat approval processes, with the exception of the review of the preliminary landscaping plan. The City's third-party Design Review Architect is currently reviewing the landscaping plan, and comments may be forthcoming.

Please resubmit 2 paper copies of the Preliminary Plats, PUD site plans, and other supporting documentation requested in this letter (including electronic copies) to the City for further review. Please also provide a response letter that answers or acknowledges each of the comments contained in this letter.

A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen, AICP  
Associate City Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

CC:

Prem Arora, Krishna, LLC  
Bruce Fountain, Community Development Director – City of La Vista  
Chris Solberg, Deputy Community Development Director – City of La Vista  
Pat Dowse, City Engineer – City of La Vista  
Garrett Delgado, Engineer Assistant – City of La Vista  
Brad Baber, Chief Building Official

**From:** [Bradley Baber](#)  
**To:** [Nicholas Gunia](#); [Bruce Fountain](#)  
**Cc:** [Robb Gottsch](#); [Christopher Solberg](#); [Cale Brodersen](#); [Lydia McCasland](#)  
**Subject:** RE: [EXT]Fire Prevention: Bear Creek Apartments Application Review PRP23-0004 Preliminary Building Inspection Report  
**Date:** Tuesday, January 23, 2024 3:51:23 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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1-23-2024

Bear Creek Apartments preliminary inspection.

On 1/18, Fire Inspector Nick Gunia and I responded to Bear Creek Apartments for safety inspection as part of the “in addition to bringing their existing 54 unit building into compliance” requirement of the application. Email warning from Nick to the property manager that scheduled our inspection was left unanswered. Property management office empty. Entry to the apartment common areas was approved by resident. Here are the findings from the Building Department:

- Deck post “Repaired” with a hose clamp and angle brackets needs replaced.
- Remove the old appliance from the parking lot.
- Several of the dryer vents need cleaned out.
- The metal cladding at the gas meter(s) connection is pulling loose exposing the wood behind.
- Several egress stairwell doors are not aligned, not latching. All must self-close, latch and fit the jambs.
- There is an extension cord powering a power strip in the south 1<sup>st</sup> floor laundry area.
- There are not combustion air vents / combustion air supply to the water heaters in the two 1<sup>st</sup> floor laundry rooms.
- There is not the require 1” clearance from combustibles (drywall) at the B-vent flues from the water heaters in the two 1<sup>st</sup> floor laundry rooms.
- 1<sup>st</sup> floor north end laundry room door is damaged and is missing the door handle.
- 1<sup>st</sup> floor north end laundry room the water heater TPR valve extension pipe is too long and it’s leaking . It needs to be 1” to 6” off of the floor and not be leaking.
- South Side Stairway to 2<sup>nd</sup> floor, the wooden portion of the handrail is not secured to the metal guardrail.
- North side stairway, one of the brackets holding the handrail to the wall is broken causing the handrail to be loose.

Please provide a plan to correct these deficiencies and contact the Building department to obtain and required permits and schedule inspections.

Thanks,

**Brad Baber**

City of La Vista | Chief Building Official  
402.593.6400 (Office)  
8116 Park View Blvd. | La Vista, NE 68128  
[CityofLaVista.org](http://CityofLaVista.org)

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**From:** Nicholas Gunia <ngunia@papillion.org>

**Sent:** Monday, January 22, 2024 8:27 AM

**To:** Bradley Baber <bbaber@cityoflavista.org>; Bruce Fountain <bfountain@cityoflavista.org>

**Cc:** Robb Gottsch <rgottsch@papillion.org>; Christopher Solberg <cslotberg@cityoflavista.org>; Cale Brodersen <cbrodersen@cityoflavista.org>; Lydia McCasland <lmccasland@cityoflavista.org>

**Subject:** [EXT]Fire Prevention: Bear Creek Apartments Application Review PRP23-0004 Preliminary Building Inspection Report

1/22/2024

[Bear Creek Apartments Application Review PRP23-0004 Preliminary Building Inspection Report](#)

On 1/18, Fire Inspector Nick and I responded to Bear Creek Apartments for safety inspection as part of the “in addition to bringing their existing 54 unit building into compliance” requirement of the application. Email warning to the property manager that scheduled our inspection was left unanswered. Property management office empty. Entry to the apartment common areas was approved by resident. Here are the findings from Fire and Life Safety:

- Found the southern fire exit discharge door boarded up with two 2x4's on the exterior and two 2x4's on the interior. This has been a repeat issue for this property manager. Omaha Engine 65 responded and removed the barriers to mitigate the life safety threat.
- Egress stairwell doors propped open with door wedges and bricks. Those were removed.
- Several egress stairwell doors are not aligned, not latching.
- Several sprinkler heads with paint, need replaced.
- Couple fire extinguisher cabinets have plexiglass coverings with no strike device.

- Clutter storage in egress hallways needs removed.
- Few emergency lights malfunctioning and need maintenance.
- Spare sprinkler head box is screwed down, unknown if spare heads are in the box.
- Rolls on electrical tape on wrapped on the 90 bends of the sprinkler riser, unknown reason.
- Sprinkler riser gauge broken, and needs replaced.
- Missing escutcheons on several sprinkler heads.
- Extension cords are being used as permanent wiring.
- Exterior fire department connection needs sprinkler flow fire alarm notification device installed above it.
- Dryer vents clogged up and need maintenance.
- Northside building address numerics need maintenance.
- Consider installing CO detectors in the two rooms with gas fueled water heaters.

The Papillion Fire Prevention Office will not approve the application to expand the Bear Creek Apartments until this list of corrections and CBO Baber's list is completed.

End of report.

## **Nick Gunia**

[City of Papillion | Fire Inspector](#)  
10727 Chandler Rd  
LaVista, NE 68128  
[www.Papillion.org](http://www.Papillion.org)

**O:** (402) 829-1398 | **M:** (402) 983-0612



# **Papillion**

Feels Like Home

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March 14, 2024

City of La Vista  
Planning Department  
Attn: Cale Brodersen, Associate City Planner  
8116 Park View Blvd  
La Vista, NE 68128

**Sent via Email: cbroderson@cityoflavista.com**

RE: Bear Creek Apartments – PUD, CUP, and Replat Applications

Mr. Brodersen,

Below are responses to the comments on the Bear Creek Apartments Initial Review Letter dated February 15, 2024. The City's comments are listed below followed by our response in bold.

**Planned Unit Development Application**

1. Regarding Section 5.15.04.01, please include a proposed construction schedule with submittal, inclusive of any contemplated phasing.  
**A proposed construction/phasing plan has been included in this resubmittal.**
2. Regarding Section 5.15.04.04, please provide a staging plan and/or phasing exhibit to ensure that ingress and egress/access, and adequate parking counts are able to be maintained, and that all utilities/current services can still be provided to the residences in Lot 2, during the construction on Lot 1.  
**A proposed phasing plan has been included in this resubmittal. The contractor shall provide a rocked/gravel access path until the paved drive is reconstructed. There will be a brief interruption to the gas and fiber optic service during the transition to the rerouted lines.**
3. Regarding Section 5.15.04.13 & 5.15.05.03, provide an exhibit or narrative of what areas are to be considered common open spaces and provide documentation as to how said common spaces between Lots 1 and 2 are to be maintained in perpetuity.  
**The Operating Statement has been updated to include information on common space and shared areas. A draft reciprocal ingress and egress easement has been included as well.**
4. Regarding Section 5.15.05.02.5, please depict the limits of the public right-of-way on the submittal.  
**The public right-of-way width varies and property lines across 144<sup>th</sup> and Harrison Street were not obtained during the survey. The section lines for NE1/4 of S14, T14N, R11E have been added to the preliminary plat to help depict right-of-way.**

5. Regarding Section 5.15.05.03.6, the proposed number of enclosed (garage) parking stalls does not conform to La Vista's Zoning Ordinance Section 7.05.10 which requires 0.5 garage stalls per unit. Please confirm if there are any additional areas in which garages could be constructed.  
**The site does not have any other locations that could support additional exterior garage stalls. Additional garage stalls would need to be located within the 3:1 plus 20-foot channel setback. A reduction to the garage stall per unit count is proposed with this PUD.**
6. Regarding Section 5.05.02, please provide numbers for the amount of existing parking stalls serving the Bear Creek Apartments, in addition to data on the utilization of existing parking (i.e. at night, when the greatest number of residents are home and their vehicles parked in the lot, how many stalls are currently being utilized and how many empty stalls remain?).  
**There are 110 existing parking spaces on site. Based on a count from the owner in the evening, approximately 80%, or 88 stalls, were occupied.**
7. Additional landscaping areas will be required along S. 144th Street, in accordance with the Gateway Corridor Overlay District. The PUD landscaping plan is currently being reviewed by the City's third-party design review architect, and comments may be forthcoming.  
**Acknowledged. Landscape plan will be updated upon receipt of additional landscape review comments.**
8. The current monument sign for the complex along Harrison Street is located within Sarpy County right-of-way and must be relocated to your property in accordance with the City's signage requirements in Section 7.01 of the La Vista Zoning Ordinance, and the design guidelines for the Gateway Corridor Overlay District, which include a requirement for a masonry base that match the materials to be used on the new building. To be brought into compliance, the monument sign on the east side of the complex along S. 144th Street should also be replaced in accordance with the design requirements.  
**The existing signs located within the right of way will be removed. A new monument sign will be constructed on the property in accordance with the City's signage requirements of Section 7.01 of the La Vista Zoning Ordinance, and the design guidelines for the Gateway Corridor Overlay District. We are currently in the process of working with a signage designer and will forward any designs or plans upon receipt. The proposed sign location is shown on the PUD Site Plan.**
9. Please include the dimensions for the north side yard setback for the existing building on proposed lot 2 in the PUD plan set.  
**Setback dimensions have been added to the Site Plan.**
10. Where you are requesting reduced setbacks through the PUD (i.e. the reduced front yard setbacks along 144th Street, and the reduced north side yard setback for the building on proposed Lot 2), please add a note stating "setback reduced through PUD" on the PUD site plan.  
**Setback reduction notes added to the Site Plan.**

11. Regarding Section 5.15.05.03.06, please provide dimensions of the off-street parking, inclusive of alley widths.

**Dimensions have been added to the PUD Site Plan.**

12. Regarding Section 5.15.05.04, please provide details on the point of connection and other pertinent design information for the sanitary sewer.

**Proposed sanitary sewer plan is to tap the existing sanitary manhole at the intersection of 144<sup>th</sup> & Harrison Street. The sewer tap will be in accordance with the City of Omaha Standard Plate 700-02.**

13. Regarding Section 5.15.05.07, please provide a rendering of the proposed buildings, inclusive of elevations and other applicable pertinent information.

**Rendering image of the proposed apartment building has been included in the resubmittal.**

14. Regarding Section 5.15.05.09, please provide copies of any restrictive covenants that exist on the property.

**No restrictive covenants exist on the property.**

15. Additional fire hydrants serving the property are to be required per the Fire Inspector with the Papillion Fire Department. Please identify the location(s) for additional hydrants on the PUD plans.

**A new fire hydrant has been added and identified on the PUD Utility Plan.**

16. Please confirm with the state of Nebraska if any environmental assessment and remediation efforts are required on Proposed Lot 1 in relation to the fuel station that existed previously on that property.

**A letter from the Nebraska Department of Environmental and Energy (formerly known as the Department of Environmental Quality) has been included with this resubmittal. Based on the letter, the Department reviewed the Tier 1 report and the petroleum concentration levels found were below the Department's risk-based screening levels for the site.**

17. On July 17, 2023 Jim Lang forwarded an e-mail from Timothy Weander with the Nebraska Department of Transportation suggesting that NDOT would approve the 10foot reduced building setback from the NDOT right-of-way along S. 144th Street. Please provide a more formal approval letter from NDOT that they are in approval of the updated site plan, as proposed, including the reduced front-yard setback.

**A formal approval letter from NDOT has been included.**

#### Replat Application

18. As an application for a combined replat, the Planning Commission and City Council will review both the preliminary and final plat documents concurrently. Please submit the final plat document for staff review.

**The Final Plat has been included in the resubmittal package.**

19. Regarding Section 3.03.07, please provide the size, flow lines, and elevation of the existing sanitary & storm sewer.  
**The inverts and sizes for both sanitary and storm sewer are shown on Exhibit A, Preliminary Plat.**
20. Regarding Section 3.03.07, please provide pre- and post-construction inspection reports of connection to public sanitary sewer.  
**Pre and post-construction CCTV footage of the proposed sanitary sewer connection will be provided at the time of construction.**
21. Regarding Section 3.03.10, please provide any proposed cross access and/or ingress/egress required for access to Harrison Street through Lot 1. Easements shall be marked on the preliminary and final plat documents, and if the easement is to be recorded via a separate document, the draft language and exhibits must be provided.  
**A draft reciprocal ingress and egress easement has been included. The proposed easement has been added to the Preliminary and Final Plat.**
22. Regarding Section 3.03.12, please provide any easements or other restrictive covenants for public utilities or right-of-way.  
**No restrictive covenants exist for the property. Existing easements are shown on the Preliminary and Final Plat.**

#### Conditional Use Permit

23. Per Section 6.02, please provide an operating statement that describes the use in great detail, including the breakdown of units/bedrooms for each building, any amenities provided to residents, operating hours for the leasing office, etc.  
**An updated Operating Statement has been included with this resubmittal.**
24. The Fire Inspector has noted the existing building has an extensive history of mechanical, fire, and life safety code violations. Regarding Section 6.05.01, a complete inspection of the existing building was conducted by the Fire Inspector and Chief Building Official on January 18, 2024 to ensure that it is being maintained in accordance with building and life safety codes. Violations were noted by the Fire Inspector and Chief Building Official, and such violations must be corrected prior to consideration of your applications by the Planning Commission. Please see the inspection reports attached, for your reference on the necessary corrections.  
**All violations noted by the Fire Inspector and Chief Building Official have been resolved by the owner.**
25. Regarding Section 6.05.01, please demonstrate that the construction of a new building will not hamper the applicant's ability to properly maintain the existing building in a state of good repair and sanitation in accordance with current zoning and building ordinances/life safety codes.  
**A construction phasing plan has been included in this submittal.**

26. Regarding Section 6.05.04, please provide the methodology used to determine the 3:1+20' stream setback as established in the PUD, CUP and Replat plans.

**To determine the stream setback, the elevation from the outer edge of the channel/water edge is sloped at 3:1 until it intersects with the existing grade, then an additional 20 feet is added. Elevations were obtained from a topographic survey performed by TD2.**

27. The building design for the proposed building on Lot 1 Willow Creek Replat Four must be reviewed as part of the design review process that is required for developments within the Gateway Corridor Overlay District prior to building permit submittal. The full design review process will be conducted outside of the PUD, CUP, and replat approval processes, with the exception of the review of the preliminary landscaping plan. The City's third-party Design Review Architect is currently reviewing the landscaping plan, and comments may be forthcoming.

**Acknowledged. The building design will undergo the design review process for the Gateway Corridor District prior to building permit submittal.**

We appreciate the City's efforts in preparing this review and will continue to work with the Planning Department on any unresolved items. Please contact our office with any questions.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Trevor Veskrna, P.E.

Cc: Prem Arora, premnarora@hotmail.com  
Jim Lang, jlang@langlawllc.com  
Doug Dreessen, dsdreessen@td2co.com



May 9, 2024

TD2

Attn: Trevor Veskrna  
10836 Old Mill Road  
Omaha, NE 68154

RE: Bear Creek Apartments – PUD, CUP, and Replat Applications -  
Second Review Letter

Mr. Veskrna,

We have reviewed your resubmittal for the above-referenced applications. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations and Zoning Ordinance, the City has the following comments:

Planned Unit Development Application

1. Please find attached as Exhibit A the initial review letter from the City's third-party design review architect regarding changes required for the property to come into compliance with the Gateway Corridor Overlay District's landscaping requirements. Please make the necessary changes to the landscaping plan, inclusive of irrigation for the landscaping areas along Harrison Street and S. 144<sup>th</sup> Street, and resubmit to the City for further review.

**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**

2. Beyond the changes referenced in comment #1 above that are required to satisfy the requirements of the Gateway Corridor Overlay District, as a condition for the use of the Planned Unit Development tool to reduce the required front yard setbacks along S. 144<sup>th</sup> Street, additional landscaping areas shall be provided in accordance with the letter from the City's third-party design review architect attached as Exhibit B.

Replat Application

3. Sarpy County Public Works has reviewed the submitted final plat document and has several comments and requested revisions. Please see the comments attached as Exhibit C, and revise the final plat to address the surveyor's comments.

Conditional Use Permit Application

4. Due to the singular driveway access point to the Bear Creek Apartment complex, the Fire Inspector with the Papillion Fire Department has noted concerns regarding the ability for first responders to respond to emergencies at the existing and proposed new apartment buildings. Subsequently, they have noted requirements to upgrade the fire protection engineering system of the upcoming structure and construct an additional fire hydrant. Please find e-mail correspondence from the Papillion Fire Inspector attached as Exhibit D, and adjust the plans as necessary to comply with the requirements.
5. Please provide data on the current rental rate/utilization rate for the garages constructed on the property. In the event that parking demand exceeds provided parking, what measures will be taken to ensure that the utilization of the parking lot is maximized and that there are safe places for your residents to park? Please detail such measures in the operating statement for the Conditional Use Permit.

Please resubmit 2 paper copies of the documentation requested in this letter (including electronic copies) to the City for further review. Please also provide a response letter that answers or acknowledges each of the comments contained in this letter.

A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. However, for your applications to be considered for the June 6, 2024 Planning Commission meeting, please resubmit for further review by next Wednesday, May 15<sup>th</sup> by 4:00pm. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Cale Brodersen, AICP  
Associate City Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

CC:

Prem Arora, Krishna, LLC  
Bruce Fountain, Community Development Director – City of La Vista  
Chris Solberg, Deputy Community Development Director – City of La Vista  
Pat Dowse, City Engineer – City of La Vista  
Garrett Delgado, Engineer Assistant – City of La Vista  
Brad Baber, Chief Building Official

January 22, 2022

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: Bear Creek Apartments - Design Review Letter #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the Applicant's submittal containing drawings received on 1/11/2024. For tracking purposes, I have noted deficiencies in the submittal package below, and where appropriate, the corresponding requirements outlined in the Gateway Corridor Design Guidelines.

**General:**

1. The following drawings were submitted:
  - a. C1.0 - PUD Site Plan
  - b. C2.0 - PUD Grading and Utility Plan
  - c. C3.0 - PUD Landscaping Plan
  - d. C4.0 - PUD Fire Access Plan
2. Additional reviews regarding landscaping will take place at the time of Design Review Submission for each building within this PUD with regard to specific requirements regarding the softening of areas around dumpster enclosures, screening of utilities, screening of mechanical equipment, etc.

**Drawings:**

1. Landscaping
  - i. Per 4.III.D.2, a minimum of one species of deciduous shrub is required, none are included in the plant schedule.
  - ii. Irrigation required per 4.III.G not indicated on plans.

Please notify the Applicant of the review comments above and request clarification and/or resubmittal as the case may be. Please remind the Applicant to properly date all resubmittals. Gateway Corridor Design Guideline Requirements not specifically discussed above are in compliance but subject to further review pending resubmittal.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6377 direct  
dkerns@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.



Dan Kerns, AIA, NCARB  
Principal  
Executive Manager, Architecture  
Commercial Market Leader

May 9, 2024

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: Bear Creek Apartments – Landscape Recommendations

Dear Chris:

As requested, we have reviewed the Gateway Corridor Design Guidelines and have the following recommendations for additional landscaping that could be implemented to the Bear Creek Apartments project.

Recommend additional landscaping between buildings, parking lots and drive lanes to soften the transition between pavement and the buildings. This could include plantings from Appendix G.

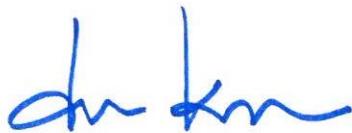
Recommend landscape along Harrison Street and 144<sup>th</sup> Street which includes elements from Appendices B and C from the Architectural and Site Design Guidelines for the Southport Development. These items include but are not limited to berms, street trees, shrubs and other low plantings.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6377 direct  
dkerns@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.



Dan Kerns, AIA, NCARB  
Principal  
Executive Manager, Architecture  
Commercial Market Leader

PHONE 402.493.4800  
FAX 402.493.7951

1044 North 115th Street, Suite 300  
Omaha, Nebraska 68154-4436

# WILLOW CREEK REPLAT FOUR

## LOTS 1 AND 2

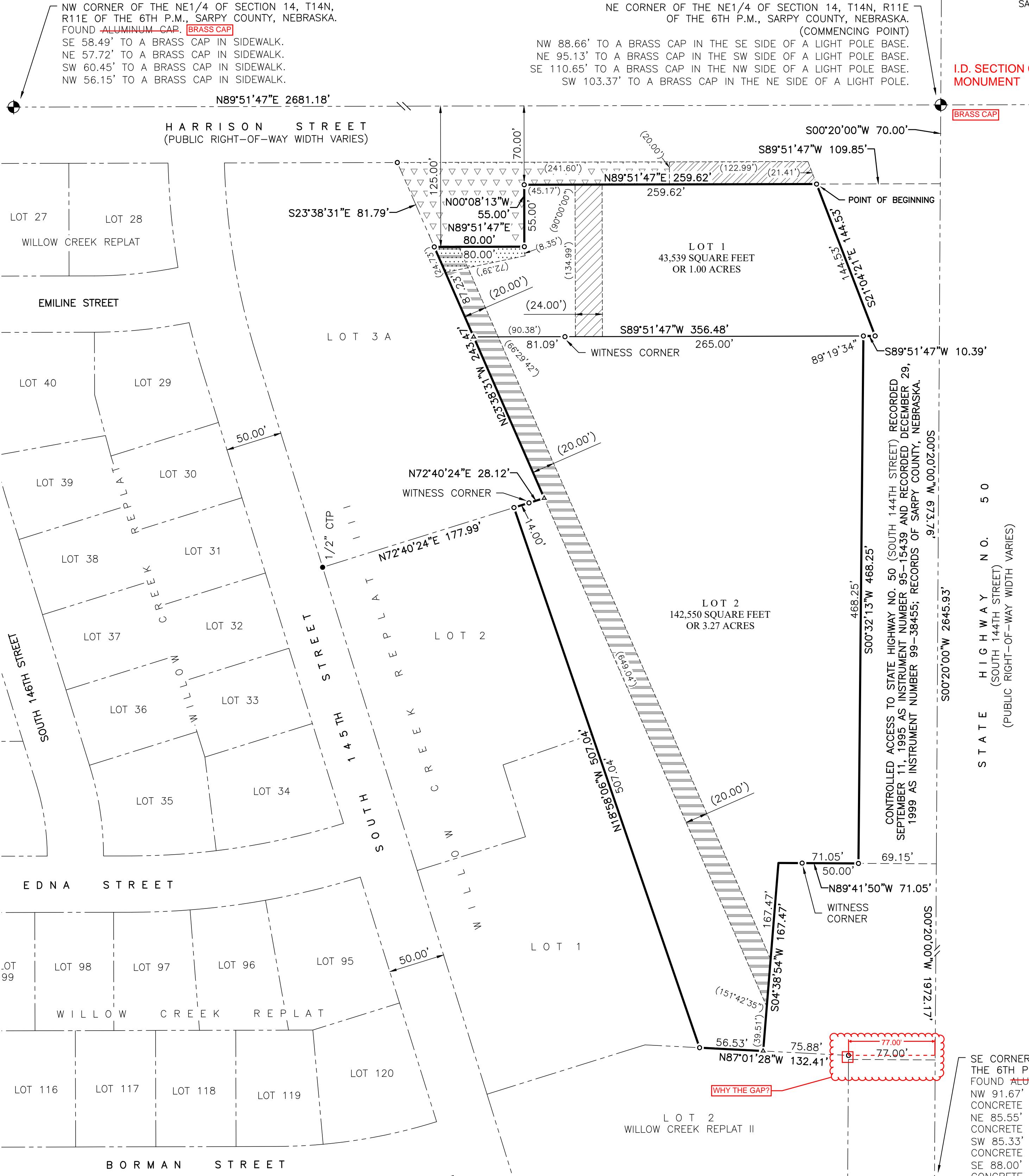
BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA.

### NOTES

1. THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO STATE HIGHWAY NO. 50 (SOUTH 144TH STREET) OVER THE EAST LINE OF LOTS 1 AND 2.
2. DIMENSIONS AND ANGLES IN PARENTHESIS PERTAIN TO EASEMENTS.

### LEGEND

- PROPERTY CORNER FOUND
- PROPERTY CORNER SET (5/8" REBAR W/CAP #775)
- △ CALCULATED POINT
- ◆ SECTION CORNER SYMBOL IN LEGEND



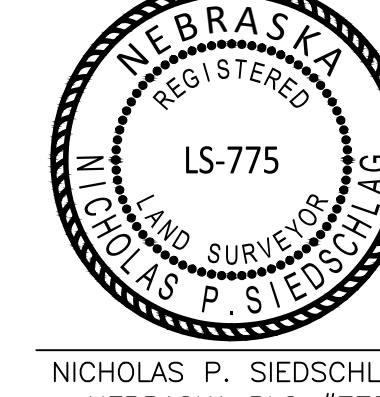
### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS IN EFFECT AS OF THE DATE SHOWN HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS WILLOW CREEK REPLAT FOUR, LOTS 1 AND 2, BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE1/4 OF SECTION 14, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; THENCE S00°20'00"W (ASSUMED BEARING) 70.00 FEET ON THE EAST LINE OF SAID NE1/4; THENCE S89°51'47"W 109.85 FEET ON THE EASTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 240B, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ON THE WESTERLY RIGHT-OF-WAY CONTROLLED ACCESS LINE OF STATE HIGHWAY NO. 50 AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-13707 AND 99-38455 ON THE NEXT FIVE (5) DESCRIBED COURSES AS FOLLOWS: (1) S21°04'21"E 144.53 FEET TO THE SE CORNER OF SAID LOT 240B, (2) S89°51'47"W 10.39 FEET ON THE SOUTH LINE OF SAID LOT 240B, (3) S00°32'13"W 468.25 FEET, (4) N89°41'50"W 71.05 FEET, (5) S04°38'54"W 167.47 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3B; THENCE N87°01'28"W 56.53 FEET ON THE SOUTH LINE OF SAID LOT 3B TO THE SW CORNER THEREOF; THENCE N18°58'06"W 507.04 FEET ON A LINE COMMON BETWEEN SAID LOT 3B AND LOTS 1 AND 2 OF SAID WILLOW CREEK REPLAT III TO THE NE CORNER OF SAID LOT 2; THENCE N72°40'24"E 28.12 FEET ON THE SOUTH LINE OF LOT 3A OF SAID WILLOW CREEK REPLAT III TO THE SE CORNER THEREOF; THENCE N23°38'31"W 243.47 FEET ON A COMMON LINE BETWEEN SAID LOT 3B AND LOT 3A OF SAID WILLOW CREEK REPLAT III; THENCE N89°51'47"E 80.00 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NE1/4; THENCE N00°08'13"W 55.00 FEET PERPENDICULAR TO SAID NORTH LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE N89°51'47"E 259.62 FEET ON SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 4.27 ACRES, MORE OR LESS.

JANUARY 5, 2024  
DATE  
consider updating



NICHOLAS P. SIEDSCHLAG  
NEBRASKA RLS #775

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2

Exhibit C

**TD2**  
engineering  
& surveying

thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 f.402.330.5866  
td2co.com  
dba: TD2 Engineering & Surveying  
NE CA-0199

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, KRISHNA, LLC., A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS AND FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC., BEING THE MORTGAGE HOLDER OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND AGREED, WITHIN THESE PRESENTS, TO SPLIT SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HERAFTER KNOWN AS WILLOW CREEK REPLAT FOUR, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK QC AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSEARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE LOT LINES, AND AN EIGHT (8') FOOT WIDE STRIP OF LAND ABUTTING THE REAR LOT LINES. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

KRISHNA, LLC,  
A NEBRASKA LIMITED LIABILITY COMPANY

FANNIE MAE C/O GREYSTONE  
SERVICING CORPORATION, INC.

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

### ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_ 2024 BY  
OF KRISHNA, LLC., A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

### ACKNOWLEDGEMENT OF NOTARY

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_ 2024 BY  
OF FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC. ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC

### APPROVAL OF LA VISTA CITY COUNCIL

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

PAM BUETHE, CITY CLERK DOUGLAS KINDIG, MAYOR CHRIS SOLBERG, CITY PLANNER

### APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

CHAIRMAN

### SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

SARPY COUNTY TREASURER

TREASURER'S SEAL

### REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

COUNTY SURVEYOR/ENGINEER

Job No.: A1334-131-1.1A  
Drawn By: BJH  
Reviewed By: NPS  
Date: JANUARY 5, 2024  
Book: \_\_\_\_\_  
Pages: \_\_\_\_\_  
Sheet Title: \_\_\_\_\_

CITY OF LA VISTA  
FINAL PLAT

Sheet Number: \_\_\_\_\_

SHEET 1 OF 1

**Cale Brodersen**

**From:** Nicholas Gunia <ngunia@papillion.org>  
**Sent:** Monday, May 6, 2024 9:12 AM  
**To:** 'Jim Lang'  
**Cc:** Prem Arora; Steve Arora; rmeyer@meyerarchitecture.com; Doug Dreessen; Trevor Veskrna  
**Subject:** [EXT]Update: Krishna, LLC - 144th & Harrison Street; Bear Creek Apartments  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

5/6/2024

Good morning Mr. Lang;

Following up on the meeting with Omaha Fire last Thursday. We reviewed your request for equivalency and determined the following:

-Asking the fire apparatus crew to violate traffic laws by jumping the road median curb and assume the risk for damaging the fire apparatus, road infrastructure, or oncoming traffic is not an acceptable equivalency solution and will not be considered.  
 -Fire Station 65 is close to Bear Creek complex, as the crow flies. However, the distance required to navigate through residential to get to the single-entry point near a busy state highway into the complex makes this case more complicated. And if Engine 65 is out on a call, the nearest available apparatus is miles away.  
 -We understand and empathize with the increased costs of upgrading the building fire protection engineering. Here's is our adjusted equivalency plan offer to help with the budgeting of the project, while keeping residents and firefighters safe in the event of a fire emergency.

- 1) Withdrawing the retrofitting plan of the existing structure, maintain the current sprinkler system to code.
- 2) Install a NFPA13R system in the new structure with a full fire alarm system.
- 3) Install a dry piped sprinkler system in the attic of the new structure.
- 4) Install a fire hydrant near the corner of the entry of the complex.

This plan, we believe, is a fair compromise to satisfy the lack of access points into the complex with high density housing. This also gives firefighters better access to water supply with a new hydrant location, as the current fire hydrant location set up in this complex is borderline unusable.

If you still want to have a meeting, we can do that. If you wish to approve this plan, I can get the pre-application signed off and get you to City Council and get this project moving forward.

### **Nick Gunia**

[City of Papillion | Fire Inspector](#)  
 10727 Chandler Rd  
 LaVista, NE 68128  
[www.Papillion.org](http://www.Papillion.org)

**O:** (402) 829-1398 | **M:** (402) 983-0612



**Papillion**

Feels Like Home

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and telephone immediately and destroy all copies of the original message.

---

**From:** Jim Lang <jlang@langlawllc.com>  
**Sent:** Monday, April 29, 2024 2:02 PM  
**To:** Nicholas Gunia <ngunia@papillion.org>  
**Cc:** Prem Arora <premnarora@hotmail.com>; Steve Arora <steve.p.arora@gmail.com>; rmeyer@meyerarchitecture.com; Doug Dreessen <dsdreessen@td2co.com>; Trevor Veskrna <TVeskrna@TD2CO.COM>  
**Subject:** [EXT] RE: [EXT] Krishna, LLC - 144th & Harrison Street; Bear Creek Apartments

Nick, Thank you. Jim

James E. Lang  
**LANG LAW LLC**  
8526 F Street  
Omaha, Nebraska 68127  
(402) 330-1900  
(402) 330-0936 facsimile  
[jlang@langlawllc.com](mailto:jlang@langlawllc.com)

---

**From:** Nicholas Gunia <ngunia@papillion.org>  
**Sent:** Monday, April 29, 2024 2:00 PM  
**To:** Jim Lang <jlang@langlawllc.com>  
**Cc:** Prem Arora <premnarora@hotmail.com>; Steve Arora <steve.p.arora@gmail.com>; rmeyer@meyerarchitecture.com; Doug Dreessen <dsdreessen@td2co.com>; Trevor Veskrna <TVeskrna@TD2CO.COM>  
**Subject:** RE: [EXT] Krishna, LLC - 144th & Harrison Street; Bear Creek Apartments

Thank you sir;

I am going to take this request to my Fire Chief and Omaha Fire Prevention Division for review. We plan to meet on Thursday afternoon. Once we've completed the review, we will get back to you and we can set up this meeting soon.

**Nick Gunia**  
City of Papillion | Fire Inspector  
10727 Chandler Rd  
LaVista, NE 68128  
[www.Papillion.org](http://www.Papillion.org)

**O:** (402) 829-1398 | **M:** (402) 983-0612



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**From:** Jim Lang <[jlang@langlawllc.com](mailto:jlang@langlawllc.com)>  
**Sent:** Monday, April 29, 2024 1:39 PM  
**To:** Nicholas Gunia <[ngunia@papillion.org](mailto:ngunia@papillion.org)>  
**Cc:** Prem Arora <[premnarora@hotmail.com](mailto:premnarora@hotmail.com)>; Steve Arora <[steve.p.arora@gmail.com](mailto:steve.p.arora@gmail.com)>; [rmeeyer@meyerarchitecture.com](mailto:rmeeyer@meyerarchitecture.com); Doug Dreessen <[dsdreesen@td2co.com](mailto:dsdreesen@td2co.com)>; Trevor Veskrna <[TVeskrna@TD2CO.COM](mailto:TVeskrna@TD2CO.COM)>  
**Subject:** [EXT] Krishna, LLC - 144th & Harrison Street; Bear Creek Apartments

Nick:

I am emailing you as a follow up to our telephone conversation of Friday.

Per your March 19, 2024 email to Cale Broderson on the project, the developer has completed the following:

1. Department of Transportation. Krishna LLC reached out to the NDOT requesting a restricted emergency access point off 144<sup>th</sup> Street south of the existing apartment, which would be for fire and rescue access only. Per the attached email, the NDOT will not approve this request.
2. Upgraded Fire Suppression Systems. The developer's architect obtained cost estimates for the upgraded NFPA 13 Extinguishment Sprinkler System with a dry pipe sprinkler system covering the attic area for the new building which would add an additional \$75,000.00 in cost in upgrading the NFPA 13R Life Safety Sprinkler System to the NFPA 13, and upgrading the system in the existing apartment by installing a dry-pipe sprinkler system with such upgraded cost estimate of \$125,900.00. This totals an increased expense of \$269,150.00.

We understand the concern set forth in your March 19, 2024 email.

We request that Fire Department consider the following in regard to this matter:

1. Fire Station. There is a fire station within 500 feet of the apartments located at 143<sup>rd</sup> & Harrison Street.
2. Access/Location. The apartments are located at the southwest corner of 144<sup>th</sup> & Harrison Street. Access to the apartments in the event of a fire/rescue emergency can be off 144<sup>th</sup> Street to the east side of the apartments. The topography at this location is level and the fire truck/rescue vehicles could pull off 144<sup>th</sup> Street right along the apartments. Further, the apartment owner would restrict an area large enough for rescue vehicles at the south end of the existing apartments for access into the site from the south.
3. Harrison Street Access. There is a raised median for west bound traffic at Harrison Street. I understand that the Fire Department does not favor driving over the raised median with its fire trucks and rescue vehicles, however, the Fire Department can access its fire trucks over the raised median and obtain access into the site in the event of a fire emergency.
4. Hydrant Location. The fire hydrant is located just to the east of the apartments on the west side of 144<sup>th</sup> Street.
5. Response Time. With the fire station located within 500 feet and the apartments sitting at 144<sup>th</sup> & Harrison Street, fire and rescue vehicles can access the apartments within the appropriate response times.

The above are items that we want to address with the Fire Department at our meeting to see if we can obtain a resolution to this acceptable to both the Fire Department and the apartment owner.

I look forward to receiving an email from you setting forth a time and place for the meeting. In the meantime if you have any questions concerning the above, please let me know.

Jim

James E. Lang  
**LANG LAW LLC**  
8526 F Street  
Omaha, Nebraska 68127  
(402) 330-1900  
(402) 330-0936 facsimile  
[jlang@langlawllc.com](mailto:jlang@langlawllc.com)

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May 15, 2024

City of La Vista  
Planning Department  
Attn: Cale Brodersen, Associate City Planner  
8116 Park View Blvd  
La Vista, NE 68128

RE: Bear Creek Apartments – PUD, CUP, and Replat Applications  
Second Review Letter

Mr. Brodersen,

Below are responses to the comments on the Bear Creek Apartments Second Review Letter dated May 9, 2024. The City's comments are listed below followed by our response in bold.

Planned Unit Development Application

1. Please find attached as Exhibit A the initial review letter from the City's third-party design review architect regarding changes required for the property come into compliance with the Gateway Corridor Overlay District's landscaping requirements. Please make the necessary changes to the landscaping plan, inclusive of irrigation for the landscaping areas along Harrison Street and S. 144<sup>th</sup> Street and resubmit to the City for further review.  
**Bobo Hydrangea have been added to the planting schedule and are shown along the retaining wall on the north side of the proposed apartment building. Note no. 4 has been added to the Landscaping Notes stating that all proposed landscaped areas shall receive irrigation, including landscaping along 144<sup>th</sup> & Harrison Street.**
2. Beyond the changes referred in comment #1 above that are quired to satisfy the requirements of the Gateway Corridor Overlay District, as a condition for the use of the Planned Unit Development tool to reduce the required front yard setbacks along S. 144<sup>th</sup> Street, additional landscaping areas shall be provided in accordance with the letter from the City's third-party design review architect attached as Exhibit B.  
**Additional shrubs have been added between the parking lot and building as outlined in Exhibit B, as well as additional shrubs along the north retaining wall. A smaller, more ornamental tree has been added to the planting schedule along 144<sup>th</sup> & Harrison Street as outlined in Appendices B and C of the Southridge Design Guidelines. The selected tree, Downey Hawthorne, is identified in Appendix G of the Southridge Design Guidelines and is intermixed with the overstory trees along 144<sup>th</sup> & Harrison Street.**

Replat Application

3. Sarpy County Public Works has reviewed the submitted final plat document and has several comments and requested revisions. Please see the comments attached as Exhibit C and revise the final plat to address the surveyor's comments.

**The final plat has been updated per Sarpy County Public Works comments.**

We appreciate the City's efforts in preparing this review and will continue to work with the Planning Department on any unresolved items. Please contact our office with any questions.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Trevor Veskrna, P.E.

TDV/slh

Enclosures

**LANG LAW LLC**  
ATTORNEYS AT LAW  
8526 F STREET  
OMAHA, NEBRASKA 68127  
(402) 330-1900  
FAX (402) 330-0936

May 15, 2024

Cale Brodersen, AICP  
Associate City Planner  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

RE: Bear Creek Apartments – PUD, CUP and Replat Application  
Response to Second Review Letter

Cale:

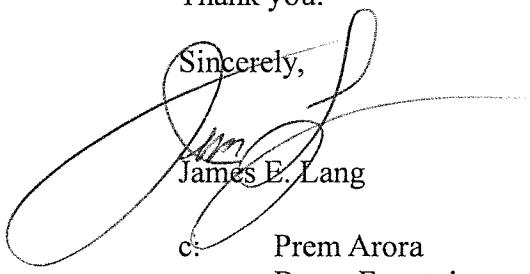
This office represents the applicant, Krishna, LLC. I am responding to your May 9, 2024 letter. Paragraphs 1, 2 and 3 are being addressed by Thompson, Dreessen & Dorner, Inc. and Randy Meyer, Architect, as part of the resubmittal.

In response to paragraph 4, concerning the fire inspector response, the applicant has received Nicholas Gunia's email dated May 6, 2024 and is in the process of obtaining a cost estimate for the installation of the fire hydrant near the corner of the entry of the complex. Once the applicant has this, it can then respond to the Gunia May 6, 2024 email. We should have this shortly. In the meantime, we would like to move forward to the planning board on the condition that the applicant will address the fire inspector's concerns prior to the CUP, PUD and replat being presented to the City Council for approval. I discussed this with Bruce Fountain previously, and Bruce was agreeable to proceeding in this manner.

Concerning paragraph 5, the revised Operating Statement addressing the department's concerns is being submitted both in clean copy and redline showing the revisions as part as this resubmittal.

If you need anything further from us in regard to this matter, please let the undersigned or one of our team members know.

Thank you.

Sincerely,  
  
James E. Lang

c. Prem Arora  
Bruce Fountain  
Doug Dreessen  
Steve Arora  
Trevor Veskna



Good Life. Great Journey.

**DEPARTMENT OF TRANSPORTATION**

February 29, 2024

James E. Lang  
LANG LAW LLC  
8526 F Street  
Omaha, Nebraska 68127

Re: Krishna, LLC - 144th & Harrison Street; Bear Creek Apartments; 144th Street Setback

Dear Mr. Lang,

The State of Nebraska has reviewed the request for a variance on the setback for the proposed development on the Southwest corner at Highway 50 and Harrison Street and agrees with the determination that has been made between the property owner and the City of LaVista.

The 10-foot setback is adequate for our Highway purposes.

Please let me know if additional information is needed.

Sincerely,

Thomas W Goodbarn  
District Engineer

CC: City of LaVista

TWG/nc

Vicki Kraner, Director

**Department of Transportation**

District 2 Headquarters  
4425 South 108th Street  
PO Box 45461  
Omaha, NE 68145-0461

OFFICE 402-595-2534 FAX 402-595-1720  
NDOT.ContactUs@nebraska.gov

[dot.nebraska.gov](http://dot.nebraska.gov)









thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 [www.td2co.com](http://www.td2co.com)  
dba: TD2 Engineering & Surveying  
NE CA-0199

Project Name

PUD

## Willow Creek Replat Four

## Lots 1 and 2

**Project Location**

---

Client Name  
**Krishna, LLC**

Professional Seal

## Revision Dates

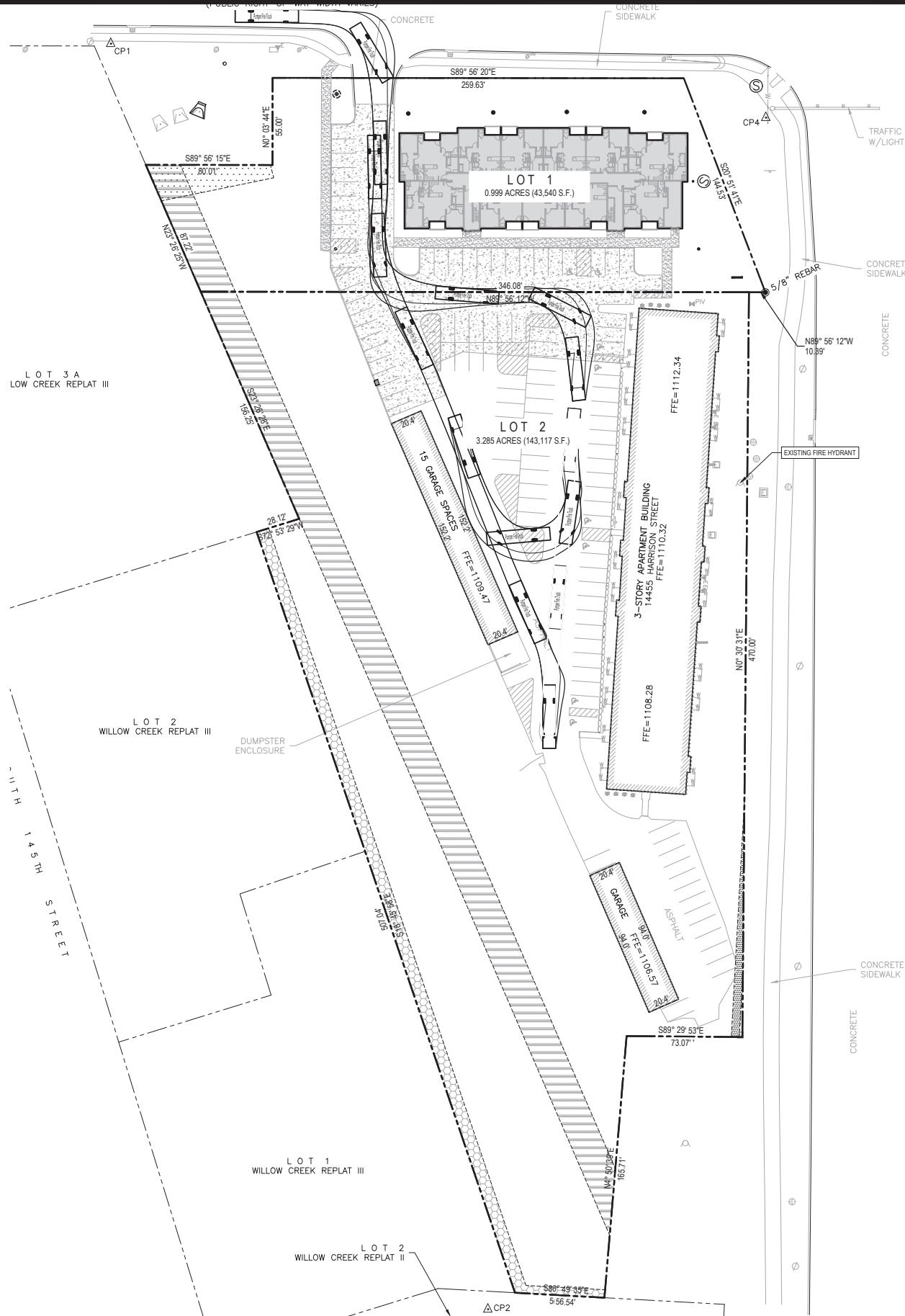
Drawn By: TDV      Reviewed By: DSD  
Job No.: 1334-131-01      Date: 05/15/24

Sheet Title

# PUD Fire Access Plan

Sheet Number

C4.0



## WILLOW CREEK REPLAT FOUR

## LOTS 1 AND 2

## SARPY COUNTY, NEBRASKA

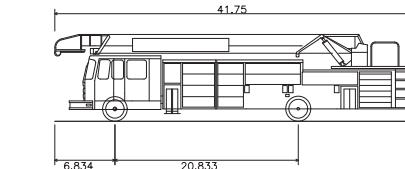


#### VICINITY MAP

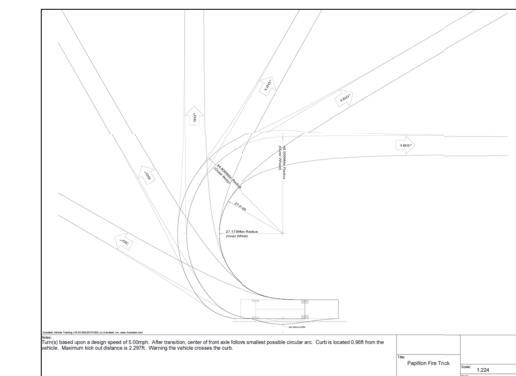


## NOTE

1. EXISTING ZONING IS R-3 GATEWAY CORRIDOR. PROPOSED ZONING IS R-3 PUD GATEWAY CORRIDOR.
2. WATER SHALL BE PROVIDED BY METROPOLITAN UTILITIES DISTRICT.
3. GAS SHALL BE PROVIDED METROPOLITAN UTILITIES DISTRICT.
4. POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
5. EASEMENTS AND DEDICATIONS WILL BE SHOWN ON THE FINAL PLAT.
6. PROPOSED PLAN CONTAINS 4.284 ACRES.



Papillion Fire Truck	
Overall Length	41.750ft
Overall Width	8.000ft
Overall Body Height	9.864ft
Min Body Ground Clearance	0.875ft
Max Track Width	8.142ft
Lock-to-lock time	5.00s
Max Wheel Angle	37.00°



## Willow Creek Replat Four

\_ots 1 and 2

Project Location

Client Name

1

## Revision Dates

Drawn By: TDV      Reviewed By: DSD  
Job No.: 1334-131-01      Date: 05/15/24

Sheet Title

## PUD Phasing Plan

Sheet Number

C5.0

## PHASE 1 PLAN

1. REMOVE EXISTING ASPHALT PAVING
2. PROVIDE TEMPORARY ROCKED ACCESS TO EXISTING PARKING
3. REMOVE EXISTING TREES
4. RELOCATE EXISTING UTILITY LINES OUTSIDE OF NEW BUILDING FOOTPRINT. EXISTING BUILDING TO EXPERIENCE TEMPORARY OUTAGE DURING TRANSITION.
5. INSTALL NEW STORM SEWER, SANITARY SEWER, AND WATER SERVICE FOR NEW APARTMENT BUILDING.

CONTRACTOR TO KEEP ALL CONSTRUCTION ACTIVITY, VEHICLES, MATERIALS ETC. WITHIN PHASE 1 BOUNDARY.

**HARRISON STREET**  
(PUBLIC RIGHT-OF-WAY WIDTH VARIES)

**CONCRETE**

**CONCRETE SIDEWALK**

**PHASE 3 BEGIN CONSTRUCTION ON NEW APARTMENT BUILDING**

**CP1**

**CONCRETE**

**CONCRETE SIDEWALK**

**CP4**

**TRAFFIC SIGNAL W/LIGHT POLE**

**PHASE 4 PAVE REMAINDER OF PARKING LOT AREA AND FINALIZE BUILDING CONSTRUCTION**

**5 1/8" REBAR**

**CONCRETE SIDEWALK**

**PHASE 3**

**PHASE 2**

**CONTRACTOR MAY UTILIZE NEW PHASE 2 STALLS FOR CONSTRUCTION VEHICLE PARKING OR MATERIALS STORAGE. ACCESS SHALL ALWAYS BE PROVIDED TO EXISTING PARKING LOT.**

**PHASE 4**

**EXISTING BUILDING CONTAINS 65 BEDROOMS. TOTAL PARKING REQUIRED = 1 STALL PER BEDROOM. PHASE 2 STALLS PROVIDED = 89 STALLS**

**1445 HARRISON STREET**  
**FFE=1110.32**

**3-STORY APARTMENT BUILDING**  
**FFE=1108.28**

**LOT 3 A**  
**LOW CREEK REPLAT III**

**PHASE 2**  
**SAND BLAST AND/OR GRIND DOWN EXISTING PARKING LOT STRIPING. REPAIN PARKING LOT STRIPING AS SHOWN.**

**LOT 2**  
**WILLOW CREEK REPLAT III**

**DUMPSTER ENCLOSURE**

**TEMPORARY OVERFLOW PARKING LOCATION APPROX. 14 PARKING SPACES**

**CONCRETE**

**CONCRETE SIDEWALK**

**CONCRETE**

**STATE HIGHWAY N.O. 50**  
(PUBLIC RIGHT-OF-WAY WIDTH VARIES)

## PHASE 2 PLAN

1. CONSTRUCT PAVED ACCESS DRIVE AND PORTION OF PARKING AREA CONTRACTOR TO MAINTAIN ROCKED ACCESS AT ALL TIMES DURING CONSTRUCTION UNTIL NEW PAVED ACCESS IS PROVIDED.
2. SAND BLAST AND/OR GRIND DOWN EXISTING PARKING LOT STRIPING REPAINT.
3. CONTRACTOR MAY USE NEWLY CONSTRUCTED STALLS ALONG ACCE DRIVE FOR CONSTRUCTION PARKING OR CONSTRUCTION MATERIAL STORAGE.

### PHASE 3 PLAN

1. PAVE REMAINDER OF PARKING LOT AREA  
2. FINISH APARTMENT BUILDING CONSTRUCTION

# WILLOW CREEK REPLAT FOUR

## LOTS 1 AND 2

## SARPY COUNTY, NEBRASKA



## VICINITY MAP



## NOTES

1. EXISTING ZONING IS R-3 GATEWAY CORRIDOR. PROPOSED ZONING IS R-3 PUD GATEWAY CORRIDOR.
2. WATER SHALL BE PROVIDED BY METROPOLITAN UTILITIES DISTRICT.
3. GAS SHALL BE PROVIDED METROPOLITAN UTILITIES DISTRICT.
4. POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
5. EASEMENTS AND DEDICATIONS WILL BE SHOWN ON THE FINAL PLAT.
6. PROPOSED PUD CONTAINS 4.284 ACRES.

PROPERTY OWNER

KRISHNA LLC  
17120 SHERWOOD AVE  
OMAHA, NE 68116

## SUBDIVIDER

KRISHNA LLC  
17120 SHERWOOD AVE  
OMAHA NE 68116

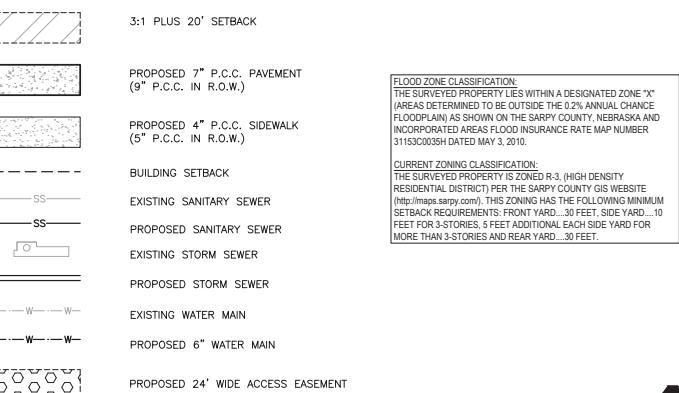
## ENGINEER

THOMPSON, DREESSEN & DORNER  
10836 OLD MILL ROAD  
OMAHA, NEBRASKA 68154  
PHONE: 402-330-8860

## LEGAL DESCRIPTION

1 AND 2, WILLOW CREEK REPLAT FOUR, BEING A  
TITLING OF LOT 240B, WILLOW CREEK REPLAT AND LOT 3B,  
W CREEK REPLAT III

#### SITE LEGEND



Drawn By: TDV      Reviewed By: DSD  
Job No.: 1334-131-01      Date: 10/26/2023

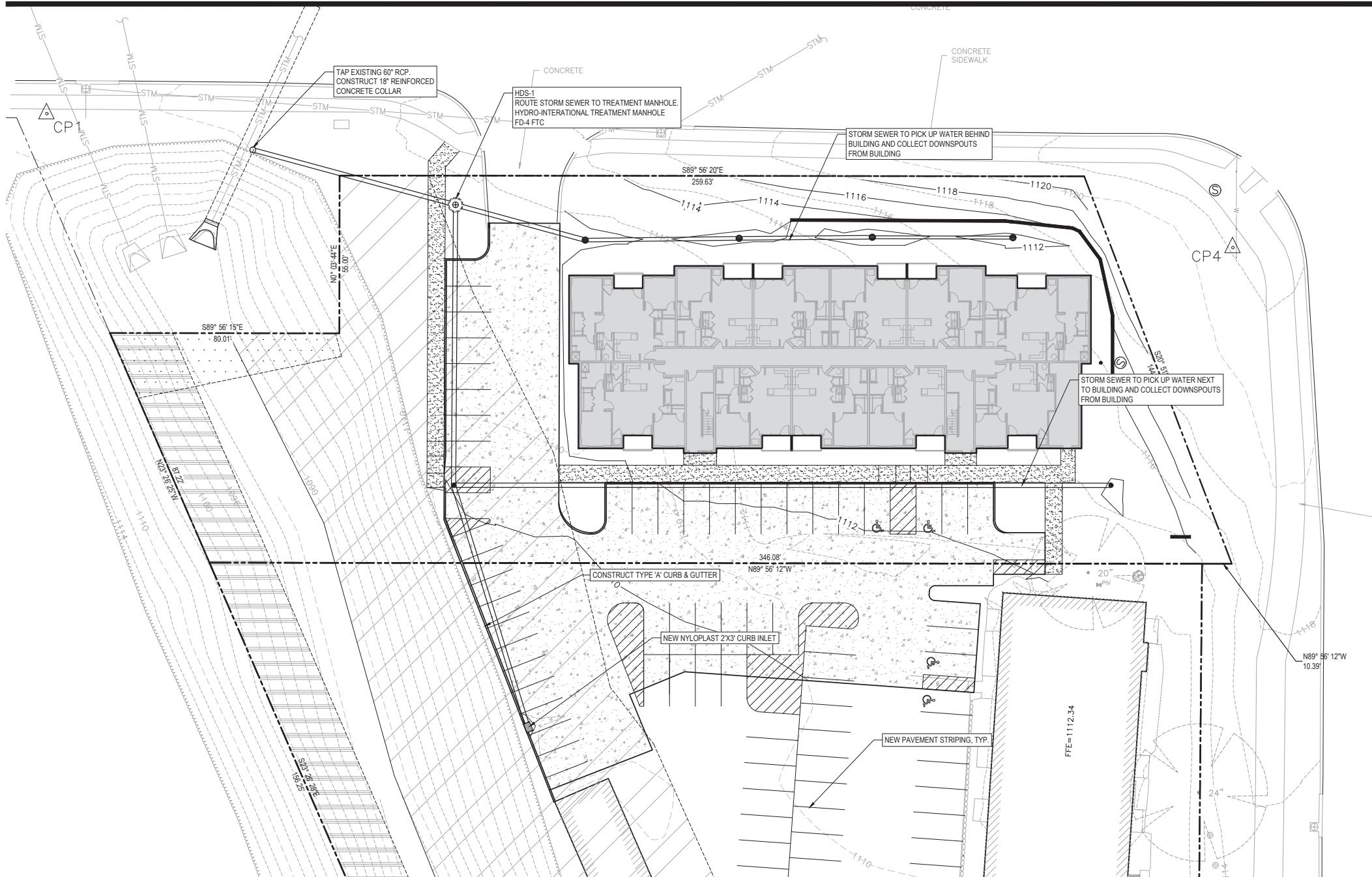
Sheet Title

## Preliminary Plat

2013.03.01

## Ex. A





## VICINITY MAP



## Preliminary Plat

## Willow Creek Replat Four

## Lots 1 and 2

Project Location

Client Name

## LEGEND

PROPERTY CORNER FOUND  
DECIDUOUS TREE WITH TRUNK SIZE  
CONIFEROUS TREE WITH TRUNK SIZE  
STUMP  
POWER POLE  
POWER POLE WITH UNDERGROUND DROP  
LIGHT POLE  
GUY WIRE  
UTILITY PEDESTAL  
ELECTRICAL PEDESTAL  
TELEPHONE PEDESTAL  
CABLE TV PEDESTAL  
ELECTRIC METER  
GAS METER  
DISABLED PARKING SPACE  
SIGN  
FIBER OPTIC VAULT  
SEWER MANHOLE  
UTILITY MANHOLE  
ELECTRICAL MANHOLE  
WATER MANHOLE  
FIRE HYDRANT  
BOLLARD  
INVERT ELEVATION  
FINISHED FLOOR ELEVATION  
CURB INLET  
WATER LINE  
GAS LINE  
SANITARY SEWER LINE  
STORM SEWER LINE  
UNDERGROUND ELECTRICAL LINE  
FIBER OPTIC LINE  
OVERHEAD UTILITY LINE  
WOOD WALL  
WOOD POST  
CONTROL POINT  
TITLE COMMITMENT EXCEPTION  
PROPOSED PCC PAVEMENT  
PROPOSED PCC SIDEWALK  
EXISTING CONTOUR  
PROPOSED CONTOUR  
PROPOSED STORM SEWER

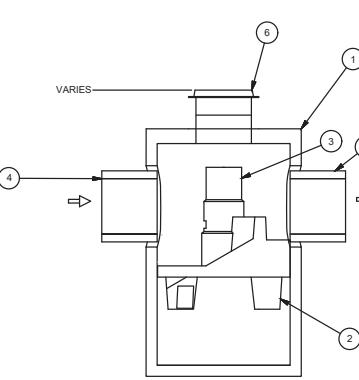
Professional Seal

Page 10

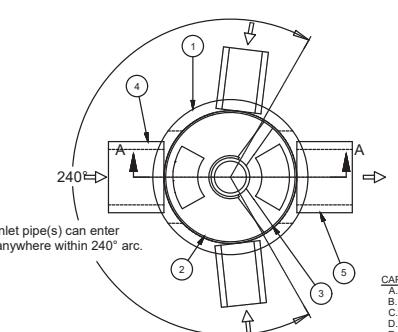
Drawn By: TDV      Reviewed By: DSD  
Job No.: 1334-131-01      Date: 12/13/23

# Preliminary Plat PC-SMP

Sheet Number



**SECTION A-A**  
NOT TO SCALE



**Hydro**  
International

Stormwater Solutions  
94 Hutchins Drive  
Portland, Maine 04102  
Tel: (207) 756-6200  
Fax: (207) 756-6212

PEAK HYDRAULIC FLOW: 18.0 cfs  
TREATMENT FLOW: 1.88 cfs (80% TSS BASED ON TARGET PARTICLE SIZE OF 110 MICRONS)  
SEDIMENT STORAGE CAPACITY: 0.7 cu. yd.  
SYSTEM CAPACITY: 1.0 cu. yd.  
MAXIMUM INLET/OUTLET PIPE DIAMETERS: 24 in.

Parts List		
ITEM	SIZE (in)	DESCRIPTION
1	48	I.D. PRECAST MANHOLE
2		LEDGER SUPPORT
3		SEPARATION MODULE
4	18	INLET PIPE
5	18	OUTLET PIPE
6	30	PING, FRAME AND GRATE INLET

GENERAL NOTES:

1. GENERAL ARRANGEMENT DRAWINGS ONLY. CONTACT HYDRO INTERNATIONAL FOR SITE SPECIFIC FABRICATION DRAWINGS.
2. CONTACT HYDRO INTERNATIONAL FOR A BOTTOM OF STRUCTURE ELEVATION PRIOR TO FABRICATION.
3. CONTRACTOR TO CONFIRM RIM, PIPE INVERTS, PIPE DIAMETER, AND PIPE ORIENTATION PRIOR TO RELEASE OF UNIT TO FABRICATION.

6 3 IRING, FRAME AND GATE INLET  
Any warranty made by Hydro International only applies to those items supplied by it. Hydro International does not accept and expressly disclaims any responsibility or liability for any structure, plant or equipment (or the performance thereof) designed, built, manufactured or supplied by any third party. Hydro International has a policy of continuous product development and reserves the right to amend the specifications of any of its products or equipment at any time. Hydro International expressly disclaims any responsibility or liability for any statement, information or advice given by its employees or agents in writing or in the drawing, which is supplied in confidence, and all intended recipients of the drawing, by their use thereof, agree to hold the drawing in confidence and not to use it for any purpose other than for which it was supplied and reproduced, in whole or in part, without the prior written consent of Hydro International.

## Ex. C

# WILLOW CREEK REPLAT FOUR

## LOTS 1 AND 2

BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA.

### NOTES

1. THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO STATE HIGHWAY NO. 50 (SOUTH 144TH STREET) OVER THE EAST LINE OF LOTS 1 AND 2.
2. DIMENSIONS AND ANGLES IN PARENTHESIS PERTAIN TO EASEMENTS.

### LEGEND

- PROPERTY CORNER FOUND
- PROPERTY CORNER SET (5/8" REBAR W/CAP #775)
- △ CALCULATED POINT
- ◆ SECTION CORNER

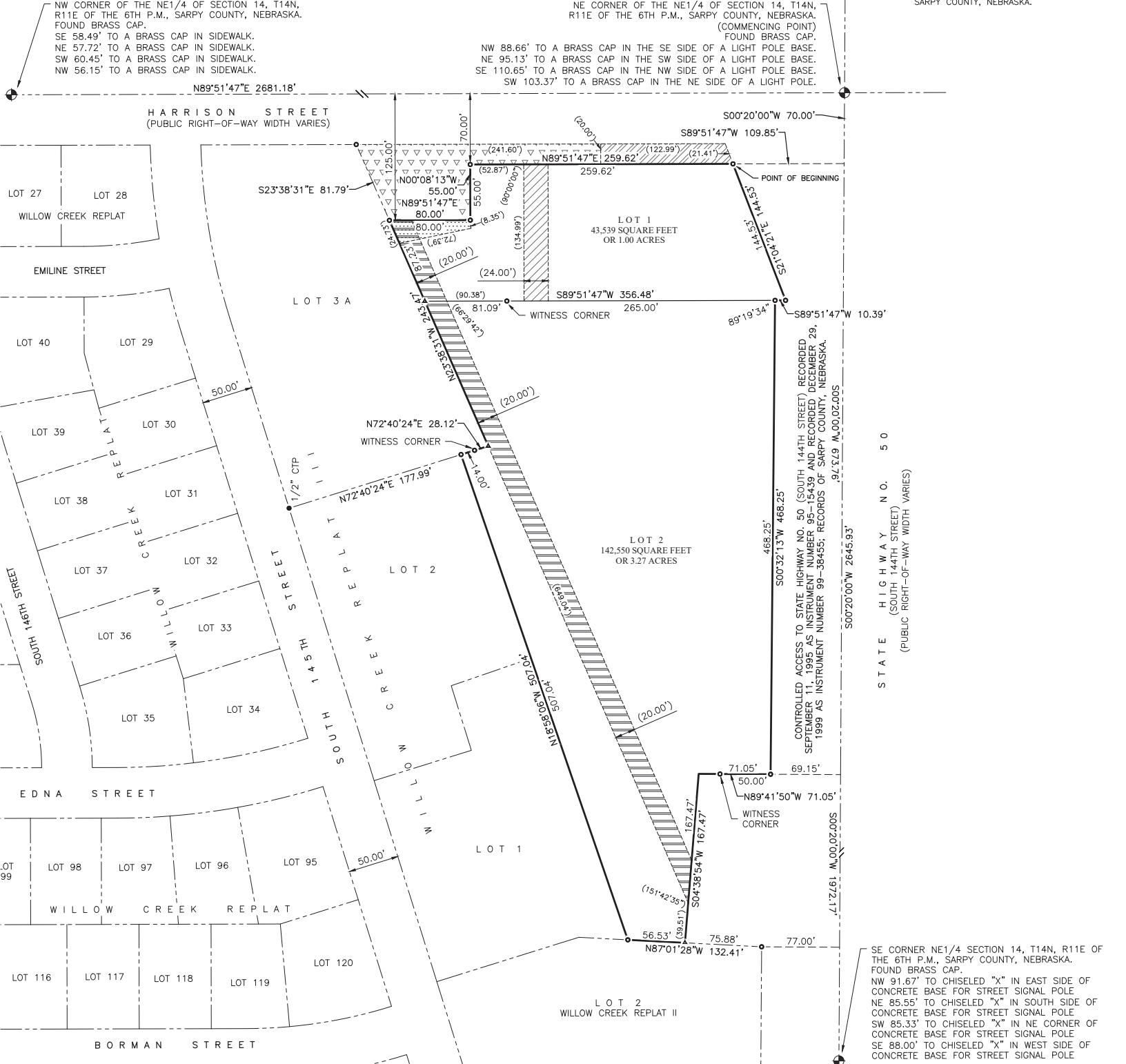
24.00' WIDE ACCESS EASEMENT TO BE RECORDED BY SEPARATE DOCUMENT.

PERMANENT SEWER EASEMENT GRANTED TO SARPY COUNTY, NEBRASKA RECORDED APRIL 8, 2004 AS INSTRUMENT NUMBER 2004-12200; RECORDS OF SARPY COUNTY, NEBRASKA.

PART OF LOT 3B DEDICATED R.O.W. TO SARPY COUNTY, RECORDED AUGUST 21, 1995 AS INSTRUMENT NO. 95-13707; RECORDS OF SARPY COUNTY, NEBRASKA.

PART OF LOT 240B DEDICATED R.O.W. TO SARPY COUNTY, RECORDED APRIL 21, 2022 AS INSTRUMENT NO. 2022-10821; RECORDS OF SARPY COUNTY, NEBRASKA.

CONTAINING 4.27 ACRES, MORE OR LESS.



### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS IN EFFECT AS OF THE DATE SHOWN HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS WILLOW CREEK REPLAT FOUR, LOTS 1 AND 2, BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE1/4 OF SECTION 14, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; THENCE S00°20'00"W (ASSUMED BEARING) 70.00 FEET ON THE EAST LINE OF SAID NE1/4; THENCE S89°51'47"W, 109.85 FEET ON THE EASTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 240B, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ON THE WESTERLY RIGHT-OF-WAY CONTROLLED ACCESS LINE OF STATE HIGHWAY NO. 50 AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-13707 AND 99-38455; ON THE NEXT FIVE (5) DESCRIBED COURSES AS FOLLOWS: (1) S21°04'21"E 144.53 FEET TO THE SE CORNER OF SAID LOT 240B, (2) S89°51'47"W, 10.39 FEET ON THE SOUTH LINE OF SAID LOT 240B, (3) S00°32'13"W 468.23 FEET, (4) N89°41'50"W 71.00 FEET, (5) S04°38'54"W 167.47 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3B; THENCE N87°01'28"W 56.53 FEET ON THE SOUTH LINE OF SAID LOT 3B TO THE SW CORNER THEREOF; THENCE N18°58'06"W 507.04 FEET ON THE WEST LINE OF SAID LOT 3B AND LOTS 1 AND 2 OF SAID WILLOW CREEK REPLAT III TO THE NE CORNER OF SAID LOT 2; THENCE N72°40'24"E 28.12 FEET ON THE SOUTH LINE OF LOT 3A OF SAID WILLOW CREEK REPLAT III; THENCE N23°38'31"W 243.47 FEET ON A COMMON LINE BETWEEN SAID LOT 3B AND LOT 3A OF SAID WILLOW CREEK REPLAT III; THENCE N89°51'47"E 80.00 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NE1/4; THENCE N00°08'13"W 55.00 FEET PERPENDICULAR TO SAID NORTH LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE N89°51'47"E 259.62 FEET ON SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 4.27 ACRES, MORE OR LESS.

JANUARY 5, 2024  
DATE

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, KRISHNA, LLC., A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS AND FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC., BEING THE MORTGAGE HOLDER OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS WILLOW CREEK REPLAT FOUR, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK QC AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA OF THE SUBDIVISION, ITS SUCCESSORS AND ASSIGNEES, FOR THE PURPOSE OF MAINTAINING, REPAIR, AND REPAIRING, NEW AND OLD WIRES, CABLES, CONDUITS, DOWN GUY AND ANCHORS, CABLES, CONDUITS, AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEIPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEIPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE LOT LINES; AND AN EIGHT (8') FOOT WIDE STRIP OF LAND ABUTTING THE REAR LOT LINES. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

KRISHNA, LLC.,  
A NEBRASKA LIMITED LIABILITY COMPANY

FANNIE MAE C/O GREYSTONE  
SERVICING CORPORATION, INC.

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

### ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_ 2024 BY  
OF KRISHNA, LLC., A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

### ACKNOWLEDGEMENT OF NOTARY

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_ 2024 BY  
OF FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC. ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC

### APPROVAL OF LA VISTA CITY COUNCIL

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

PAM BUETHE, CITY CLERK

DOUGLAS KINDIG, MAYOR

CHRIS SOLBERG, CITY PLANNER

### APPROVAL OF LA VISTA CITY PLANNING COMMISSION

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

CHAIRMAN: \_\_\_\_\_

### SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

SARPY COUNTY TREASURER: \_\_\_\_\_

TREASURER'S SEAL: \_\_\_\_\_

### REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS \_\_\_\_ DAY OF \_\_\_\_ 2024.

COUNTY SURVEYOR/ENGINEER: \_\_\_\_\_

**CITY OF LAVISTA  
CONDITIONAL USE PERMIT**

**Conditional Use Permit for Multiple Family Dwellings  
(Bear Creek Apartments)  
Lot 1-2 Willow Creek Replat Four**

This Conditional Use Permit is issued this 2 day of July 2024 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Krishna, LLC, a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a multiple family dwelling complex to be known as the Bear Creek Apartments upon the following described tract of land within the City of La Vista's zoning jurisdiction:

Lots 1-2 Willow Creek Replat Four, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing an additional building 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 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 PUD 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 must be completed through the City's Design Review Process for conformance with the Gateway Corridor Overlay District Design Guidelines prior to application and issuance of building permits, and the foregoing approved plans shall be attached to this permit as Exhibits "D" and "E".
  - 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 Willow Creek Replat Four ("Final Plat") and Planned Unit Development Plan ("PUD") applicable to the Property, 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.

- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to approval of the Community Development Department, per the La Vista Zoning Ordinance.
- 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 "B". The Owner shall have seventy-two (72) hours after notice from the City or other appropriate political subdivision to correct any violation or cause the removal of any such vehicle that is in violation.
- g. If parking demand exceeds parking supply on either or both Lots 1 and 2 Willow Creek Replat Four, Owner shall actively enforce the parking measures identified in the Operating Statement attached as Exhibit "C" to reduce parking demand, including towing unauthorized or unutilized vehicles, and instituting lease restrictions on the number of vehicle parking stalls dedicated for each apartment unit.
- h. Owner shall obtain all required permits for the Uses from the City of La Vista.
- i. 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.
- j. 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.
- 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. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
- 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 "D") and the requirements of the Gateway Corridor District.
- q. Owner shall be responsible for ensuring that the perimeter sidewalks are maintained and repaired in good condition, and kept free of snow and vegetation. This includes performing the maintenance for sidewalks along Harrison Street for which Owner is responsible, and for coordinating with the responsible party to ensure the proper maintenance for the trail along S. 144<sup>th</sup> Street.
- r. The Bear Creek Apartments and each of the residential dwelling units located on Lots 1 and 2 Willow Creek Replat Four shall be subject to the La Vista Rental Inspection Program set forth in Sections 150.60 through 150.69 of the La Vista Municipal Code, as amended from time to time, and shall satisfy all applicable requirements of the Rental Inspection Program, including without limitation the necessity of obtaining and maintaining in effect a rental license for such short-term rental.

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: Krishna, LLC  
Attn: Prem Arora  
17120 Sherwood Ave  
Omaha, NE 68116

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": Final Plat  
Exhibit "B": Site Plan  
Exhibit "C": Operating Statement  
Exhibit "D": 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, MMC  
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

)

COUNTY OF SARPY

)  
ss.

)

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:

Krishna, LLC

By: \_\_\_\_\_, it's owner  
Prem Arora

## 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 Prem Arora, personally known by me to be an owner of Krishna, L.L.C., 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

# WILLOW CREEK REPLAT FOUR

## LOTS 1 AND 2

BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA.

### NOTES

1. THERE WILL BE NO DIRECT VEHICULAR ACCESS ONTO STATE HIGHWAY NO. 50 (SOUTH 144TH STREET) OVER THE EAST LINE OF LOTS 1 AND 2.
2. DIMENSIONS AND ANGLES IN PARENTHESIS PERTAIN TO EASEMENTS.

### LEGEND

- PROPERTY CORNER FOUND
- PROPERTY CORNER SET (5/8" REBAR W/CAP #775)
- △ CALCULATED POINT
- ◆ SECTION CORNER

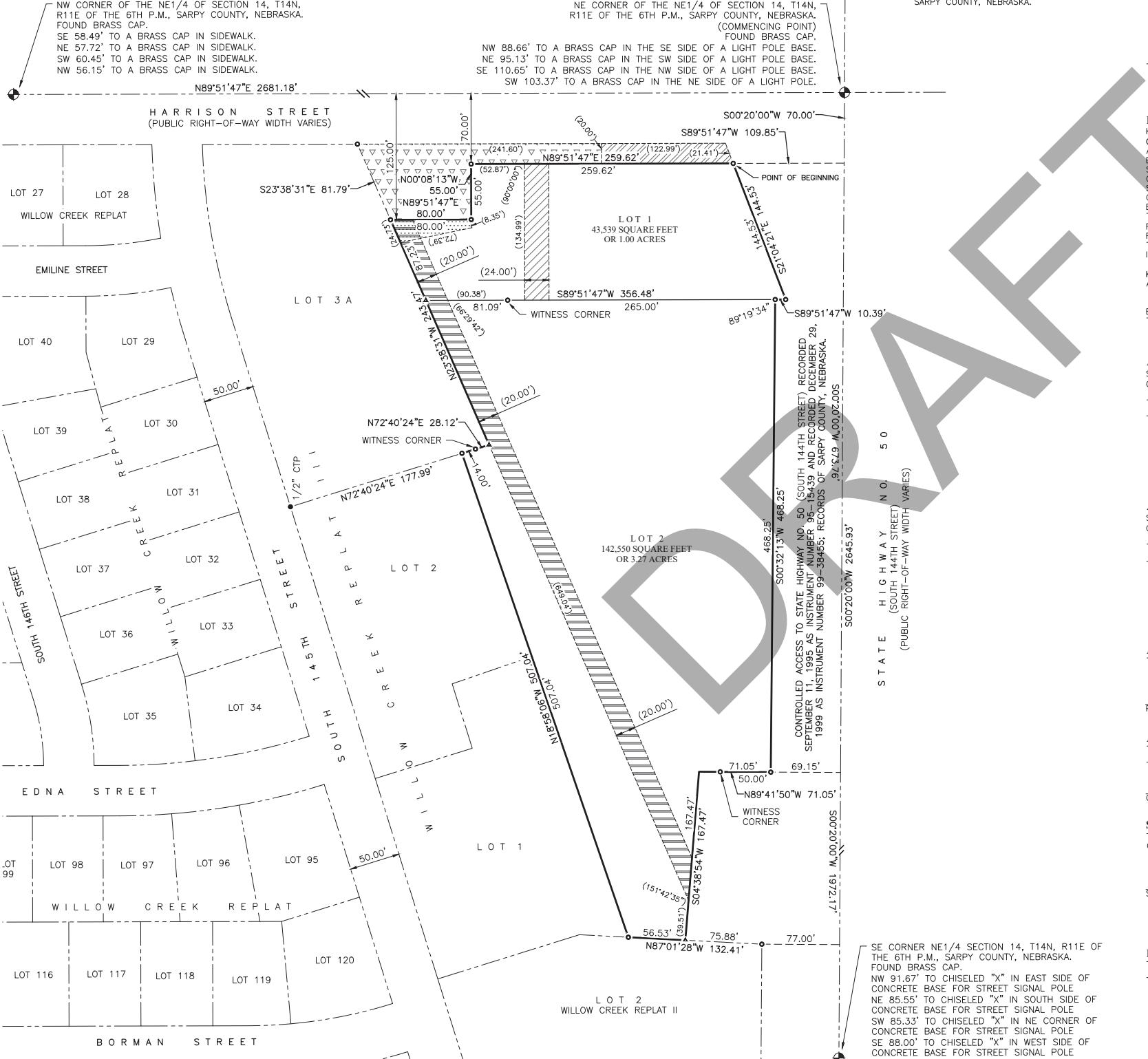
24.00' WIDE ACCESS EASEMENT TO BE RECORDED BY SEPARATE DOCUMENT.

PERMANENT SEWER EASEMENT GRANTED TO SARPY COUNTY, NEBRASKA RECORDED APRIL 8, 2004 AS INSTRUMENT NUMBER 2004-12200; RECORDS OF SARPY COUNTY, NEBRASKA.

PART OF LOT 3B DEDICATED R.O.W. TO SARPY COUNTY, RECORDED AUGUST 21, 1995 AS INSTRUMENT NO. 95-13707; RECORDS OF SARPY COUNTY, NEBRASKA.

PART OF LOT 240B DEDICATED R.O.W. TO SARPY COUNTY, RECORDED APRIL 21, 2022 AS INSTRUMENT NO. 2022-10821; RECORDS OF SARPY COUNTY, NEBRASKA.

CONTAINING 4.27 ACRES, MORE OR LESS.



### SURVEYOR'S CERTIFICATE

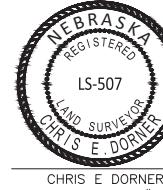
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA AND THAT THIS SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS IN EFFECT AS OF THE DATE SHOWN HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS WILLOW CREEK REPLAT FOUR, LOTS 1 AND 2, BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE1/4 OF SECTION 14, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; THENCE S00°20'00"W (ASSUMED BEARING) 70.00 FEET ON THE EAST LINE OF SAID NE1/4; THENCE S89°51'47"W, 109.85 FEET ON THE EASTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID LOT 240B, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHERLY ON THE WESTERLY RIGHT-OF-WAY CONTROLLED ACCESS LINE OF STATE HIGHWAY NO. 50 AS DESCRIBED AND RECORDED IN INSTRUMENT NO. 95-13707 AND 99-38455; ON THE NEXT FIVE (5) DESCRIBED COURSES AS FOLLOWS: (1) S21°04'21"E 144.53 FEET TO THE SE CORNER OF SAID LOT 240B, (2) S89°51'47"W, 10.39 FEET ON THE SOUTH LINE OF SAID LOT 240B, (3) S00°32'13"W 468.23 FEET, (4) N89°41'50"W 71.00 FEET, (5) S04°38'54"W 167.47 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3B; THENCE N87°01'28"W 56.53 FEET ON THE SOUTH LINE OF SAID LOT 3B TO THE SW CORNER THEREOF; THENCE N18°58'06"W 507.04 FEET ON THE WEST LINE OF SAID LOT 3B AND LOTS 1 AND 2 OF SAID WILLOW CREEK REPLAT III TO THE NE CORNER OF SAID LOT 2; THENCE N72°40'24"E 28.12 FEET ON THE SOUTH LINE OF SAID LOT 3A OF SAID WILLOW CREEK REPLAT III TO THE CORNER THEREOF; THENCE N23°38'31"W 243.47 FEET ON THE NORTH LINE OF SAID LOT 3A OF SAID WILLOW CREEK REPLAT III; THENCE N89°51'47"E 80.00 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NE1/4; THENCE N00°08'13"W 55.00 FEET PERPENDICULAR TO SAID NORTH LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF HARRISON STREET; THENCE N89°51'47"E 259.62 FEET ON SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 4.27 ACRES, MORE OR LESS.

JANUARY 5, 2024

DATE



CHRIS E. DORNER

NEBRASKA RLS #507

Exhibit A

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



Revision Dates

No.	Description	MM-DD-YY
—	—	—
—	—	—
—	—	—

Job No.: A1334-131-1.1A  
Drawn By: BJH

Reviewed By: CED

Date: JANUARY 5, 2024

Book:

Pages:

Sheet Title

CITY OF LA VISTA  
FINAL PLAT

Sheet Number

SHEET 1 OF 1

REVIEW BY SARPY COUNTY PUBLIC WORKS  
THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

### SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

TREASURER'S SEAL

SARPY COUNTY TREASURER

COUNTY SURVEYOR/ENGINEER



# Exhibit C

## KRISHNA, L.L.C.

Bear Creek Apartments  
14455 Harrison Street  
LaVista, Nebraska 68138

### Operating Statement for Conditional Use Permit

Krishna, L.L.C. ("Krishna") is the owner of the existing Bear Creek Apartments located at 14455 Harrison Street, LaVista, Nebraska 68138, which is located at the southwest corner of 144<sup>th</sup> & Harrison Streets. Krishna also owns the adjoining vacant property to the north.

The existing apartment building whose address is 14455 Harrison Street, LaVista, Nebraska 68138, and which is shown as Lot 2 on the attached site plan, consists of one building with 54 apartment units with 31 one-bedroom and 23 two-bedroom units constructed in the year 2000 with 101 total parking spaces consisting of 24 detached garage stalls and 77 surface stalls. The existing apartment building also contains a leasing office which is operated by the manager, Prem Arora, who is also a member of Krishna, so that the existing apartments are managed by the owner. Office hours are 9 am through 5 pm, Monday through Friday, Saturday, 10 am through 2 pm and Sunday closed. There is an emergency number provided on the door of the office, which is assessable 24 hours a day, 7 days a week. Krishna has one full time employee, Prem Arora, the Owner/Manager and a second part-time employee who provides the maintenance and repair for the units. Krishna has owned and managed the apartments since 2006. The existing amenities consist of the driveways, walkways, parking areas and garages as shown on the attached Exhibit "A" Site Plan and the amenities shown on Exhibit "B" attached hereto. There is no pool, playground or other amenities.

Krishna shall continue to operate the existing apartment building shown on Lot 2 of the site plan pursuant to this Operating Statement and the Renovation Plan.

Krishna intends to construct a second building shown on Lot 1 of the attached site plan consisting of 33 apartment units; 12 two-bedroom units and 21 one-bedroom units. The two bedrooms contain two baths with a tub/shower. The one bedrooms have one bathroom with a shower/tub. Per the attached site plan, there will be an additional 33 parking spaces provided so that upon completion of Building 2, there will be a total of 134 parking spaces for both buildings per the attached site plan consisting of 110 surface stalls and 24 detached garages. The existing leasing office will be the leasing office for both buildings with the same hours of operation and emergency phone number as set forth above. There will continue to be two employees on site, Prem Arora, the Owner/Manager and a 2<sup>nd</sup> part-time employee who performs maintenance and repair.

The monthly garage rental is \$60.00 per month per garage. The garages are consistently full and in demand. To ensure the utilization of the parking lot is maximized, and that there are safe places for resident parking, the Management has installed procedures to remove vehicles which are not being utilized on a consistent basis, and if necessary, will limit two bedroom units to a maximum of two vehicles per unit and one bedroom units to one vehicle per unit.

The procedures to remove vehicles which are not being utilized on a consistent basis consist of having the vehicles towed offsite by a towing company to their facility. There exists signage on site that states that “unauthorized vehicles will be towed at owner’s expense” with a telephone number of the towing company. As to limiting two bedroom units to two vehicles and one bedroom units to one vehicle, the owner shall insert into all new leases and into the lease upon renewal for existing tenants that the Landlord reserves the right to limit two bedroom units to a maximum of two vehicles and one bedroom units to a maximum of one vehicle. This provision shall also be inserted in the lease for the new apartments.

Krishna has implemented a preventative maintenance plan which provides that on a daily basis the fire rated doors are to remain closed and all exterior/interior trash picked up and removed; on a weekly basis that the hallways are cleaned and vacuumed and lawn care is provided; on a bi-weekly basis the emergency lighting in hallways is tested; and on a yearly basis the fire protection system is tested including the wet pipe system, sprinkler heads, fire extinguishers and the fire alarm system.

Amenities for the new building on Lot 1 will consist of driveways, walkways, parking areas and garages and the amenities listed at the end of this Operating Statement. There will be no pool, playground or other amenities. There are no other common open spaces.

Additional site, building and parking statistics and format are set forth in the PUD site plan.

Krishna has initiated an Exterior and Interior Renovation Plan as listed at the end of this Operating Statement.

Krishna agrees to have the existing and new apartments be part of and subject to the City’s Rental Inspection Program. Upon approval of the Conditional Use Permit, Krishna will submit the Rental Inspection Program Application to the City, pay the fee and be subject to the inspections required by the City’s Rental Inspection Program. Krishna will provide in all new leases and lease renewals that the apartments are subject to inspection pursuant to the City of LaVista’s Rental Inspection Program.

There will be a recorded Reciprocal Non-Exclusive Ingress and Egress Easement across Lots 1 and 2 providing mutual access through the driveway areas and parking within the parking stalls, which Easement provides for the maintenance, repair and reconstruction for these areas.

It is anticipated that construction for the new building on Lot 1 shall commence during the year 2024 and be completed and ready for occupancy in 2025. The rents in the apartments shall be market rents.

#### Current Apartment & Community Amenities

- Heating & Air conditioning
- Private Covered Decks/Balconies
- Individual Hot Water Heater
- Garbage Disposal
- Appliances (Dishwasher, Stove,

- & Refrigerator)
- Fireplace
- Ceiling Fan
- Cable/Satellite Ready
- In-unit laundry machines
- Walk-in closets
- Garage parking
- Controlled entry
- On-Site laundry facilities
- Flexible Lease Terms
- Freeway Access
- Public Transportation

#### New Apartment & Community Amenities:

- Heating & Air Conditioning
- Private Decks/Balconies
- Individual Hot Water Heater
- Garbage Disposal
- Appliances (Dishwasher, Stove, & Refrigerator)
- Ceiling Fan
- Cable/Satellite Ready
- In-unit laundry machines
- Walk-in closets
- Garage parking
- Controlled entry
- Freeway Access
- Public Transportation

#### **Renovation Plan**

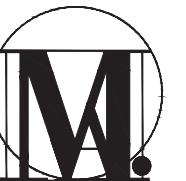
##### Exterior:

- Landscaping around existing property (shrubs and trees)
- Parking lot restriped and maintenance conducted during construction of new complex
- Garage doors to be replaced when damaged
- Condenser units to be replaced when failure occurs
- Trash to be disposed of appropriately daily
- Roof and siding replaced in 2013; continue to monitor for degradation

##### Interior:

- New flooring within bathroom and kitchen
- New paint
- New carpet or existing shampooed; free of any stains
- Ceiling fan(s) tested/inspected or replaced, as needed
- Counters and cabinets replaced, as needed
- New appliances, as needed
- New window blinds
- HVAC fully inspected and tested
- Smoke alarms fully functional tested or replaced
- 11 units currently have been renovated in last 2 years





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402.391.1823 (0)

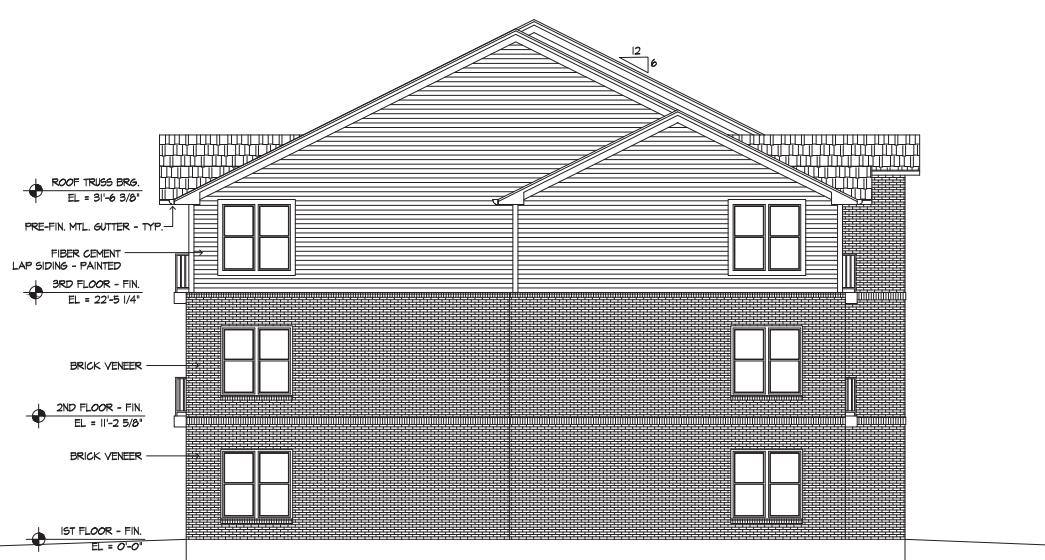
[www.meyerarchitecture.com](http://www.meyerarchitecture.com)

**Exhibit E**

**BEAR CREEK APARTMENTS**

CONSTRUCTION DOCUMENTS FOR:

LA VISTA, NEBRASKA



**PRELIMINARY**  
NOT FOR CONSTRUCTION

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REVISIONS:

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A2.1