

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 15, 2025 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
REAPPROVAL FOR REPLAT – WILLOW CREEK REPLAT FOUR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSON ASSOCIATE CITY PLANNER

**SYNOPSIS**

A resolution has been prepared for Council to consider reapproval of Willow Creek Replat Four, a replat for approximately 4.29 acres southwest of the intersection of Harrison Street and S. 144<sup>th</sup> Street for the purposes of constructing an additional apartment building as part of the Bear Creek Apartments.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

In 2024, Krishna, LLC applied for a replat to separate the property containing the Bear Creek Apartments into two parcels to allow for the construction and operation of an additional multi-family apartment building. The final plat for Willow Creek Replat Four was approved by City Council on August 20, 2024. However, due to delays pertaining to review and approvals by a mortgage holder for the property, the final plat was not signed and recorded with the Sarpy County Register of Deeds.

As per Section 3.04.06 of the La Vista Subdivision Regulations, final plats that are not recorded within 90 days of approval by City Council are null and void. As such, the final plat will need to go through the full approval process to be re-approved prior to recording at the Sarpy County Register of Deeds.

This request for re-approval also contains one minor change to the final plat, incorporating 476 square feet into proposed Lot 1 from proposed Lot 2 in order to meet the lender's terms regarding the amount of property that must be maintained on proposed Lot 2 in relation to an existing mortgage for the property. The Planned Unit Development Site Plan and Conditional Use Permit for this proposed development were approved by City Council on August 20, 2024 and are still valid and in effect. The current final plat and staff report from the previous review and approvals are attached to this staff report.

The Planning Commission held a meeting on March 20, 2025, and voted unanimously to recommend approval of the replat, as the request is consistent with the Subdivision Regulations.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT 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, A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owner of the above described property applied for approval of a replat 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; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on March 20, 2025, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat 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, a subdivision located in the northeast quarter of Section 14, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of the intersection of S. 144<sup>th</sup> Street and Harrison Street be, and hereby is, approved.

PASSED AND APPROVED THIS 15TH DAY OF APRIL 2025.

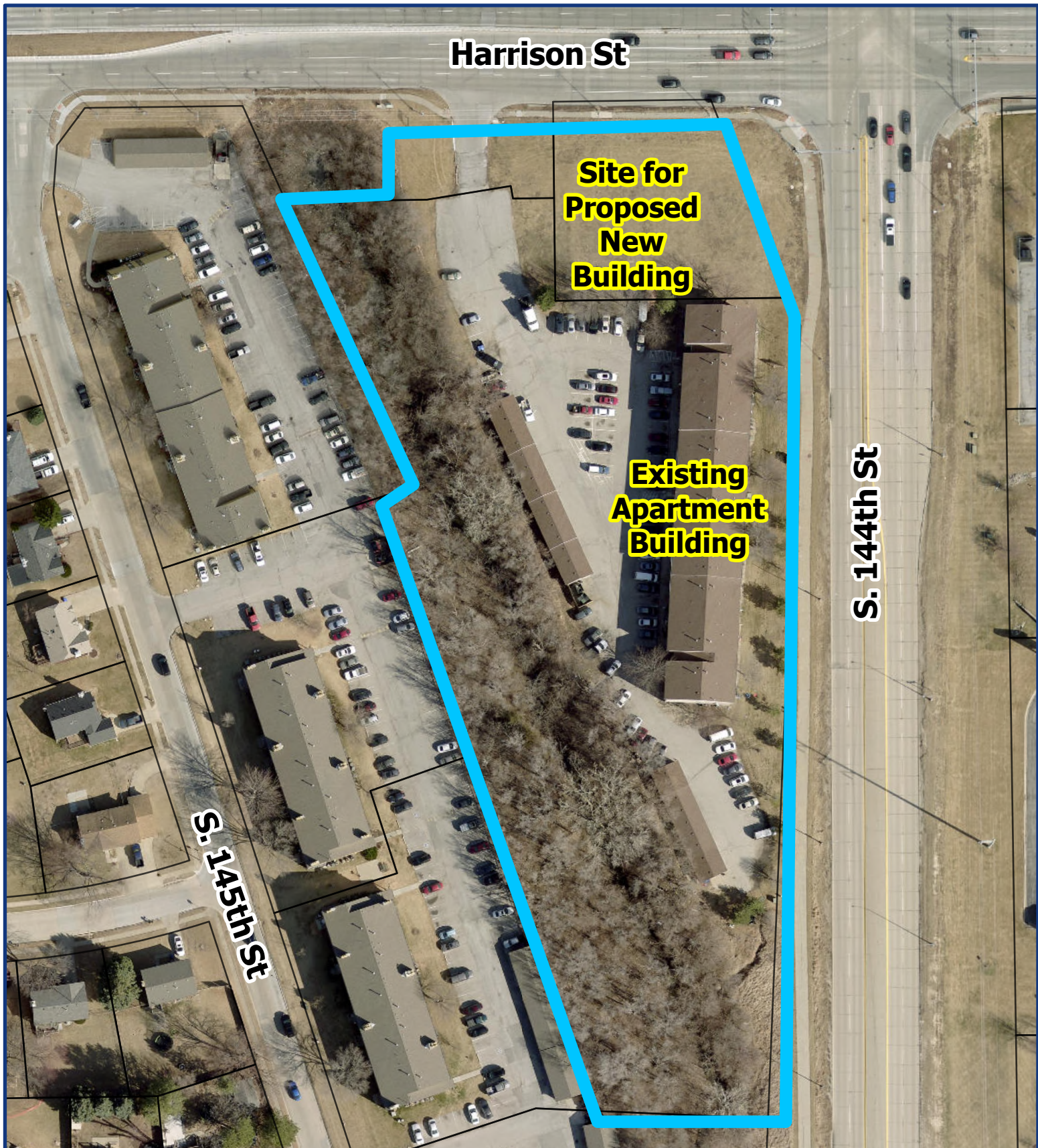
CITY OF LA VISTA

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

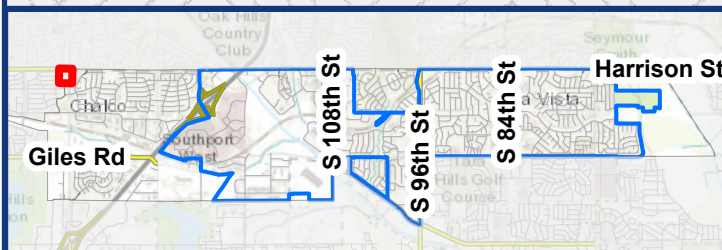
ATTEST:

\_\_\_\_\_  
Rachel D. Carl, CMC  
City Clerk





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



### Legend

- Property Lines
- PUD & CUP Boundary





# 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.

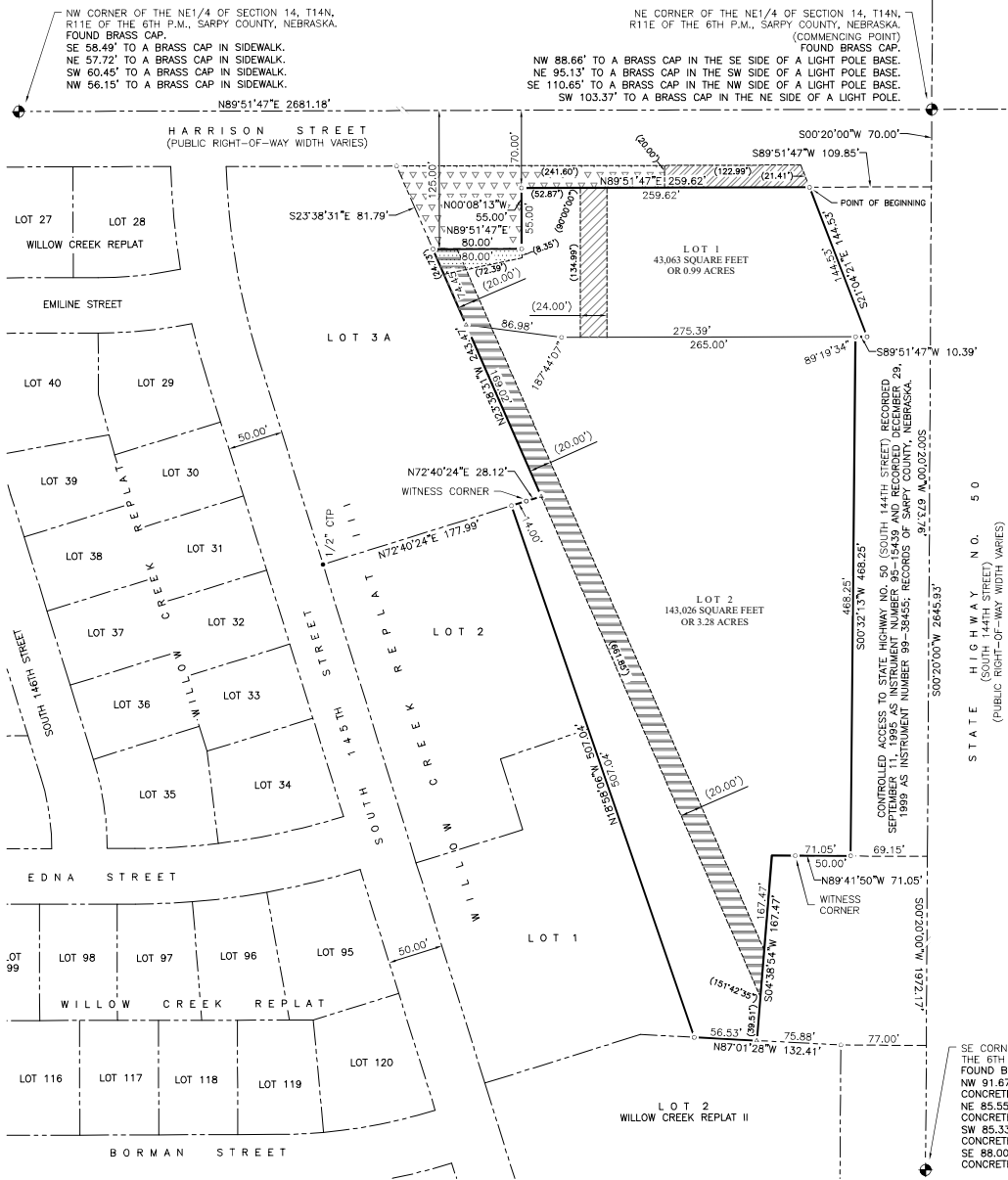
### NOTES

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



### 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 NE 1/4 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 NE 1/4; 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) S043°58'54"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 NE 1/4; 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.



CHRIS E. DORNIER  
NEBRASKA RLS #507

JANUARY 25, 2025  
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 TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSARMS, 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 \_\_\_\_\_, 2025 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 \_\_\_\_\_, 2025 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 \_\_\_\_\_, 2025.

PAW BUEHLE, 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 \_\_\_\_\_, 2025.

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 \_\_\_\_\_, 2025.

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 \_\_\_\_\_, 2025.

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



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

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



### Revision Dates

No.	Description	MM-DD-YY
1		
2		
3		
4		

Job No.: A1334-131-1.1A  
Drawn By: BJH  
Reviewed By: CED  
Date: JANUARY 25, 2025  
Book:  
Pages:

Sheet Title

CITY OF LA VISTA  
FINAL PLAT

Sheet Number

SHEET 1 OF 1



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

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

FOR HEARING ON: AUGUST 20, 2024; REPORT PREPARED ON: AUGUST 7, 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. This action includes a zoning map amendment to introduce the PUD Overlay District in additional approval of an ordinance and site plan for the "Bear Creek PUD".
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:**

<b><u>Direction From Subject Property</u></b>	<b><u>Future Land Use Designation</u></b>	<b><u>Current Zoning Designation</u></b>	<b><u>Surrounding Development</u></b>
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. A revised Official Zoning Map is attached to this staff report, which if approved will incorporate the Planned Unit Development Zoning Overlay over the subject properties.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. The development will be required to meet the requirements for a Post Construction Storm Water Management Plan as per City regulations.
9. 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 reviewed and accepted by the Papio Missouri River NRD.
10. 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.
11. The owner will be required to coordinate with the responsible parties (NDOT for S. 144<sup>th</sup> Street and Sarpy County for Harrison Street) to ensure that the perimeter sidewalks are maintained, repaired, and replaced as necessary.
12. 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. PLANNING COMMISSION RECOMMENDATION – PLANNED UNIT DEVELOPMENT:**

The Planning Commission held a public hearing on August 1, 2024 and voted 5-0-0 to recommend 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.

**VII. 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.

**VIII. PLANNING COMMISSION RECOMMENDATION – REPLAT:**

The Planning Commission reviewed this replat application on August 1, 2024 and voted 5-0-0 to recommend 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.

**IX. 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.

**X. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:**

The Planning Commission held a public hearing on August 1, 2024 and voted 5-0-0 to recommend 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.

**XI. 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
- H. Revised Zoning Map

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

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



Prepared by: Associate City Planner



8/12/24

Community Development Director

Date