

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT #1**

CASE NUMBER:

FOR HEARING OF: May 20, 2010  
REPORT #1:

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Mercy Housing Inc.

**B. PROPERTY OWNER:**

Mercy Housing Inc.

**C. LOCATION:**

74<sup>th</sup> Street and Gertrude Street

**D. LEGAL DESCRIPTION:**

Lots 2, 3 and 12, except that part of Lot 12 deeded to Sarpy County.

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

Conditional Use Permit

**F. EXISTING ZONING AND LAND USE:**

R-3 - High Density Residential, apartment complex

**G. PURPOSE OF REQUEST:**

To obtain a conditional use permit to allow for addition of a community building to the existing apartment complex.

**H. SIZE OF SITE:**

11.24 acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

There are 19 apartment buildings located on two sites; site one is southwest of 74<sup>th</sup> and Harrison, and site 2 is southwest of 74<sup>th</sup> and Edna Ct.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

**1. North:**

Church - R-3 / Restaurant - C-2 (Site 1), Harrison Street; Residential (Site 2)

**2. East:**

72nd Street; Residential - R-1 (Site 1), Church - R-3(Site 2)

**3. South:**

Residential - R-1 and Park (Site 1), Residential – R-1 (Site 2)

4. West:  
Residential - R-1 (Site 1), Vacant Land - R-3 (Site 2)

**C. RELEVANT CASE HISTORY:**

The existing apartment complex was constructed before a Conditional Use Permit was required for this type of development.

**D. APPLICABLE REGULATIONS:**

1. Section 5.08, Zoning Ordinance, regarding the R-3 High Density Residential District.
2. Section 6.02, Zoning Ordinance, regarding Conditional Use Permits.
3. Section 7.06, Zoning Ordinance, regarding minimum parking requirements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this property for high density residential (Site 1) and medium density residential (Site 2) uses.

**B. OTHER PLANS:**

None.

**C. TRAFFIC AND ACCESS:**

1. Main traffic access to the sites are off of Harrison and 72<sup>nd</sup> Streets, appropriate for development of this type. The project is an existing development with a proposed increase of one apartment as the management office will be moved to the new community building, freeing up space for an additional unit. There should be only a minimal traffic increase as a result of the approval of this CUP.

**D. UTILITIES:**

All utilities are available to the site.

**IV. REVIEW COMMENTS**

1. Lots 2 and 3 will need to consolidated through the administrative plat process outlined in the Subdivision Regulations. The applicant has agreed to consolidate the lots through the administrative lot consolidation process prior to consideration of CUP approval by the City Council.
2. The existing impervious area being removed is 4,030 SF. The proposed impervious area added will be 6,200 SF. Proposed construction activities will not result in an increase of impervious coverage over existing conditions of 5,000 square feet or more. A Post Construction Storm Water Management Plan will not be required with the building permit application.
3. The proposed community building should be mainly used by the complex management staff and the tenants of the complex. This restriction has been included in the Conditional Use Permit and accepted by the applicant.

- 4.
- 5.

## **V. STAFF RECOMMENDATIONS**

Approval of the Conditional Use Permit.

## **VI. ATTACHMENTS TO REPORT**

1. Application
2. Site Plan
3. Conditional Use Permit Draft

## **VII. COPIES OF REPORT TO**

1. Applicant
2. Brock Beran, The Schemmer Associates
3. Public Upon Request

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Prepared by:

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City Planner

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Date

**CITY OF LA VISTA**  
**PLANNING & ZONING**  
**APPLICATION FORM**

**CHECK APPLICATION(S) SUBMITTED:**

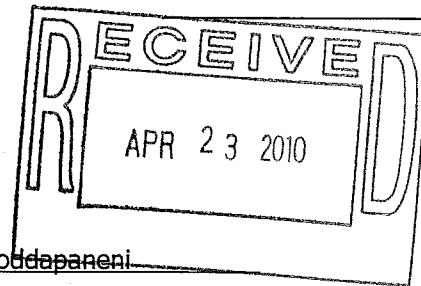
( <input type="checkbox"/> ) Comprehensive Plan Amendment	( <input type="checkbox"/> ) Administrative Plat	( <input type="checkbox"/> ) Preliminary P.U.D.
( <input type="checkbox"/> ) Rezoning	( <input type="checkbox"/> ) Preliminary Plat *	( <input type="checkbox"/> ) Final P.U.D.
( <input type="checkbox"/> ) Zoning/Subdivision Amendment	( <input type="checkbox"/> ) Revised Preliminary Plat	( <input type="checkbox"/> ) Building Design Review
( <input checked="" type="checkbox"/> ) Conditional Use Permit	( <input type="checkbox"/> ) Final Plat	( <input type="checkbox"/> ) Site Plan Review
( <input type="checkbox"/> ) Condition Use Permit Amendment	( <input type="checkbox"/> ) Replat or Small Tract Sub.	( <input type="checkbox"/> ) Other: _____
( <input type="checkbox"/> ) Tower Development Permit	( <input type="checkbox"/> ) Vacation of Plat	

\* A pre-application meeting is required prior to submittal.

**A. GENERAL INFORMATION**

**1. Applicant:**

Name: Mercy Housing, Inc Contact: Aruna Doddapaneni  
Address: 1999 Broadway, Ste 100  
City/State/Zip: Denver, CO 80202  
Phone/Fax: (303) 830-3414/(303) 830-3301



**2. Property Owner: (if not applicant)**

Name: Mercy Housing, Inc Contact: Aruna Doddapaneni  
Address: 1999 Broadway, Ste 100  
City/State/Zip: Denver, CO 80202  
Phone/Fax: (303) 830-3414/(303) 830-3301

**3. Engineer/Surveyor or Architect**

Name: The Schemmer Associates Contact: Brock Beran  
Address: 1044 N. 115<sup>th</sup> Street, Ste 300  
City/State/Zip: Omaha, NE 68154-4436  
Phone/Fax: (402) 493-4800/(402) 493-7951  
Email: bberan@schemmer.com

**4. Primary Project Contact: (Applicant, Representative, or Other)**

5. Name: Mercy Housing, Inc Contact: Aruna Doddapaneni  
Address: 1999 Broadway, Ste 100  
City/State/Zip: Denver, CO 80202  
Phone/Fax: (303) 830-3414/(303) 830-3301  
Email: adoddapaneni@mercyhousing.org

- If more than one property owner or developer is involved, please attach additional names and addresses to this application.
- The contact person will receive all staff correspondence.

**Please note that your application will not be accepted or there may be a delay in processing by the Community Development Department if any of the required information or materials are missing or improperly presented. In order to ensure that a complete application is provided and to avoid unnecessary delays in processing, please remember to submit the appropriate submittal requirements i.e., signed application, fees, exhibits and/or site plans, special studies if applicable and signed checklist. If you have any questions regarding this application or required materials, please contact the Community Development Department at (402) 331-4343 between 8:00 a.m. and 4:30 p.m., Monday through Friday.**

**6. Certification:**

An application may be filed only by the owner(s) of the property or by a person with the power of attorney from the owner authorizing the application, or by the attorney-at-law representing the owner. Indicate your authority.

X

I (We) (am) (are) the sole owner(s) of the property.

—

I have the power of attorney from the property owner(s) authorizing the application and a copy of the authorization is attached.

—

I am the attorney at law representing the owner(s) and a copy of the authorization is attached.



Signature Jennifer Ertola

Mercy Creative Village Housing, Inc.  
Name (Print)

Address

Signature

Name (Print)

Address

**NOTE: ALL APPLICATIONS MUST HAVE THE CURRENT PROPERTY OWNER'S SIGNATURE(S), OR THE PERSON WITH THE PROPER POWER OF ATTORNEY SIGNATURE, NOTARIZED BY A CERTIFIED NOTARY PUBLIC (ATTACH IF NECESSARY)**

**6. Affiliated Application:**

An applicant may wish to increase the property considered under this application to include surrounding owners. By signing below, an adjoining property owner can state their intent to be party to this application (attach additional sheet if necessary. A legal description must also be attached for each property owner.

Signature

Name (Print)

Address

Signature

Name (Print)

Address

**B. PROJECT INFORMATION:**

1. Subdivision Name: Schaefers 1<sup>st</sup> Addition
2. Project Location: 1/4 NE 1/4 Section 14, T 14, R 12, Sarpy County, Nebraska.  
General Location: 74<sup>th</sup> Street and Gertrude Street
3. Project/Property Address (if known): 7402 Gertrude Street, La Vista, NE
4. Area: 11.24 (acres)
5. Future Land Use Designation (Comprehensive Plan): Medium Density Residential (North) & High Density Residential (South)
6. Proposed Land Use Designation (*if applicable*): Medium Density Residential (North) & High Density Residential (South)
7. Existing Zoning Designation: (*attach additional sheet if necessary*)

<b>Zoning</b>	<b>Acres</b>	<b>Lots</b>	<b>Apartment Units</b>	<b>Density</b>
<u>R-3</u>	<u>11.24</u>	<u>3</u>	<u>154</u>	<u>13.7 units per acre</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
<b>Total</b>	_____	_____	_____	_____

8. Proposed Zoning Designation (*attach additional sheet if necessary*)

<b>Zoning</b>	<b>Acres</b>	<b>Lots</b>	<b>Apartment Units</b>	<b>Density</b>
<b>&amp; Community Bldg</b>				
<u>R-3</u>	<u>11.24</u>	<u>3</u>	<u>155</u>	<u>13.8 units per acre</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
<b>Total</b>	_____	_____	_____	_____

9. Present Use of the Land: Low Income housing apartments

10. Proposed Request: Low income housing apartments. A community building is proposed on the site.

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11. If commercial\industrial\office or multi-family residential:

- a. Number & type of units\buildings: 19 total apartment buildings, 1 proposed community building, 154 total apartment units, and 388 total bedrooms
- b. Total building coverage (footprint): 81,106 square feet.
- c. Total open space: 408,508 square feet.
- d. Total paved impervious area: 168,815 square feet.
- e. Total building floor area: 151,088 gross square feet.
- f. Total number of parking spaces: Provided 258 Covered 0 Uncovered 258
- g. Total number of persons employed or intended to be regularly employed on the site during the maximum working shift 5.

12. Building Height: 22 feet 2 stories.

13. If single family residential: **NA**

- a. Number of units/ lots: \_\_\_\_\_
- b. Minimum lot frontage as measured at building setback line: \_\_\_\_\_
- c. Minimum lot size: \_\_\_\_\_ square feet
- d. Average lot size: \_\_\_\_\_ square feet

14. Attach Legal Description of Property and Surveyor's Certificate. **Attached**

15. Attach list of Property Owners located within 300 feet of proposed project. (Must be prepared by a title company and in label-ready format). **Attached**

16. Attach site plan and/or other documents that illustrate this request. **Attached**

17. Include appropriate application fee. **Attached \$525**

18. For public hearing presentation, overhead transparencies or other approved form of projected illustrations identical to any display boards being used are required.

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**FOR OFFICE USE ONLY**

**Project Case Number** \_\_\_\_\_

**Planning Commission** \_\_\_\_\_

**Published:** \_\_\_\_\_

**Action:** \_\_\_\_\_

**Date Complete Application Received** \_\_\_\_\_

**City Council** \_\_\_\_\_

**Published:** \_\_\_\_\_

**Action:** \_\_\_\_\_

**Check Number/Amount** \_\_\_\_\_

**Posted on Property:** \_\_\_\_\_

**Notice to School District:** \_\_\_\_\_

**Other Comment(s):**

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## **City of La Vista Conditional Use Permit**

### **Conditional Use Permit for Crestview Village Apartments**

This Conditional Use Permit issued this \_\_\_\_ day of \_\_\_\_\_, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Mercy Housing, Inc. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to rehabilitate and continue the operation a multiple family dwelling complex to be known as Crestview Village upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lots 2, 3, and 12, except that part of lot 12 deeded to Sarpy County, as contained in warranty deed, filed October 13, 1995, as instrument no. 95-17829, in Crestview Heights, an addition to the City of La Vista, in Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of addition to and continuing operation of a multiple family dwelling complex; 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.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the premises designated on Exhibit "A" hereto for a multiple family dwelling complex, said use hereinafter being referred to as "Permitted Use or Use".

#### **Conditions of Permit**

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
  - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives has been provided to the City and is attached to the permit as Exhibit "A".
  - b. The premises shall be developed and maintained in accordance with the site plan (Exhibit "A") as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
  - c. The Community Building shall be limited to the use of the tenants. The building cannot be utilized for a non tenant-based activity.
  - d. The existing number of off-street parking spaces does not adhere to the current La Vista Zoning Ordinance for a multi-family complex of Crestview Village's size. No additional residential units may be constructed without increasing the number of off-street parking spaces needed to meet the regulational requirements for the entire complex. Additionally, no off-street parking spaces may be

removed, increasing the level of non-compliance, without prior approval from the City.

- e. Vehicle repair, other than emergency maintenance such as changing a tire, shall not be allowed in the parking lots shown on Exhibit "A".
- f. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- g. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- h. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval, if the violation continues after written notice from the City to Owner and a reasonable time was given for Owner to cure such violation.

4. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

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

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
- d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

6. If the permitted use is not commenced within one (1) year from \_\_\_\_\_, 2010, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

7. In the event of the owner's failure to promptly remove any safety or environmental hazard from the

premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, 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) 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 to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

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

#### **Miscellaneous**

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. 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.
3. 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 to the owner as follows:

**Contact Name and Address:** Aruna Doddapaneni  
Mercy Housing, Inc.  
1999 Broadway, Ste 100  
Denver, CO 80202  
(303) 830-3414

**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:

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Pamela A Buethe, CMC  
Deputy City Clerk

**CONSENT AND AGREEMENT**

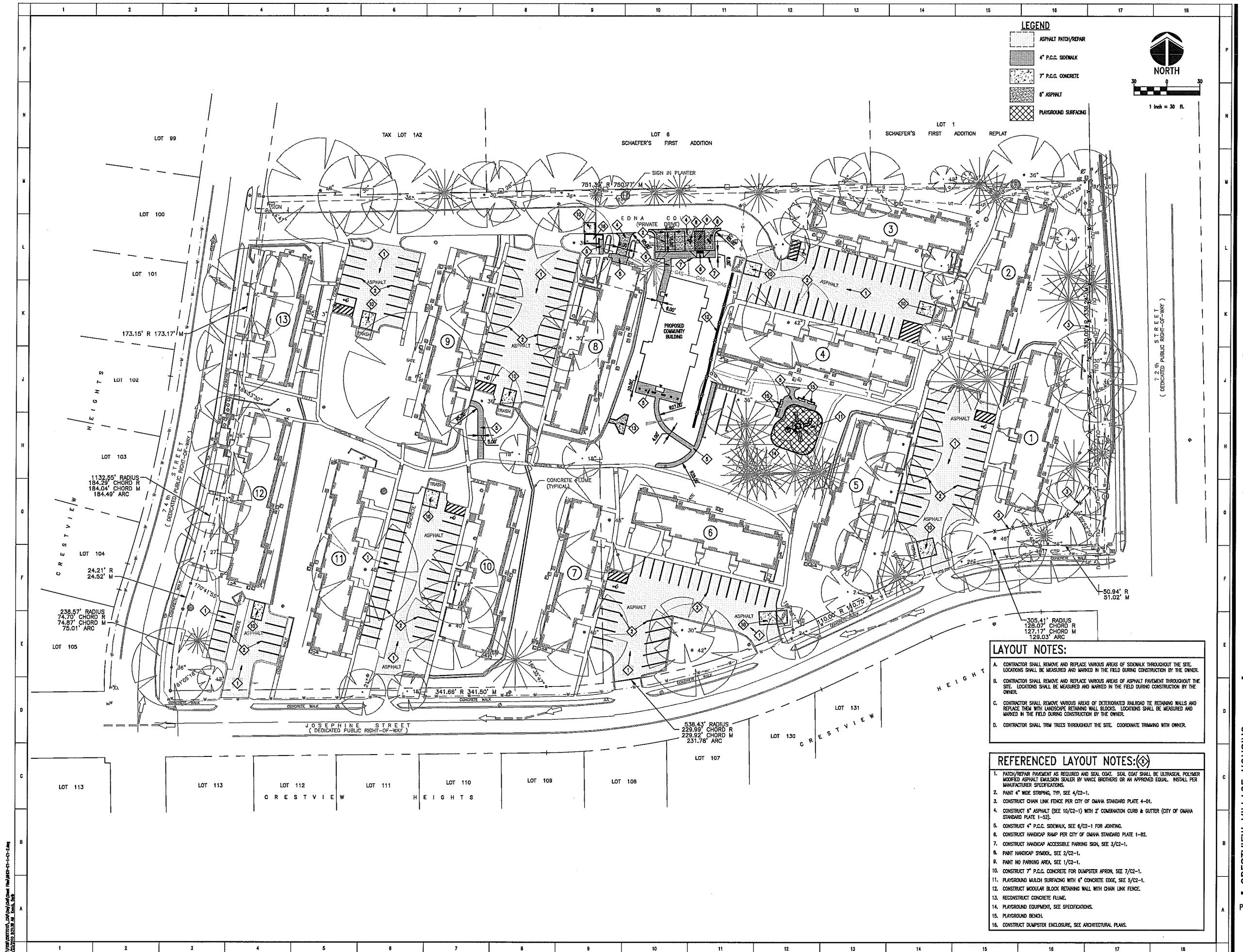
The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and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

Owner:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

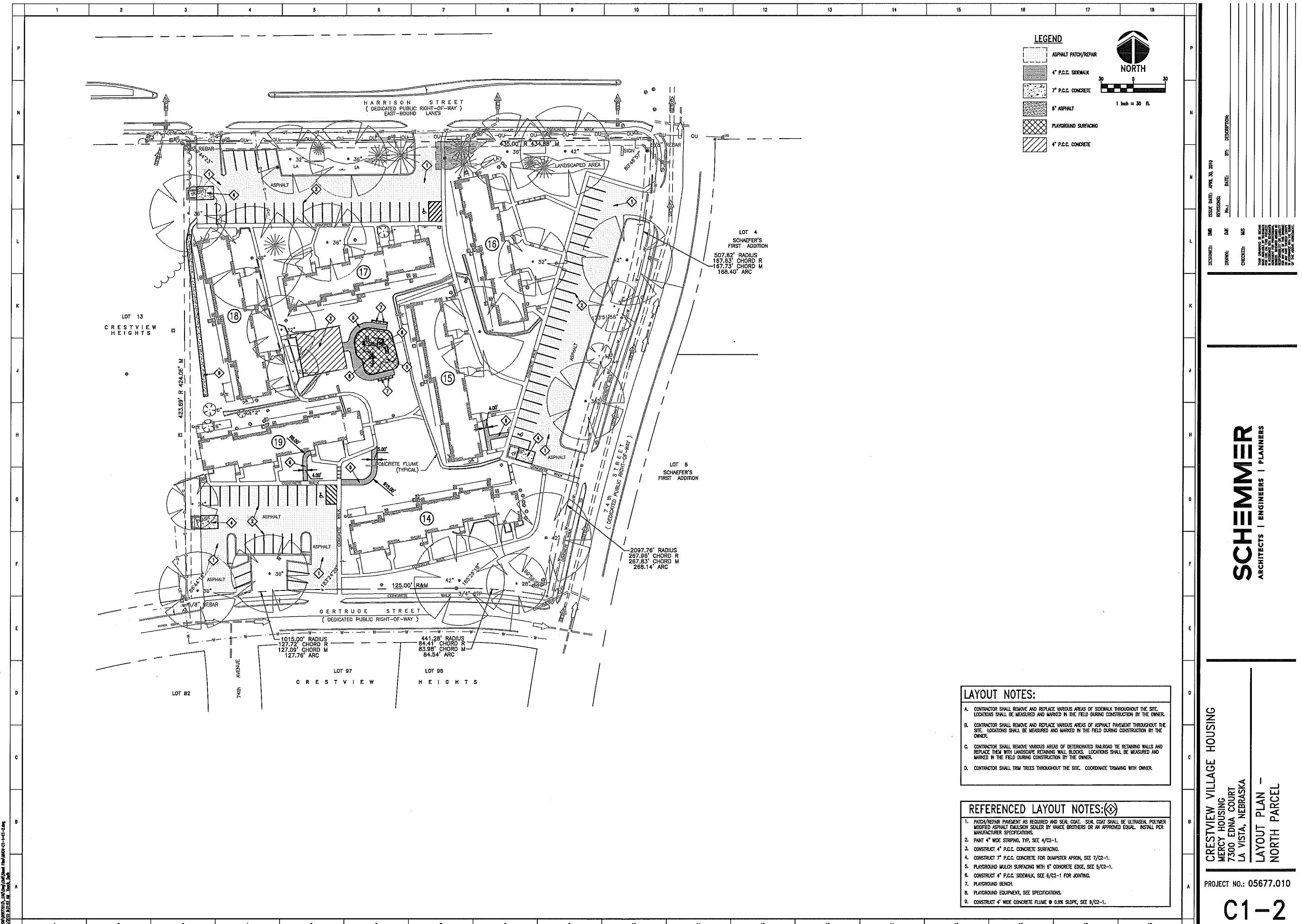
**CRESVIEW VILLAGE HOUSING**  
**MERCY HOUSING**  
**7300 EDNA COURT**  
**LA VISTA, NEBRASKA**

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**AYOUT PLAN –**  
**SOUTH PARCEL**

PROJECT NO.: 05677.010

C1-1



**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

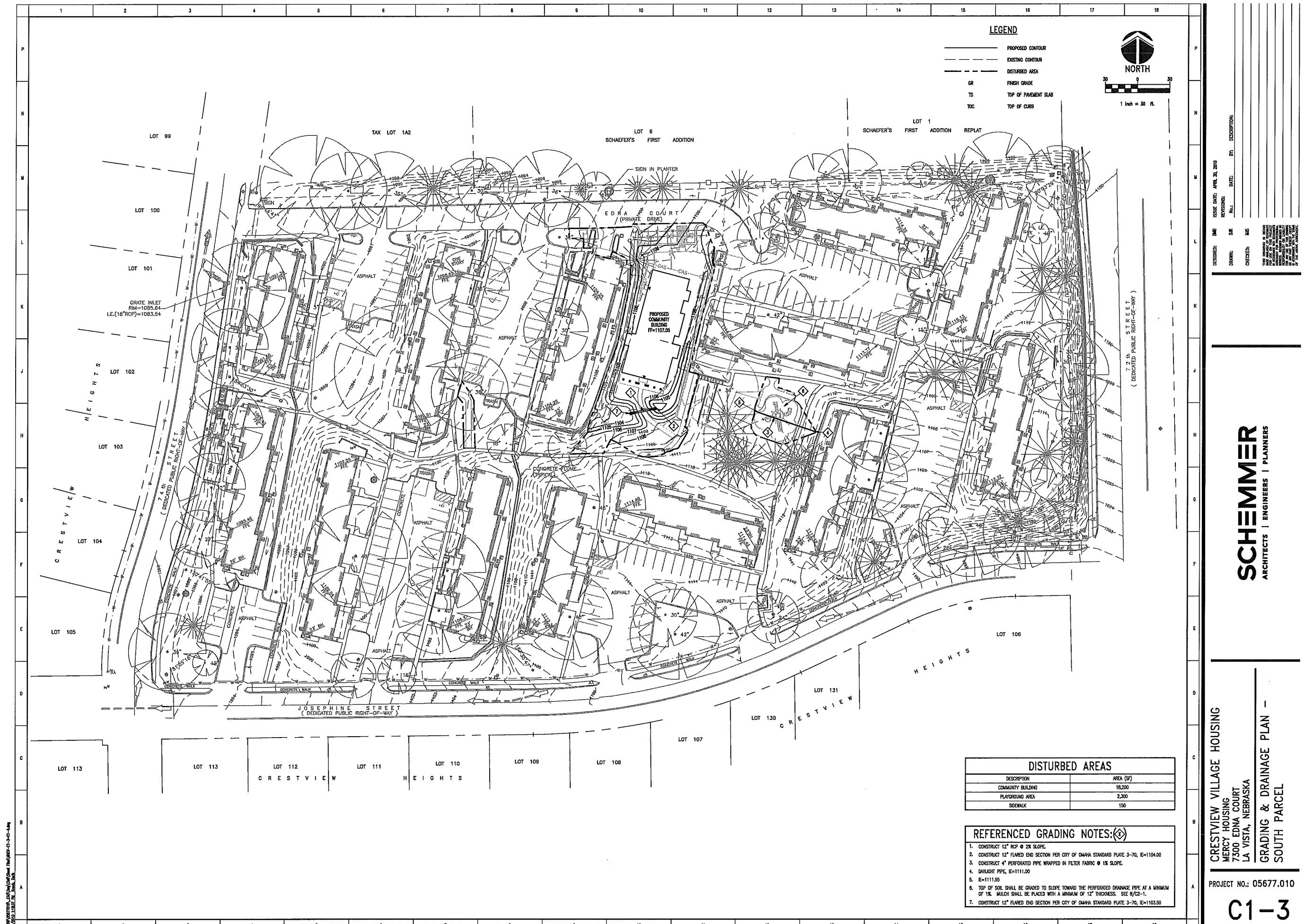
RESTVIEW VILLAGE HOUSING  
RECY HOUSING  
3500 EDNA COURT  
A VISTA, NEBRASKA

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AYOUT PLAN –  
ORTH PARCEL

PROJECT NO: 05677.010

C1-2



**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

CRESVIEW VILLAGE HOUSING  
MERCY HOUSING  
7300 EDNA COURT  
LA VISTA, NEBRASKA

GRADING & DRAINAGE PLAN -  
SOUTH PARCEL

PROJECT NO.: 05677.010

C1-3

