

# LA VISTA CITY COUNCIL MEETING AGENDA

August 20, 2024

6:00 p.m.

Harold "Andy" Anderson Council Chamber

La Vista City Hall

8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Service Award: Jean Hurst – 45 Years**

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

## **A. CONSENT AGENDA**

1. **Approval of the Agenda as Presented**
2. **Approval of the Minutes of the August 6, 2024 Budget Hearing**
3. **Approval of the Minutes of the August 6, 2024 City Council Meeting**
4. **Monthly Financial Report – July 2024**
5. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – 2024 Overlay Project – \$12,850.00**
6. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$586.80**
7. **Request for Payment – Benesch – Professional Services – Giles Road Widening – \$13,678.50**
8. **Request for Payment – Benesch – Professional Services – Giles Road Widening – \$9,015.00**
9. **Request for Payment – HGM Associates Inc. – Professional Services – East La Vista Sewer and Pavement Rehabilitation - \$51,976.09**
10. **Request for Payment – NL & L Concrete, Inc – Construction Services – East La Vista Sewer and Pavement Rehabilitation – \$299,475.43**
11. **Resolution – Approve Purchase – Ice Control Salt**
12. **Approval of Claims**

- **Reports from City Administrator and Department Heads**

## **B. Fiscal Year 24/25 and Fiscal Year 25/26 Municipal Budgets**

1. **Appropriations Ordinance – Second Reading**

## **C. Conditional Use Permit – G5G, LLC dba Birdies Indoor, Golf, Games & Events**

1. **Public Hearing**
2. **Resolution**

## **D. Planned Unit Development – Bear Creek Apartments**

1. **Public Hearing**
2. **Ordinance – Zoning Overlay**
3. **Ordinance – Planned Unit Development**

## **E. Resolution – Application for Replat – Willow Creek Replat Four – Bear Creek Apartments**

## **F. Conditional Use Permit – Lots 1 & 2 Willow Creek Replat Four – Bear Creek Apartments**

1. **Public Hearing**
2. **Resolution**

## **G. Resolution – Approve Professional Services Agreement – Library Renovation Study**

## **H. Resolution – Authorize Purchase – Ballistic Shield**

## **I. Resolution – Authorize Purchase – Evidence Management System**

## **J. Discussion – Swimming Pool Project**

- **Comments from the Floor**
- **Comments from Mayor and Council**
- **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.



CITY OF LA VISTA  
CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **JEAN HURST OF THE LA VISTA PUBLIC LIBRARY**, FOR 45 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Jean Hurst** has served the City of La Vista since August 6, 1979; and

WHEREAS, **Jean Hurst's** input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Jean Hurst** on behalf of the City of La Vista for 45 years of service to the City.

DATED THIS 20TH DAY OF AUGUST 2024.

Douglas Kindig, Mayor

Terrilyn Quick  
Councilmember, Ward I

Kim J. Thomas  
Councilmember, Ward I

Ronald Sheehan  
Councilmember, Ward II

Kelly R. Sell  
Councilmember, Ward II

Deb Hale  
Councilmember, Ward III

Alan W. Ronan  
Councilmember, Ward III

Kevin Wetuski  
Councilmember, Ward IV

Jim Frederick  
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, MMC  
City Clerk



LA VISTA CITY COUNCIL MEETING AGENDA

August 20, 2024

6:00 p.m.

Harold "Andy" Anderson Council Chamber

La Vista City Hall

8116 Park View Blvd

A-1

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Service Award: Jean Hurst – 45 Years**

*All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

**A. CONSENT AGENDA**

1. **Approval of the Agenda as Presented**
2. **Approval of the Minutes of the August 6, 2024 Budget Hearing**
3. **Approval of the Minutes of the August 6, 2024 City Council Meeting**
4. **Monthly Financial Report – July 2024**
5. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – 2024 Overlay Project – \$12,850.00**
6. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Central Park Improvements – \$586.80**
7. **Request for Payment – Benesch – Professional Services – Giles Road Widening – \$13,678.50**
8. **Request for Payment – Benesch – Professional Services – Giles Road Widening – \$9,015.00**
9. **Request for Payment – HGM Associates Inc. – Professional Services – East La Vista Sewer and Pavement Rehabilitation - \$51,976.09**
10. **Request for Payment – NL & L Concrete, Inc – Construction Services – East La Vista Sewer and Pavement Rehabilitation – \$299,475.43**
11. **Resolution – Approve Purchase – Ice Control Salt**
12. **Approval of Claims**

- **Reports from City Administrator and Department Heads**

**B. Fiscal Year 24/25 and Fiscal Year 25/26 Municipal Budgets**

1. **Appropriations Ordinance – Second Reading**

**C. Conditional Use Permit – G5G, LLC dba Birdies Indoor, Golf, Games & Events**

1. **Public Hearing**
2. **Resolution**

**D. Planned Unit Development – Bear Creek Apartments**

1. **Public Hearing**
2. **Ordinance – Zoning Overlay**
3. **Ordinance – Planned Unit Development**

**E. Resolution – Application for Replat – Willow Creek Replat Four – Bear Creek Apartments**

**F. Conditional Use Permit – Lots 1 & 2 Willow Creek Replat Four – Bear Creek Apartments**

1. **Public Hearing**
2. **Resolution**

**G. Resolution – Approve Professional Services Agreement – Library Renovation Study**

**H. Resolution – Authorize Purchase – Ballistic Shield**

**I. Resolution – Authorize Purchase – Evidence Management System**

**J. Discussion – Swimming Pool Project**

- **Comments from the Floor**
- **Comments from Mayor and Council**
- **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.

**LA VISTA CITY COUNCIL  
BUDGET HEARING MEETING  
August 6, 2024**

A special meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on August 6, 2024. Present were Mayor Kindig and Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Chief of Police Schofield, Director of Public Works Soucie, Finance Director Harris, Community Development Director Fountain, Assistant Library Director Norton, Recreation Director Buller, City Engineer Dowse and IT Manager South.

A notice of the meeting was given in advance thereof by publication in the Times on July 24, 2024. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

**CALL TO ORDER**

Mayor Kindig called the meeting to order.

**ANNOUNCEMENT OF LOCATION OF POSTED OPEN MEETINGS ACT**

Mayor Kindig announced the location of the posted open meetings act, location of emergency exits and the agenda policy.

**A. PUBLIC HEARING – FISCAL YEAR 24/25 & FISCAL 25/26 MUNICIPAL BUDGETS**

Mayor Kindig opened the public hearing at 6:01 p.m.

Finance Director Harris gave a presentation on the budget, outlining key provisions of the proposed budget statement, including a comparison with the prior year's budget.

At 6:04 p.m. Councilmember Thomas made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

**ADJOURNMENT**

At 6:05 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

ATTEST:

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

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk

# MINUTE RECORD

No. 729 -- REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING August 6, 2024

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:08 p.m. on July 2, 2024. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Chief of Police Schofield, Director of Public Works Soucie, Finance Director Harris, Community Development Director Fountain, Assistant Library Director Norton, Recreation Director Buller, City Engineer Dowse and IT Manager South.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on July 24, 2024. Notice was simultaneously given to Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

### PROCLAMATION – INTERNATIONAL CLOWN WEEK

Mayor Kindig proclaimed August 1 through 7, 2024 as International Clown Week and Councilmember Quick read and presented the proclamation to the Omaha Wild Clown-dum.

### SERVICE AWARD: JASON ALLEN – 5 YEARS

Mayor Kindig recognized Jason Allen for 5 years of service to the City.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JULY 15, 2024, BUDGET WORKSHOP
3. APPROVAL OF THE MINUTES OF THE JULY 16, 2024, CITY COUNCIL MEETING
4. APPROVAL OF THE MINUTES OF THE JULY 16, 2024, BUDGET WORKSHOP
  5. REQUEST FOR PAYMENT – LATITUDE SIGNAGE & DESIGN – PROFESSIONAL SERVICES – WAYFINDING – \$413.00
  6. REQUEST FOR PAYMENT – SPENCER MANAGEMENT, LLC – PROFESSIONAL SERVICES – SOUTHPORT PARKWAY PANEL REPLACEMENT – \$16,810.00
  7. REQUEST FOR PAYMENT – CROUCH RECREATION, INC – PROFESSIONAL SERVICES – CENTRAL PARK EAST SHELTER – \$71,399.00
  8. REQUEST FOR PAYMENT – PUBLIC RESTROOM COMPANY – PROFESSIONAL SERVICES – PARK RESTROOM – \$56,823.00
  9. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY PARK PAVILION TESTING – \$900.00
  10. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY PARK PAVILION TESTING – \$900.00
  11. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION - \$63,591.32
  12. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – MUNICIPAL CAMPUS PLAN & DESIGN – \$22,462.49
  13. RESOLUTION 24-082 – AUTHORIZE PAYMENT – CENTRAL PARK IRRIGATION SYSTEM REPAIR

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING PAYMENT TO DEXTER PUMP SERVICES, BLUE SPRINGS, MISSOURI FOR EMERGENCY REPAIR OF THE VFD CONTROLLER IN AN AMOUNT NOT TO EXCEED \$8,099.80.

WHEREAS, the City Council of the City of La Vista has determined that emergency repair of the VFD controller at the Central Park Irrigation Pump Station was necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the repair; and

# MINUTE RECORD

August 6, 2024

No. 729 — REDFIELD DIRECT E2106195KV

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize payment to Dexter Pump Services, Blue Springs, Missouri for emergency repair of the VFD controller in an amount not to exceed \$8,099.80.

**14. RESOLUTION 24-083 – POLICE OFFICERS TRUST – APPOINT MEMBERS TO THE RETIREMENT COMMITTEE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPOINT THE CITY ADMINISTRATOR AND CITY CLERK TO THE RETIREMENT COMMITTEE OF THE CITY OF LA VISTA POLICE OFFICER'S RETIREMENT PLAN AND TRUST.

WHEREAS, the City of La Vista, maintains the City of La Vista Police Officers Retirement Plan and Trust; and

WHEREAS, the Plan and Trust require a retirement committee; and

WHEREAS, Section 16-1015 of the Nebraska Statutes provides that the retirement committee shall have six members, four of whom shall be selected by the police officers from the police force of the City, and two of whom shall be designated by the City Council

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby appoints the following two positions to serve a term of four years on the retirement committee pursuant to Neb. Rev. Stat. Section 16-1015 and La Vista Municipal Code §34.26:

City Administrator  
City Clerk

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to execute such documents and take such further actions as necessary or appropriate to carry out the actions approved herein.

**15. RESOLUTION 24-084 – APPROVE CHANGE ORDER – MOBILE DATA COMPUTER SYSTEMS**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER FOR THE PURCHASE OF FOUR (4) MOBILE DATA COMPUTER SYSTEMS FROM BIZCO TECHNOLOGIES, LINCOLN, NEBRASKA INCREASING THE NOT TO EXCEED AMOUNT FROM \$19,684.24 TO \$20,441.44 OF WHICH 75% WILL BE REIMBURSED BY NDOT-HSO GRANT.

WHEREAS, the City Council of the City of La Vista has determined the purchase of Four (4) Mobile Data Computer Systems (MDC's) to include laptops, docking stations, printers, scanners, and power management systems is necessary, and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase; and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

WHEREAS, the change order is for the change from a three-year service – maintenance – parts & labor agreement to a four-year service – maintenance – parts & labor agreement and will increase the amount of purchase from \$19,684.24 to \$20,441.44.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize a change order for the purchase of Four (4) Mobile Data Computer Systems from BIZCO Technologies, Lincoln, Nebraska increasing the not to exceed amount from \$19,684.24 to \$20,441.44 of which 75% will be reimbursed by NDOT-HSO grant.

# MINUTE RECORD

August 6, 2024

No. 729 — REDFIELD DIRECT E2106195KV

## 16. APPROVAL OF CLAIMS

1000 BULBS, supplies	244.16
AA WHEEL & TRUCK, maint.	91.64
ABM, services	14,216.90
ACCO UNLIMITED, supplies	2,809.23
ACE INTERDICTION TACTICS, training	339.00
ACTION BATTERIES, maint.	430.31
ACTIVE NETWORK, services	223.90
AKRS EQUIP, maint.	1,070.63
ALFRED BENESCH & CO, services	8,646.97
AMAZON, supplies	2,161.27
AM HERITAGE LIFE INS, services	463.59
ANTHEM SPORTS, bldg & grnds	121.47
ARNOLD MOTOR, maint.	10.76
AT&T MOBILITY, phones	98.42
AXON ENTERPRISE, supplies	5,814.20
BACON LETTUCE CREATIVE, services	2,847.50
BENNETT REFRIG, bldg & grnds	497.75
BISHOP BUSINESS EQUIP, services	2,051.20
BIZCO, maint.	1,960.81
BLACK HILLS ENERGY, utilities	1,672.34
BOBCAT, maint.	516.25
BODY BASICS, bldg & grnds	380.10
CAIN, M, training	140.00
CALIBRE PRESS, training	1,432.00
CANOYER GARDEN CTR, supplies	1,842.52
CENTER POINT, books	47.94
CENTURY LINK, phones	587.42
CINTAS, services	5,882.94
CITY OF PAPILLION, services	28,518.48
CITY OF PAPILLION - MFO, services	237,694.00
CLEARVIEW PET CARE CTR, services	251.70
COLONIAL LIFE INS, services	2,058.84
COLONIAL RESEARCH CHEM, supplies	1,249.32
CONCRETE SUPPLY, maint.	12,535.25
CONNER PSYCHOLOGICAL, services	2,550.00
CORNHUSKER SIGN, services	505.22
COX, phones	467.15
CROUCH RECREATION, services	4,995.00
CULLIGAN, supplies	37.50
CUMMINS SALES & SERVICE, maint.	862.78
D & K PRODUCTS, supplies	1,686.35
DAIGLE LAW GROUP, services	3,280.00
DEARBORN NAT'L LIFE INS, services	8,789.35
DILLON BROS MOTORSPORTS, maint.	410.47
DLR GROUP, services	16,575.00
DOG WASTE DEPOT, supplies	791.92
DOUGLAS CO SHERIFF, services	600.00
JOHN FENCL, supplies	1,600.00
FERGUSON US HOLDINGS, maint.	177.98
FIKES COMM HYGIENE, supplies	157.00
FIRST RESP OUTFITTERS, apparel	1,588.15
FIRST WIRELESS, phones	52.95
FITZGERALD SCHORR, services	30,826.70
FNIC, services	15,662.50

# MINUTE RECORD

No. 729 -- REDFIELD DIRECT E2106195KV

August 6, 2024

FREDERICK, M, reading program	992.25
G I CLEANERS, services	605.45
GALE, books	273.65
GALLS, supplies	357.11
GENERAL FIRE & SAFETY, services	553.00
GRAINGER, maint.	251.42
GREAT PLAINS UNIFORMS, apparel	136.49
GREATAMERICA FINANCIAL, services	1,735.58
HOBBY LOBBY, supplies	32.98
ICMA-INTL CITY/CO MGMT, mbmshp	795.00
INGRAM LIBRARY SERVICES, books	1,165.88
J & J SMALL ENGINE, maint.	178.74
JANITOR DEPOT, supplies	218.00
JONES AUTOMOTIVE, maint.	1,375.00
KEVIN LLOYD, services	400.00
KIMBALL MIDWEST, supplies	133.80
LIBRARY IDEAS, books	1,181.50
LINCOLN NATIONAL LIFE INS, services	7,099.07
LOGAN CONTRACTORS, services	58.40
LOGO LOGIX, services	457.00
LOWE'S, supplies	550.98
LYMAN-RICHEY, maint.	8,812.40
MCANANY CONSTRUCTION, services	280,160.00
MCGRATH, MA, training	140.00
MCGRATH, MO, training	140.00
MEDICA INSURANCE CO, services	155,068.57
MENARDS, supplies	1,524.62
METLIFE, services	1,116.65
METRO AREA TRANSIT, services	950.00
METRO COMM COLLEGE, services	37,018.79
MUD, utilities	14,450.76
MICHAEL TODD CO, maint.	766.08
MID-AMERICAN BENEFITS, services	5,891.89
MIDWEST TAPE, media	114.05
MIDWEST TURF, services	145.53
MILLARD METAL, services	390.00
MOTOROLA SOLUTIONS, phones	1,149.20
MR. PICNIC, services	740.70
MSC INDUSTRIAL, bldg & grnds	101.16
MURPHY TRACTOR, maint.	105.36
NE DEPT OF REVENUE, sales tax	1,098.60
NE DEPT OF REV, motor fuel tax	597.00
NE IA INDL FASTENERS, maint.	10.11
NMC GROUP, maint.	241.08
NORTH AMERICAN RESCUE, supplies	1,083.80
OCLC, training	2,309.92
OFFICE DEPOT, supplies	869.02
OPPD, utilities	54,019.78
OMAHA WINNELSON, bldg & grnds	4,359.93
OMNI ENGINEERING, services	578.19
ONE CALL CONCEPTS, phones	524.96
PAPILLION SANITATION, services	2,170.21
PAYROLL MAXX, payroll & taxes	500,748.98
PEPSI, supplies	395.37
PER MAR SECURITY, services	206.22

# MINUTE RECORD

August 6, 2024

No. 729 -- REDFIELD DIRECT E2106195KV

PITNEY BOWES, services	1151.04
POINT C HEALTH, services	6,779.63
POMP'S TIRE SERVICE, maint.	3,831.81
PORT-A-JOHNS, services	540.00
PRIMA DISTRIBUTION, supplies	149.62
PUBLIC RESTROOM CO, services	83,467.00
RED WING, apparel	150.00
REVOLUTION WRAPS, services	524.82
RTG BUILDING SERV, bldg & grnds	6,765.00
SARPY CO TIMES, services	130.00
SARPY DOUG LAW ACADEMY, training	12,308.24
SECURITY EQUIPMENT, maint.	219.75
SHERWIN-WILLIAMS, supplies	603.05
SHI INT'L CORP, services	1,193.10
SIGN IT, services	171.00
SITE ONE LANDSCAPE, bldg & grnds	1,169.84
STRAIGHT-LINE STRIPING, services	19,370.00
SUBURBAN NEWSPAPERS, services	418.86
SUN COUNTRY DIST, supplies	266.51
SWANK MOTION PICTURES, services	755.00
THE ASTRO THEATER, services	13,231.72
THE COLONIAL PRESS, services	2,978.26
THE SCHEMMER ASSOC, services	858.75
THE WALDINGER CORP, bldg & grnds	22,426.00
TD2, services	16,196.00
TRAFFIC SAFETY WAREHSE, supplies	1,108.26
TRANS UNION RISK, services	75.00
TRANSPARENT LANGUAGE, services	1,260.00
TRUCK CENTER, maint.	771.14
TURFWERKS, maint.	501.86
TY'S OUTDOOR POWER, maint.	10.20
ULINE, supplies	44.43
UNITED DISTRIBUTORS, bldg & grnds	112.59
USPS, services	1,915.41
UNMC, services	117.00
VERIZON WIRELESS, phones	445.89
VOIANCE LANGUAGE, services	25.00
WALMART, supplies	1,327.87
WASTE MGMT, services	45.25
WELDON PARTS, maint.	58.00

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Frederick. Councilmember Sheehan reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

IT Manager South provided an update on the Council Chambers system.

Assistant City Administrator Ramirez provided an update on the Reflections Plaza.

Recreation Director Buller reported on the cooling center hours.

Director of Public Works Soucie provided an update on storm clean up and that the work on the Central Park restroom and shelter continues.

# MINUTE RECORD

August 6, 2024

No. 729 -- REDFIELD DIRECT E2106195KV

Assistant Library Director Norton provided an update on the summer reading program.

## **B. FISCAL YEAR 24/25 AND FISCAL YEAR 25/26 MUNICIPAL BUDGETS**

### **1. APPROPRIATIONS ORDINANCE – FIRST READING**

Councilmember Thomas introduced Ordinance No. 1516 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2024 AND ENDING ON SEPTEMBER 30, 2025; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2025 AND ENDING ON SEPTEMBER 30, 2026 SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Frederick made a motion to approve Ordinance No. 1516 on its first reading and pass it on to a second reading. Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

### **C. RESOLUTION – AWARD BID – LA VISTA MUNICIPAL POOL DEMOLITION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-085 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO VIXEN CONSTRUCTION, LLC, CRESCENT, IOWA FOR THE LA VISTA MUNICIPAL POOL DEMOLITION PROJECT IN AN AMOUNT NOT TO EXCEED \$96,700.00.

WHEREAS, the City Council of the City of La Vista has determined that the demolition of the La Vista Municipal Pool is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed project; and

WHEREAS, bids were solicited, and four (4) bids were received; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, award the contract to Vixen Construction, LLC, Crescent, Iowa for the La Vista Municipal Pool Demolition Project in an amount not to exceed \$96,700.00.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

### **D. RESOLUTION – AWARD BID – SURFACE PARKING LOT; LOT 12 LA VISTA CITY CENTRE REPLAT THREE**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-086 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO MACKIE CONSTRUCTION, OMAHA, NEBRASKA FOR THE CONSTRUCTION OF A SURFACE PARKING LOT ON LOT 12 LA VISTA CITY CENTRE REPLAT THREE IN AN AMOUNT NOT TO EXCEED \$458,438.55.

# MINUTE RECORD

August 6, 2024

No. 729 -- REDFIELD DIRECT E2106195KV

WHEREAS, the City Council of the City of La Vista has determined that the construction of a surface parking lot on Lot 12 La Vista City Centre Replat Three is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed project; and

WHEREAS, bids were solicited, and two (2) bids were received; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, award the contract to Mackie Construction, Omaha, Nebraska for the construction of a surface parking lot on Lot 12 La Vista City Centre Replat Three in an amount not to exceed \$458,438.55.

Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **E. RESOLUTION – APPROVE PROFESSIONAL SERVICES AGREEMENT – SURFACE PARKING LOT; LOT 12 LA VISTA CITY CENTRE REPLAT THREE**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-087 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH DLR GROUP, INC., OMAHA, NEBRASKA FOR CERTAIN CONSTRUCTION ADMINISTRATION SERVICES IN RELATION TO THE CONSTRUCTION OF A SURFACE PARKING LOT ON LOT 12 LA VISTA CITY CENTRE REPLAT THREE IN AN AMOUNT NOT TO EXCEED \$50,590.

WHEREAS, the Mayor and City of La Vista has determined that the construction of a surface parking lot on Lot 12 La Vista City Centre Replat Three is necessary; and

WHEREAS, on April 16, 2024 City Council approved an amendment to an agreement with DLR Group, Inc. to provide design services in relation to the design of the surface parking lot; and

WHEREAS, the FY23/FY24 Biennial Budget contains funding for this project; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any expenditure over \$5,000.00.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve the professional services agreement with DLR Group, Inc., Omaha, Nebraska to provide certain construction administration services in relation to the construction of a surface parking lot on Lot 12 La Vista City Centre Replat Three in an amount not to exceed \$50,590 subject to any specified conditions of Council and any revisions that the City Administrator or City Engineer may determine necessary or advisable.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **F. RESOLUTION – AUTHORIZE AGREEMENT – BERGANKDV – FINANCIAL AUDIT PREPARATION**

Councilmember Quick introduced and moved for the adoption of Resolution No. 24-088 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BERGANKDV TO PROVIDE SERVICES ASSOCIATED WITH

# MINUTE RECORD

August 6, 2024

No. 729 – REDFIELD DIRECT E2106195KV

THE PREPARATION OF THE AUDIT WORK PAPERS IN AN AMOUNT NOT TO EXCEED \$79,500.00.

WHEREAS, the City Council of the City of La Vista has determined that assistance in preparation for the city's audit is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for this agreement; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve a professional services agreement with BerganKDV to provide professional services associated with preparation for the city's audit.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **G. RESOLUTION – AUTHORIZE AGREEMENT – BERGANKDV – KENO AUDIT PREPARATION**

Councilmember Quick introduced and moved for the adoption of Resolution No. 24-089 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BERGANKDV FOR AUDIT COMPLIANCE IN AN AMOUNT NOT TO EXCEED \$9,500.00.

WHEREAS, the City Council of the City of La Vista has determined that assistance in preparation for the city's audit is necessary; and

WHEREAS, the FY25/FY26 Biennial Budget provides funding for this agreement; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve a professional services agreement with BerganKDV to provide professional services associated with audit compliance.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **H. RESOLUTION – AUTHORIZE PURCHASE – HOLIDAY LIGHTS**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 24-090 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF HOLIDAY DECORATIONS FOR CENTRAL PARK FROM BRITE IDEAS DECORATING, OMAHA, NE, IN AN AMOUNT NOT TO EXCEED \$42,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of decorations for Central Park is necessary; and

WHEREAS, the FY24 Budget provides funding for the proposed purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

# MINUTE RECORD

August 6, 2024

No. 729 -- REDFIELD DIRECT E2106195KV

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of holiday decorations for Central Park from Brite Ideas Decorating, Omaha, NE, in an amount not to exceed \$42,000.00.

Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **I. RESOLUTION -- AUTHORIZE MURAL PAINTING -- APPLEWOOD CREEK TRAIL UNDERPASS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 24-091 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PAINTING OF A MURAL ON THE APPLEWOOD CREEK TRAIL UNDERPASS IN AN AMOUNT NOT TO EXCEED \$15,300.00.

WHEREAS, the City Council of the City of La Vista has determined that the painting of a mural on the Applewood Creek Underpass is necessary; and

WHEREAS, the FY23/FY24 Budget provides funding for this project; and  
WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the painting of a mural on the Applewood Creek Trail Underpass by Adam Boggs, Wayne, NE in an amount not to exceed \$15,300.00.

Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **COMMENTS FROM THE FLOOR**

Devon Wheat commented on The Meadows neighborhood concerns on code enforcement.

## **COMMENTS FROM MAYOR AND COUNCIL**

Mayor Kindig reported on the legislative special session.

At 7:12 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



Monthly Statement of Revenue and Expenditure

July

	General Fund	Debt Service Fund	Capital Improvement Fund	Lottery Fund	Redevelopment Fund	Total Nonmajor Funds <sup>1</sup>	Total Governmental Funds	Sewer Fund	Total Proprietary Fund
<b>Revenue</b>									
Property Tax	157,750	12,822	-	-	-	-	170,572	-	-
Sales and use taxes	543,733	271,866	-	-	271,866	-	1,087,466	-	-
Other Taxes <sup>2</sup>	433,322	451	-	-	12,986	-	446,759	-	-
Licenses and Permits	23,327	-	-	-	-	-	23,327	-	-
Intergovernmental Revenues <sup>3</sup>	215,208	-	-	-	-	61,541	276,749	-	-
Charges for Services	46,493	-	-	-	-	-	46,493	-	-
Grant income	2,500	-	-	-	-	-	2,500	-	-
Lottery Proceeds	-	-	-	89,124	-	-	89,124	-	-
Interest Income	63,213	54,952	8,669	21,743	33,445	3,278	185,300	27,494	27,494
Sewer Fees	-	-	-	-	-	-	-	374,790	374,790
Other Revenues <sup>4</sup>	47,076	32,827	-	-	-	18,988	98,890	3	3
Bonds	-	-	-	-	-	-	-	-	-
<b>Total Revenues</b>	<b>1,532,620</b>	<b>372,919</b>	<b>8,669</b>	<b>110,867</b>	<b>318,297</b>	<b>83,807</b>	<b>2,427,179</b>	<b>402,287</b>	<b>402,287</b>
<b>Expenditures</b>									
CIP/Capital Outlay	1,025	-	82,718	-	73,042	16,575	173,360	-	-
Debt Service: Principal Expense	-	-	-	-	715,000	-	715,000	-	-
Debt Service: Interest Expense	-	-	-	-	190,229	-	190,229	-	-
Debt Service: Bond Issue Expense	-	-	-	-	450	-	450	-	-
General Government Expenses	303,101	29,079	-	-	-	15,114	347,293	-	-
Public Works	178,004	-	-	-	-	-	178,004	-	-
Public Safety	1,011,416	-	-	-	-	16,019	1,027,435	-	-
Culture and Recreation	215,729	-	-	-	-	-	215,729	-	-
Public Library	74,640	-	-	-	-	-	74,640	-	-
Community Betterment	-	-	-	41,074	-	-	41,074	-	-
Community Development	71,029	-	-	-	552	-	71,580	-	-
Sewer	-	-	-	-	-	-	-	51,446	51,446
<b>Total Expenditures</b>	<b>1,854,944</b>	<b>29,079</b>	<b>82,718</b>	<b>41,074</b>	<b>979,273</b>	<b>47,707</b>	<b>3,034,795</b>	<b>51,446</b>	<b>51,446</b>
<b>Transfers In</b>	-	-	-	-	-	-	-	-	-
<b>Transfers Out</b>	-	-	-	-	-	-	-	-	-
<b>Change in Net Position</b>	<b>(322,324)</b>	<b>343,840</b>	<b>(74,049)</b>	<b>69,794</b>	<b>(660,976)</b>	<b>36,100</b>	<b>(607,616)</b>	<b>350,841</b>	<b>350,841</b>

Key Trends

<b>Revenue</b>									
Sales Tax continues to come in strong, May Taxes rec in July \$1.08M we are trending 7% over FY23									
Interest Income is \$2M over budget.									
<b>Expenditures</b>									
Public Safety includes August Fire Contract									

<sup>1</sup>Nonmajor Funds (EDF, OSP, PAF,QSF,TIF)

<sup>2</sup>Other tax - OCC, Hotel, Rest

<sup>3</sup>Intergovernmental Rev - rev for state, county, other municipality

<sup>4</sup>Other rev - parking, library, other misc.



City of La Vista NE  
Monthly Treasurer Report  
July FY24

Types	Institution	Balance	Interest Rate	Interest Earned	Accrued Interest	Maturity Date
CD	American National Bank	\$ 1,527,101	4.2%		\$ 5,281	1/17/2025
	Dayspring Bank	\$ -	0.6%		\$ -	
	<b>Total CD's</b>	<b>\$ 1,527,101</b>				
Money Market	Access Bank	\$ 1,565,273	2.8%	\$ 3,989		
	Dayspring Bank	\$ 11,368,488	4.9%	\$ 45,716		
	NPAIT	\$ 29,056,740	5.3%	\$ 132,264		
	Nebraska Class	\$ 6,542,607	5.5%	\$ 29,211		
	NFIT	\$ -				
<b>Total Money Market</b>	<b>\$ 48,533,108</b>					
Checking	Access Bank	\$ 1,151,524	1.0%	\$ 768		
Checking	Dayspring Bank	\$ 5,102	0.0%	\$ 35		
Savings	Access Bank	\$ 934,649	1.0%	\$ 811		\$ -
<b>Total Portfolio</b>	<b>\$ 52,151,486</b>			<b>\$ 212,794</b>	<b>\$ 5,281</b>	

**Key Trends**

- New checking acct at DaySpring Bank is for the employee Flex Savings Acct. These are restricted funds for Flex Spending only.
- Unrestricted cash of \$14M
- Restricted Funds for Redevelopment projects, Sewer, Lottery, CIP projects, Police Academy
- FY24 interest income is \$2M over budget for the year, we have earned \$2.1M in interest so far in FY24



Thompson, Dreesen & Dornier, Inc.  
Consulting Engineers & Land Surveyors

**INVOICE**

Please remit to:  
TD2 Nebraska Office  
110836 Old Mill Road, Omaha, NE 68154  
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office  
5000 S. Minnesota Ave., Unit 312, Sioux Falls, SD 57108  
Office: 605/951-0886

CITY OF LA VISTA  
PAT DOWSE  
9900 PORTAL ROAD  
LA VISTA, NE 68128

*Ok to Pay*  
*5.71.0917 - STRT 24005*  
*G. Delgado*  
*8/15/24*

Invoice number 165022  
Date 08/14/2024  
Project 0171-425 STREET RESURFACING - 2024

Professional Services from May 13, 2024 through August 04, 2024

	Amount	
<b>Surveying Services</b>		
Contract Amount	25,500.00	
Percent Complete	100.00	
Total Billed	25,500.00	
Prior Billed	25,500.00	
		Current Billed 0.00
<b>Civil Engineering Services</b>		
Contract Amount	55,000.00	
Percent Complete	100.00	
Total Billed	55,000.00	
Prior Billed	55,000.00	
		Current Billed 0.00
<b>Geotechnical, Materials Testing, and Construction Observation</b>		
Contract Amount	59,500.00	
Percent Complete	30.00	
Total Billed	17,850.00	
Prior Billed	5,000.00	
		Current Billed 12,850.00
		Total 12,850.00
		Invoice total <span style="border: 1px solid black; padding: 2px;">12,850.00</span>

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
165022	08/14/2024	12,850.00	12,850.00				
	Total	12,850.00	12,850.00	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.



Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors

**INVOICE**

Please remit to:  
TD2 Nebraska Office  
10836 Old Mill Road, Omaha, NE 68154  
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office  
5000 S. Minnesota Ave., Unit 312, Sioux Falls, SD 57108  
Office: 605/951-0886

CITY OF LA VISTA  
PAT DOWSE  
9900 PORTAL ROAD  
LA VISTA, NE 68128

Invoice number 164975  
Date 08/09/2024

Project 0171-422 CENTRAL PARK  
IMPROVEMENTS

Professional Services from July 1, 2024 through August 04, 2024

Description	Current Billed
<b>Construction Staking</b>	0.00
<b>Task A3.0 - Central Park Road Construction Plans</b>	0.00
<b>Task A3.1 - Central Park Road Construction Observation</b>	586.80
<b>Total</b>	<b>586.80</b>

Invoice total 586.80

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
164975	08/09/2024	586.80	586.80				
	<b>Total</b>	<b>586.80</b>	<b>586.80</b>	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

*OK TO PAY  
PMD 8/14/24*

*05.71.0017.000 - GTRT 24006*



Value Focused. Community Minded. Quality Driven.

Pat Dowse  
 City Engineer  
 City of La Vista  
 9900 Portal Road  
 La Vista, NE 68128

August 14, 2024  
 Project No: 0000-120869.00  
 Invoice No: 291187

Preliminary & Final Design  
 Giles Road, BNSF Bridge to Interstate 80 Eastbound On-Ramp Improvements  
 M376(230) STRT-17-003

**Professional Services from July 01, 2024 to July 28, 2024**

Task	00001	PM, Coordination, Meeting & QC			
<b>Professional Personnel</b>					
			<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Project Engineer II					
Barahona, Alejandro			2.00	150.00	300.00
Totals			2.00		300.00
<b>Total Labor</b>					<b>300.00</b>
				<b>Total this Task</b>	<b>\$300.00</b>

Task	00003	Preliminary Design			
<b>Professional Personnel</b>					
			<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Sr Project Manager					
Sockel, Jeffery			2.50	270.00	675.00
Project Manager I					
Hennings, Chris			.50	183.00	91.50
Project Engineer II					
Barahona, Alejandro			10.00	150.00	1,500.00
Designer II					
Najera, Gabriel			45.50	132.00	6,006.00
Intern					
Stephany, Avery			51.00	60.00	3,060.00
Totals			109.50		11,332.50
<b>Total Labor</b>					<b>11,332.50</b>
				<b>Total this Task</b>	<b>\$11,332.50</b>

Task	00004	Final Design & Bid Package Development			
<b>Professional Personnel</b>					
			<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Designer II					
Najera, Gabriel			15.50	132.00	2,046.00
Totals			15.50		2,046.00
<b>Total Labor</b>					<b>2,046.00</b>

Project	0000-120869.00	La Vista Giles Rd BNSF Bridge to I-80	Invoice	291187
---------	----------------	---------------------------------------	---------	--------

**Total this Task      \$2,046.00**

**Billing Limits**

	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Total Billings	13,678.50	87,870.87	101,549.37
Limit			211,749.82
Remaining			110,200.45

**Total this Invoice      \$13,678.50**

*← PAY THIS AMOUNT*

**Outstanding Invoices**

<b>Number</b>	<b>Date</b>	<b>Balance</b>
287131	7/7/2024	9,015.00
<b>Total</b>		<b>9,015.00</b>

*OK TO PAY  
PMD 6/14/24*

*05-710917-000 - START 17003*



Value Focused. Community Minded. Quality Driven.

Pat Dowse  
 City Engineer  
 City of La Vista  
 9900 Portal Road  
 La Vista, NE 68128

July 7, 2024  
 Project No: 00120869.00  
 Invoice No: 287131

Preliminary & Final Design  
 Giles Road, BNSF Bridge to Interstate 80 Eastbound On-Ramp Improvements  
 M376(230) STRT-17-003

**Professional Services from June 3, 2024 to June 30, 2024**

Task 00001 PM, Coordination, Meeting & QC

**Professional Personnel**

	Hours	Rate	Amount
Project Engineer II			
Barahona, Alejandro	1.00	144.00	144.00
Totals	1.00		144.00
<b>Total Labor</b>			<b>144.00</b>
		<b>Total this Task</b>	<b>\$144.00</b>

Task 00003 Preliminary Design

**Professional Personnel**

	Hours	Rate	Amount
Sr Project Manager			
Sockel, Jeffery	8.00	270.00	2,160.00
Project Engineer II			
Barahona, Alejandro	4.00	144.00	576.00
Designer II			
Najera, Gabriel	40.00	111.00	4,440.00
Intern			
Stephany, Avery	23.00	60.00	1,380.00
Technologist IV			
Salisbury, Tracy	3.00	105.00	315.00
Totals	78.00		8,871.00
<b>Total Labor</b>			<b>8,871.00</b>
		<b>Total this Task</b>	<b>\$8,871.00</b>

**Billing Limits**

	Current	Prior	To-Date
Total Billings	9,015.00	78,855.87	87,870.87
Limit			211,749.82
Remaining			123,878.95
		<b>Total this Invoice</b>	<b><u>\$9,015.00</u></b>

*OK TO PAY  
 PMD 6/14/24  
 09.71.0917.CCC - STRT17003*



**INVOICE**

450 Regency Pkwy  
 Suite 120  
 Omaha, NE 68114  
 (712) 323-0530

Invoice Number: 702619-34  
 Date: August 12, 2024  
 Client Code: 7220  
 P.O. Number: 20-008340

**City of LaVista**  
 Attn: Mr. Patrick Dowse, P.E.  
 9900 Portal Road  
 LaVista, NE 68128

**Progress billing for engineering services for the East LaVista Sewer and Pavement Rehabilitation - Phase 2 Final Design, per agreement dated June 4, 2019 & Amendments..**

**Construction Observation, Administration & Testing Through: July 31, 2024**

	Hours	Rate	Current Period	Billed To Date
<b>001: Phase I Investigation (LS \$53,340)</b>				
			<b>90% Complete</b>	<b>\$48,006.00</b>
<b>002: Trekk (\$90,420) (Hrly)</b>				<b>\$89,172.71</b>
<b>003: Thiele Geotech (\$18,675) (Hrly)</b>				<b>\$19,200.00</b>
<b>004: Emspace &amp; Lovgren (\$9,775) (Hrly)</b>				<b>\$11,809.67</b>
<b>005: Amendment 1 HGM (LS \$923)</b>				
			<b>100% Complete</b>	<b>\$923.00</b>
<b>006: Amendment 1 TREKK (\$4,000) (Hrly)</b>				<b>\$4,000.00</b>
<b>007: Phase 2 Final Design (Hrly)</b>				<b>\$201,345.71</b>
<b>008: Phase 2 Final Design TREKK (Hrly)</b>				<b>\$64,665.61</b>
<b>009: Phase 2 Final Design Emspace (Hrly)</b>				<b>\$10,763.73</b>
<b>010: Midwest Right of Way (\$58,725) (Hrly)</b>				<b>\$20,205.00</b>
<b>011: Construction Admin (Hrly)</b>				
Design Engineer	39.00	117.12	\$4,567.68	
Design Engineer	165.50	136.32	\$22,560.96	
Design Engineer	90.75	148.48	\$13,474.56	
Engineer Technician	3.50	105.60	\$369.60	
Engineer Technician	16.50	123.84	\$2,043.36	

	Hours	Rate	Current Period	Billed To Date
Senior Project Engineer	12.00	234.91	\$2,818.92	
			<u>\$45,835.08</u>	\$644,551.68

**012: Const. Testing - Thiele Geotech (\$93,873) (Hrly)**

Thiele Geotech, Inc.			\$3,642.00	
			<u>\$3,642.00</u>	\$39,253.00

**014: Const. Surveying (Hrly)**

Engineer Technician II	9.00	120.96	\$1,088.64	
Land Surveyor	9.00	134.40	\$1,209.60	
Land Surveyor	1.00	200.77	\$200.77	
			<u>\$2,499.01</u>	\$4,938.83

Total Amount Billed	\$1,158,834.94
Less Previous Invoices	<u>\$1,106,858.85</u>
<b>Invoice Total</b>	<b><u>\$51,976.09</u></b>

← Pay THIS AMOUNT

**Outstanding Invoices**

Invoice		0 - 30	31 - 60	61-90	Over 90	Balance
702619-32	6/7/2024			\$62,625.44		\$62,625.44
702619-33	7/11/2024		\$63,591.32			\$63,591.32
			<u>\$63,591.32</u>	<u>\$62,625.44</u>		<u>\$126,216.76</u>

CHTC PAY PMD 6/14/24

Obj. 71.0017.COC - SEWER 17001

(48 ÷) SEWER = \$24,948.52  
 (52 ÷) STREET = \$27,027.57

**WEEKLY PROGRESS REPORT**

CONTRACTOR **NL & L** ← **PAY TO MCL**

PROJECT **East La Vista Sewer and Pavement Rehab.**

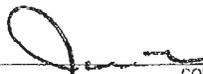
WEEK ENDING DATE **07/27/24**

PROJECT NO. **M376(228)**

PROJECT STATUS: **IN PROGRESS**

REPORT NO. **69**

DAY/DATE	ACTIVITY	Hours	CHARGE	SUMMARY	
	<b>02 Jan 2024 Start of Phase 2, Calendar/Work Days will reflect the phase 2 calendar day quantity and percentages</b>			Paving - Total Value of Work This Period	\$1,190.00
SUNDAY 07/21/24	No work on site, No pay items	0	y	Sewer - Total Value of Work This Period	\$5,355.00
				Paving - Total Value of Work To Date	\$1,029,010.17
				Sewer - Total Value of Work To Date	\$1,617,426.25
MONDAY 07/22/24	Temp 84/84, NII 0700-1700, HGM 0800-1700, Sewer crew cont serv lat repair work 735C and 7353 S 69th st. Brief rain 0.26", saturated open hole, road closed overnight for backfilling operations tomorrow. Pay items: 33 rem serv lat 25', 34 inst serv lat 25'	10	Y	Pro-rated Adjustment to Value of Stored Materials This Period	\$0.00
				Total Value of Stored Materials Remaining To Date	\$0.00
TUESDAY 07/23/24	Temp 86/78, NLL 0700-1630, HGM 0800-1500. sewer crew completed backfilling yesterdays excavation, and worked on 7316 serv lat. Pay items: 33 rem serv lat 11', 34 inst serv lat 11'	8	Y	Estimated Contract Value	\$ 4,822,962.10
				Percent Complete By Value	55%
WEDNESDAY 07/24/24	Temp 80/70, NLL 0700-1630, HGM 0800-1500. Sewer crew cont serv lat work at 7349 S 69th St. No paving crew or restoration crew. Pay item: 33 rem serv lat 15', 34 inst serv lat 15'	8	Y	Contract Calendar / Work Days	551
				Calendar / Work Days This Period	7
THURSDAY 07/25/24	Temp 80/71, NLL 0700-1530, hgm 0800-1500, Sewer crew cont serv lat work at 7345, no paving or restoration crews. Utility locating during afternoon. Pay items: 33 rem serv lat 12', 34 inst serv lat 12'	8	Y	Calendar / Work Days Used To Date	482
				Percent Time Used	87%
FRIDAY 07/26/24	Temp 92/72, NII 07000-1430, hgm 0800-1400, Sewer crew cont. with the serv lat repair work with the locating of the service wate and gas lines going north towards Josephine.	8	Y	% Retained Paving/Sewer	10.0000%
				Amount Retained to Date Paving	\$102,901.02
				Amount Retained To Date Sewer	\$161,742.63
SATURDAY 07/27/24	Temp 89/73, NII 0700- 1300, Contractor did general clean up, vac'ed utility lines for upcoming work, no serv lat work.		Y	Net Amount Due To Date	\$2,381,792.77
				Total Incentive Earned / Disincentive Assessed To Date	\$0.00
<b>Other Comments</b> Note: CIPP Work has been reviewed and found to have some questionable service lateral openings cut out. Video and review documentation sent to contractor and City. Change Order 1-2 line items entered and quantity adjustments made PAP CIPP Pre inspection and Jetting Paid for sections completed in 2024. As noted, liner installed has noted defects that need to be corrected for acceptance and payment.				Net Amount Due To Date Including Incentive Earned / Disincentive Assessed	\$2,381,792.77
				Total Previous Payments To Date	\$2,082,317.34
				Amount Due To Date	\$299,475.43

 8/14/24  
CONTRACTOR / DATE

Paula Pogge, HGM Associates, Inc 07 Aug 2024  
PROJECT MANAGER / DATE

Paula Pogge Digitally signed by Paula Pogge  
Date: 2024.08.07 08:03:53 -05'00'  
PROJECT REPRESENTATIVE / DATE

 8/15/24  
CITY CONSTRUCTION ENGINEER / DATE

**OK TO PAY**  
**PM 08/15/24**  
**02.71.0917.CCG - SEWER 13001**  
**SEWER = \$ 76,935.09**  
**STREET = \$ 222,540.35**

**WEEKLY PROGRESS REPORT**

**PAYMENT FOR WORK PERFORMED**

Line	Item Number	Item	Bid Quantity	Bid Price	Unit	Quantity This Period	Amount This Period	% Complete	Quantity To Date	Amount To Date
1	Paving 1	Mobilization/Demobilization	1.00	\$156,000.00	LS	-	\$0.00	100.0%	1.00	\$156,000.00
2	Paving 2	Remove Pavement	7,747.00	\$11.00	SY	-	\$0.00	68.0%	5,114.31	\$56,267.41
3	Paving 3	Remove Concrete Driveway	701.00	\$11.00	SY	-	\$0.00	45.0%	312.66	\$3,432.66
4	Paving 4	Remove Sidewalk - Paving	7,356.00	\$2.00	SF	-	\$0.00	84.0%	6,826.17	\$13,852.34
5	5	Remove Concrete Curb and Gutter	1,750.00	\$12.00	LF	-	\$0.00	139.0%	2,433.70	\$29,204.40
6	6	Perform Cold Planning-Asphalt	26,920.00	\$0.50	SY	-	\$0.00	0.0%	-	\$0.00
7	7	Perform 2" Cold Planning - Concrete	60.00	\$7.00	SY	-	\$0.00	0.0%	-	\$0.00
8	8	Construct Asphalt Surface Course SPR (PG 64-34)	2,860.00	\$187.11	Ton	-	\$0.00	0.0%	-	\$0.00
9	9	Construct Asphalt Surface Wedge SPR 3/8" Fine (PG 64-34)	72.00	\$188.00	Ton	-	\$0.00	0.0%	-	\$0.00
10	10	Concrete Base Repair	5,400.00	\$72.00	SY	-	\$0.00	0.0%	-	\$0.00
11	Paving 11	Construct 7" Concrete Pavement - Type L85 - Paving	7,575.00	\$75.00	SY	-	\$0.00	72.0%	5,426.13	\$406,959.75
12	12	Construct 7" Concrete Pavement - Type L 85 - Paving	100.00	\$78.00	SY	-	\$0.00	0.0%	-	\$0.00
13	13	Construct 10" Concrete Pavement - Type L65	86.00	\$92.00	SY	-	\$0.00	35.0%	33.33	\$3,088.36
14	14	Construct Concrete Curb and Gutter	1,750.00	\$42.00	LF	-	\$0.00	139.0%	2,433.70	\$102,215.40
15	Paving 15	Construct 6" Driveway - Type L65 - Paving	841.00	\$59.00	SY	-	\$0.00	39.0%	329.28	\$19,427.52
16	16	Construct 0" Driveway - Type L85	50.00	\$62.00	SY	-	\$0.00	0.0%	-	\$0.00
17	Paving 17	Subgrade Preparation - Paving	9,537.00	\$3.50	SY	-	\$0.00	8.0%	768.47	\$2,654.65
18	18	Adjust Utility Valve to Grade	12.00	\$800.00	EA	-	\$0.00	33.0%	4.00	\$3,200.00
19	19	Adjust Manhole to Grade	30.00	\$800.00	EA	-	\$0.00	3.0%	1.00	\$800.00
20	20	Remove & Replace Curb Inlet Top	6.00	\$3,200.00	EA	-	\$0.00	120.0%	6.00	\$19,200.00
21	21	Install Manhole Ring and Cover	8.00	\$700.00	EA	-	\$0.00	25.0%	2.00	\$1,400.00
22	22	Install External Frame Seal	8.00	\$750.00	EA	-	\$0.00	0.0%	-	\$0.00
23	23	Traffic Control - Sewer and Pavement Construction	1.00	\$50,000.00	LS	0.0238	\$1,190.00	55.0%	0.5474	\$27,379.00
24	Paving 24	Construct 4" PCC Sidewalk - Paving	5,021.00	\$8.76	SF	-	\$0.00	112.0%	6,639.90	\$38,063.33
25	25	Construct 6" PCC Sidewalk	524.00	\$7.50	SF	-	\$0.00	192.0%	1,006.15	\$7,548.13
26	20	Construct PCC Curb Ramp	1,370.00	\$14.00	SF	-	\$0.00	68.0%	893.36	\$12,577.04
27	27	Construct Detectable Warning Panel	441.00	\$45.00	SF	-	\$0.00	58.0%	258.00	\$11,520.00
28	25	Construct Sidewalk Curb Wall	241.00	\$40.00	LF	-	\$0.00	296.0%	713.00	\$28,520.00
29	29	Install Seeding - Type A	1,922.00	\$3.75	SY	-	\$0.00	46.0%	879.29	\$3,297.34
30	30	Install Rolled Erosion Control - Type 1	1,922.00	\$3.00	SY	-	\$0.00	53.0%	1,020.12	\$3,060.36

## WEEKLY PROGRESS REPORT

### PAYMENT FOR WORK PERFORMED

Line	Item Number	Item	Bid Quantity	Bid Price	Unit	Quantity This Period	Amount This Period	% Complete	Quantity To Date	Amount To Date
31	31	Install Curb Inlet Protection	2.00	\$125.00	EA	-	\$0.00	250.0%	5.00	\$625.00
32	32	Install Concrete Washout	1.00	\$3,500.00	EA	-	\$0.00	0.0%	-	\$0.00
52	P 52	Construct Temporary Aggregate Surface Course	200.00	\$20.00	Ton	-	\$0.00	627.0%	1,053.32	\$21,070.40
S1	Sewer 1	Sewer Mobilization/Demobilization	1.00	\$144,000.00	LS	-	\$0.00	100.0%	1.00	\$144,000.00
S2	Sewer 2	Remove Pavement - Sewer	5,052.00	\$11.00	SY	-	\$0.00	185.0%	9,345.45	\$102,798.85
S3	Sewer 3	Remove Concrete Driveway - Sewer	3,840.00	\$11.00	SY	-	\$0.00	26.0%	1,017.40	\$11,191.40
S4	Sewer 4	Remove Sidewalk - Sewer	7,152.00	\$2.00	SF	-	\$0.00	35.0%	2,499.20	\$4,898.40
S11	Sewer 11	Construct 7" Concrete Pavement - Type L65 - Sewer	7,077.00	\$75.00	SY	-	\$0.00	125.0%	8,863.29	\$664,746.75
S15	Sewer 15	Construct 6" Driveway - Sewer	1,915.00	\$59.00	SY	-	\$0.00	55.0%	1,053.00	\$62,127.00
S17	Sewer 17	Subgrade Preparation - Sewer	7,121.00	\$3.50	SY	-	\$0.00	26.0%	1,842.58	\$6,449.03
S24	Sewer 24	Construct 4" PCC Sidewalk - Sewer	7,152.00	\$6.75	SF	-	\$0.00	34.0%	2,410.20	\$16,268.85
33	33	Remove & Dispose 12" or Smaller Sewer Pipe	5,390.00	\$20.00	LF	83.00	\$1,260.00	67.0%	3,602.42	\$72,048.40
34	34	Construct 6" PVC Sanitary Sewer Pipe (Service Line)	4,895.00	\$35.00	LF	83.00	\$4,085.00	68.0%	3,340.08	\$217,105.88
35	35	Construct 6" Sanitary Sewer Service Riser (Over 12' Depth)	467.00	\$70.00	VF	-	\$0.00	3.0%	14.00	\$980.00
36	36	Construct 8" PVC Sanitary Sewer Pipe SDR 28 (Point Repairs)	24.00	\$175.00	LF	-	\$0.00	1126.0%	270.33	\$47,307.75
37	37	Construct 8" PVC Sanitary Sewer Pipe SDR 28 (Point Repairs, Over 15' Depth)	12.00	\$175.00	LF	-	\$0.00	0.0%	-	\$0.00
38	38	Construct 8" Sanitary Sewer Concrete Cradle	1.00	\$1,200.00	EA	-	\$0.00	100.0%	1.00	\$1,200.00
39	39	Install 8" CIPP Liner	10,138.00	\$45.00	LF	-	\$0.00	16.0%	1,641.79	\$82,880.55
40	40	Install 15" CIPP Liner	927.00	\$65.00	LF	-	\$0.00	0.0%	-	\$0.00
41	41	Re-Install Service Lines	310.00	\$100.00	EA	-	\$0.00	16.0%	51.00	\$5,100.00
42	42	CIPP End Seal, 8-In	79.00	\$195.00	EA	-	\$0.00	15.0%	12.00	\$2,340.00
43	43	CIPP End Seal, 15-In	9.00	\$260.00	EA	-	\$0.00	0.0%	-	\$0.00
44	44	Perform Pre-CIPP CCTV Pipeline Inspection	11,794.00	\$4.50	LF	-	\$0.00	53.0%	6,205.25	\$27,923.83
45	45	Perform Post-CIPP CCTV Pipeline Inspection	11,065.00	\$3.00	LF	-	\$0.00	17.0%	1,841.79	\$5,525.37
46	46	Jet Existing Sanitary Sewer	11,065.00	\$2.75	LF	-	\$0.00	50.0%	6,205.25	\$17,084.44
47	47	Perform Cementitious Manhole Rehabilitation 48" Dia Type A	337.00	\$250.00	VF	-	\$0.00	0.0%	-	\$0.00
48	48	Perform Cementitious Manhole Rehabilitation 48" Dia Type B	124.00	\$300.00	VF	-	\$0.00	0.0%	-	\$0.00
49	49	By-pass pumping	1.00	\$30,000.00	LS	-	\$0.00	0.0%	-	\$0.00
50	50	Traffic Control - Sewer CIPP Liner Install	1.00	\$20,000.00	LS	-	\$0.00	28.0%	0.28	\$5,600.00
51	51	Mobilization/Demobilization Sewer CIPP Liner Install	1.00	\$40,000.00	LS	-	\$0.00	50.0%	0.50	\$20,000.00

## WEEKLY PROGRESS REPORT

### PAYMENT FOR WORK PERFORMED

Line	Item Number	Item	Bid Quantity	Bid Price	Unit	Quantity This Period	Amount This Period	% Complete	Quantity To Date	Amount To Date
81	CO1 53	Install 16" RCP Storm Sewer - CO 1	98.00	\$73.00	LF	-	\$0.00	183.0%	160.00	\$11,880.00
62	CO1 54	Excavation for Pipe,	22.00	\$200.00	HR	-	\$0.00	200.0%	44.00	\$8,800.00
63	CO1 55	3/4" Limestone Pipe Bedding	217.00	\$29.50	Ton	-	\$0.00	75.0%	162.85	\$4,804.08
64	CO1A 56	Rebuild curb Inlet/ Junction box	4.00	\$4,200.00	ea	-	\$0.00	175.0%	7.00	\$29,400.00
65	CO1A 57	Remove existing Inlets	3.00	\$500.00	ea	-	\$0.00	200.0%	6.00	\$3,000.00
66	CO2 58	Remove and replace 8" Sanitary Sewer Main S 71st St.	728.00	\$137.00	LF	-	\$0.00	100.0%	728.24	\$99,768.88

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE OF ICE CONTROL SALT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRADY SMALL STREET SUPERINTENDENT

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of approximately 900 tons of Ice Control Salt from Nebraska Salt & Grain Co., Gothenburg, Nebraska, for an amount not to exceed \$73,000.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The ice control salt is used by Public Works for winter operations.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT FROM NEBRASKA SALT & GRAIN COMPANY, GOTHENBURG, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$73,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this purchase; and

WHEREAS, the ice control salt is used by Public Works for winter operations; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice control salt from Nebraska Salt & Grain Company, Gothenburg, Nebraska, in an amount not to exceed \$73,000.00.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk

User: LALKEMA

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
142874	08/07/2024	CROUCH RECREATION	71,399.00	N
142875	08/07/2024	DIAMOND BLADE DISTRIBUTORS LLC	1,454.95	N
142876	08/07/2024	HGM ASSOCIATES, INC.	63,591.32	N
142877	08/07/2024	LARSON, CRYSTAL	59.97	N
142878	08/07/2024	LATITUDE SIGNAGE + DESIGN	413.00	N
142879	08/07/2024	OLSSON, INC.	1,800.00	N
142880	08/07/2024	PUBLIC RESTROOM COMPANY	56,823.00	N
142881	08/07/2024	RDG PLANNING & DESIGN	22,462.49	N
142882	08/07/2024	REF'S SPORTS BAR & GRILL	300.00	N
142883	08/07/2024	SPENCER MANAGEMENT	16,810.00	N
142884	08/09/2024	AWE ACQUISITION INC	3,853.00	N
142885	08/20/2024	ABE'S TRASH SERVICE	72.00	N
142886	08/20/2024	AMAZON CAPITAL SERVICES, INC.	507.31	N
142887	08/20/2024	ARNOLD MOTOR SUPPLY	828.52	N
142889	08/20/2024	BEAUMONT, MITCH	189.00	N
142890	08/20/2024	COMP CHOICE INC	775.00	N
142891	08/20/2024	CONCRETE SUPPLY, INC.	824.00	N
142892	08/20/2024	CONVERGINT TECHNOLOGIES LLC	3,803.20	N
142893	08/20/2024	D & K PRODUCTS	963.60	N
142894	08/20/2024	FAC PRINT & PROMO COMPANY	365.00	N
142895	08/20/2024	GENUINE PARTS COMPANY-OMAHA	97.10	N
142896	08/20/2024	GRAMS, STEPHANIE	189.00	N
142897	08/20/2024	GREAT PLAINS UNIFORMS	1,600.00	N
142898	08/20/2024	GUARDIAN ALLIANCE TECHNOLOGIES I	52.00	N
142899	08/20/2024	HDR ENGINEERING INC	4,423.83	N
142900	08/20/2024	INDUSTRIAL SALES COMPANY INC	294.87	N
142901	08/20/2024	INGRAM LIBRARY SERVICES LLC	2,095.52	N
142902	08/20/2024	INT'L ASSOC OF CRIME ANALYSTS	520.00	N
142903	08/20/2024	J & J SMALL ENGINE SERVICE	125.00	N
142904	08/20/2024	JONES AUTOMOTIVE INC	8.70	N
142905	08/20/2024	KASEYA US LLC	111.54	N
142906	08/20/2024	KIESLER POLICE SUPPLY	435.00	N
142907	08/20/2024	KIMBALL MIDWEST	547.03	N
142908	08/20/2024	KRIHA FLUID POWER CO INC	359.05	N
142909	08/20/2024	LEFTA SYSTEMS	33.34	N
142910	08/20/2024	MALLOY ELECTRIC	19.36	N
142911	08/20/2024	MENARDS-RALSTON	191.75	N
142912	08/20/2024	MIDLANDS LIGHTING & ELECTRIC SUP	128.40	N
142913	08/20/2024	MIDWEST TURF & IRRIGATION	959.02	N
142914	08/20/2024	MOTOROLA SOLUTIONS INC	1,054.32	N
142915	08/20/2024	MPLC-MOTION PICTURE LICENSING C	453.65	N
142916	08/20/2024	MURPHY TRACTOR/POWERPLAN	878.49	N
142917	08/20/2024	O'REILLY AUTO PARTS	1,820.44	N
142918	08/20/2024	OFFICE DEPOT INC	866.99	N
142919	08/20/2024	OMAHA WORLD-HERALD	320.63	N
142920	08/20/2024	PAPILLION SANITATION	592.18	N
142921	08/20/2024	POMP'S TIRE SERVICE, INC	179.70	N
142922	08/20/2024	REGAL AWARDS INC.	124.80	N
142923	08/20/2024	SARPY COUNTY COURTHOUSE	4,627.00	N
142924	08/20/2024	SHERWIN-WILLIAMS	13.98	N
142925	08/20/2024	SUBURBAN NEWSPAPERS INC	396.24	N
142926	08/20/2024	THE SCHEMMER ASSOCIATES INC	1,457.50	N
142927	08/20/2024	TORNADO WASH LLC	588.00	N
142928	08/20/2024	TRANS UNION RISK AND ALT. DATA S	75.00	N
142929	08/20/2024	UNITE PRIVATE NETWORKS LLC	4,950.00	N
142930	08/20/2024	UNMC	98.00	N
142931	08/20/2024	VAN-WALL EQUIPMENT INC	864.33	N
142932	08/20/2024	VERIZON WIRELESS	18.02	N
142933	08/20/2024	VOIANCE LANGUAGE SERVICES, LLC	51.75	N
142934	08/20/2024	WESTLAKE HARDWARE INC NE-022	65.54	N

User: LALKEMA

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
142935	08/20/2024	WESTLAKE HARDWARE INC NE-022	1,177.80	N
142936	08/20/2024	AMAZON CAPITAL SERVICES, INC.	969.98	N
142937	08/20/2024	ARNOLD MOTOR SUPPLY	4,589.80	N
142938	08/20/2024	AT&T MOBILITY LLC	98.42	N
142939	08/20/2024	BARCAL, ROSE	128.58	N
142940	08/20/2024	BIG RED LOCKSMITHS	82.00	N
142941	08/20/2024	BISHOP BUSINESS EQUIPMENT	1,188.37	N
142942	08/20/2024	CANIGLIA, KALEB J	75.13	N
142943	08/20/2024	CINTAS CORPORATION NO. 2	2,602.67	N
142945	08/20/2024	CITY OF PAPILLION	272.00	N
142946	08/20/2024	CONCRETE SUPPLY, INC.	6,691.75	N
142947	08/20/2024	CORNHUSKER SIGN & MFG CORP	2,825.96	N
142948	08/20/2024	CULLIGAN OF OMAHA	34.75	N
142949	08/20/2024	D & K PRODUCTS	2,025.35	N
142950	08/20/2024	DANIELSON TECH SUPPLY INC	635.00	N
142951	08/20/2024	DEVSE, JULIAN	200.00	N
142952	08/20/2024	DIAMOND VOGEL PAINTS	89.79	N
142953	08/20/2024	EDGEWEAR SCREEN PRINTING	3,883.75	N
142954	08/20/2024	FUN EXPRESS LLC	80.91	N
142955	08/20/2024	GENERAL FIRE & SAFETY EQUIP CO	2,171.00	N
142956	08/20/2024	GREAT PLAINS UNIFORMS	505.00	N
142957	08/20/2024	HARBOR FREIGHT TOOLS	635.41	N
142958	08/20/2024	HONEYMAN RENT-ALL #1	234.90	N
142959	08/20/2024	HUSKER AUTO GROUP INC	42,477.00	N
142960	08/20/2024	IDEAL PURE WATER	193.76	N
142961	08/20/2024	INDUSTRIAL SALES COMPANY INC	1,288.78	N
142962	08/20/2024	INTERNATIONAL CODE COUNCIL	995.00	N
142963	08/20/2024	K & J ELITE SPORTS TURF INC	3,050.00	N
142964	08/20/2024	K ELECTRIC	640.94	N
142965	08/20/2024	KIMBALL MIDWEST	159.97	N
142966	08/20/2024	KONA-ICE OF THREE RIVERS	1,875.00	N
142967	08/20/2024	KRIHA FLUID POWER CO INC	573.77	N
142968	08/20/2024	LEAGUE OF NEBRASKA MUNICIPALITIE	1,939.00	N
142969	08/20/2024	LEFTA SYSTEMS	6,510.00	N
142970	08/20/2024	LIVE WELL GO FISH	300.00	N
142971	08/20/2024	LOGAN CONTRACTORS SUPPLY	97.96	N
142972	08/20/2024	LOWE'S CREDIT SERVICES	1,052.43	N
142973	08/20/2024	MALLOY ELECTRIC	9.68	N
142974	08/20/2024	MCGRATH CONSULTING GROUP INC	4,196.58	N
142975	08/20/2024	MENARDS-RALSTON	199.50	N
142976	08/20/2024	MERRYMAKERS ASSOCIATION	1,200.00	N
142977	08/20/2024	METROPOLITAN COMMUNITY COLLEG	2,482.00	N
142978	08/20/2024	MICHAEL TODD AND COMPANY INC	4,476.82	N
142979	08/20/2024	MIDWEST TURF & IRRIGATION	181.45	N
142980	08/20/2024	OFFICE DEPOT INC	108.53	N
142981	08/20/2024	ONE CALL CONCEPTS INC	629.64	N
142982	08/20/2024	PAPILLION SANITATION	2,319.69	N
142983	08/20/2024	POMP'S TIRE SERVICE, INC	1,342.57	N
142984	08/20/2024	PORT-A-JOHNS	180.00	N
142985	08/20/2024	RAINBOW GLASS & SUPPLY INC	311.11	N
142986	08/20/2024	RALSTON AREA BASEBALL ASSOCIATIO	1,775.00	N
142987	08/20/2024	RIEGEL, BELLA	140.00	N
142988	08/20/2024	ROBERT T. HENNRICH	1,972.00	N
142989	08/20/2024	RON TURLEY ASSOCIATES INC	2,750.00	N
142990	08/20/2024	RTG BUILDING SERVICES INC	6,765.00	N
142991	08/20/2024	SAFE RESTRAINTS INC	1,639.12	N
142992	08/20/2024	SARPY COUNTY TREASURER	26,638.70	N
142993	08/20/2024	SIGN IT	2,553.50	N
142994	08/20/2024	SITE ONE LANDSCAPE SUPPLY LLC	1,098.36	N
142995	08/20/2024	SPIRIT YOUTH SPORTS	2,040.00	N

User: LALKEMA

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
142996	08/20/2024	SUN COUNTRY DISTRIBUTING LTD	590.63	N
142997	08/20/2024	SWAN ENGINEERING LLC	7.50	N
142998	08/20/2024	THE COLONIAL PRESS, INC	6,812.45	N
142999	08/20/2024	THE WALDINGER CORPORATION	9,308.01	N
143000	08/20/2024	TINA MAE BAKHOUSE	1,720.00	N
143001	08/20/2024	TROUT, DONNA L	937.50	N
143002	08/20/2024	VERIZON CONNECT FLEET USA	608.00	N
143003	08/20/2024	VERIZON WIRELESS	445.89	N
143004	08/20/2024	VIERREGGER ELECTRIC COMPANY	9,239.00	N
143005	08/20/2024	WELDON PARTS INC.	934.16	N
143006	08/20/2024	WHITE CAP LP	1,325.00	N
143007	08/20/2024	WILSON, GABE	250.00	N
143008	08/20/2024	WINCAN, LLC	5,050.00	N
1261775(A)	08/20/2024	SHI INTERNATIONAL CORP.	2,297.75	N
1261776(E)	08/20/2024	BLACK HILLS ENERGY	1,405.48	N
1261777(E)	08/20/2024	BOHLMANN INCORPORATED	1,454.88	N
1261778(E)	08/20/2024	CENTURY LINK/LUMEN	181.46	N
1261779(E)	08/20/2024	CNA SURETY	1,177.50	N
1261780(E)	08/20/2024	COX COMMUNICATIONS, INC.	345.03	N
1261781(E)	08/20/2024	GREAT PLAINS COMMUNICATION	2,168.38	N
1261782(E)	08/20/2024	GREATAMERICA FINANCIAL SERVICES	3,102.95	N
1261783(E)	08/20/2024	MARCO INCORPORATED	153.87	N
1261784(E)	08/20/2024	MID-AMERICAN BENEFITS INC	2,368.99	N
1261785(E)	08/20/2024	NE DEPT OF REVENUE-LOTT/51	84,401.00	N
1261786(E)	08/20/2024	OMAHA PUBLIC POWER DISTRICT	13,493.20	N
1261787(E)	08/20/2024	U.S. CELLULAR	2,271.33	N
1261788(E)	08/20/2024	HOME LIFE INC	15.00	N
1261789(E)	08/20/2024	ACTIVE NETWORK LLC	179.03	N
1261790(E)	08/20/2024	CENTURY LINK/LUMEN	80.43	N
1261791(E)	08/20/2024	COX COMMUNICATIONS, INC.	1,019.15	N
1261792(E)	08/20/2024	MARCO INCORPORATED	153.87	N
1261793(E)	08/20/2024	METROPOLITAN UTILITIES DISTRICT	5,506.02	N
1261794(E)	08/20/2024	MID-AMERICAN BENEFITS INC	5,137.14	N
1261795(E)	08/20/2024	NE DEPT OF REVENUE-SALES TAX	598.96	N
1261796(E)	08/20/2024	PAYROLL MAXX	503,804.77	N
3149(E)	07/05/2024	US BANK NATIONAL ASSOCIATION	24,191.77	N
TOTAL:			1,129,058.71	

APPROVED BY COUNCIL MEMBERS ON: 08/20/2024

\_\_\_\_\_  
COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
FISCAL YEARS 24/25 & 25/26 MUNICIPAL BUDGET	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	MEG HARRIS FINANCE DIRECTOR

**SYNOPSIS**

The second reading of an ordinance has been scheduled to adopt the proposed municipal budget for FY24/25 (FY25) and FY25/26 (FY26). The second reading of the Appropriations Ordinance is requested at this time as the final valuation of the City will not be received from Sarpy County until August 20, 2024.

**FISCAL IMPACT**

The proposed amended budget for FY25 is \$52,732,513 and for FY26 is \$52,696,241 in all funds. The total proposed preliminary property tax request for FY25 is for \$12,970,893 which will require a property tax levy of \$0.54 per \$100 dollars of assessed valuation.

The owner of a home valued at \$222,900 will pay \$1204 in property taxes, or \$100.33 per month.

**RECOMMENDATION**

Approval of second reading of the Appropriations Ordinance.

**BACKGROUND**

The City Council held budget workshops on July 15 and 16, 2024. The proposed Appropriations Ordinance is based on the discussions from these meetings.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2024 AND ENDING ON SEPTEMBER 30, 2025; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2025 AND ENDING ON SEPTEMBER 30, 2026 SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF LA VISTA, SARPY COUNTY, NEBRASKA.

Section 1. That after complying with all procedures required by law, the proposed budget presented and set forth in the budget statements, as amended, is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2024, through September 30, 2025 and the fiscal year beginning October 1, 2025, through September 30, 2026. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of La Vista. The following amounts appropriated shall be raised primarily as follows. The budget document, as amended, together with the amount to be received from personal and real property taxation to fund the adopted budget, shall be filed with and certified to the County Clerk of Sarpy County, Nebraska for use by the levying board, and shall be filed with the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, as provided by law.

<b>Fund</b>	<b>Proposed Budget of Disbursements and Transfers FY25</b>	<b>Proposed Budget of Disbursements and Transfers FY26</b>	<b>Amount to be Raised by Property Tax Levy FY25</b>	<b>Amount to be Raised by Property Tax Levy FY26</b>
General Fund	27,435,337.00	28,338,175.00	12,007,424.00	12,007,424.00
Sewer Fund	5,806,075.00	5,441,029.00	0.00	0.00
Sewer Reserve Fund	0.00	0.00	0.00	0.00
Debt Service Fund	4,682,278.00	4,406,992.00	963,469.00	963,469.00
Capital Fund	4,556,230.00	2,995,000.00	0.00	0.00
Lottery Fund	1,404,378.00	1,341,335.00	0.00	0.00
Economic Development	1,147,555.00	1,152,374.00	0.00	0.00
Redevelopment Fund	5,825,769.00	7,016,012.00	0.00	0.00
Police Academy	272,331.00	284,361.00	0.00	0.00
TIF – City Centre Phase 1A	426,173.00	439,226.00	0.00	0.00
TIF – City Centre Phase 1B	647,702.00	667,460.00	0.00	0.00
Qualified Sinking Fund	370,000.00	450,000.00	0.00	0.00
TIF – City Centre Phase 1C	67,061.00	69,581.00	0.00	0.00
TIF – City Centre Phase 1D	91,626.00	94,698.00	0.00	0.00
<b>Total All Funds</b>	<b>52,732,513</b>	<b>52,696,241.00</b>	<b>13,006,839.00</b>	<b>13,006,839.00</b>

Section 2. This ordinance shall take effect from and after passage, approval and publication as provided by law.

Ordinance No.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk

# City of La Vista

## All Funds Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Tax	12,924,222	13,610,479	5.31%	13,995,444	2.83%
Sales Tax	10,999,884	12,139,103	10.36%	12,573,170	3.58%
Payments in Lieu of Taxes	229,986	236,884	3.00%	243,991	3.00%
State Revenue	2,199,941	2,308,133	4.92%	2,421,657	4.92%
Occupation and Franchise Taxes	1,102,409	1,063,166	-3.56%	1,288,311	21.18%
Hotel Occupation Tax	1,089,450	1,154,817	6.00%	1,224,106	6.00%
Licenses and Permits	488,869	372,741	-23.75%	389,137	4.40%
Interest Income	95,520	1,185,672	1141.28%	899,345	-24.15%
Recreation Fees	169,950	179,457	5.59%	196,181	9.32%
Special Services	20,500	20,500	0.00%	20,500	0.00%
Grant Income	5,195,752	414,000	-92.03%	334,000	-19.32%
Restaurant Tax	700,000	700,000	0.00%	700,000	0.00%
Miscellaneous	687,675	611,193	-11.12%	617,294	1.00%
Bond Proceeds	7,000,000	-	-100.00%	12,000,000	0.00%
Sewer Charges	5,146,251	5,256,838	2.15%	5,466,632	3.99%
Community Betterment	900,000	900,000	0.00%	900,000	0.00%
Taxes - Form 51	313,043	315,000	0.63%	315,000	0.00%
Loan Payments	142,951	699,461	389.30%	654,749	-6.39%
Police Academy	214,500	247,445	15.36%	247,445	0.00%
Tax Increment Financing	1,754,584	1,232,562	-29.75%	1,270,965	3.12%
Parking Garage Fees	392,853	301,746	-23.19%	321,846	6.66%
<b>Total Revenues</b>	<b>51,768,340</b>	<b>42,949,197</b>	<b>-17.04%</b>	<b>56,079,772</b>	<b>30.57%</b>
<b>Expenditures</b>					
Personnel Services	15,997,141	16,334,128	2.11%	17,159,986	5.06%
Compensation Study		358,889		372,347	
Commodities	1,004,447	1,084,081	7.93%	1,082,590	-0.14%
Contractual Services	10,571,593	11,074,460	4.76%	11,639,719	5.10%
Maintenance	1,159,783	1,529,785	31.90%	1,270,667	-16.94%
Other Charges	895,015	871,250	-2.66%	966,946	10.98%
Debt Service	10,589,153	10,176,901	-3.89%	9,804,372	-3.66%
Capital Outlay	1,788,500	1,164,400	-34.90%	871,594	-25.15%
Capital Improvement	19,110,500	7,006,230	-63.34%	6,655,000	-5.01%
<b>Total Expenditures</b>	<b>61,116,133</b>	<b>49,600,124</b>	<b>-18.84%</b>	<b>49,823,221</b>	<b>0.45%</b>
<b>Other Financing Sources</b>					
Transfers In	(14,406,393)	(3,132,390)		(2,873,020)	
Transfers Out	14,406,393	3,132,390		2,873,020	
Transfer from Annexation	-	-		-	
<b>Total Other Uses Of Funds</b>	<b>-</b>	<b>-</b>		<b>-</b>	
<b>Beginning Fund Balance</b>	<b>48,419,918</b>	<b>50,778,442</b>		<b>44,127,515</b>	
<b>Change In Fund Balance</b>	<b>(9,347,792)</b>	<b>(6,650,927)</b>		<b>6,256,551</b>	
<b>Ending Fund Balance</b>	<b>39,072,126</b>	<b>44,127,515</b>		<b>50,384,066</b>	

# City of La Vista

## General Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Tax	11,996,493	12,635,598	5.33%	12,993,602	2.83%
Sales Tax	5,562,691	6,069,551	9.11%	6,286,585	3.58%
Payments in Lieu of Taxes	209,079	215,350	3.00%	221,811	3.00%
State Revenue	2,199,941	2,308,133	4.92%	2,421,657	4.92%
Occupation and Franchise Taxes	848,323	868,166	2.34%	898,311	3.47%
Hotel Occupation Tax	1,089,450	1,154,817	6.00%	1,224,106	6.00%
Licenses and Permits	488,869	372,741	-23.75%	389,137	4.40%
Interest Income	21,625	439,388	1931.85%	372,417	-15.24%
Recreation Fees	169,950	179,457	5.59%	196,181	9.32%
Special Services	20,500	20,500	0.00%	20,500	0.00%
Grant Income	195,752	414,000	111.49%	334,000	-19.32%
Restaurant Tax	700,000	700,000	0.00%	700,000	0.00%
Parking Garage Fees	392,853	301,746	-23.19%	321,846	6.66%
Miscellaneous	293,750	212,993	-27.49%	216,519	1.66%
<b>Total Revenues</b>	<b>24,189,276</b>	<b>25,892,440</b>	<b>7.04%</b>	<b>26,596,672</b>	<b>2.72%</b>
<b>Expenditures</b>					
Personnel Services	15,003,255	15,589,299	3.91%	16,384,431	5.10%
Commodities	727,738	754,623	3.69%	755,375	0.10%
Contractual Services	6,113,499	6,916,246	13.13%	7,352,659	6.31%
Maintenance	1,069,548	1,462,159	36.71%	1,203,041	-17.72%
Other Charges	319,622	440,469	37.81%	392,200	-10.96%
Capital Outlay	1,478,500	1,164,400	-21.24%	871,594	-25.15%
<b>Total Expenditures</b>	<b>24,712,162</b>	<b>26,327,195</b>	<b>6.54%</b>	<b>26,959,301</b>	<b>2.40%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
Lottery Fund	15,044	-		-	
Qualified Sinking Fund	-	270,000		350,000	
<b>Total Transfer In</b>	<b>15,044</b>	<b>270,000</b>		<b>350,000</b>	
<b>Transfers Out</b>					
(Debt Service Fund)	(300,000)	(300,000)		(300,000)	
(Capital Improvement Fund)	-	(277,230)		-	
(Economic Development Fund)	(1,006,574)	(330,912)		(878,874)	
(Off-Street Parking Fund)	(437,636)	-		-	
(Qualified Sinking Fund)	(100,000)	(200,000)		(200,000)	
<b>Total Transfer Out</b>	<b>(1,844,210)</b>	<b>(1,108,142)</b>		<b>(1,378,874)</b>	
<b>Total Other Uses Of Funds</b>	<b>(1,829,166)</b>	<b>(838,142)</b>		<b>(1,028,874)</b>	
<b>Beginning Fund Balance</b>	<b>14,997,667</b>	<b>17,223,280</b>		<b>15,950,384</b>	
<b>Change In Fund Balance</b>	<b>(2,352,052)</b>	<b>(1,272,896)</b>		<b>(1,391,503)</b>	
<b>Ending Fund Balance</b>	<b>12,645,615</b>	<b>15,950,384</b>		<b>14,558,881</b>	
<b>Operating Reserve %</b>	<b>54%</b>	<b>63%</b>		<b>56%</b>	

# City of La Vista

## Sewer Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Sewer Service Charges	23,095	24,018	4.00%	24,979	4.00%
Sewer User Fees	5,020,020	5,220,820	4.00%	5,429,653	4.00%
Sales Tax Collection Fee	21	-	-100.00%	-	0.00%
Sewer Hookup Fee	103,115	12,000	-88.36%	12,000	0.00%
Interest Income	3,000	29,393	879.77%	23,161	-21.20%
<b>Total Revenues</b>	<b>5,149,251</b>	<b>5,286,231</b>	<b>2.66%</b>	<b>5,489,793</b>	<b>3.85%</b>
<b>Expenditures</b>					
Compensation Study	-	15,815	0.00%	16,408	3.75%
Personnel Services	700,865	736,231	5.05%	764,480	3.84%
Commodities	36,785	38,360	4.28%	38,360	0.00%
Contractual Services	3,542,103	3,648,820	3.01%	3,790,033	3.87%
Maintenance	73,610	67,626	-8.13%	67,626	0.00%
Other Charges	16,068	19,976	24.32%	19,976	0.00%
Capital Outlay	60,000	-	-100.00%	-	0.00%
Capital Improvement Program	2,320,000	-	-100.00%	25,000	0.00%
<b>Total Expenditures</b>	<b>6,749,431</b>	<b>4,526,827</b>	<b>-32.93%</b>	<b>4,721,883</b>	<b>4.31%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
Lottery Fund	726	-		-	
<b>Total Transfer In</b>	<b>726</b>	<b>-</b>		<b>-</b>	
<b>Transfers Out</b>					
(Sewer Reserve Fund)	(702,553)	(1,279,248)		(719,146)	
<b>Total Transfer Out</b>	<b>(702,553)</b>	<b>(1,279,248)</b>		<b>(719,146)</b>	
<b>Total Other Uses Of Funds</b>	<b>(701,827)</b>	<b>(1,279,248)</b>		<b>(719,146)</b>	
<b>Beginning Fund Balance</b>	<b>3,461,838</b>	<b>1,651,551</b>		<b>1,131,707</b>	
<b>Change In Fund Balance</b>	<b>(2,302,007)</b>	<b>(519,844)</b>		<b>48,764</b>	
<b>Ending Fund Balance</b>	<b>1,159,831</b>	<b>1,131,707</b>		<b>1,180,471</b>	
<b>Operating Reserve %</b>	<b>17%</b>	<b>25%</b>		<b>25%</b>	

## City of La Vista

### Sewer Reserve Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Interest Income	8,690	74,746	760.14%	75,657	1.22%
<b>Total Revenues</b>	<b>8,690</b>	<b>74,746</b>	<b>760.14%</b>	<b>75,657</b>	<b>1.22%</b>
<b>Expenditures</b>					
<b>Total Expenditures</b>	<b>-</b>	<b>-</b>	<b>0.00%</b>	<b>-</b>	<b>0.00%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
Sewer Fund	702,553	1,279,248		719,146	
<b>Total Transfer In</b>	<b>702,553</b>	<b>1,279,248</b>		<b>719,146</b>	
<b>Transfers Out</b>					
(Sewer Fund)	-	-		-	
<b>Total Transfer Out</b>	<b>-</b>	<b>-</b>		<b>-</b>	
<b>Total Other Uses Of Funds</b>	<b>702,553</b>	<b>1,279,248</b>		<b>719,146</b>	
<b>Beginning Fund Balance</b>	<b>2,195,073</b>	<b>2,768,537</b>		<b>4,122,531</b>	
<b>Change In Fund Balance</b>	<b>711,243</b>	<b>1,353,994</b>		<b>794,803</b>	
<b>Ending Fund Balance</b>	<b>2,906,316</b>	<b>4,122,531</b>		<b>4,917,334</b>	

# City of La Vista

## Debt Service Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Tax	927,729	974,882	5.08%	1,001,841	2.77%
Sales Tax	2,718,597	3,034,776	11.63%	3,143,293	3.58%
Interest Income	4,100	90,178	2099.46%	77,614	-13.93%
Miscellaneous	414,832	409,734	-1.23%	412,955	0.79%
<b>Total Revenues</b>	<b>4,065,258</b>	<b>4,509,569</b>	<b>10.93%</b>	<b>4,635,703</b>	<b>2.80%</b>
<b>Expenditures</b>					
Debt Service - Bond Principal	1,985,000	3,150,000	58.69%	2,555,000	-18.89%
Debt Service - Bond Interest	921,149	1,340,030	45.47%	1,517,122	13.22%
County Treasurer Fees	8,257	8,248	-0.11%	8,870	7.54%
Debt Payment - PFD	175,997	176,000	0.00%	176,000	0.00%
Financial/Legal Fees	8,250	8,000	-3.03%	150,000	1775.00%
<b>Total Expenditures</b>	<b>3,098,653</b>	<b>4,682,278</b>	<b>51.11%</b>	<b>4,406,992</b>	<b>-5.88%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
General Fund	300,000	300,000		300,000	
<b>Total Transfer In</b>	<b>300,000</b>	<b>300,000</b>		<b>300,000</b>	
<b>Transfers Out</b>					
(Capital Improvement Fund)	(8,853,025)	-		-	
(Off Street Parking Fund)	(2,495,835)	-		-	
<b>Total Transfer Out</b>	<b>(11,348,860)</b>	<b>-</b>		<b>-</b>	
<b>Total Other Uses Of Funds</b>	<b>(11,048,860)</b>	<b>300,000</b>		<b>300,000</b>	
<b>Beginning Fund Balance</b>	<b>14,140,477</b>	<b>3,354,237</b>		<b>3,481,529</b>	
<b>Change In Fund Balance</b>	<b>(10,082,255)</b>	<b>127,292</b>		<b>528,711</b>	
<b>Ending Fund Balance</b>	<b>4,058,222</b>	<b>3,481,529</b>		<b>4,010,240</b>	
<b>Debt Service Coverage Ratio</b>	<b>0.73</b>	<b>1.03</b>		<b>1.16</b>	

# City of La Vista

## Capital Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Bond Proceeds	-	-	0.00%	12,000,000	0.00%
Interest Income	12,475	65,219	422.80%	7,728	-88.15%
<b>Total Revenues</b>	<b>12,475</b>	<b>65,219</b>	<b>422.80%</b>	<b>12,007,728</b>	<b>18311.40%</b>
<b>Expenditures</b>					
Administration	345,000	75,000	-78.26%	175,000	133.33%
Buildings and Grounds	39,000	-	-100.00%	-	0.00%
Parks	225,000	454,000	101.78%	420,000	-7.49%
Sewer	2,400,000	-	-100.00%	-	0.00%
Sports Complex	-	950,000	0.00%	-	-100.00%
Streets	6,201,500	3,077,230	-50.38%	2,400,000	-22.01%
<b>Total Expenditures</b>	<b>9,210,500</b>	<b>4,556,230</b>	<b>-50.53%</b>	<b>2,995,000</b>	<b>-34.27%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
General Fund	-	277,230	-	-	-
Debt Service Fund	8,853,025	-	-	-	-
Lottery	345,000	375,000	-	325,000	-
Qualified Sinking Fund	-	100,000	-	100,000	-
<b>Total Transfer In</b>	<b>9,198,025</b>	<b>752,230</b>	-	<b>425,000</b>	-
<b>Transfers Out</b>					
	-	-	-	-	-
<b>Total Transfer Out</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Other Uses Of Funds</b>	<b>9,198,025</b>	<b>752,230</b>	<b>-</b>	<b>425,000</b>	<b>-</b>
<b>Beginning Fund Balance</b>	<b>-</b>	<b>4,411,155</b>	<b>-</b>	<b>672,374</b>	<b>-</b>
<b>Change In Fund Balance</b>	<b>-</b>	<b>(3,738,781)</b>	<b>-</b>	<b>9,437,728</b>	<b>-</b>
<b>Ending Fund Balance</b>	<b>-</b>	<b>672,374</b>	<b>-</b>	<b>10,110,102</b>	<b>-</b>

# City of La Vista

## Lottery Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Community Betterment	900,000	900,000	0.00%	900,000	0.00%
Interest Income	14,800	119,830	709.66%	100,287	-16.31%
Taxes - Form 51	313,043	315,000	0.63%	315,000	0.00%
Miscellaneous Income	-	10,000	0.00%	10,000	0.00%
<b>Total Revenues</b>	<b>1,227,843</b>	<b>1,344,830</b>	<b>9.53%</b>	<b>1,325,287</b>	<b>-1.45%</b>
<b>Expenditures</b>					
Personnel Services	102,563	110,154	7.40%	115,005	4.40%
Commodities	226,420	287,700	27.06%	285,200	-0.87%
Contractual Services	204,715	266,524	30.19%	251,130	-5.78%
Other Charges	368,043	365,000	-0.83%	365,000	0.00%
<b>Total Expenditures</b>	<b>901,741</b>	<b>1,029,378</b>	<b>14.15%</b>	<b>1,016,335</b>	<b>-1.27%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
General Fund	-	-		-	
<b>Total Transfer In</b>	<b>-</b>	<b>-</b>		<b>-</b>	
<b>Transfers Out</b>					
(General Fund)	(15,044)				
(Sewer Fund)	(726)				
(Capital Improvement Fund)	(345,000)	(375,000)		(325,000)	
(Qualified Sinking Fund)	(150,000)	-		-	
	-	-		-	
<b>Total Transfer Out</b>	<b>(510,770)</b>	<b>(375,000)</b>		<b>(325,000)</b>	
<b>Total Other Uses Of Funds</b>	<b>(510,770)</b>	<b>(375,000)</b>		<b>(325,000)</b>	
<b>Beginning Fund Balance</b>	<b>4,621,849</b>	<b>5,274,868</b>		<b>5,215,320</b>	
<b>Change In Fund Balance</b>	<b>(184,668)</b>	<b>(59,548)</b>		<b>(16,048)</b>	
<b>Ending Fund Balance</b>	<b>4,437,181</b>	<b>5,215,320</b>		<b>5,199,273</b>	

City of La Vista

**Economic Development  
Fund Summary**

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Grantee Payments	142,951	699,461	389.30%	654,749	-6.39%
<b>Total Revenues</b>	<b>142,951</b>	<b>699,461</b>	<b>389.30%</b>	<b>654,749</b>	<b>-6.39%</b>
<b>Expenditures</b>					
Debt Service - Bond Principal	1,055,000	1,060,000	0.47%	1,075,000	1.42%
Debt Service - Bond Interest	94,025	86,694	-7.80%	76,449	-11.82%
Financial Fees	500	860	72.06%	925	7.54%
<b>Total Expenditures</b>	<b>1,149,525</b>	<b>1,147,555</b>	<b>-0.17%</b>	<b>1,152,374</b>	<b>0.42%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
General Fund Transfer - Sales Tax	1,006,574	330,912		878,874	
<b>Total Transfer In</b>	<b>1,006,574</b>	<b>330,912</b>		<b>878,874</b>	
<b>Transfers Out</b>					
	-	-		-	
<b>Total Transfer Out</b>	<b>-</b>	<b>-</b>		<b>-</b>	
<b>Total Other Uses Of Funds</b>	<b>1,006,574</b>	<b>330,912</b>		<b>878,874</b>	
<b>Beginning Fund Balance</b>	<b>202,140</b>	<b>118,158</b>		<b>977</b>	
<b>Change In Fund Balance</b>	<b>0</b>	<b>(117,182)</b>		<b>381,249</b>	
<b>Ending Fund Balance</b>	<b>202,140</b>	<b>976</b>		<b>382,226</b>	

City of La Vista

**Off-Street Parking Fund  
Summary**

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Interest Income	1,400	-	0.00%	-	0.00%
<b>Total Revenues</b>	<b>1,400</b>	<b>-</b>	<b>-100.00%</b>	<b>-</b>	<b>0.00%</b>
<b>Expenditures</b>					
Commodities	11,354	-	-100.00%	-	0.00%
Contractual Services	401,576	-	-100.00%	-	0.00%
Maintenance	16,625	-	-100.00%	-	0.00%
Other	9,480	-	-100.00%	-	0.00%
Debt Service	1,795,835	-	-100.00%	-	0.00%
Capital Improvement	1,200,000	-	-100.00%	-	0.00%
<b>Total Expenditures</b>	<b>3,434,870</b>	<b>-</b>	<b>-100.00%</b>	<b>-</b>	<b>0.00%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
General Fund	437,636	-		-	
Debt Service Fund	2,495,835	-		-	
<b>Total Transfer In</b>	<b>2,933,471</b>	<b>-</b>		<b>-</b>	
<b>Transfers Out</b>					
	-	-		-	
<b>Total Transfer Out</b>	<b>-</b>	<b>-</b>		<b>-</b>	
<b>Total Other Uses Of Funds</b>	<b>2,933,471</b>	<b>-</b>		<b>-</b>	
<b>Beginning Fund Balance</b>	<b>525,954</b>	<b>-</b>		<b>-</b>	
<b>Change In Fund Balance</b>	<b>(499,999)</b>	<b>-</b>		<b>-</b>	
<b>Ending Fund Balance</b>	<b>25,955</b>	<b>-</b>		<b>-</b>	

# City of La Vista

## Redevelopment Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Sales Tax	2,718,597	3,034,776	11.63%	3,143,293	3.58%
GBOT - Retail Sales	48,863	37,500	-23.25%	75,000	100.00%
GBOT - Event Sales	205,223	157,500	-23.25%	315,000	100.00%
Bond Proceeds	7,000,000	-	-100.00%	-	0.00%
Grant Income	5,000,000	-	-100.00%	-	0.00%
Interest Income	25,660	341,114	1229.36%	218,630	-35.91%
<b>Total Revenues</b>	<b>14,998,343</b>	<b>3,570,890</b>	<b>-76.19%</b>	<b>3,751,923</b>	<b>5.07%</b>
<b>Expenditures</b>					
Professional Services	299,250	230,000	-23.14%	232,500	1.09%
Debt Service - Bond Principal	1,390,000	1,587,500	14.21%	1,652,500	4.09%
Debt Service - Bond Interest	1,435,109	1,556,441	8.45%	1,494,046	-4.01%
Land/Construction	6,380,000	2,450,000	-61.60%	3,635,000	48.37%
Financial/Legal Fees	141,750	1,828	-98.71%	1,966	7.54%
<b>Total Expenditures</b>	<b>9,646,109</b>	<b>5,825,769</b>	<b>-39.60%</b>	<b>7,016,012</b>	<b>20.43%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
<b>Total Transfer In</b>	-	-		-	
<b>Transfers Out</b>					
<b>Total Transfer Out</b>	-	-		-	
<b>Total Other Uses Of Funds</b>	-	-		-	
<b>Beginning Fund Balance</b>	<b>7,347,060</b>	<b>14,003,245</b>		<b>11,748,366</b>	
<b>Change In Fund Balance</b>	<b>5,352,234</b>	<b>(2,254,879)</b>		<b>(3,264,089)</b>	
<b>Ending Fund Balance</b>	<b>12,699,294</b>	<b>11,748,366</b>		<b>8,484,276</b>	
<b>Debt Service Coverage Ratio</b>	<b>1.06</b>	<b>1.14</b>		<b>1.19</b>	

## City of La Vista

### Police Academy Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Police Academy - Agency Contribution	162,500	172,500	6.15%	172,500	0.00%
Police Academy - Tuition	45,000	72,000	60.00%	72,000	0.00%
Interest Income	145	300	106.90%	300	0.00%
Police Academy - Reimbursement	7,000	2,945	-57.93%	2,945	0.00%
<b>Total Revenues</b>	<b>214,645</b>	<b>247,745</b>	<b>15.42%</b>	<b>247,745</b>	<b>0.00%</b>
<b>Expenditures</b>					
Personnel Services	190,459	241,518	26.81%	252,009	4.34%
Commodities	2,150	3,399	58.09%	3,655	7.54%
Contractual Services	10,450	12,871	23.16%	13,398	4.10%
Other Charges	5,500	14,543	164.42%	15,299	5.20%
<b>Total Expenditures</b>	<b>208,559</b>	<b>272,331</b>	<b>30.58%</b>	<b>284,361</b>	<b>4.42%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
		-		-	
<b>Total Transfer In</b>	-	-		-	
<b>Transfers Out</b>					
		-		-	
<b>Total Transfer Out</b>	-	-		-	
<b>Total Other Uses Of Funds</b>	-	-		-	
<b>Beginning Fund Balance</b>	<b>146,064</b>	<b>148,298</b>		<b>123,712</b>	
<b>Change In Fund Balance</b>	<b>6,086</b>	<b>(24,586)</b>		<b>(36,616)</b>	
<b>Ending Fund Balance</b>	<b>152,150</b>	<b>123,712</b>		<b>87,096</b>	

# City of La Vista

## TIF 1A Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Taxes	401,545	426,173	6.13%	439,226	3.06%
<b>Total Revenues</b>	<b>401,545</b>	<b>426,173</b>	<b>6.13%</b>	<b>439,226</b>	<b>3.06%</b>
<b>Expenditures</b>					
TIF Approved Expenses	397,530	421,911	6.13%	434,834	3.06%
County Treasurer Fees	4,015	4,262	6.15%	4,392	3.05%
<b>Total Expenditures</b>	<b>401,545</b>	<b>426,173</b>	<b>6.13%</b>	<b>439,226</b>	<b>3.06%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
		-		-	
<b>Total Transfer In</b>	-	-		-	
<b>Transfers Out</b>					
		-		-	
<b>Total Transfer Out</b>	-	-		-	
<b>Total Other Uses Of Funds</b>	-	-		-	
<b>Beginning Fund Balance</b>	-	-		-	
<b>Change In Fund Balance</b>	-	-		-	
<b>Ending Fund Balance</b>	-	-		-	

# City of La Vista

## TIF 1B Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Taxes	799,142	647,702	-18.95%	667,460	3.05%
<b>Total Revenues</b>	<b>799,142</b>	<b>647,702</b>	<b>-18.95%</b>	<b>667,460</b>	<b>3.05%</b>
<b>Expenditures</b>					
TIF Approved Expenses	791,151	641,225	-18.95%	660,785	3.05%
County Treasurer Fees	7,991	6,477	-18.95%	6,675	3.06%
<b>Total Expenditures</b>	<b>799,142</b>	<b>647,702</b>	<b>-18.95%</b>	<b>667,460</b>	<b>3.05%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
		-		-	
<b>Total Transfer In</b>	-	-		-	
<b>Transfers Out</b>					
		-		-	
<b>Total Transfer Out</b>	-	-		-	
<b>Total Other Uses Of Funds</b>	-	-		-	
<b>Beginning Fund Balance</b>	-	-		-	
<b>Change In Fund Balance</b>	-	-		-	
<b>Ending Fund Balance</b>	-	-		-	

# City of La Vista

## TIF 1C Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Taxes	50,299	67,061	33.32%	69,581	3.76%
<b>Total Revenues</b>	<b>50,299</b>	<b>67,061</b>	<b>33.32%</b>	<b>69,581</b>	<b>3.76%</b>
<b>Expenditures</b>					
TIF Approved Expenses	49,796	66,390	33.32%	68,885	3.76%
County Treasurer Fees	503	671	33.40%	696	3.73%
<b>Total Expenditures</b>	<b>50,299</b>	<b>67,061</b>	<b>33.32%</b>	<b>69,581</b>	<b>3.76%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
		-		-	
<b>Total Transfer In</b>	-	-		-	
<b>Transfers Out</b>					
		-		-	
<b>Total Transfer Out</b>	-	-		-	
<b>Total Other Uses Of Funds</b>	-	-		-	
<b>Beginning Fund Balance</b>	-	-		-	
<b>Change In Fund Balance</b>	-	-		-	
<b>Ending Fund Balance</b>	-	-		-	

# City of La Vista

## TIF 1D Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Property Taxes	503,598	91,626	-81.81%	94,698	3.35%
<b>Total Revenues</b>	<b>503,598</b>	<b>91,626</b>	<b>-81.81%</b>	<b>94,698</b>	<b>3.35%</b>
<b>Expenditures</b>					
TIF Approved Expenses	498,562	90,710	-81.81%	93,751	3.35%
County Treasurer Fees	5,036	916	-81.81%	947	3.38%
<b>Total Expenditures</b>	<b>503,598</b>	<b>91,626</b>	<b>-81.81%</b>	<b>94,698</b>	<b>3.35%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
		-		-	
<b>Total Transfer In</b>	-	-		-	
<b>Transfers Out</b>					
		-		-	
<b>Total Transfer Out</b>	-	-		-	
<b>Total Other Uses Of Funds</b>	-	-		-	
<b>Beginning Fund Balance</b>	-	-		-	
<b>Change In Fund Balance</b>	-	-		-	
<b>Ending Fund Balance</b>	-	-		-	

## City of La Vista

### Qualified Sinking Fund Summary

	FY24 Adopted	FY25 Recommended Budget	FY24 - FY25 Percent Change	FY26 Recommended Budget	FY25 - FY26 Percent Change
<b>Revenue</b>					
Interest Revenue	3,625	25,504	603.56%	23,551	-7.66%
<b>Total Revenues</b>	<b>3,625</b>	<b>25,504</b>	<b>603.56%</b>	<b>23,551</b>	<b>0.00%</b>
<b>Expenditures</b>					
Capital Improvement	250,000	-	-100.00%	-	0.00%
<b>Total Expenditures</b>	<b>250,000</b>	<b>-</b>	<b>-100.00%</b>	<b>-</b>	<b>0.00%</b>
<b>Other Financing Sources</b>					
<b>Transfers In</b>					
General Fund	100,000	200,000		200,000	
Lottery Fund	150,000	-		-	
<b>Total Transfer In</b>	<b>250,000</b>	<b>200,000</b>		<b>200,000</b>	
<b>Transfers Out</b>					
(General Fund)	-	(270,000)		(350,000)	
(Capital Fund)	-	(100,000)		(100,000)	
<b>Total Transfer Out</b>	<b>-</b>	<b>(370,000)</b>		<b>(450,000)</b>	
<b>Total Other Uses Of Funds</b>	<b>250,000</b>	<b>(170,000)</b>		<b>(250,000)</b>	
<b>Beginning Fund Balance</b>	<b>781,797</b>	<b>1,825,115</b>		<b>1,680,619</b>	
<b>Change In Fund Balance</b>	<b>3,625</b>	<b>(144,496)</b>		<b>(226,449)</b>	
<b>Ending Fund Balance</b>	<b>785,422</b>	<b>1,680,619</b>		<b>1,454,170</b>	

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT – G5G, LLC	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

**SYNOPSIS**

A public hearing has been scheduled and resolution prepared consider an application for a Conditional Use Permit for G5G, LLC d.b.a. Birdies Indoor, Golf, Games & Events to allow for the operation of an indoor self-service event and entertainment space centered around a golf and multi-sport simulator as a tenant in the commercial strip center located at 8019 S. 83<sup>rd</sup> Avenue.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit for G5G, LLC d.b.a. Birdies Indoor, Golf, Games, & Events to allow for the operation of an indoor self-service event and entertainment space centered around a golf and multi-sport simulator in the tenant bay located at 8019 S. 83<sup>rd</sup> Avenue in the Brentwood Village commercial strip center.

If approved, the applicant would occupy a 1,600 square foot tenant bay. Customers would have the option to rent the entire space for private parties and use of the golf/multi-sport simulator. “Recreational Establishment” is listed as a Permitted Conditional Use in the C-1 Shopping Center Commercial Zoning District, per Section 5.10.03 of the La Vista Zoning Ordinance.

A detailed staff report is attached.

The Planning Commission held a public hearing on August 1, 2024, and unanimously recommended approval of the Conditional Use Permit for G5G, LLC d.b.a. Birdies Indoor, Golf, Games, & Events for a recreational establishment on Lot 8 Wiltham Place Replat 1 as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR G5G, LLC D.B.A. BIRDIES INDOOR, GOLF, GAMES & EVENTS TO ALLOW FOR THE OPERATION OF A RECREATIONAL ESTABLISHMENT ON LOT 8 WILTHAM PLACE REPLAT 1.

WHEREAS, G5G, LLC has applied for a Conditional Use Permit to allow for the operation of an recreational establishment on Lot 8 Wiltham Place; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for G5G, LLC d.b.a. Birdies Indoor, Golf, Games & Events to allow for the operation of a recreational establishment on Lot 8 Wiltham Place.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



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

CASE NUMBERS: PCUP24-0003;

FOR HEARING OF: AUGUST 20, 2024  
REPORT PREPARED ON: AUGUST 7, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

G5G, LLC (Birdies Indoor, Golf, Games & Events)  
Attn: Luis & Sara Gamon  
8019 S 83<sup>rd</sup> Avenue  
La Vista, NE 68128

**B. PROPERTY OWNER:**

83<sup>rd</sup> & Giles Center, LLC  
Attn: Laurie Stites  
PO Box 241468  
Omaha, NE 68124

**C. LOCATION:** 8019 S 83<sup>rd</sup> Ave; Located northeast of the intersection of 84<sup>th</sup> Street and Giles Road

**D. LEGAL DESCRIPTION:** Lot 8 Wiltham Place Replat 1

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow for the operation of a Recreational Establishment in the tenant bay located at 8019 S 83<sup>rd</sup> Ave in the Brentwood Village commercial strip center.

**F. EXISTING ZONING AND LAND USE:** C-1 Shopping Center Commercial Zoning District and Gateway Corridor District (Overlay District).

**G. PURPOSE OF REQUEST:** To operate an indoor self-service event and entertainment space including a multi-sport and game simulator in a 1,600 square foot tenant bay. Customers can rent the entire space and access the site with a door code for their private parties and events.

**H. SIZE OF SITE:** The tenant bay located at 8019 S 83<sup>rd</sup> Ave is 1,600 square feet of the 37,000 total building square footage. The property (parcel 011288388) is 4.24 acres in size.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes downward slightly to the north and to the east.

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

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Urban Commercial	MU-CC Mixed-Use City Centre District; GWC Gateway Corridor Overlay District	Vacant property; City Centre
East	Public	R-1 Single Family Residential District	La Vista Middle School
South	Urban Commercial	C-1 Shopping Center Commercial District; GWC Gateway Corridor Overlay District	A&W & Long John Silver's
West	Urban Commercial	C-1 Shopping Center Commercial District; GWC Gateway Corridor Overlay District	Taco Bell & Fazoli's

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map designates this property as Urban Commercial. This proposal is consistent with the comprehensive plan.

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

**C. TRAFFIC AND ACCESS:**

1. The property currently has dual driveway access off S. 83<sup>rd</sup> Avenue.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for General Retail shall be one (1) space per 200 square feet of

gross floor area. For this 37,000 square foot commercial strip center, this requirement equates to a minimum of 185 stalls. The parking lot for the building contains 191 parking stalls and satisfies the minimum parking requirement. The parking lot for the building is shared between each of the tenants (there are not stalls specifically dedicated for each business) which further adds to the availability of parking due to businesses that create the need for parking stalls at different times of the day.

**IV. REVIEW COMMENTS:**

- A. The applicant will be required to obtain building permits prior to any construction activity and buildout of the space.
- B. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
- C. A copy of the applicant's proposed operating statement and floor plan are included in the draft Conditional Use Permit attached to this staff report.

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

Staff recommends approval of the Conditional Use Permit for Birdies Indoor, Golf, Games & Events for Lot 8 Wiltham Place Replat 1, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VI. 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 Birdies Indoor, Golf, Games & Events for Lot 8 Wiltham Place Replat 1, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review Letter
- C. Draft Conditional Use Permit
  - a. Operating Statement
  - b. Floor plans

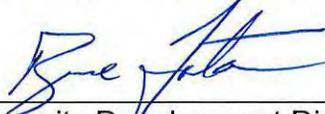
VIII. **COPIES OF REPORT SENT TO:**

- A. Sara Gamon, Birdies Indoor, Golf, Games & Events
- B. Public Upon Request



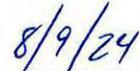
---

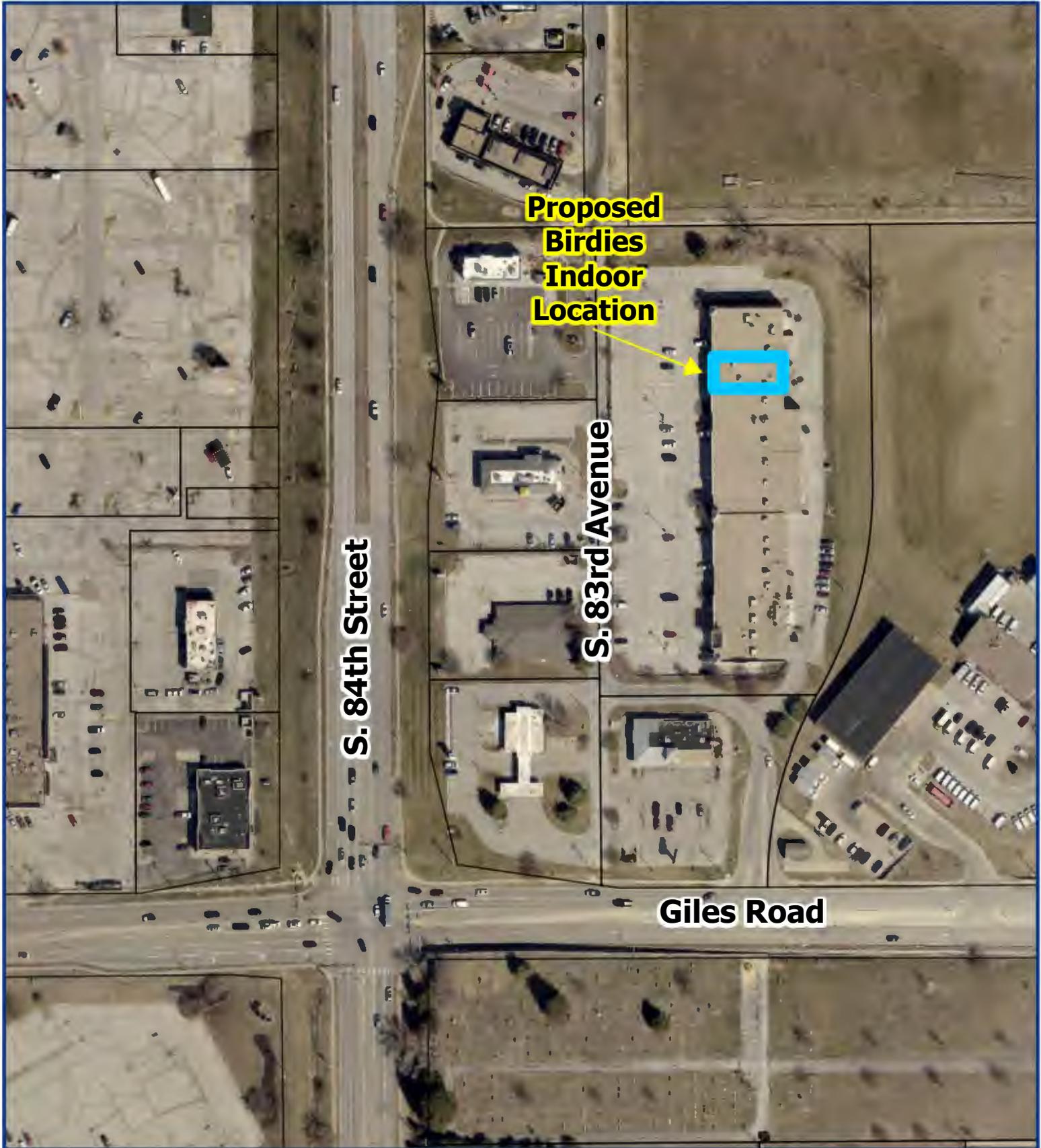
Prepared by: Associate City Planner



---

Community Development Director

  
Date



## Birdies Indoor CUP - Vicinity Map



### Legend

-  Property Lines
-  CUP Boundary





July 17, 2024

Birdies Indoor Golf, Games & Events  
Attn: Sara Gamon  
8019 S 83<sup>rd</sup> Avenue  
La Vista, NE 68128

RE: Conditional Use Permit – Initial Review

Mrs. Gamon,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff has reviewed the initial submittal and has provided the following initial comments:

1. Building permits must first be obtained prior to any construction activity and build-out of the space.
2. Final inspections must be conducted and approved by the Chief Building Official and Fire Inspector, and a Certificate of Occupancy must be issued for the Birdies Indoor space at 8019 S 83<sup>rd</sup> Ave in La Vista, prior to occupation of the space and the opening of your proposed business.
3. If electrical work is being performed, permits must be pulled with the State of Nebraska Electrical Inspector.
4. A sign permit must be obtained prior to installation of the exterior wall signage. We have been in contact with your signage company about such permit and will issue it upon execution of the Conditional Use Permit.

A public hearing has been scheduled for the Planning Commission to review your request on Thursday, August 1<sup>st</sup>. The Planning Commission will make a recommendation to City Council who will then review your application on August 20<sup>th</sup>, pending no delays or obstructions. Please let me know if you have any questions.

Sincerely,

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

**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

# City of La Vista Conditional Use Permit

## Conditional Use Permit for Recreational Establishment

This Conditional Use Permit issued this 20<sup>th</sup> day of August, 2024, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to G5G LLC (“Owner”), pursuant to the La Vista Zoning Ordinance for Birdies Indoor Golf, Games, and Events.

WHEREAS, Owner wishes to locate and operate a recreational establishment upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 8 Wiltham Place Replat 1, located in the SW  $\frac{1}{4}$  Section 14, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8019 S 83<sup>rd</sup> Avenue.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a recreational establishment that includes a self-service event/party rental space with a golf/game simulator; 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 tenant bay located at 8019 S 83<sup>rd</sup> for a recreational establishment, 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. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
  - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
  - b. A floor plan showing how the tenant bay will be utilized for the Use is attached to the permit as Exhibit “B”.
  - c. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except appropriately screened trash receptacles and those approved in writing by the City.
  - d. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training or camp activities.
  - e. 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.
- f. 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 laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - g. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City (“Indemnified Parties”) against, and holds the Indemnified Parties 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 Owner’s 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 Owner’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; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
    - 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 Owner 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.
  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. 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 breach of any other terms hereof.
  5. 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.
  6. 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:** G5G LLC  
Attn: Sara Gamon  
10147 Olive Street  
La Vista, NE 68128

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

DRAFT

**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  
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public



## **Birdies. Indoor Golf. Games. Events Executive Summary**

### **Business**

Birdies is a minority and disabled veteran owned business, formed for the purpose of operating a self-service entertainment space for use of a multi-sport and game simulator and events in Papillion, NE.

Birdies is owned and operated under G5G LLC, by Luis and Sara Gamon of La Vista, NE. The business will be housed in a store front, multi-use retail space at 8019 South 83<sup>rd</sup> Avenue in La Vista NE. The space will be used as a self-service private event venue with the capability of hosting a variety of different recreational activities, sports, parties, & corporate events.

### **Business Opportunity**

Our chosen site will be an approximate 1,600 sq. ft. space that will be able to hold an occupancy of 43. There are a limited number of private event venues and entertainment facilities in the Omaha area. While the market exists for golf simulator businesses, none offer a multi-sport experience in a private, self-service concept. An existing market is currently not being fulfilled in the Omaha area.

Birdies will also offer unlimited free play on three classic arcade games part of the retro game collection by The Pinball Company; a gamers lounge with the most up to date gaming console systems; 3 large screens smart tv's with streaming service for sporting events; a turf putting green; Wi-Fi and BYOB for food and drinks.

### **Competitive Edge**

The TruGolf Vista 12 Pro simulator offers an immersive widescreen view measuring 12'W x 15'D with 27 golf course selections; the multi-sport arcade addition is an innovative sports simulator experience that brings a new degree of interactive gaming. The multi-sport capabilities offer action packed games such as soccer, bowling, hockey, football, zombie dodgeball and western shootout.

The initiative is to capitalize on this market by providing a quality indoor venue that is competitively priced for entertainment, play and practice, operating 24/7/365. With its unique strategy, this service, married with the comfortable atmosphere of the facility, will allow users to play, eat, drink, and socialize all in the same setting.

Golfers will be able to use the simulator to play virtual courses and ranges that provide them with a

comprehensive shot performance analysis to improve their technique. The multi-sport arcade and other features of the space will attract casual gamers to avid sports enthusiasts, whilst the variability will serve as a relaxing environment for birthdays, corporate events, watch parties, and more.

### **Business Goals**

The business's goals are to provide high quality products and services to our customers. Our targeted customer base will cover a broad spectrum of users. The space will suit the needs of family entertainment, not only for golfers but the space will provide additional entertainment capabilities, such as hosting birthday parties, corporate events, and sports entertainment.

The space will be set up to attract customers focused on a laid back and easy-going, fun environment to a game improvement-based environment. We have appropriately sized our facility to fit our target customer base. The multi-use plaza will allow our business to build awareness and drive play. Our planned signage will be easy to see, read and understand. It will also allow our customer base to know exactly who we are and what we do.

### **Strengths**

Our product is delivered by TruGolf. Our simulator is top of the line and provides a realistic golfing experience with very accurate shot simulation. The multi-sport arcade software is powered by an interactive sports camera offering superb graphics to ensure a realistic experience. The multi-sport simulator offers multiple modes of play and difficulty settings to fit any need and ensure playability.

Our facility is also a key strength in that it is adequately designed to provide key amenities that local patrons seek in both sports and entertainment. We have developed a strategic plan focused on customer centric operations and information-based marketing strategies. There are several golf-oriented and event venue marketing databases we can leverage while we build our own data.

Opportunities

### **Opportunities**

Opportunities will present themselves with partnering with surrounding businesses that are non-competing but can dually market for one another's business. Birdies will not provide food & beverage, however, the opportunity to partner with restaurants/bars for potential catering options can provide free marketing and advertising for both businesses.

Birdies will seek out opportunities with local sports teams, schools, golf courses and clubs to offer promotional deals for off-season marketing. Birdies will have smart tv's synced with Amazon home operations, which will provide the capability to display advertising, being best used for in store promotional activity versus seeking extensive ad revenue. Another

opportunity is to promote business to private sporting event clientele, as the large screen tv's and simulator projector will be attached to a receiver with the capabilities to show sporting events or video games.

### **Operating Plan**

Birdies projected opening date is September 1<sup>st</sup>, 2024. Building permit for the minimal construction requirements is currently in the process of being obtained. Signage is ready and waiting on approval of the conditional use permit. Opening will be pending city requirements and inspections.

### **Potential Threats**

Birdies will be secured with both an alarm and camera system provided by SEI, with 24/7 access to the space. Upon booking, clients will be required to sign a liability waiver. Potential issues with equipment will be handled by our simulator company 24/7 customer support, any other concerns can be immediately addressed by phone and with an immediate response time. Our primary residence is in the city of La Vista, making responding to concerns quick and timely.

Peak Occupancy of the space will be set by Fire/Security inspection requirements; however, estimating by calculation for a 1600 sq ft space, a total number of occupancies is approximately 43 occupants. There are no dedicated parking stalls for the suite, it is a shared parking lot with neighboring businesses per lease agreement.

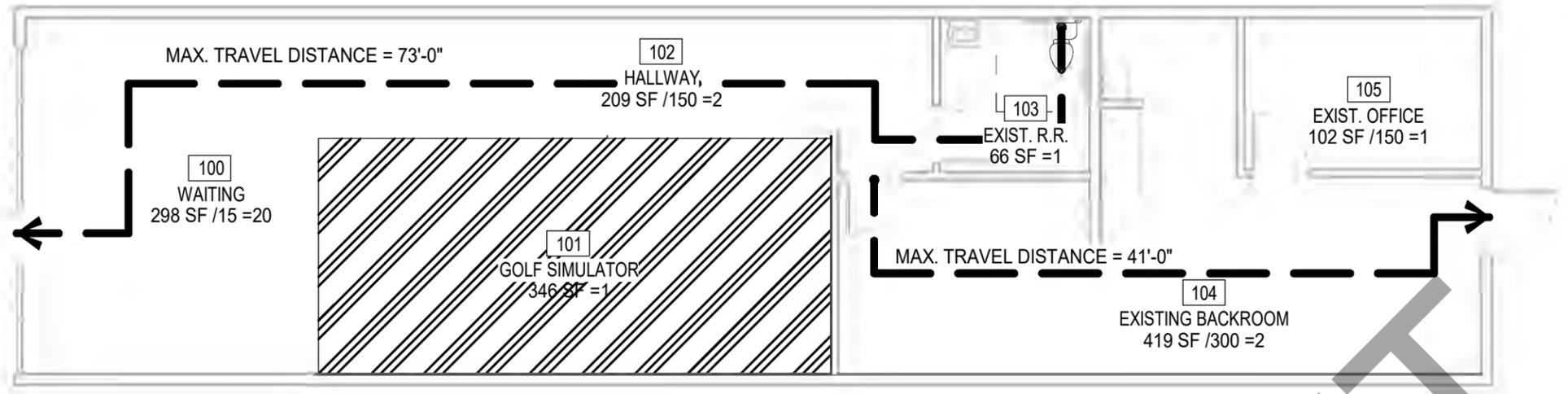
# 8019 S 83RD AVE REMODEL

# INDEX OF DRAWINGS

ARCHITECTURAL

- A000 COVER SHEET & CODE REVIEW
- A100 FLOOR PLAN

**Exhibit B**



**1 FIRST FLOOR CODE PLAN**  
1/8" = 1'-0"

**BUILDING CODE ANALYSIS**

**GENERAL CODE INFORMATION:**

OCCUPANCY TYPE: A-3; ASSEMBLY FOR RECREATION  
CONSTRUCTION TYPE: II-B; ASSUMED EXISTING

ALLOWABLE BUILDING AREA: EXISTING; NO ADDITONS TO BE MADE  
ACTUAL BUILDING AREA: EXISTING; NO ADDITONS TO BE MADE

BUILDING SPRINKLED: NO

**CONSTRUCTION CODES:**

BUILDING: 2018 INTERNATIONAL BUILDING CODE (IBC)  
EXISTING BUILDING CODE: 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC)  
ELECTRICAL: 2017 NATIONANL ELECTRICAL CODE (NEC)  
ENERGY: 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)  
FIRE: 2012 LIFE SAFETY CODE (NFPA 101)  
2012 INTERNATIONAL FIRE CODE (IFC)  
ACCESSIBILITY: 2009 ICC/ANSI A117.1 & 2018 IBC  
MECHANICAL: 2018 INTERNATIONAL MECHANICAL CODE (IMC)  
PLUMBING: 2018 INTERNATIONAL PLUMBING CODE (IPC)

**CHAPTER 3 - USE AND OCCUPANCY CLASSIFICATION:**

OCCUPANCY CLASSIFICATION: (IBC SECTION 302)  
GROUP A A-3; ASSEMBLY FOR RECREATION (IBC SECTION 303.4)

**CHAPTER 10 - MEANS OF EGRESS:**

**IBC SECTION 1004 - OCCUPANT LOAD.** IN DETERMINING MEANS OF EGREES REQUIREMENTS, THE NUMBER OF OCCUPANTS FOR WHOM MEANS OF EGRESS FACILITIES SHALL BE PROVIDED SHALL BE DETERMINED IN ACCORDANCE TO THIS SECTION.

**IBC TABLE 1005 - MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

FUNCTION OF SPACE	OCCUPANT LOAD
100 WAITING	20
101 GOLF SIMULATOR	1
102 HALLWAY	2
103 RESTROOM	1
104 BACKROOM	2
105 OFFICE	1

**TOTAL OCCUPANT LOAD: 27 PEOPLE**

**IBC SECTION 1005 EGRESS SIZING.**

**IBC SECTION 1005.3 - REQUIRED CAPACITY BASED ON OCCUPANT LOAD**  
REQUIRED:  $27 \times 0.2 = 5.4'$   
PROVIDED: 68"

**IBC SECTION 1014.3 - COMMON PATH OF TRAVEL.** THE COMMON PATH OF TRAVEL DOES NOT EXCEED 75 FEET

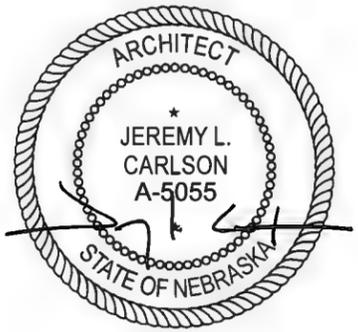
**IBC SECTION 1017 - EXIT ACCESS TRAVEL DISTANCE.** THE MAXIMIUM TRAVEL DISTANCE DOES NOT EXCEED 250 FEET

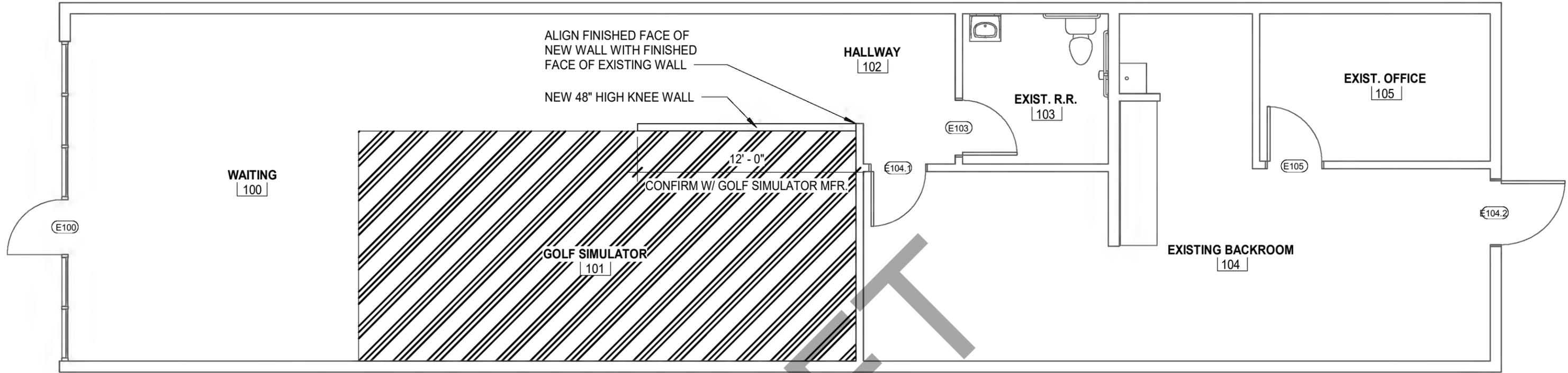
**IBC SECTION 1020 - CORRIDORS.** THE CORRIDOR WIDTH EXCEEDS THE 44 INCH MINIMUM

**IBC SECTION 1020.4 - DEAD ENDS.** THE MAXIMUM DEAD END DISTANCE DOES NOT EXCEED 20 FEET.

**IBC SECTION 1006 - NUMBER OF EXITS AND EXIT ACCESS DOORWAYS.** TWO (2) EXITS ARE REQUIRED; TWO (2) ARE PROVIDED

I, JEREMY L. CARLSON, AM THE COORDINATING PROFESSIONAL FOR THE TENANT REMODEL AT 8019 S. 83RD AVENUE.  
  
06.24.2024

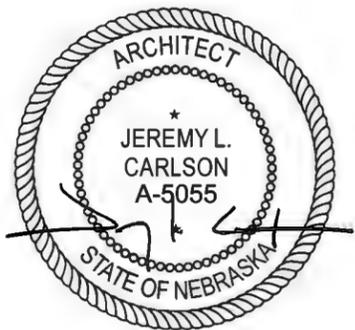




1 FIRST FLOOR

3/16" = 1'-0"

DRAFT



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PLANNED UNIT DEVELOPMENT– SITE PLAN & ORDINANCE BEAR CREEK APARTMENTS	RESOLUTION ◆ ORDINANCES (2) RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

**SYNOPSIS**

A public hearing has been scheduled and ordinances prepared for the consideration of an application by Krishna, LLC for a Planned Unit Development Ordinance and Zoning Overlay (Zoning Map Amendment) to allow for the construction of an additional apartment building containing 33 units as part of the Bear Creek Apartments at 14455 Harrison Street in La Vista’s extraterritorial jurisdiction.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and ordinances prepared to approve a PUD Zoning Overlay (Zoning Map Amendment and a PUD site plan and ordinance 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.

The applicant currently operates the Bear Creek Apartments with a single apartment building containing 54 units and detached garage buildings containing 24 garage stalls. They are seeking to construct an additional apartment building with 33 units on a parcel adjacent to their existing building on the southwest corner of S. 144<sup>th</sup> Street and Harrison Street, which they acquired from Sarpy County in 2022.

The applicant has requested an allowance through the Planned Unit Development for a reduction in the front yard setback along S. 144<sup>th</sup> Street in order to obtain the necessary buildable area, 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 dwelling unit for multi-family structures. Allowances for this setback requirement reduction and the waiver of Section 7.05.10 may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.

A detailed staff report is attached. The Planning Commission held an initial public hearing on June 6, 2024, and expressed concerns regarding the maintenance of the existing Bear Creek facility. They voted to table the applicant’s agenda items until a later meeting and requested additional information from the applicant.

The applicant made some changes to their operations plan and presented some additional information at a subsequent public hearing on August 1, 2024 to address the concerns of the Planning Commission and the Planning Commission voted 5-0-0 to recommend approval of the Planned Unit Development, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of the Conditional Use Permit and Replat.

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. Approval of Rezoning. On August 1, 2024, the La Vista Planning Commission conducted a public hearing on the matter of the Planned Unit Development Overlay and rezoning 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, the tracts of land set forth in Section 2 of this ordinance, and reported to the City Council that it recommended approval of Planned Unit Development which includes the zoning of said tracts be changed from R-3 High Density Residential and Gateway Corridor District (Overlay District) to R-3 High Density Residential, Gateway Corridor District (Overlay District) and Planned Unit Development District (Overlay District) 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. On August 20, 2024, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, 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 in the NE ¼ of Section 18, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, is hereby rezoned from R-3 High Density Residential and Gateway Corridor District (Overlay District) to R-3 High Density Residential, Gateway Corridor District (Overlay District) and Planned Unit Development District (Overlay District) and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning as described above and displayed in the attached Zoning Map Exhibit, hereby incorporated into this Ordinance by reference.

The amended version of the official zoning map of the City of La Vista is hereby adopted, contingent on the approval and recording of the Final Plat and Conditional Use Permit, and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

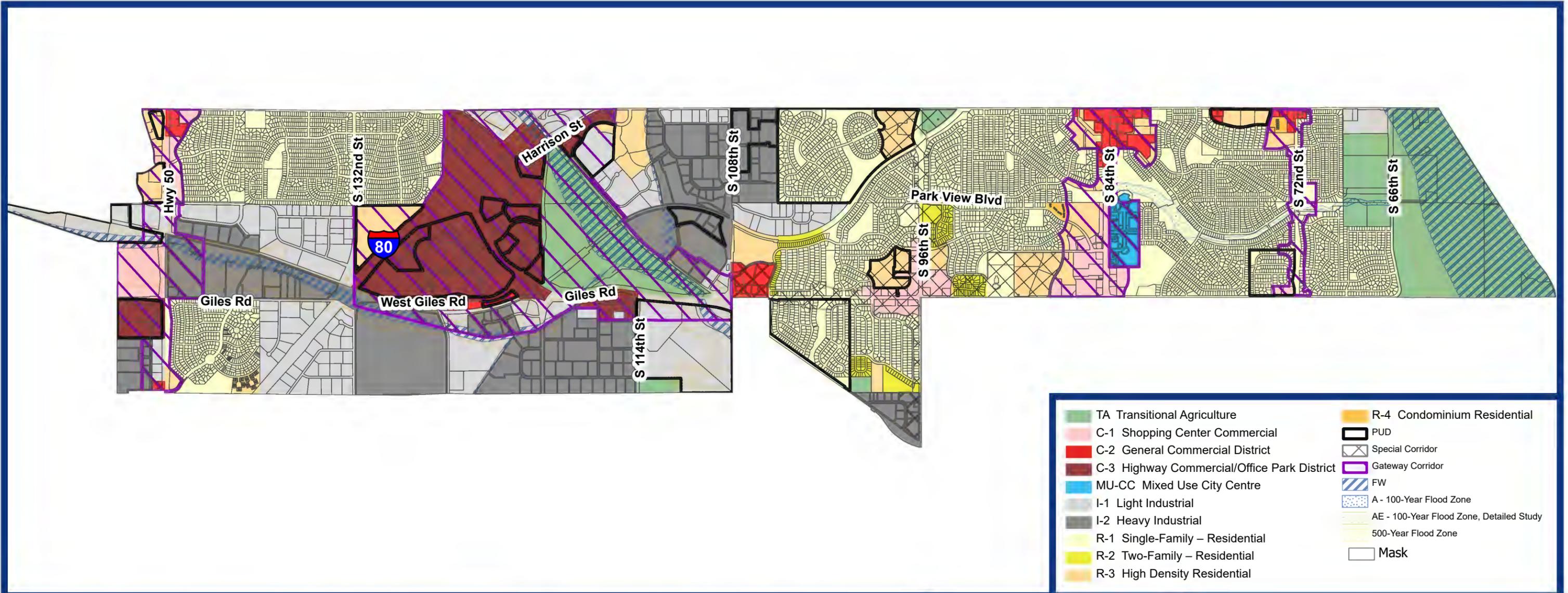
PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



8/20/2024  
 Drawn By: CB



**City of La Vista**  
**Official Zoning Map**  
 Adopted December 18, 2018  
 Updated August 20, 2024  
 Ordinance Number \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ESTABLISHED STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. The Planned Unit Development plan for the Bear Creek Apartments (the "Bear Creek PUD") is hereby adopted for the following described real estate, to wit:

**LEGAL DESCRIPTION**

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The Bear Creek PUD is hereby adopted to provide for the development of a planned residential complex including two apartment buildings and two buildings containing detached garage stalls. The regulations contained in this Ordinance will facilitate development in a planned, orderly fashion so as to protect the public health, safety, and general welfare. All grading, installation of infrastructure, development and build out shall be in strict accordance with the provisions of this Ordinance, except as shall be amended by the City Council in the required manner. The underlying residential zoning district regulations shall continue to be applicable, except as provided for in this Ordinance and the attached exhibits.

Section 3. Definitions

Unless a contrary intent is clearly indicated herein, the following words and phrases shall have the following meanings, regardless of whether or not capitalized:

- A. "Developer" shall mean Krishna, LLC and/or their successors and assigns.
- B. "Gateway Corridor District" or "La Vista Gateway Corridor District" shall mean the City's overlay zoning district establishing basic site and building development criteria to be implemented within the boundaries of the overlay district.
- C. "Open Space" shall mean anything on the site except buildings, parking lot and vehicular circulation, generally pervious, but may include well landscaped pedestrian places, pools, and pool decks.
- D. "Bear Creek PUD" shall mean the planned unit development that is subject to this Ordinance, as developed and approved, that outlines certain provisions for the development of the Subdivision and its uses. Such plan shall consist of the final plat, design guidelines, landscaping, etc.

- E. "Plat" or "the Plat," shall mean the final plat of the Subdivision approved by the City Council or an administrative plat approved by staff.

Section 4. Parcel Identification Map

Attached hereto and made a part of Bear Creek PUD for parcel delineation is the Bear Creek PUD plan set marked as Exhibit "B".

Section 5. Conceptual Site Plan

A conceptual site plan for each parcel shall be submitted to the City for approval prior to any lot development within said parcel.

Section 6. Building Design Guidelines and Criteria

All applications shall adhere to requirements of the City's Commercial Building Design Guide and Criteria as adopted within the La Vista Gateway Corridor District, subject to any additions, subtractions, or modifications from time to time, ("Commercial Building Design Guide and Criteria"). Prior to issuance of a building permit, the City, Developer and the applicant shall have mutually agreed upon a specific design plan that complies with such criteria.

Section 7. Conditions

All uses within the Subdivision shall adhere to the underlying zoning district except as herein provided.

A. General Conditions

In addition, the following general site plan criteria shall be integrated into and made part of the Bear Creek PUD.

- i. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the La Vista Subdivision Regulations and the most current design standards adopted by the City of La Vista pertaining thereto unless otherwise stated within this Bear Creek PUD.
- ii. Unless otherwise specified herein, the development of the Bear Creek PUD shall comply with the applicable La Vista Zoning District Regulations or any other applicable City Codes.

B. Land Use Design Criteria

Unless provided otherwise in this Bear Creek PUD, all general use regulations, performance standards and provisions set forth in the La Vista Zoning Ordinance for the appropriate zoning district shall apply to any development, additions, or redevelopment within the PUD overlay district.

- i. The intent of the design and layout of the Bear Creek development is to develop the site to provide multi-family apartment units.
  - a. Building Setback. Building setbacks shall be the same as those listed in the R-3 High-Density Residential District regulations unless otherwise approved by the City Council as part of the PUD Site Plan marked as Exhibit "B". Lot 1 Willow Creek Replat Four shall have a reduced front-yard building setback of 10 feet along the S. 144<sup>th</sup> Street property line for Multiple-Family Dwelling structures. Lot 2 Willow Creek Replat Four shall have a reduced front-yard building setback of 19.3 feet along the S. 144<sup>th</sup> Street property line for Multiple-Family Dwelling structures.
  - b. Landscaping. Landscaping throughout the Subdivision shall be consistent with the PUD Site Plan map set, Exhibit "B", and the City's Commercial Building Design Guide and Criteria. A complete and detailed landscaping plan is required prior to building permit approval to assure compliance with the vision of the Bear Creek PUD.

C. Access and Off-Street Parking

- i. Access. Driveways shall be located so that no undue interference with the free movement of road traffic will result, to provide the required sight distance, and to provide the most-favorable driveway grade. Access points within the development shall be limited to what is shown on the final plat and Planned Unit Development Site Plan. Any deviation from this shall require the approval of the City.
- ii. Off-Street Parking. Parking on Lots 1 and 2 Willow Creek Replat Four to be utilized for Multiple Family Dwellings shall be provided in accordance with Section 7.06 of the La Vista Zoning Ordinance on the aggregate ratio of one (1) off-street parking spaces per bedroom of multi-family apartments on-site.

Lots 1 and 2 Willow Creek Replat Four shall be exempt from Section 7.05.10 of the La Vista Zoning Ordinance which requires a minimum of 0.5 enclosed garage stalls per dwelling unit for multi-family structures.

Section 8. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 9. That this Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, MMC  
City Clerk

EXHIBIT A

Bear Creek Apartments Development – Lots 1-2 Willow Creek Replat Four - The Northeast 1/4, Section 14, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska.

EXHIBIT B



**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



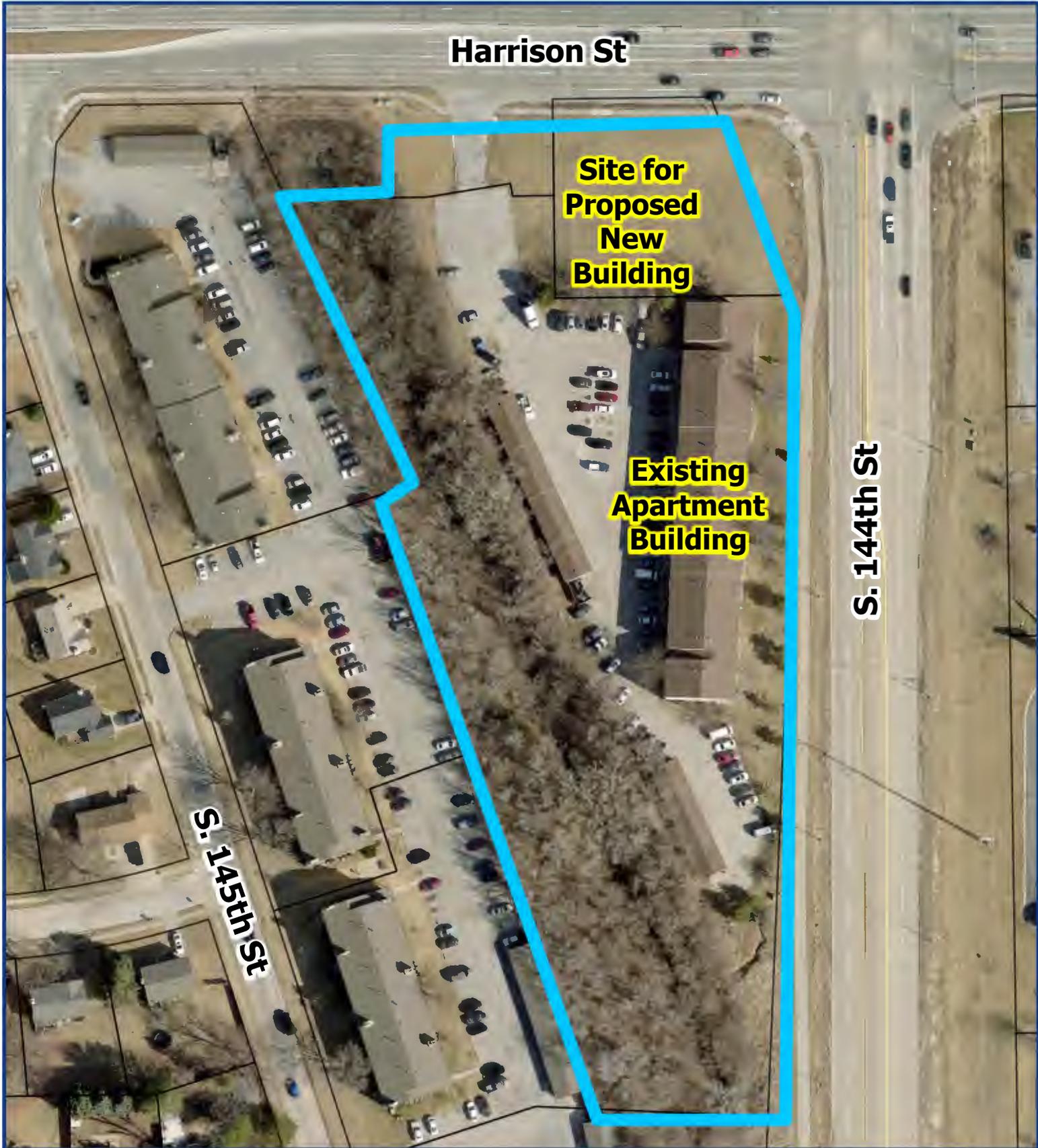
Prepared by: Associate City Planner



8/12/24

Community Development Director

Date



Harrison St

Site for Proposed New Building

Existing Apartment Building

S. 144th St

S. 145th 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](#)

---

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)

Accountability | Integrity | Public Service

[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**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 <csolberg@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

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.

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

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 know 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> Steet 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

# 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.

### 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 N89°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. 89-13707 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 187.47 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 3B; THENCE N87°01'28"W 55.53 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 N03°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 60.00 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.



NICHOLAS P. SIEDSCHLAG  
NEBRASKA RLS #775

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 CO 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 HERIN 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 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 \_\_\_\_\_, 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

### 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

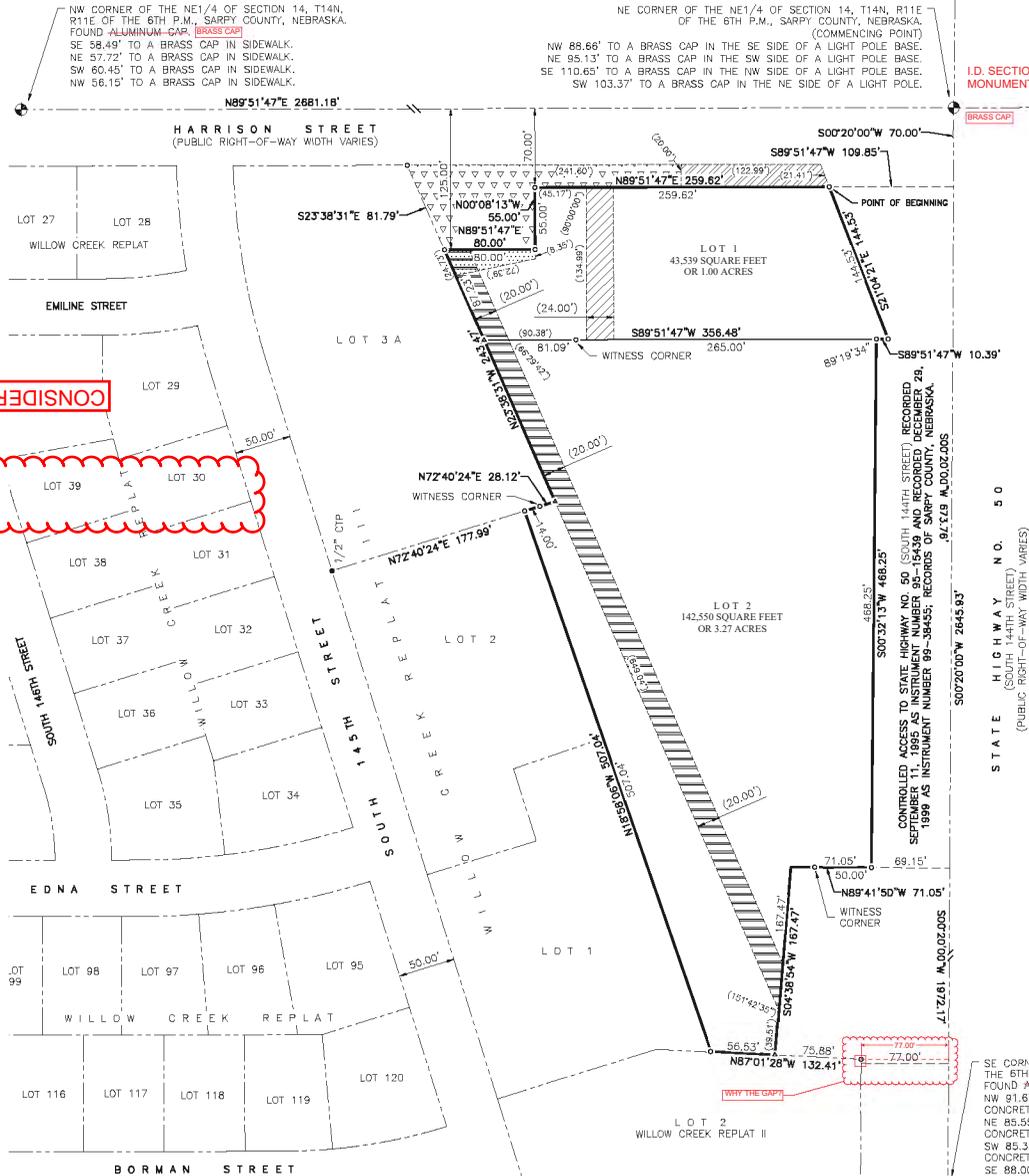
### SECTION CORNER SYMBOL IN LEGEND

- 24.00' WIDE ACCESS EASEMENT TO BE RECORDED BY SEPARATE DOCUMENT.
- PERMANENT SEWER EASEMENT GRANTED TO SARPY COUNTY, NEBRASKA RECORDED APRIL 21, 2004 AS INSTRUMENT NUMBER 2004-112009, 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.

Reviewed by MRL  
04/29/2024 1:52:06 PM

Reviewed by JMB  
04/30/2024 7:53:22 AM

Reviewed by MRS  
04/30/2024 9:16:11 AM



thompson, dreessen & dornier, 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

Exhibit C

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: 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 <dudreessen@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 <dudreessen@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



**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 <[jl原因@langlawllc.com](mailto:jl原因@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)>;

[rmeyer@meyerarchitecture.com](mailto:rmeyer@meyerarchitecture.com); Doug Dreessen <[dsdreessen@td2co.com](mailto:dsdreessen@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  
[jiang@langlawllc.com](mailto:jiang@langlawllc.com)

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

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 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.  
**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.

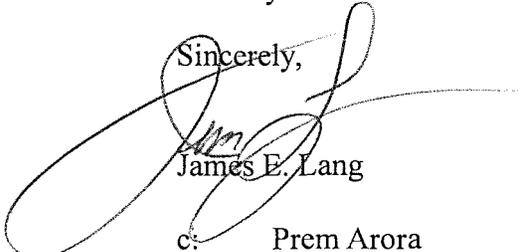
In response to paragraph 4, concerning the fire inspector response, the applicant has received Nicholas Gunia's email dated May 6, 2024 and is in the process of obtaining a cost estimate for the installation of the fire hydrant near the corner of the entry of the complex. Once the applicant has this, 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 Veskrna

# NEBRASKA

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 K. Arnes, Director

Department of Transportation

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

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

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

















# 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.

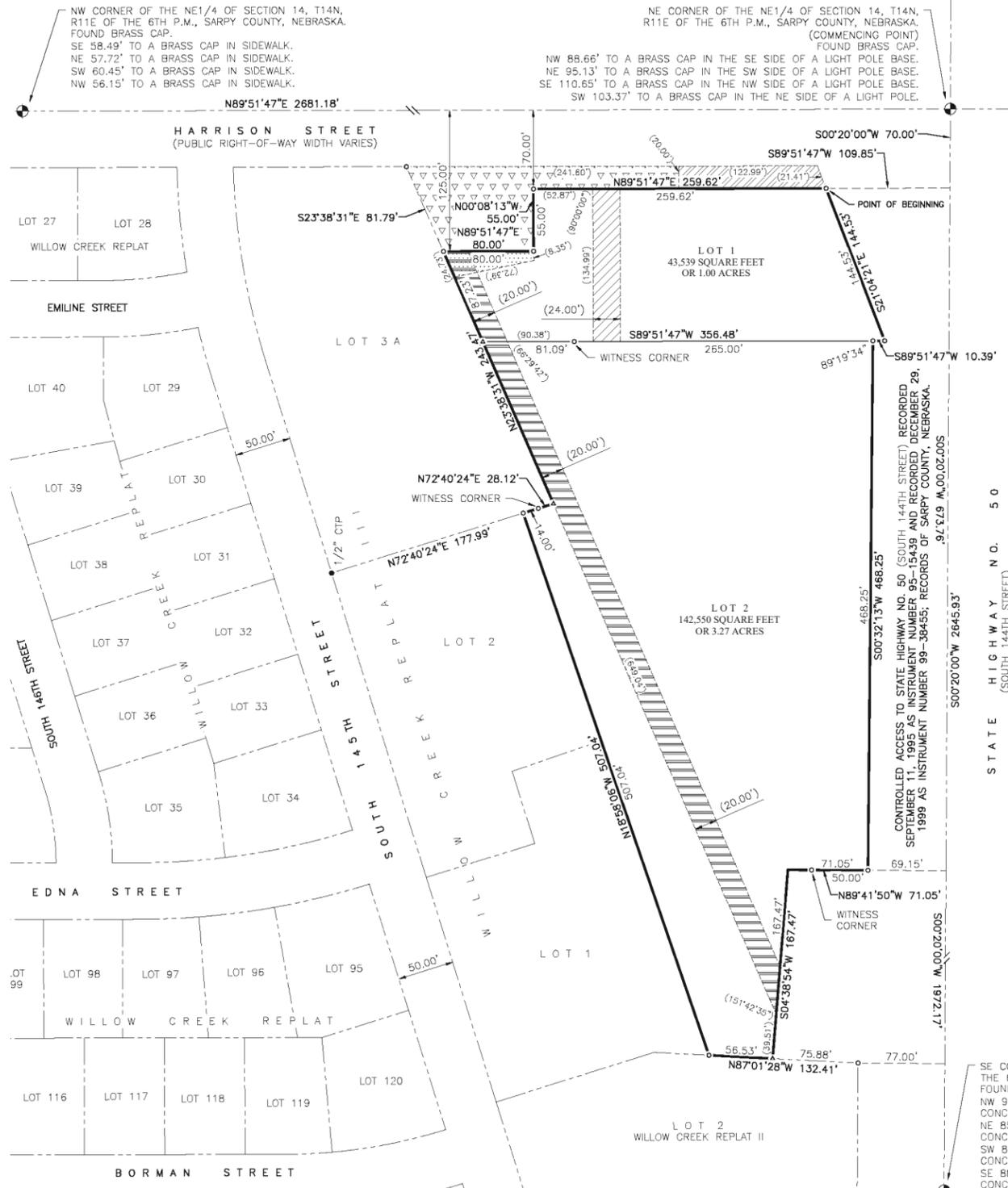
### NOTES

- 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 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.

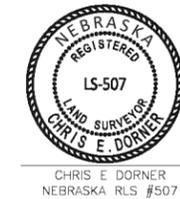


### SURVEYOR'S CERTIFICATE

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 488.25 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°08'05"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.



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 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 THEM 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 SÖLBERG, 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 \_\_\_\_\_



thompson, dreesen & dörner, 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

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



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

CITY OF LAVISTA  
CONDITIONAL USE PERMIT

**Conditional Use Permit for Multiple Family Dwellings  
(Bear Creek Apartments)**

Lots 1 and 2 Willow Creek Replat Four

This Conditional Use Permit is issued this 20th day of August 2024 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Krishna, L.L.C., a Nebraska limited liability company, ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner owns real property within the City of La Vista's extraterritorial zoning jurisdiction legally described as:

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

WHEREAS, Owner owns and operates a multiple family dwelling complex, garages, parking and other improvements known as the Bear Creek Apartments upon Lot 2 of the Property:

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing an additional building and related improvements on Lot 1 of the Property, and owning and operating such building and improvements as a multiple family dwelling together with building and other improvements on Lot 2 as a single, unitary multiple family dwelling complex; and

WHEREAS, in connection with such application, the City inspected existing building and other improvements on Lot 2 of the Property under the City building code and identified a number of violations that since have been corrected. To induce the City to issue this Permit Owner (i) represents to the City that it implemented a preventive maintenance plan for the Property and the Property and all existing or future improvements on the Property will satisfy and continue to comply with the City building code, and (ii) proposes to subject the Property to the City of La Vista Rental Inspection Program, and specifically that Owner and the Property and all existing and future building and other improvements on Lot 1 and Lot 2 of the Property shall satisfy all requirements of the City of La Vista Rental Inspection Program applicable to residential dwellings in the City.

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 and on such conditions and the terms and conditions provided in this permit (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to construct additional improvements on Lot 1 and use the Property and all improvements on the Property for the purposes described above ("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. Breach of any terms hereof shall cause Permit to expire and terminate without any further action of the City.

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. The Uses and 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. Any proposed additions or changes to the Permitted Uses or operations on the Property shall require such reviews, amendments to this Conditional Use Permit and approvals as City Planner determines necessary or appropriate.
- c. Architectural review of the plans for building design, landscaping, and lighting on Lot 1 of the Property must be completed and approved to the satisfaction of the City Planner 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 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 such approval as the Chief Building Official determines necessary or appropriate. Modification of any other document or Exhibit shall be subject to such approval of the City as determined by the City Administrator, or City Administrator's designee, as he or she determines necessary or appropriate.
- e. All signage, including without limitation design, location, placement and dimensions, shall be in accordance the La Vista Zoning Ordinance and all other applicable requirements and subject to such approval as the Community Development Director or such Director's designee as he or she determines necessary or appropriate, .
- 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 at any time parking demand exceeds parking supply on either or both Lots 1 and 2 Willow Creek Replat Four, Owner immediately shall remove or cause the removal of vehicles to correct the excess and take such actions and implement such measures to prevent the excess from reoccurring, including without limitation implementing the measures identified in the Operating Statement attached as Exhibit "C", towing vehicles, and instituting lease restrictions on the number of vehicle parking stalls dedicated for each apartment unit.
- h. Owner shall obtain all required permits in connection with 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.
- 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 within 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 adjacent to the Property are maintained and repaired in good condition, or replaced, and kept free of snow and vegetation.
        - r. The Owner by and as a condition of this Permit irrevocably dedicates the Property and subjects it to the City of La Vista Rental Inspection Program set forth in Sections 150.60 through 150.69 of the La Vista Municipal Code, as amended or superseded from time to time, and agrees that, on and after the date this Permit is issued, the Property, Owner, Owner's agent and all residential dwelling units and other improvements on Lot 1 or Lot 2, Willow Creek Replat Four, shall satisfy and be subject to all terms, conditions and requirements of the Rental Inspection Program that apply to residential rental dwellings in the City, their Owners or agents, including without limitation rental licensing requirements, periodic inspections, correction of violations, and enforcement, notwithstanding anything in the Rental Inspection Program to the contrary regarding the scope of the Program. Not in limitation of the foregoing, Owner shall complete and file an application and pay the corresponding fee for a rental license under the Rental Inspection Program not later than ten business days after the City Council approves this Permit, and before the City delivers this Permit to Owner for recording.
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) upon a finding by the City that there is a violation of the terms of this Permit.
  - b. Construction will be in accordance with the City Building Code.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard or that are in disrepair or constitute a nuisance 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 Permitted Uses on Lot 1 of the Property have been abandoned if the Owner fails to commence construction of the buildings on Lot 1 within the time provided by Section 5 below.
  - b. Cancellation, revocation, denial or failure to obtain or maintain any federal, state or local permit required for the Uses.
  - 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 within ten (10) days after City's giving notice thereof.
  - d. Owner's breach of other terms hereof and its failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If construction of the multiple family, parking and other improvements on Lot 1 of the Property has not been commenced within twelve (12) months, and fully completed within 24 months, from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse with respect to Lot 1; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista

Zoning Ordinance. Any request or grant of an extension shall be in writing.

6. If the Owner fails to promptly remove any safety, environmental or other hazard or nuisance from the premises, or 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 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 Property and take whatever action as may be necessary or appropriate to carry out this section 6 or 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 the Owner, its successors and assigns, and enforceable by the City.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof, or to exercise any other rights under this Permit, shall not constitute a waiver of City's right to terminate or exercise any other rights under this Permit, unless the City has expressly waived said breach or such other rights in writing. 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, or waiver of any other rights.
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.
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





# 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.

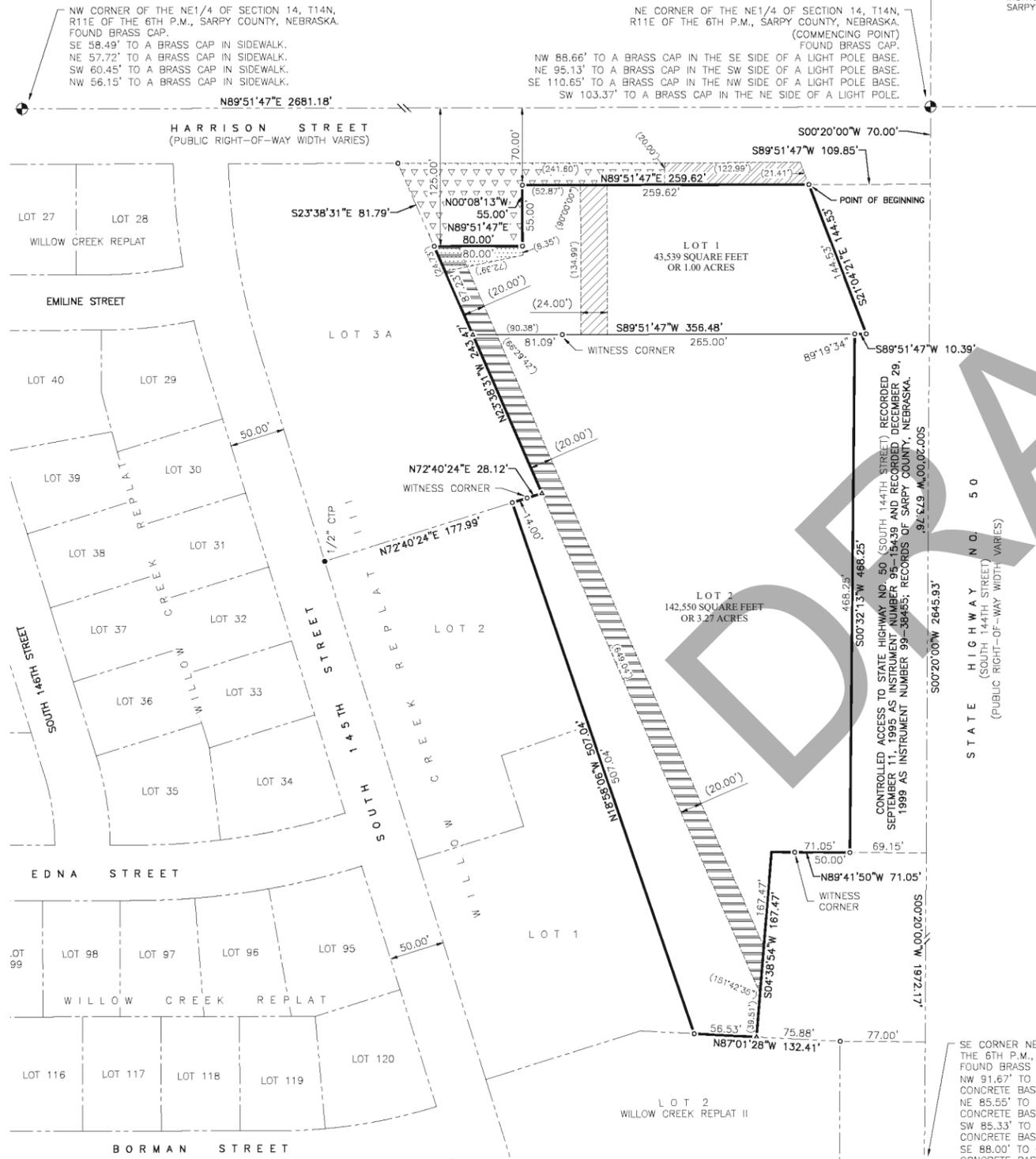
### NOTES

- 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 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.

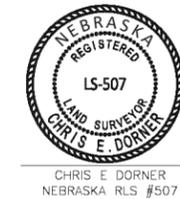


### SURVEYOR'S CERTIFICATE

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) 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°08'05"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.



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 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 THEM 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:

BY:

### 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 SÖLBERG, 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

# Exhibit A

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



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



## 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





Meyer & Associates, Architects  
 11802 W. Center Rd., Suite 300  
 Omaha, NE 68144  
 402.391.1823 (Q)

www.meyerandassociates.com

# Exhibit E

## CONSTRUCTION DOCUMENTS FOR: BEAR CREEK APARTMENTS

LA VISTA, NEBRASKA

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

Meyer & Associates, Architects • 2023

DESIGN AND CONSTRUCTION DOCUMENTS AS INSTRUMENTS OF SERVICE ARE GIVEN IN CONFIDENCE AND REMAIN THE PROPERTY OF THE ARCHITECTURAL OFFICES OF MEYER & ASSOCIATES. THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN MAY NOT BE REPRODUCED OR EXCERPTED FROM, WITHOUT EXPRESS WRITTEN PERMISSION OF THE ARCHITECTURAL OFFICES OF MEYER & ASSOCIATES. UNAUTHORIZED DISCLOSURE OR CONSTRUCTION USE ARE PROHIBITED BY COPYRIGHT LAW.

REVISIONS:


DRAWN BY: RKM  
 ISSUED: PRELIMINARY  
 DATE: FEB. 1, 2023  
 PROJECT NO:  
 SHEET NO:

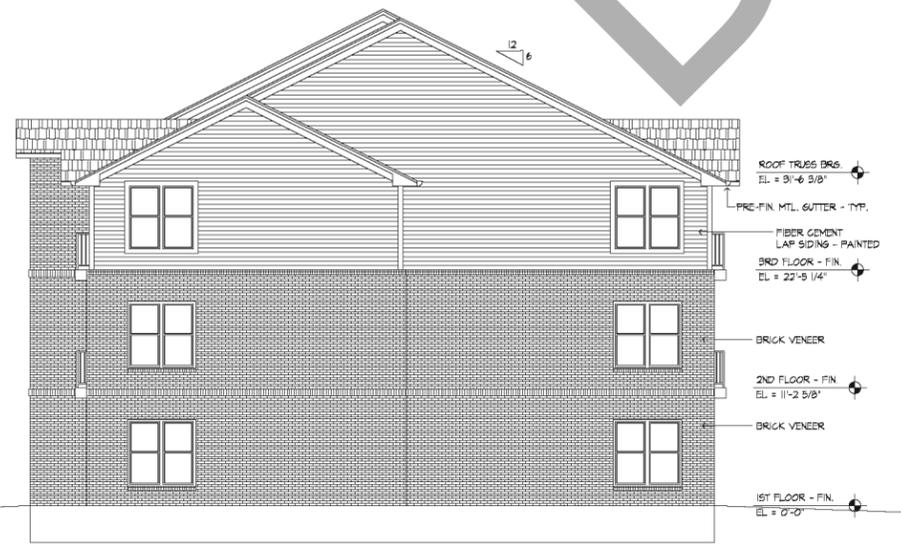
# A2.1



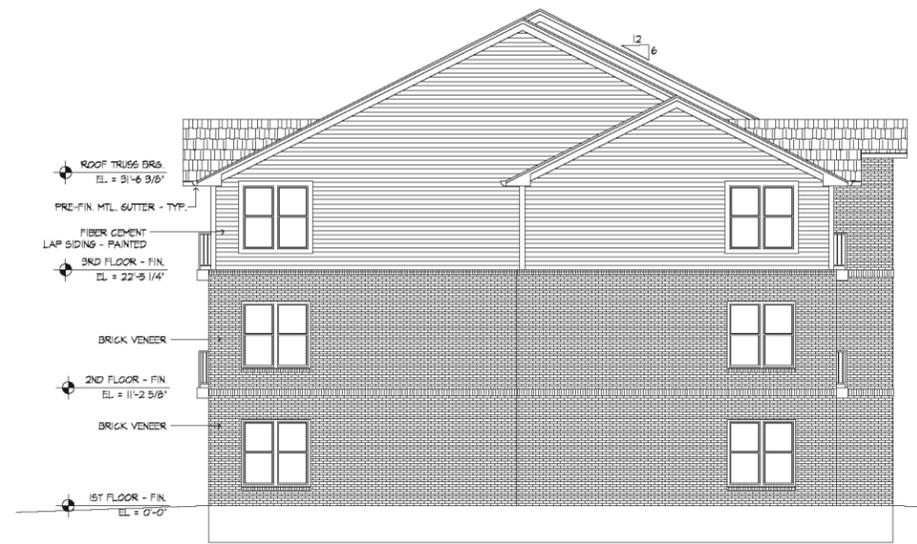
**SOUTH ELEVATION**  
 1/8" = 1'-0"



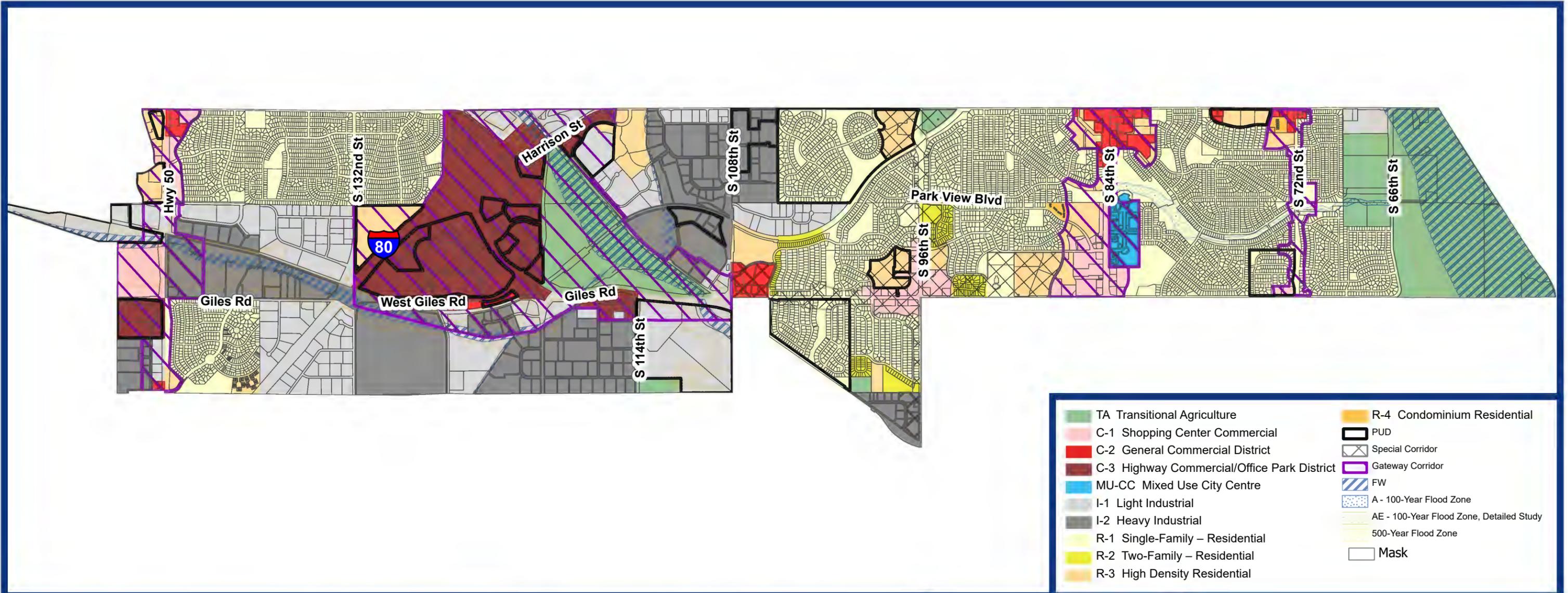
**NORTH ELEVATION**  
 1/8" = 1'-0"



**EAST ELEVATION**  
 1/8" = 1'-0"



**WEST ELEVATION**  
 1/8" = 1'-0"



8/20/2024  
 Drawn By: CB



**City of La Vista**  
**Official Zoning Map**  
 Adopted December 18, 2018  
 Updated August 20, 2024  
 Ordinance Number \_\_\_\_\_

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

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

**SYNOPSIS**

A resolution has been prepared for Council to consider an application by Krishna, LLC for 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. The purpose of the applicant’s requests is to allow for the construction of an additional apartment building (multiple-family dwellings) with 33 units as part of the Bear Creek Apartments.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A resolution has been prepared for Council to consider 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.

The applicant is seeking to construct an additional apartment building on a parcel adjacent to their existing building on the southwest corner of S. 144<sup>th</sup> Street and Harrison Street, which they acquired from Sarpy County in 2022. This necessitates adjusting the property lines between the parcels now owned by Krishna, LLC in order to contain the entirety of proposed new building onto one parcel.

A detailed staff report is attached.

The Planning Commission reviewed the applicant’s replat application initially on June 6, 2024, and expressed concerns regarding the maintenance of the existing Bear Creek facility. They voted to table the applicant’s agenda items until a later meeting and requested additional information from the applicant. The applicant made some changes to their operations plan and presented some additional information at a subsequent public hearing on August 1, 2024 to address the concerns of the Planning Commission, and the Planning Commission voted 5-0-0 to recommend approval of the Replat subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, and the Conditional Use Permit.

**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 August 1, 2024, 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 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

ATTEST:

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

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



**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



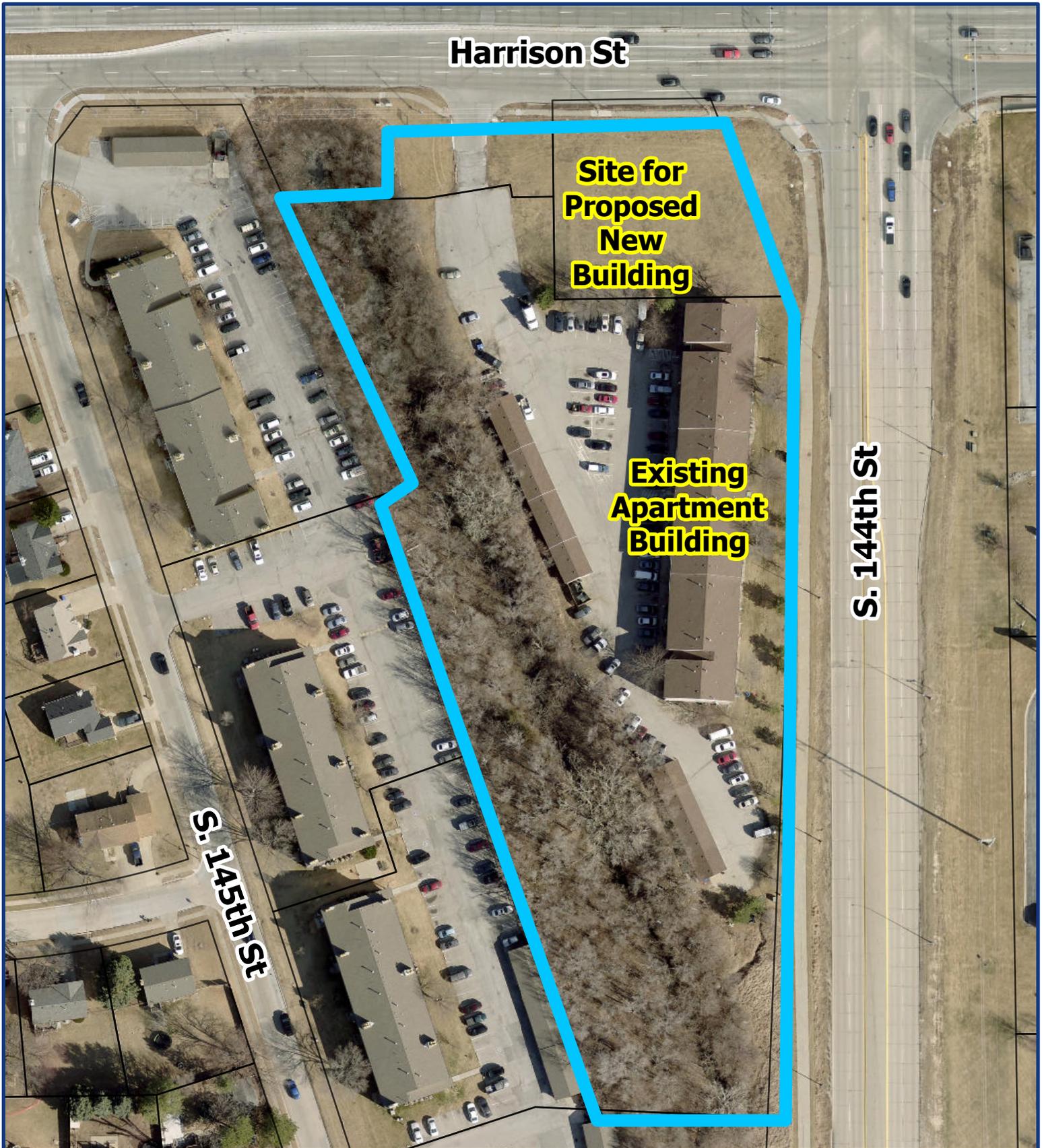
Prepared by: Associate City Planner



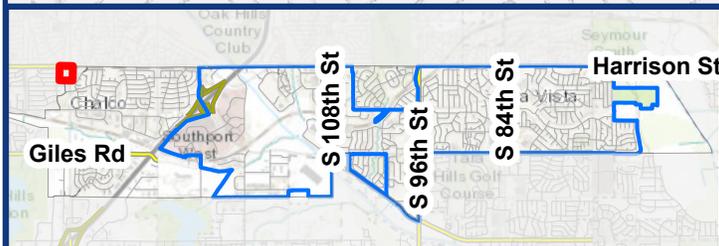
8/12/24

Community Development Director

Date



## 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](#)

---

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)

Accountability | Integrity | Public Service

[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**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 <csolberg@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

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.

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

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](mailto: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 know 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.

A handwritten signature in black ink, appearing to read 'T. Veskrna', followed by a long horizontal line extending to the right.

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.

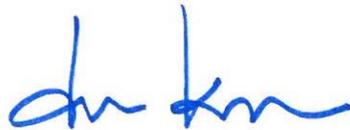
Recommend landscape along Harrison Street and 144<sup>th</sup> Steet which includes elements from Appendices B and C from the Architectural and Site Design Guidelines for the Southport Development. These items include but are not limited to berms, street trees, shrubs and other low plantings.

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

# 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.

### 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 466.25 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 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.



NICHOLAS P. SIEDSCHLAG  
NEBRASKA RLS #775

JANUARY 5, 2024  
DATE

consider updating

### 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 THEM OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

KRISHNA, LLC., FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC.  
A NEBRASKA LIMITED LIABILITY COMPANY A NEBRASKA LIMITED LIABILITY COMPANY

BY: TITLE BY: TITLE

### ACKNOWLEDGMENT 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

### ACKNOWLEDGMENT 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

### 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

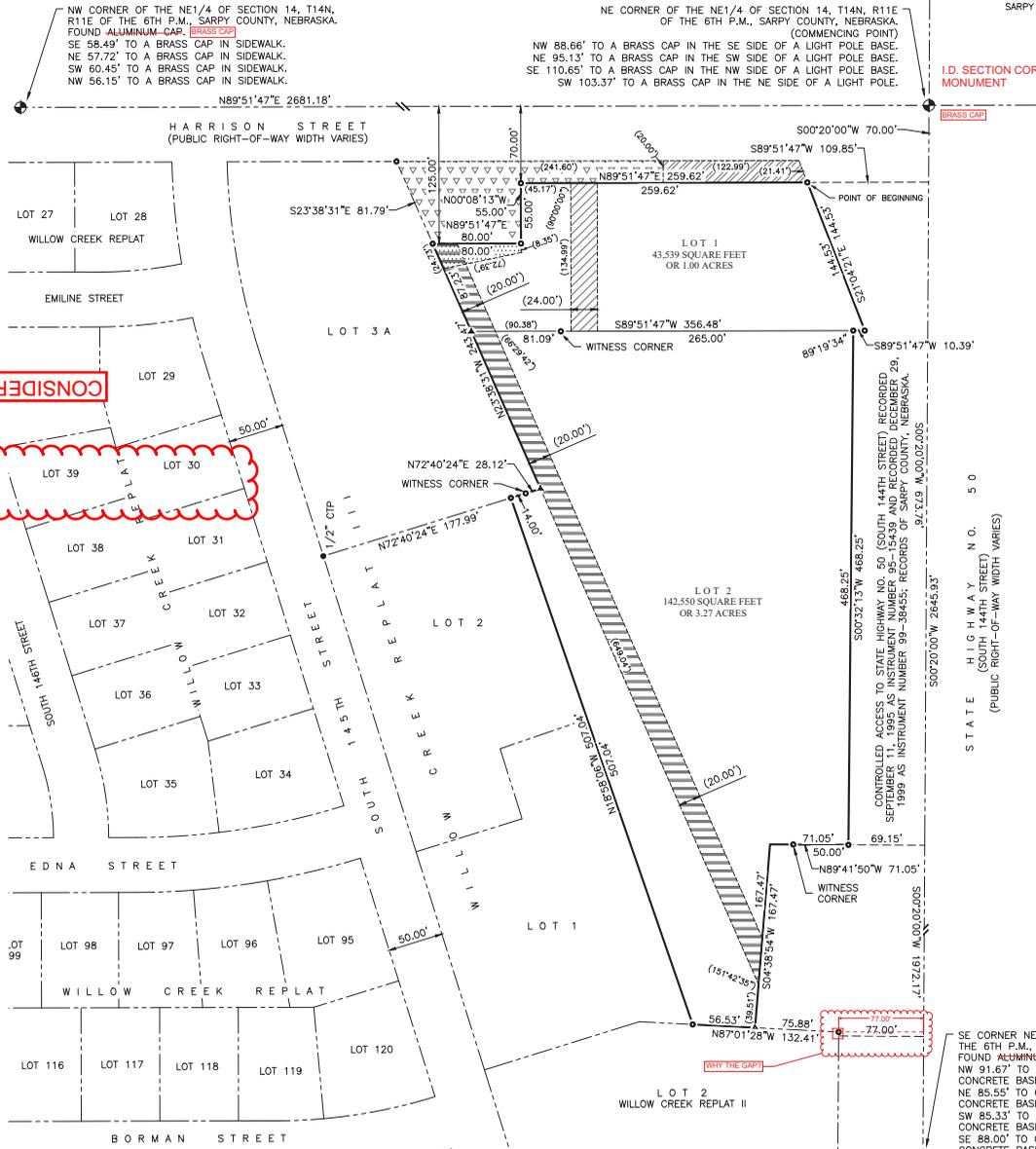
- PROPERTY CORNER FOUND
- PROPERTY CORNER SET (5/8" REBAR W/CAP #775)
- CALCULATED POINT
- SECTION CORNER SYMBOL IN LEGEND

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. 2022-10621; RECORDS OF SARPY COUNTY, NEBRASKA.



CONSIDER UPDATING

I.D. SECTION CORNER MONUMENT

STATE HIGHWAY NO. 50  
(PUBLIC RIGHT-OF-WAY WIDTH VARIES)

SE CORNER NE 1/4 SECTION 14, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. FOUND REBAR W/CAP #775. NW 91.67' TO CHISELED "X" IN EAST SIDE OF CONCRETE BASE FOR STREET SIGNAL POLE NE 85.55' TO CHISELED "X" IN SOUTH SIDE OF CONCRETE BASE FOR STREET SIGNAL POLE SW 85.33' TO CHISELED "X" IN NE CORNER OF CONCRETE BASE FOR STREET SIGNAL POLE SE 88.00' TO CHISELED "X" IN WEST SIDE OF CONCRETE BASE FOR STREET SIGNAL POLE

WHY THE GAP?



thompson, dreessen & dornier, 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

Exhibit C

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: NPS  
Date: JANUARY 5, 2024  
Book:  
Pages: CONSIDER UPDATING

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 Dreesen; 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



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 <dudreessen@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 <dudreessen@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



**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](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)>;  
[rmeyer@meyerarchitecture.com](mailto:rmeyer@meyerarchitecture.com); Doug Dreessen <[dudreessen@td2co.com](mailto:dudreessen@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  
[jiang@langlawllc.com](mailto:jiang@langlawllc.com)

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

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 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.  
**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.

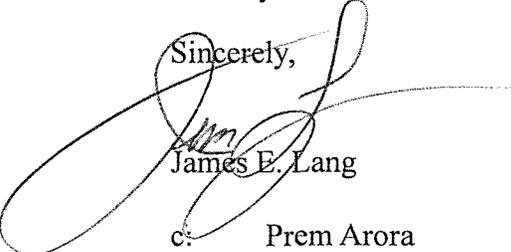
In response to paragraph 4, concerning the fire inspector response, the applicant has received Nicholas Gunia's email dated May 6, 2024 and is in the process of obtaining a cost estimate for the installation of the fire hydrant near the corner of the entry of the complex. Once the applicant has this, 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 Veskrna

# NEBRASKA

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 Kramer, Director

**Department of Transportation**

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

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

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

















# 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.

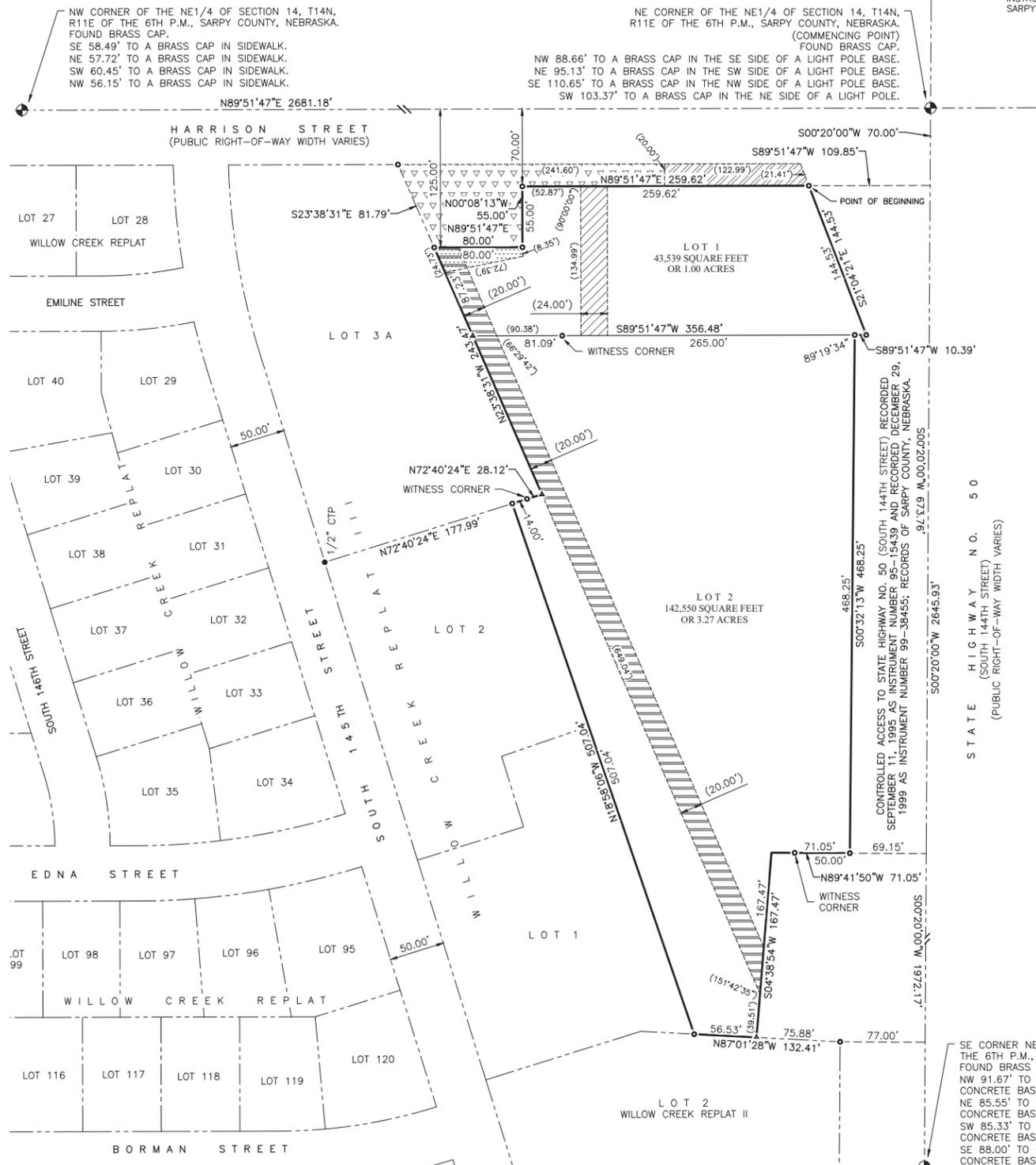
### NOTES

- 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 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.

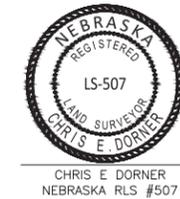


### SURVEYOR'S CERTIFICATE

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 N1°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

### 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 ERCT, 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 \_\_\_\_\_, 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

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



thompson, dreesen & dörner, 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



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

CITY OF LAVISTA  
CONDITIONAL USE PERMIT

**Conditional Use Permit for Multiple Family Dwellings  
(Bear Creek Apartments)**

Lots 1 and 2 Willow Creek Replat Four

This Conditional Use Permit is issued this 20th day of August 2024 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Krishna, L.L.C., a Nebraska limited liability company, ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner owns real property within the City of La Vista's extraterritorial zoning jurisdiction legally described as:

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

WHEREAS, Owner owns and operates a multiple family dwelling complex, garages, parking and other improvements known as the Bear Creek Apartments upon Lot 2 of the Property:

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing an additional building and related improvements on Lot 1 of the Property, and owning and operating such building and improvements as a multiple family dwelling together with building and other improvements on Lot 2 as a single, unitary multiple family dwelling complex; and

WHEREAS, in connection with such application, the City inspected existing building and other improvements on Lot 2 of the Property under the City building code and identified a number of violations that since have been corrected. To induce the City to issue this Permit Owner (i) represents to the City that it implemented a preventive maintenance plan for the Property and the Property and all existing or future improvements on the Property will satisfy and continue to comply with the City building code, and (ii) proposes to subject the Property to the City of La Vista Rental Inspection Program, and specifically that Owner and the Property and all existing and future building and other improvements on Lot 1 and Lot 2 of the Property shall satisfy all requirements of the City of La Vista Rental Inspection Program applicable to residential dwellings in the City.

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 and on such conditions and the terms and conditions provided in this permit (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to construct additional improvements on Lot 1 and use the Property and all improvements on the Property for the purposes described above ("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. Breach of any terms hereof shall cause Permit to expire and terminate without any further action of the City.

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. The Uses and 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. Any proposed additions or changes to the Permitted Uses or operations on the Property shall require such reviews, amendments to this Conditional Use Permit and approvals as City Planner determines necessary or appropriate.
- c. Architectural review of the plans for building design, landscaping, and lighting on Lot 1 of the Property must be completed and approved to the satisfaction of the City Planner 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 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 such approval as the Chief Building Official determines necessary or appropriate. Modification of any other document or Exhibit shall be subject to such approval of the City as determined by the City Administrator, or City Administrator's designee, as he or she determines necessary or appropriate.
- e. All signage, including without limitation design, location, placement and dimensions, shall be in accordance the La Vista Zoning Ordinance and all other applicable requirements and subject to such approval as the Community Development Director or such Director's designee as he or she determines necessary or appropriate, .
- 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 at any time parking demand exceeds parking supply on either or both Lots 1 and 2 Willow Creek Replat Four, Owner immediately shall remove or cause the removal of vehicles to correct the excess and take such actions and implement such measures to prevent the excess from reoccurring, including without limitation implementing the measures identified in the Operating Statement attached as Exhibit "C", towing vehicles, and instituting lease restrictions on the number of vehicle parking stalls dedicated for each apartment unit.
- h. Owner shall obtain all required permits in connection with 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.
- 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 within 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 adjacent to the Property are maintained and repaired in good condition, or replaced, and kept free of snow and vegetation.
  - r. The Owner by and as a condition of this Permit irrevocably dedicates the Property and subjects it to the City of La Vista Rental Inspection Program set forth in Sections 150.60 through 150.69 of the La Vista Municipal Code, as amended or superseded from time to time, and agrees that, on and after the date this Permit is issued, the Property, Owner, Owner's agent and all residential dwelling units and other improvements on Lot 1 or Lot 2, Willow Creek Replat Four, shall satisfy and be subject to all terms, conditions and requirements of the Rental Inspection Program that apply to residential rental dwellings in the City, their Owners or agents, including without limitation rental licensing requirements, periodic inspections, correction of violations, and enforcement, notwithstanding anything in the Rental Inspection Program to the contrary regarding the scope of the Program. Not in limitation of the foregoing, Owner shall complete and file an application and pay the corresponding fee for a rental license under the Rental Inspection Program not later than ten business days after the City Council approves this Permit, and before the City delivers this Permit to Owner for recording.
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) upon a finding by the City that there is a violation of the terms of this Permit.
  - b. Construction will be in accordance with the City Building Code.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard or that are in disrepair or constitute a nuisance 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 Permitted Uses on Lot 1 of the Property have been abandoned if the Owner fails to commence construction of the buildings on Lot 1 within the time provided by Section 5 below.
  - b. Cancellation, revocation, denial or failure to obtain or maintain any federal, state or local permit required for the Uses.
  - 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 within ten (10) days after City's giving notice thereof.
  - d. Owner's breach of other terms hereof and its failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If construction of the multiple family, parking and other improvements on Lot 1 of the Property has not been commenced within twelve (12) months, and fully completed within 24 months, from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse with respect to Lot 1; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista

Zoning Ordinance. Any request or grant of an extension shall be in writing.

6. If the Owner fails to promptly remove any safety, environmental or other hazard or nuisance from the premises, or 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 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 Property and take whatever action as may be necessary or appropriate to carry out this section 6 or 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 the Owner, its successors and assigns, and enforceable by the City.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof, or to exercise any other rights under this Permit, shall not constitute a waiver of City's right to terminate or exercise any other rights under this Permit, unless the City has expressly waived said breach or such other rights in writing. 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, or waiver of any other rights.
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.
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 and with the Sarpy County Register of Deeds signed originals hereof

THE CITY OF LA VISTA

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

Attest:

\_\_\_\_\_  
Pamela A Buethe, MMC  
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF SARPY            )

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

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



# 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.

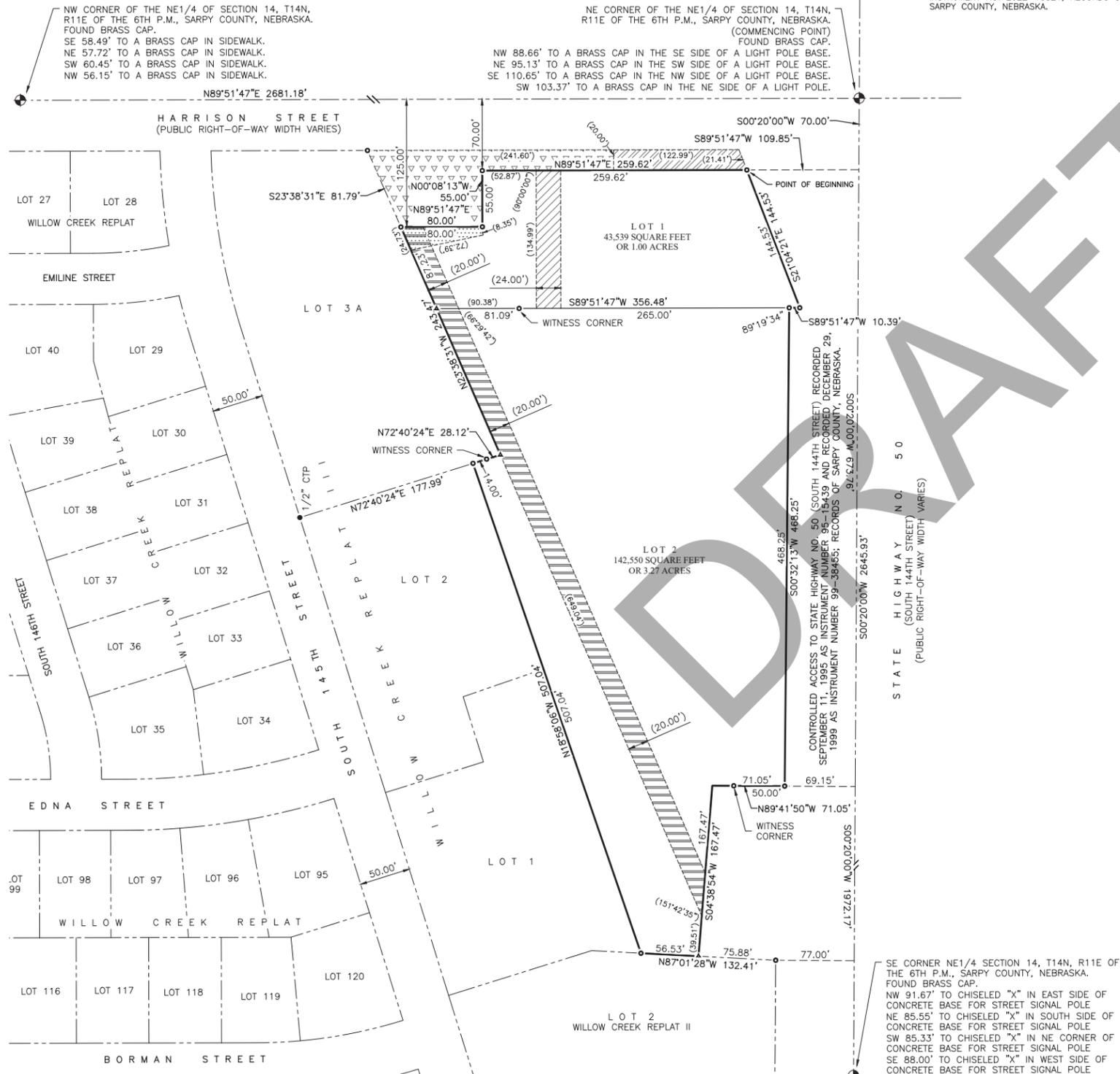
### NOTES

- 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 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.

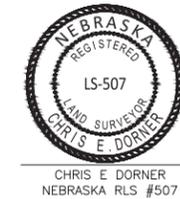


### SURVEYOR'S CERTIFICATE

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 N1°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

### 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 \_\_\_\_\_, 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

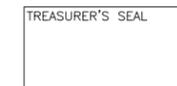
THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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 \_\_\_\_\_



### 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 \_\_\_\_\_



thompson, dreesen & dörner, 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

## Exhibit A

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



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



## 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





Meyer & Associates, Architects  
 11602 W. Center Rd., Suite 300  
 Omaha, NE 68144  
 402.391.1823 @  
 www.meyerandassociates.com

# Exhibit E

## CONSTRUCTION DOCUMENTS FOR: BEAR CREEK APARTMENTS

LA VISTA, NEBRASKA

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

Meyer & Associates, Architects • 2023  
 DESIGN AND CONSTRUCTION DOCUMENTS AS INSTRUMENTS OF SERVICE ARE GIVEN IN CONFIDENCE AND REMAIN THE PROPERTY OF THE ARCHITECTURAL OFFICES OF MEYER & ASSOCIATES. THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN MAY NOT BE REPRODUCED OR EXERCISED FROM, WITHOUT EXPRESS WRITTEN PERMISSION OF THE ARCHITECTURAL OFFICES OF MEYER & ASSOCIATES. UNAUTHORIZED DISCLOSURE OR CONSTRUCTION USE ARE PROHIBITED BY COPYRIGHT LAW.

REVISIONS:

DRAWN BY: RKM  
 ISSUED: PRELIMINARY  
 DATE: FEB. 1, 2023  
 PROJECT NO:  
 SHEET NO:

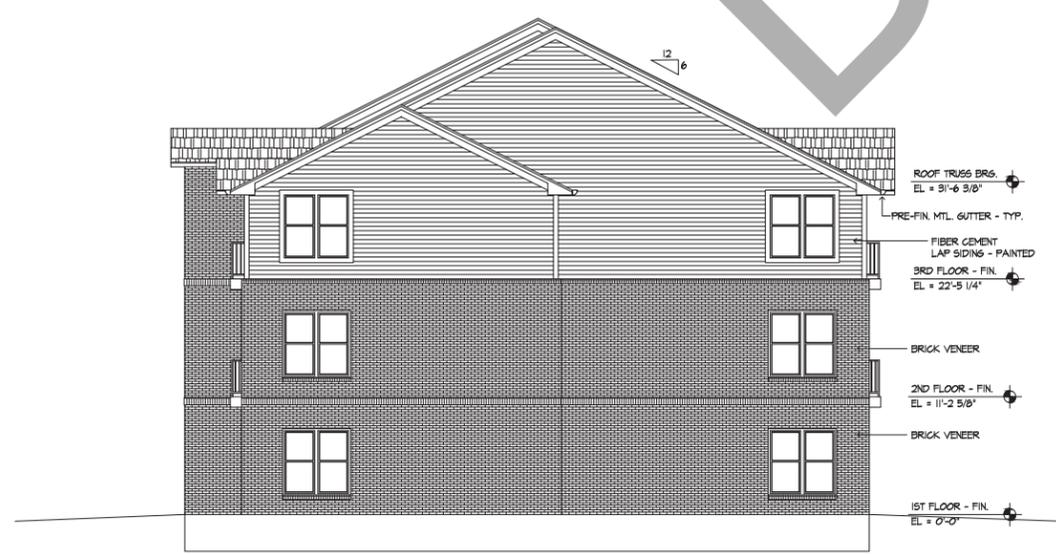
# A2.1



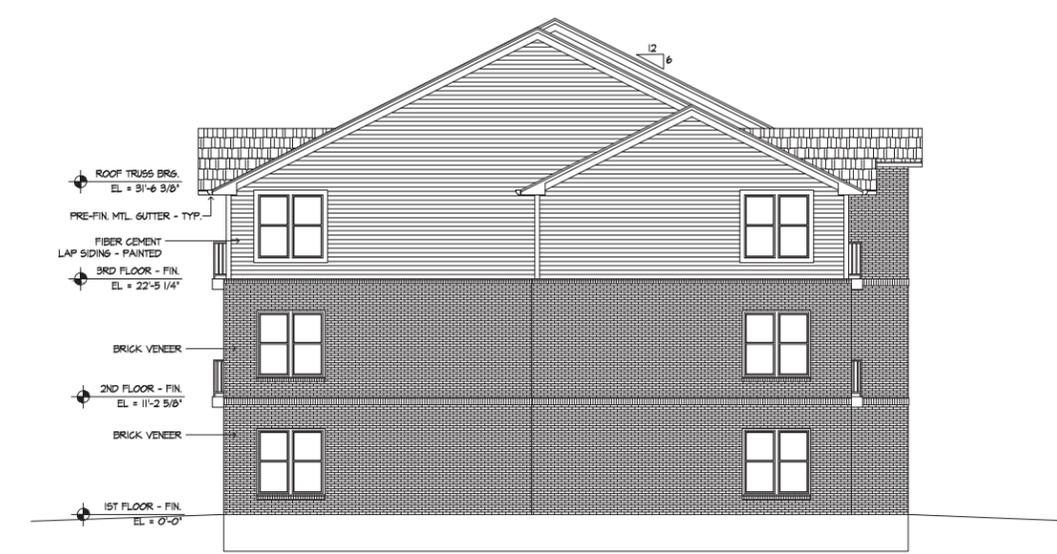
**SOUTH ELEVATION**  
 1/8" = 1'-0"



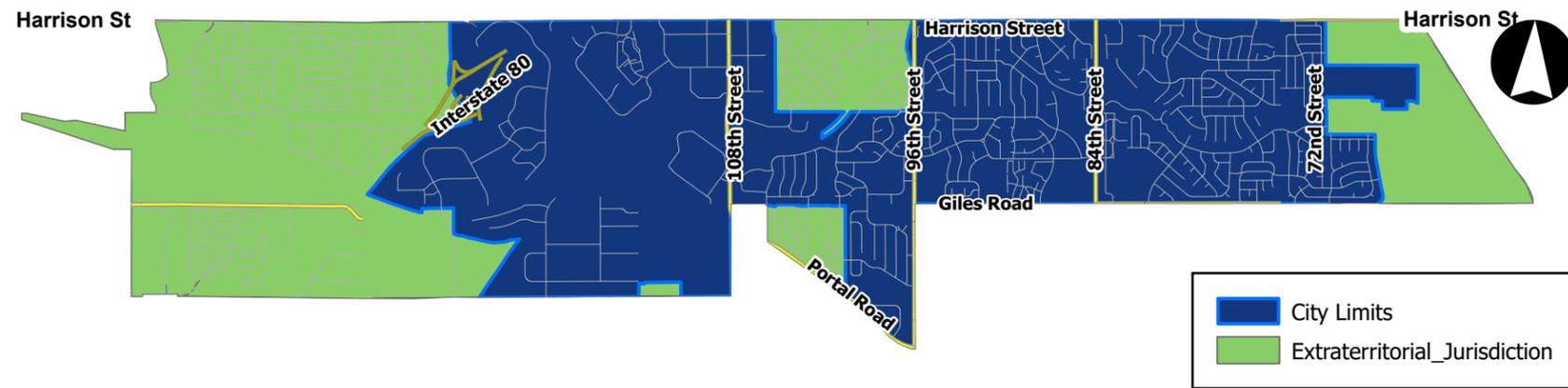
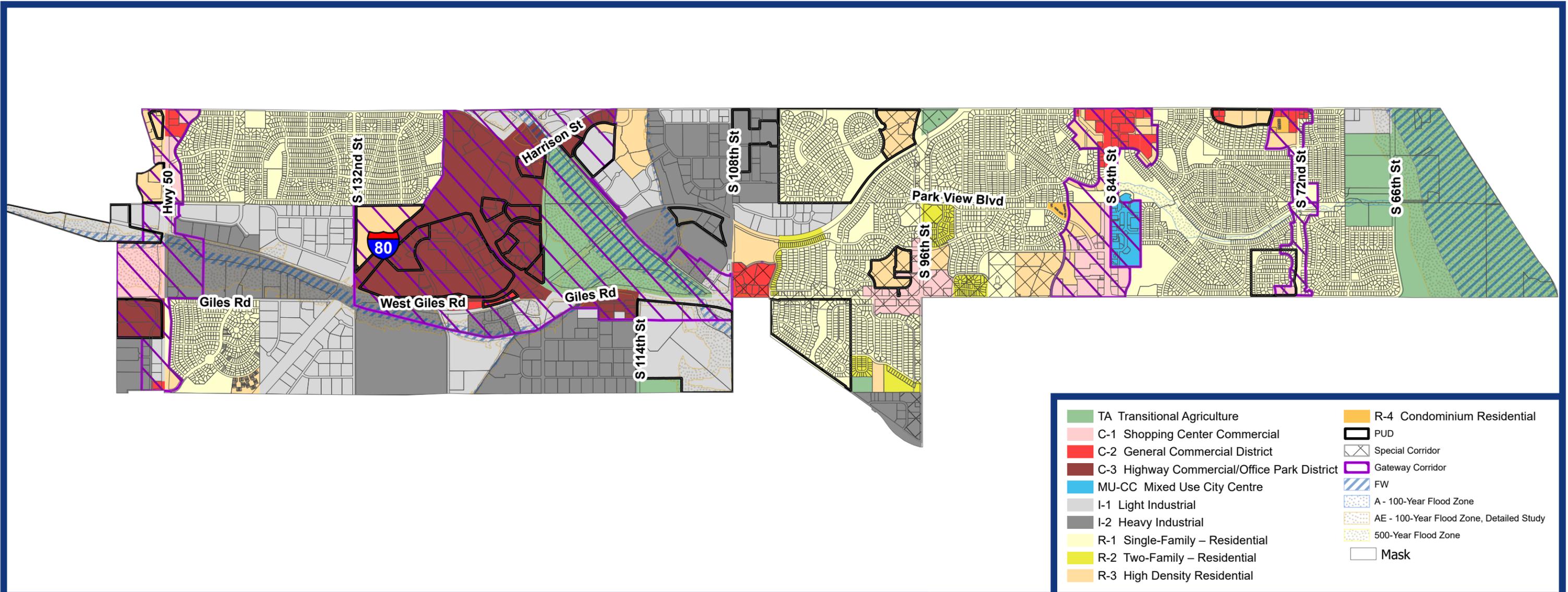
**NORTH ELEVATION**  
 1/8" = 1'-0"



**EAST ELEVATION**  
 1/8" = 1'-0"



**WEST ELEVATION**  
 1/8" = 1'-0"



8/20/2024  
 Drawn By: CB



**City of La Vista**  
**Official Zoning Map**  
 Adopted December 18, 2018  
 Updated August 20, 2024  
 Ordinance Number \_\_\_\_\_

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT – BEAR CREEK APARTMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSOCIATE CITY PLANNER

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit for Krishna, LLC to allow for the construction and operation of a new apartment building with 33 units as part of the Bear Creek Apartments on proposed Lots 1 and 2 Willow Creek Replat Four, located southwest of the intersection of S. 144<sup>th</sup> Street and Harrison Street.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and a resolution prepared to approve of a Conditional Use Permit for Krishna, LLC for Multiple Family Dwellings 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.

The applicant currently operates the Bear Creek Apartments with a single apartment building containing 54 units and detached garage buildings containing 24 garage stalls. They are seeking to construct an additional apartment building with 33 units on a parcel adjacent to their existing building on the southwest corner of S. 144<sup>th</sup> Street and Harrison Street, which they acquired from Sarpy County in 2022. The property is zoned R-3 High-Density Residential in which “Multiple Family Dwellings” is a permitted conditional use, per Section 5.08.03 of the La Vista Zoning Ordinance. The existing building on the property was constructed in 2000 prior to the property being incorporated into the City’s extraterritorial jurisdiction, making the existing use legally non-conforming. This conditional use permit would both allow for the new construction and bring the existing facility into compliance with the City’s zoning requirements.

A detailed staff report, and the draft conditional use permit is attached. One requirement of the conditional use permit is for the applicant to adhere to the requirements of the City’s Rental Inspection Program.

The Planning Commission held an initial public hearing on June 6, 2024, and expressed concerns regarding the maintenance of the existing Bear Creek facility. They voted to table the applicant’s agenda items until a later meeting and requested additional information from the applicant. The applicant made some changes to their operations plan and presented some additional information at a subsequent public hearing on August 1, 2024 to address the concerns of the Planning Commission, and the Planning Commission voted 5-0-0 to recommend approval of the Conditional Use Permit, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan and Ordinance, and Replat.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR KRISHNA, LLC TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF MULTI-FAMILY RESIDENTIAL APARTMENTS ON LOTS 1 AND 2 WILLOW CREEK REPLAT FOUR.

WHEREAS, Krishna, LLC has applied for a Conditional Use Permit to allow for the construction and operation multi-family residential apartment units on Lots 1 and 2 Willow Creek Replat Four; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Krishna, LLC to allow for the construction and operation of multi-family residential apartment units on Lots 1 and 2 Willow Creek Replat Four.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



**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 mutli-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



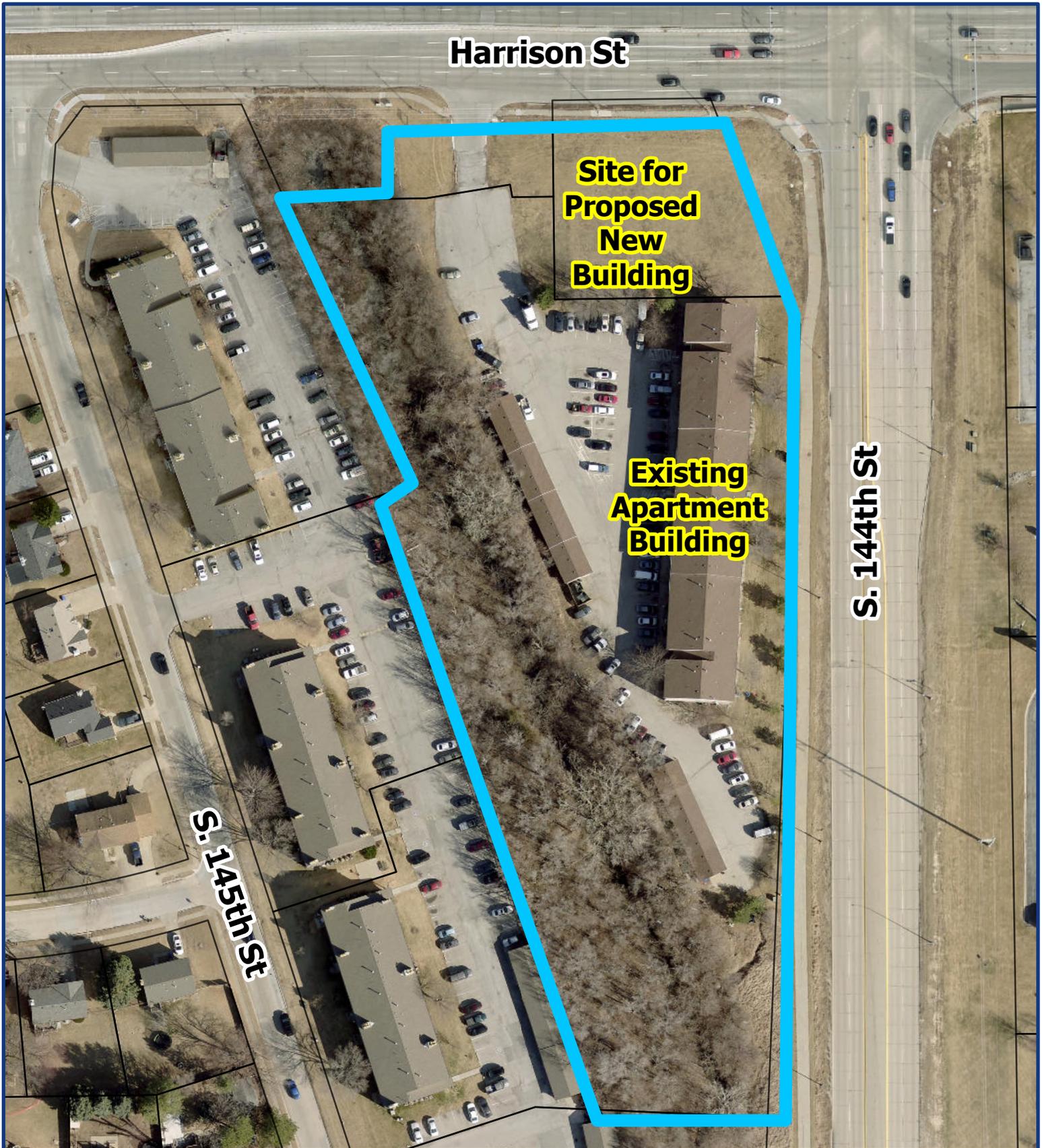
Prepared by: Associate City Planner



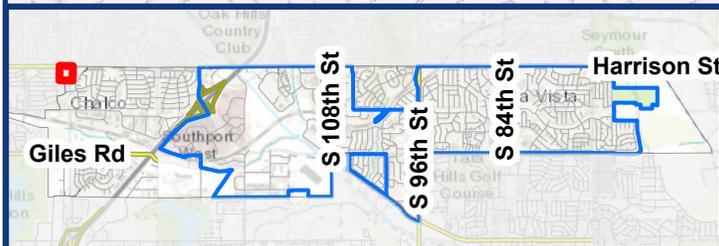
8/12/24

Community Development Director

Date



## 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](#)

---

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)

Accountability | Integrity | Public Service

[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**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 <csolberg@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

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.

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

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](mailto: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 know 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.

A handwritten signature in black ink, appearing to read 'T. Veskrna', followed by a long horizontal line extending to the right.

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.

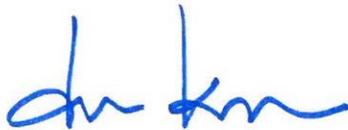
Recommend landscape along Harrison Street and 144<sup>th</sup> Steet which includes elements from Appendices B and C from the Architectural and Site Design Guidelines for the Southport Development. These items include but are not limited to berms, street trees, shrubs and other low plantings.

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

# 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.

### 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) 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 SAID 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.



NICHOLAS P. SIEDSCHLAG  
NEBRASKA RLS #775

JANUARY 5, 2024  
DATE

consider updating

### 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 THEM OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

KRISHNA, LLC., FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC.  
A NEBRASKA LIMITED LIABILITY COMPANY A NEBRASKA LIMITED LIABILITY COMPANY

BY: TITLE BY: TITLE

### ACKNOWLEDGMENT 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

### ACKNOWLEDGMENT 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

### 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

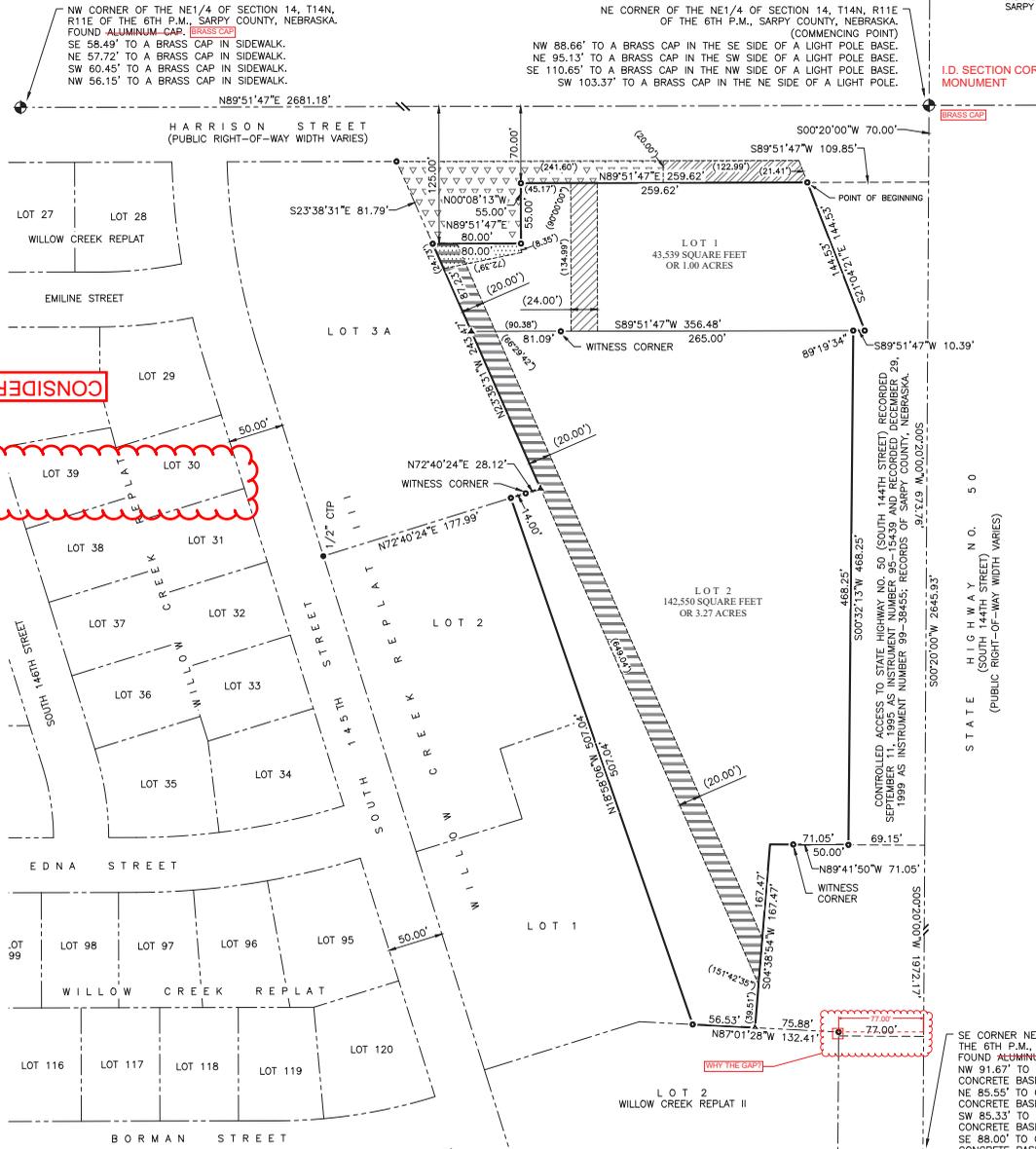
- PROPERTY CORNER FOUND
- PROPERTY CORNER SET (5/8" REBAR W/CAP #775)
- CALCULATED POINT
- SECTION CORNER SYMBOL IN LEGEND

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. 2022-10621; RECORDS OF SARPY COUNTY, NEBRASKA.



CONSIDER UPDATING

I.D. SECTION CORNER MONUMENT

BRASS CAP

WITNESS CORNER

SE CORNER NE 1/4 SECTION 14, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. FOUND REBAR W/CAP #775. NW 91.67' TO CHISELED "X" IN EAST SIDE OF CONCRETE BASE FOR STREET SIGNAL POLE NE 85.55' TO CHISELED "X" IN SOUTH SIDE OF CONCRETE BASE FOR STREET SIGNAL POLE SW 85.33' TO CHISELED "X" IN NE CORNER OF CONCRETE BASE FOR STREET SIGNAL POLE SE 88.00' TO CHISELED "X" IN WEST SIDE OF CONCRETE BASE FOR STREET SIGNAL POLE

WHY THE GAP?



thompson, dreessen & dornier, 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

Exhibit C

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: NPS  
Date: JANUARY 5, 2024  
Book:  
Pages: CONSIDER UPDATING

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 Dreesen; 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



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 <dudreessen@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 <dudreessen@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



**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 <[jiang@langlawllc.com](mailto:jiang@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)>;  
[rmeyer@meyerarchitecture.com](mailto:rmeyer@meyerarchitecture.com); Doug Dreessen <[dudreessen@td2co.com](mailto:dudreessen@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  
[jiang@langlawllc.com](mailto:jiang@langlawllc.com)

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

**\*\*This message originated from an External Source. Use caution when opening attachments, clicking links, or responding to this email.\*\***  
**Use the "Phish Alert" button if you think this email is malicious.**

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 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.  
**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.

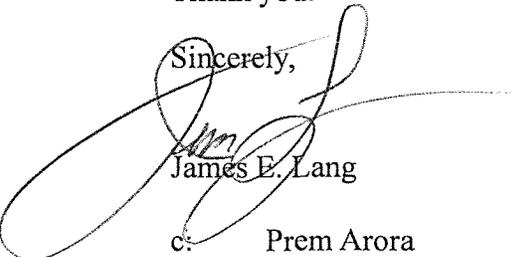
In response to paragraph 4, concerning the fire inspector response, the applicant has received Nicholas Gunia's email dated May 6, 2024 and is in the process of obtaining a cost estimate for the installation of the fire hydrant near the corner of the entry of the complex. Once the applicant has this, 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 Veskrna

# NEBRASKA

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 Kramer, Director

**Department of Transportation**

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

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

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

















# 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 PARENTHESIS PERTAIN TO EASEMENTS.

### LEGEND

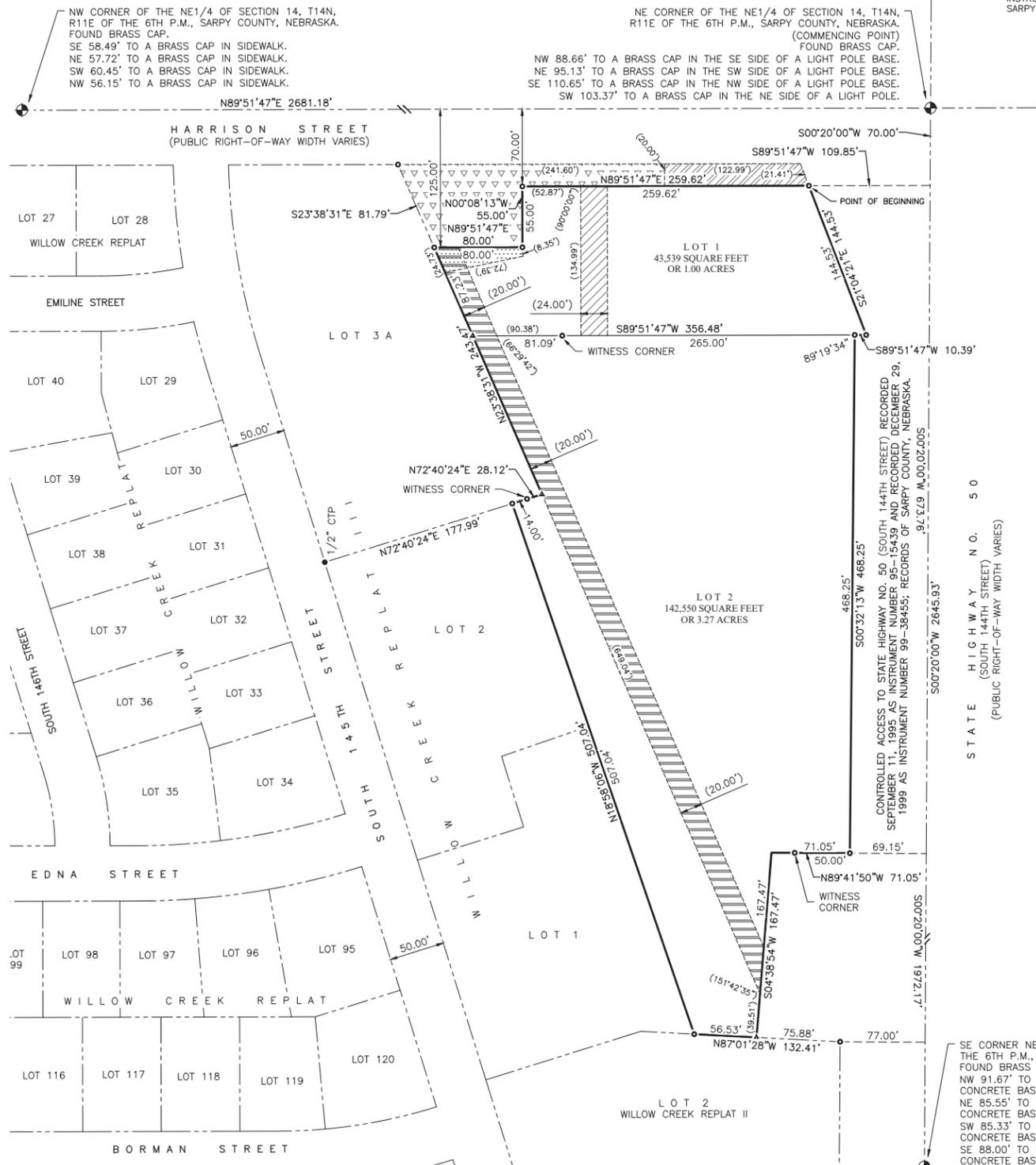
- PROPERTY CORNER FOUND
- PROPERTY CORNER SET (5/8" REBAR W/CAP #775)
- CALCULATED POINT
- SECTION CORNER

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.

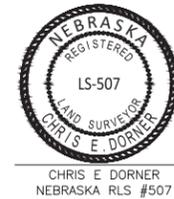


### SURVEYOR'S CERTIFICATE

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 N1°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

### 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 ERCT, 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 \_\_\_\_\_, 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

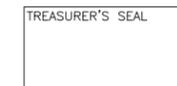
THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

### 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



### 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



thompson, dreesen & dörner, 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

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



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

CITY OF LAVISTA  
CONDITIONAL USE PERMIT

**Conditional Use Permit for Multiple Family Dwellings  
(Bear Creek Apartments)**

Lots 1 and 2 Willow Creek Replat Four

This Conditional Use Permit is issued this 20th day of August 2024 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Krishna, L.L.C., a Nebraska limited liability company, ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner owns real property within the City of La Vista's extraterritorial zoning jurisdiction legally described as:

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

WHEREAS, Owner owns and operates a multiple family dwelling complex, garages, parking and other improvements known as the Bear Creek Apartments upon Lot 2 of the Property:

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing an additional building and related improvements on Lot 1 of the Property, and owning and operating such building and improvements as a multiple family dwelling together with building and other improvements on Lot 2 as a single, unitary multiple family dwelling complex; and

WHEREAS, in connection with such application, the City inspected existing building and other improvements on Lot 2 of the Property under the City building code and identified a number of violations that since have been corrected. To induce the City to issue this Permit Owner (i) represents to the City that it implemented a preventive maintenance plan for the Property and the Property and all existing or future improvements on the Property will satisfy and continue to comply with the City building code, and (ii) proposes to subject the Property to the City of La Vista Rental Inspection Program, and specifically that Owner and the Property and all existing and future building and other improvements on Lot 1 and Lot 2 of the Property shall satisfy all requirements of the City of La Vista Rental Inspection Program applicable to residential dwellings in the City.

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 and on such conditions and the terms and conditions provided in this permit (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to construct additional improvements on Lot 1 and use the Property and all improvements on the Property for the purposes described above ("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. Breach of any terms hereof shall cause Permit to expire and terminate without any further action of the City.

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. The Uses and 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. Any proposed additions or changes to the Permitted Uses or operations on the Property shall require such reviews, amendments to this Conditional Use Permit and approvals as City Planner determines necessary or appropriate.
- c. Architectural review of the plans for building design, landscaping, and lighting on Lot 1 of the Property must be completed and approved to the satisfaction of the City Planner 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 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 such approval as the Chief Building Official determines necessary or appropriate. Modification of any other document or Exhibit shall be subject to such approval of the City as determined by the City Administrator, or City Administrator's designee, as he or she determines necessary or appropriate.
- e. All signage, including without limitation design, location, placement and dimensions, shall be in accordance the La Vista Zoning Ordinance and all other applicable requirements and subject to such approval as the Community Development Director or such Director's designee as he or she determines necessary or appropriate, .
- 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 at any time parking demand exceeds parking supply on either or both Lots 1 and 2 Willow Creek Replat Four, Owner immediately shall remove or cause the removal of vehicles to correct the excess and take such actions and implement such measures to prevent the excess from reoccurring, including without limitation implementing the measures identified in the Operating Statement attached as Exhibit "C", towing vehicles, and instituting lease restrictions on the number of vehicle parking stalls dedicated for each apartment unit.
- h. Owner shall obtain all required permits in connection with 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.
- 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 within 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 adjacent to the Property are maintained and repaired in good condition, or replaced, and kept free of snow and vegetation.
  - r. The Owner by and as a condition of this Permit irrevocably dedicates the Property and subjects it to the City of La Vista Rental Inspection Program set forth in Sections 150.60 through 150.69 of the La Vista Municipal Code, as amended or superseded from time to time, and agrees that, on and after the date this Permit is issued, the Property, Owner, Owner's agent and all residential dwelling units and other improvements on Lot 1 or Lot 2, Willow Creek Replat Four, shall satisfy and be subject to all terms, conditions and requirements of the Rental Inspection Program that apply to residential rental dwellings in the City, their Owners or agents, including without limitation rental licensing requirements, periodic inspections, correction of violations, and enforcement, notwithstanding anything in the Rental Inspection Program to the contrary regarding the scope of the Program. Not in limitation of the foregoing, Owner shall complete and file an application and pay the corresponding fee for a rental license under the Rental Inspection Program not later than ten business days after the City Council approves this Permit, and before the City delivers this Permit to Owner for recording.
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) upon a finding by the City that there is a violation of the terms of this Permit.
  - b. Construction will be in accordance with the City Building Code.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard or that are in disrepair or constitute a nuisance 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 Permitted Uses on Lot 1 of the Property have been abandoned if the Owner fails to commence construction of the buildings on Lot 1 within the time provided by Section 5 below.
  - b. Cancellation, revocation, denial or failure to obtain or maintain any federal, state or local permit required for the Uses.
  - 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 within ten (10) days after City's giving notice thereof.
  - d. Owner's breach of other terms hereof and its failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If construction of the multiple family, parking and other improvements on Lot 1 of the Property has not been commenced within twelve (12) months, and fully completed within 24 months, from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse with respect to Lot 1; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista

Zoning Ordinance. Any request or grant of an extension shall be in writing.

6. If the Owner fails to promptly remove any safety, environmental or other hazard or nuisance from the premises, or 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 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 Property and take whatever action as may be necessary or appropriate to carry out this section 6 or 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 the Owner, its successors and assigns, and enforceable by the City.
9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof, or to exercise any other rights under this Permit, shall not constitute a waiver of City's right to terminate or exercise any other rights under this Permit, unless the City has expressly waived said breach or such other rights in writing. 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, or waiver of any other rights.
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.
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 and with the Sarpy County Register of Deeds signed originals hereof

THE CITY OF LA VISTA

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

Attest:

\_\_\_\_\_  
Pamela A Buethe, MMC  
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF SARPY     )

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

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



# 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, SARY COUNTY, NEBRASKA.

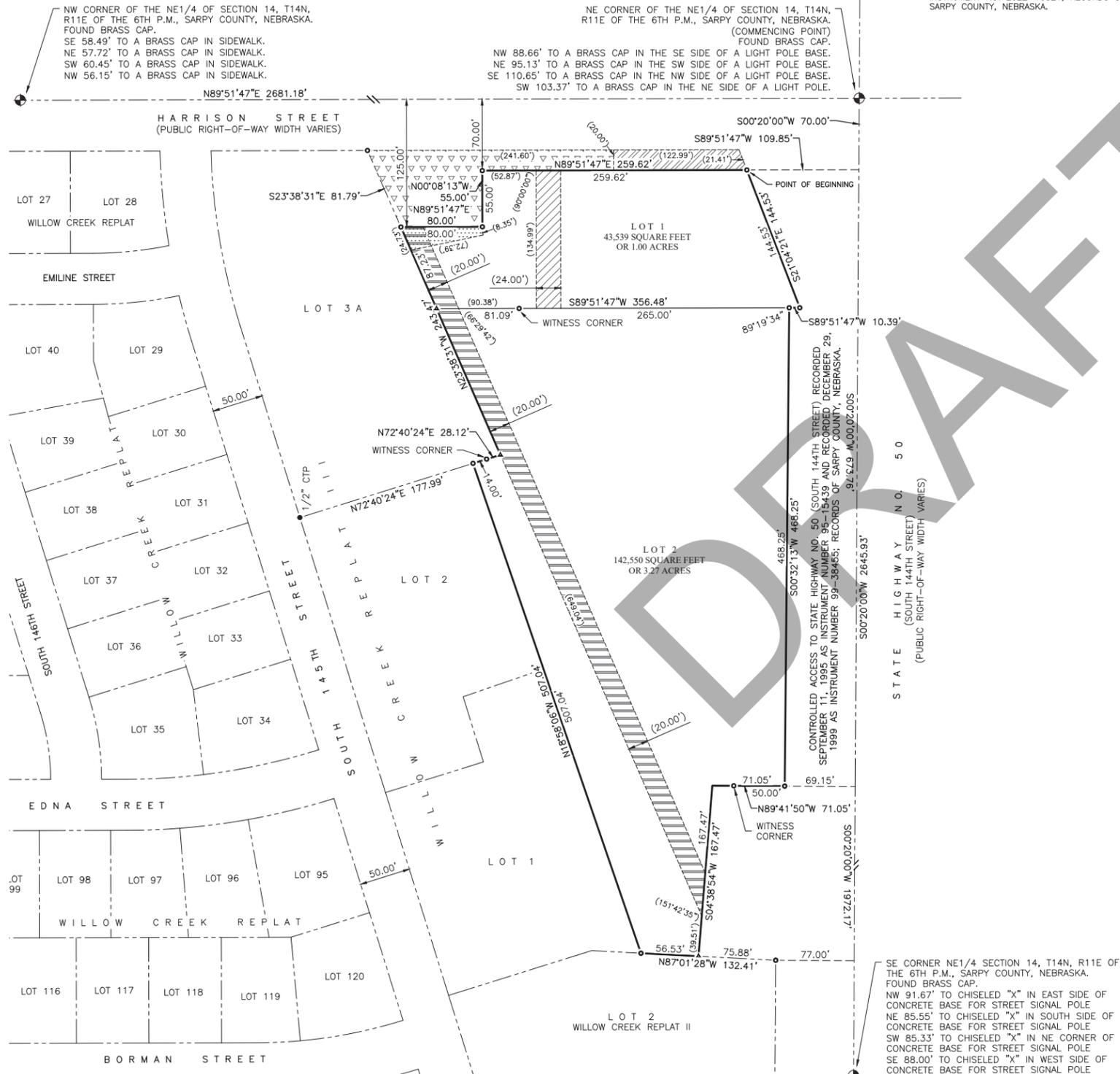
### NOTES

- 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 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 SARY COUNTY, NEBRASKA RECORDED APRIL 8, 2004 AS INSTRUMENT NUMBER 2004-12200; RECORDS OF SARY COUNTY, NEBRASKA.
- PART OF LOT 3B DEDICATED R.O.W. TO SARY COUNTY, RECORDED AUGUST 21, 1995 AS INSTRUMENT NO. 95-13707; RECORDS OF SARY COUNTY, NEBRASKA.
- PART OF LOT 240B DEDICATED R.O.W. TO SARY COUNTY, RECORDED APRIL 21, 2022 AS INSTRUMENT NO. 2022-10821; RECORDS OF SARY COUNTY, NEBRASKA.

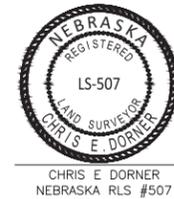


### SURVEYOR'S CERTIFICATE

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, SARY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE1/4 OF SECTION 14, T14N, R11E OF THE 6TH P.M., SARY 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 N1°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

### 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 \_\_\_\_\_, 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 \_\_\_\_\_

### SARY 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.

SARY COUNTY TREASURER \_\_\_\_\_



### REVIEW BY SARY COUNTY PUBLIC WORKS

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

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



thompson, dreesen & dörner, 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

# Exhibit A

WILLOW CREEK REPLAT FOUR  
LOTS 1 AND 2



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



## 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





Meyer & Associates, Architects  
 11602 W. Center Rd., Suite 300  
 Omaha, NE 68144  
 402.391.1823 @

www.meyerandassociates.com

# Exhibit E

## CONSTRUCTION DOCUMENTS FOR: BEAR CREEK APARTMENTS

LA VISTA, NEBRASKA

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

Meyer & Associates, Architects • 2023

DESIGN AND CONSTRUCTION DOCUMENTS AS INSTRUMENTS OF SERVICE ARE GIVEN IN CONFIDENCE AND REMAIN THE PROPERTY OF THE ARCHITECTURAL OFFICES OF MEYER & ASSOCIATES. THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN MAY NOT BE REPRODUCED OR EXCERPTED FROM, WITHOUT EXPRESS WRITTEN PERMISSION OF THE ARCHITECTURAL OFFICES OF MEYER & ASSOCIATES. UNAUTHORIZED DISCLOSURE OR CONSTRUCTION USE ARE PROHIBITED BY COPYRIGHT LAW.

REVISIONS:


DRAWN BY: RKM  
 ISSUED: PRELIMINARY  
 DATE: FEB. 1, 2023  
 PROJECT NO:

SHEET NO:

# A2.1

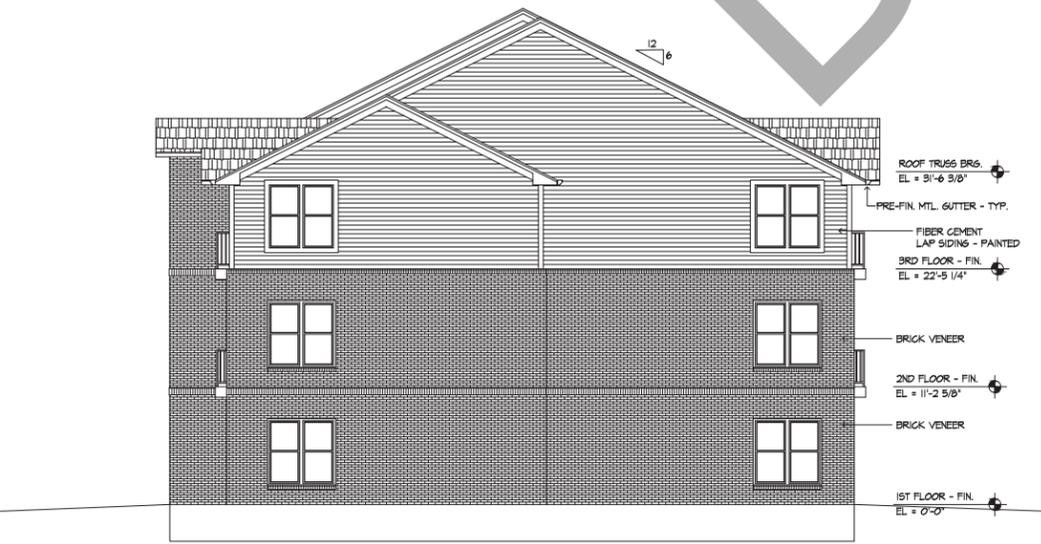


- ROOF TRUSS BRG.  
EL. = 31'-6 3/8"
- PRE-FIN. MTL. GUTTER - TYP.
- FIBER CEMENT  
LAP SIDING - PAINTED
- 3RD FLOOR - FIN.  
EL. = 22'-5 1/4"
- BRICK VENEER
- 2ND FLOOR - FIN.  
EL. = 11'-2 5/8"
- BRICK VENEER
- 1ST FLOOR - FIN.  
EL. = 0'-0"
- CONCRETE FOUNDATION  
- SEE STRUCTURAL

**SOUTH ELEVATION**  
 1/8" = 1'-0"

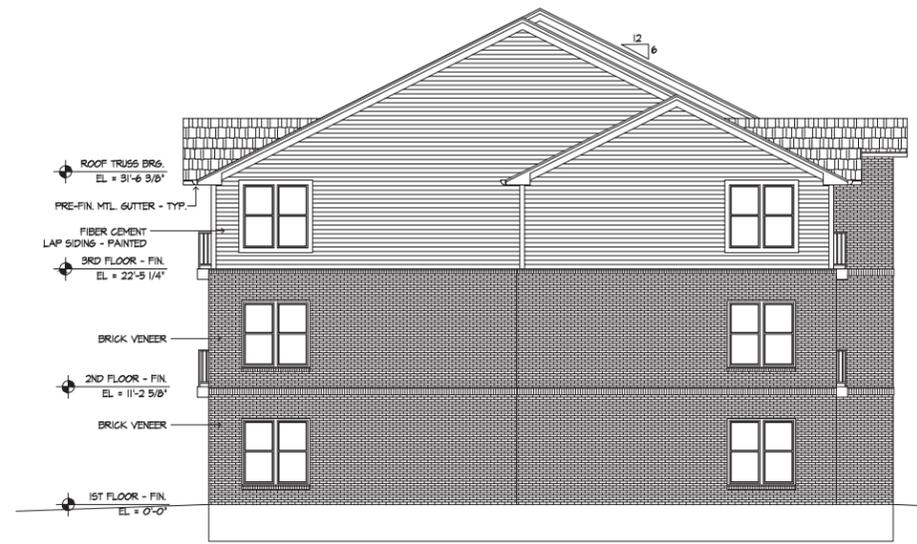


**NORTH ELEVATION**  
 1/8" = 1'-0"



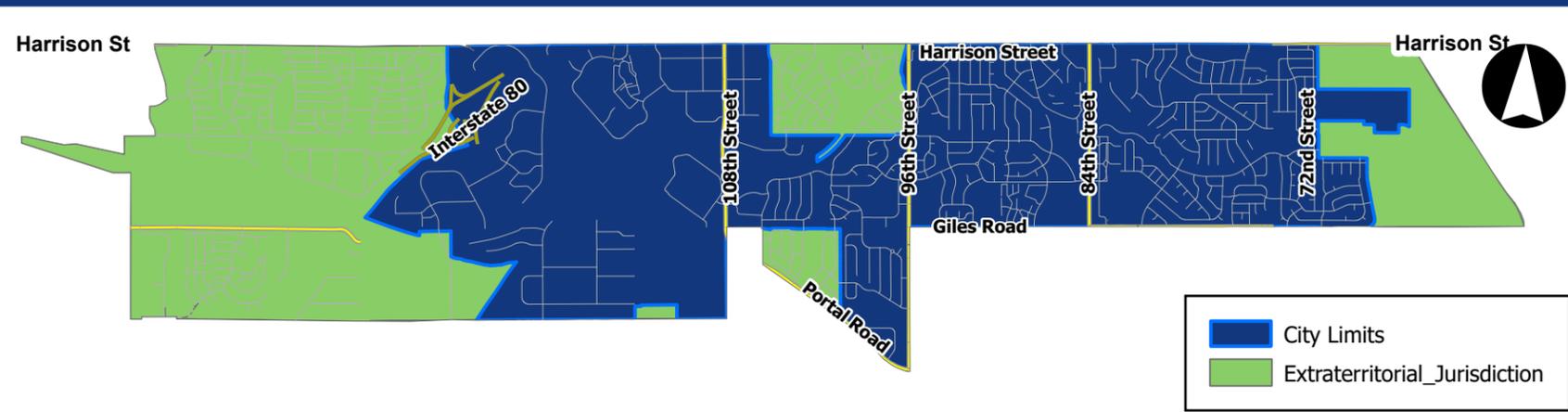
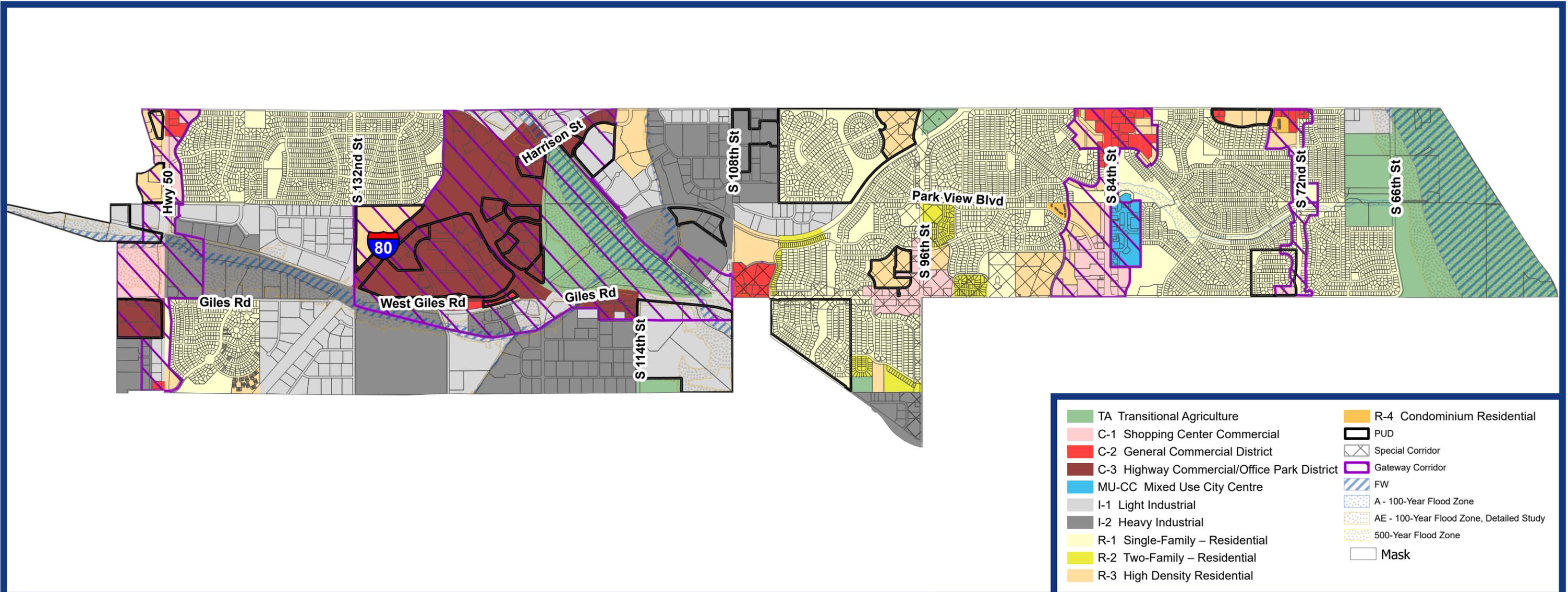
- ROOF TRUSS BRG.  
EL. = 31'-6 3/8"
- PRE-FIN. MTL. GUTTER - TYP.
- FIBER CEMENT  
LAP SIDING - PAINTED
- 3RD FLOOR - FIN.  
EL. = 22'-5 1/4"
- BRICK VENEER
- 2ND FLOOR - FIN.  
EL. = 11'-2 5/8"
- BRICK VENEER
- 1ST FLOOR - FIN.  
EL. = 0'-0"

**EAST ELEVATION**  
 1/8" = 1'-0"



- ROOF TRUSS BRG.  
EL. = 31'-6 3/8"
- PRE-FIN. MTL. GUTTER - TYP.
- FIBER CEMENT  
LAP SIDING - PAINTED
- 3RD FLOOR - FIN.  
EL. = 22'-5 1/4"
- BRICK VENEER
- 2ND FLOOR - FIN.  
EL. = 11'-2 5/8"
- BRICK VENEER
- 1ST FLOOR - FIN.  
EL. = 0'-0"

**WEST ELEVATION**  
 1/8" = 1'-0"



8/20/2024  
 Drawn By: CB



**City of La Vista**  
**Official Zoning Map**  
 Adopted December 18, 2018  
 Updated August 20, 2024  
 Ordinance Number \_\_\_\_\_

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PROFESSIONAL SERVICES AGREEMENT – LIBRARY RENOVATION STUDY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ROSE BARCAL LIBRARY DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve a Professional Services Agreement with Beringer Ciaccio Dennell Mabrey, Inc., aka BCDM Architects (BCDM) for the Library Renovation Study in an amount not to exceed \$9,500.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for the study.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Library has added several full time staff members since its opening in 1999. Employees are currently sharing office space that was meant for one person, work spaces (desks) in the circulation area are stacked against each other as well as the copy machine, storage areas and counters, and the Administrative Assistant who was hired this year does not have her own work space. The evening/weekend supervisor does not have office space in which to have a private conversation or do evaluations with her staff. There is also a need for additional study room space as these rooms are occupied on a regular basis and staff cannot meet the number of requests they have to use them.

Consequently, a project was included in the FY24 CIP for a space needs study at the Library. The original architect for the building, BCDM, was contacted for advice regarding potential building modifications to better meet the needs of staff and the public. They have met with staff several times over the last three months, gathered thoughts and ideas and have developed concepts for potential updates to the facility. This was done at no cost to the City.

We are now at a point where it is necessary to prepare probable construction costs for the proposed changes as well as a phasing plan. This will enable us to determine options for moving forward and budget requirements for any proposed project(s). The attached proposal from BCDM will provide these services for \$9,500.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BERINGER CIACCIO DENNELL MABREY, INC., AKA BCDM ARCHITECTS (BCDM) FOR THE LIBRARY RENOVATION STUDY IN AN AMOUNT NOT TO EXCEED \$9,500.

WHEREAS, the Mayor and City Council have determined said professional services are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget includes funding for the space needs study; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize a professional services agreement be executed with Beringer Ciaccio Dennell Mabrey, Inc., (BCDM), for professional services relative to the Library Renovation Study in an amount not to exceed \$9,500.00.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk

**AGREEMENT TO PERFORM  
PROFESSIONAL SERVICES  
FOR THE  
CITY OF LA VISTA  
LA VISTA PUBLIC LIBRARY RENOVATION STUDY  
(BCDM #5524-00)**

Beringer Ciaccio Dennell Mabrey, Inc., a/k/a BCDM Architects, (BCDM) enters into this agreement for professional services with City of La Vista (CLIENT) for the La Vista Public Library Renovation Study.

**I. BASIC SCOPE OF SERVICES**

BCDM will perform the following Basic Scope of Services:

- A. Refine Floor Plan Layout(s) to meet Programmatic Needs and meet with CLIENT as needed to review the proposed layouts to best meet CLIENT's short and long-term needs.
- B. Develop Budgetary Pricing / Opinion of Probable Construction Cost of selected scheme. Costs shall be presented as if the project will be completed in phases, as well as if all at once.
- C. Meet with CLIENT to review overall findings as necessary and make subsequent revisions/updates for final submittal to CLIENT.

Note: The fee noted below includes efforts of both BCDM (Architecture and Interior Design) and its sub-consultant Morrissey Engineering (Mechanical, Electrical, Plumbing, and Technology).

**II. CLIENT RESPONSIBILITIES**

- A. CLIENT will designate a representative authorized to act on the CLIENT's behalf with respect to the Project. CLIENT's designated representative will render decisions in a timely manner pertaining to documents submitted by BCDM in order to avoid unreasonable delay in the orderly and sequential process of BCDM's services.

**III. FEE AND TIMING**

- A. The above Basic Scope of Services will be performed for the Lump Sum Fee of Nine Thousand Five Hundred and no/100's Dollars (\$9,500.00).
- C. The above Basic Scope of Services will be performed upon BCDM's receipt of written authorization to proceed (signed copy of this agreement) from the CLIENT.

**IV. ARCHITECT'S RESPONSIBILITIES – STANDARD OF CARE**

- A. The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances ("Standard of Care"). The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

**V. PAYMENT**

- A. Invoices for services performed will be sent monthly. Terms of payment for all work performed under this Agreement will be net thirty (30) days from date of invoice.
- B. All fees due BCDM will be payable within thirty (30) days of receipt of such invoice showing work completed and the cost of said work. To each statement not paid within thirty (30) days, a service charge of one and one-half percent (1-1/2%) per month will be added to the unpaid balance.

**VI. INDEMNITY AND LIMITATION OF LIABILITY**

- A. The CLIENT agrees, at its own expense, to indemnify and hold harmless BCDM, its successors and assigns and its shareholders, officers, directors, agents and employees, against any and all losses, costs, liabilities, damages and/or expenses brought against BCDM by any third party to the extent based on or arising from the Project or on any claim of breach of this Agreement by BCDM ("Third Party Claims"), excluding Third Party Claims that are the sole fault of BCDM.
- B. Neither CLIENT nor BCDM will be liable under this agreement, for any indirect, incidental, special, punitive or consequential damages. In no event will the total aggregate liability of BCDM for any claims, losses or damages arising out of this agreement exceed the total amount of fees and other consideration actually received by BCDM under this agreement. The foregoing limitation of liability and exclusion of certain damages will apply regardless of the success or effectiveness of any other remedies.

**VII. OWNERSHIP AND USE OF THE MATERIALS**

- A. CLIENT acknowledges and agrees that the drawings, sketches, designs and other documentation (the "Materials") prepared by BCDM for the provision of Services contemplated in this Agreement are instruments of BCDM's Services and are for use solely with respect to this Project and, unless otherwise provided in writing by BCDM, BCDM will be deemed the author of these Materials and will retain all rights, title and interest therein. The Materials will not be used by the CLIENT or others on other projects, for additions to this Project or for completion of this Project by others without permission from BCDM. Any unauthorized use of the Materials will be at the CLIENT's sole risk and without liability to BCDM and BCDM's consultants.

**VIII. TERMINATION**

- A. This Agreement may be terminated upon ten (10) days written notice by either party. In the event of termination, the CLIENT will pay BCDM due compensation as specified herein for services performed up to the termination date including reimbursable expenses.

**IX. DISPUTE RESOLUTION**

- A. Any claim, dispute or other matter in question arising out of or related to this Agreement will be subject to mediation as a condition precedent to the institution of legal or equitable proceedings by either party.
- B. The parties will share the mediator's fee and any filing fees equally. The mediation will be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation will be enforceable as settlement agreements in any court having jurisdiction thereof.

**X. APPLICABLE LAW**

A. The parties will comply with and apply Nebraska law, without reference to the conflicts of laws provisions thereof, in the performance and interpretation of this agreement.

CITY OF LA VISTA – LA VISTA CITY HALL  
8116 Park View Boulevard  
La Vista, Nebraska 68128

BERINGER CIACCIO DENNELL MABREY INC.  
1015 North 98<sup>th</sup> Street, Suite 300  
Omaha, Nebraska 68114

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Rita Ramirez, Assistant City Administrator/Director  
of Community Services



8/13/25

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Charlsi L. Kratina, Principal

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZE PURCHASE – BALLISTIC SHIELD	◆ RESOLUTION ORDINANCE RECEIVE/FILE	TODD ARMBRUST POLICE CAPTAIN

**SYNOPSIS**

A resolution has been prepared to approve the purchase of one (1) BlueRidge Armor rifle rated ballistic shield from BlueRidge Armor LLC, Spindale, NC in an amount not to exceed \$7,770.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget includes funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The ballistic shield will allow officers to be better prepared to encounter a threat armed with a rifle. The police department does not currently have this capability readily available. The purchase of the ballistic shield will allow patrol officers access to this protection more readily.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) BLUERIDGE ARMOR RIFLE RATED BALLISTIC SHIELD FROM BLUERIDGE ARMOR LLC, SPINDALE, NC IN AN AMOUNT NOT TO EXCEED \$7,770.00.

WHEREAS, the City Council of the City of La Vista has determined the purchase of one (1) ballistic shield is necessary, and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase; and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) BlueRidge Armor rifle rated ballistic shield from BlueRidge Armor LLC, Spindale, NC in an amount not to exceed \$7,770.00.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk

BlueRidge Armor LLC  
 1495 College Ave Ste 150192  
 Spindale, NC 28160 US  
 info@blueridgearmor.com  
 blueridgearmor.com



# Estimate

**ADDRESS**

Officer C. Casey  
 La Vista Police Department  
 7701 South 96th Street  
 La Vista, NE 68128

**SHIP TO**

Officer C. Casey  
 La Vista Police Department  
 7701 South 96th Street  
 La Vista, NE 68128

**ESTIMATE #** 4779

**DATE** 07/18/2024

**EXPIRATION DATE** 08/19/2024

**SALES1**

ESTIMATE: 4779

ACTIVITY	QTY	RATE	AMOUNT
<b>BRA SHIELD:XLR:X8RF-VG2-18x30-CARBON</b> BLUERIDGE ARMOR Model - X8RF 18X30 Viewport - VG2 Components - Carbon Fiber Handle XTRA LITE RIFLE SERIES	1	7,695.00	7,695.00
<b>INCLUDES:</b> ID PLACARDS - HIGH DENSITY ADJUSTABLE FOREARM PAD - ADJUSTABLE ARM STRAP- CARRY BAG- SHOULDER SLING + MOLLE ATTACHMENT WEB + SHIELD HOOK - COLOR BLACK			
<b>Shipping</b>	1	75.00	75.00
undefined		<b>SUBTOTAL</b>	7,770.00
		<b>TAX</b>	0.00
		<b>TOTAL</b>	<b>\$7,770.00</b>

Accepted By

Accepted Date

# VENGEANCE™ XLR SERIES

NIJ D801.01 TESTED III



## THREAT LEVEL III

7.62 X 51mm 149gr. M80 FMJ

## SPECIAL THREAT III+

5.56X45mm 55 gr. M193

7.62X39mm 123gr. PS Ball - Russian

7.62X39mm 123gr. Mild Steel Core - Chinese

5.56x45mm 62gr. Federal Tactical Bonded

FOXFURY B30 LIGHT  
BLUERIDGE ARMOR TOP  
MOUNT

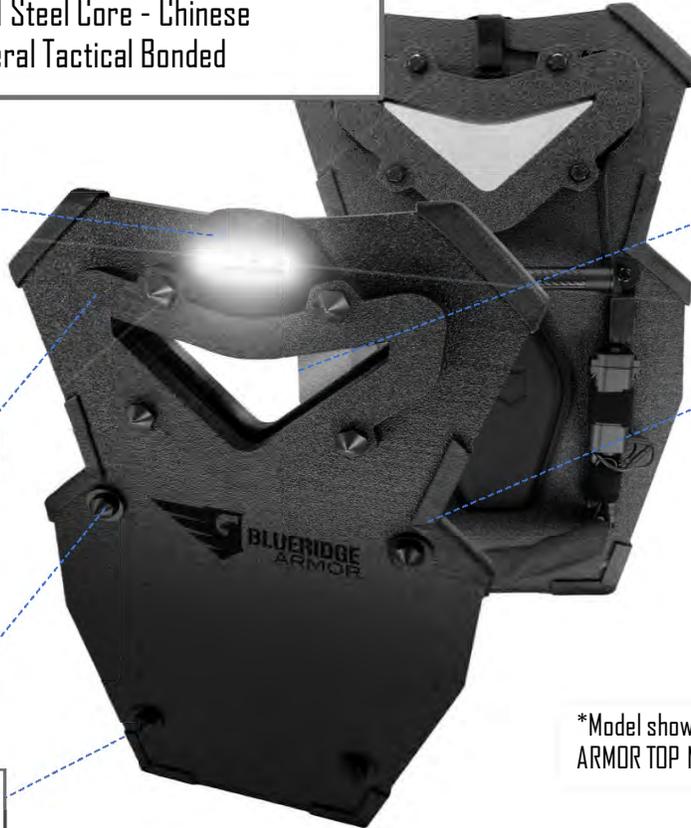
100% COMPOSITE BEZEL  
CONSTRUCTION

RIFLE ROUND DEFLECTING  
CONE

TAPERED LOWER BODY

VENGEANCE™ III++ Rifle  
Rated Viewport

WEAPON MOUNT



\*Model shown: XLR X8RF W/ FOXFURY B30 LIGHT BLUERIDGE  
ARMOR TOP MOUNT

**BASE MODEL WEIGHT \*WITH BLUERIDGE CARBON FIBER HANDLE\***  
X8RF 18X30 / 18 LBS

## COMPONENT WEIGHTS

BLUERIDGE 8" CARBON FIBER HANDLE / 1.4 LBS

BLUERIDGE VENGEANCE VIEWPORT / 3 LBS

TRIDEXTROUS FOREARM PAD / .2 LBS

## OPTIONAL COMPONENT WEIGHTS

ELZETTA INTEGRATED EZHR-F / 3.6 LBS

FOXFURY MOUNTED B30 1000LM / 1 LBS

FOXFURY MOUNTED B50 1000LM / 1.5 LBS

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE – EVIDENCE MANAGEMENT SYSTEM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	TODD ARMBRUST POLICE CAPTAIN

**SYNOPSIS**

A resolution has been prepared to approve the purchase of BEAST Barcoded Evidence Software and License from Porter Lee Corporation in an amount not to exceed \$13,315.59.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget includes funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Police Department along with all other Sarpy County law enforcement agencies are migrating to Motorola P1 Records for our Records Management Program in FY24. Currently we are using ProPhoenix to manage all property related to cases. After discussion with other agencies and Motorola, it has been determined that the property module within P1 Records will not work properly for our agency.

As a result, we contacted Porter Lee Corporation, owners of web-based BEAST Evidence Management System to provide a solution. Douglas County Sheriff's Office is currently using BEAST.

Each agency must purchase their own software, license and interface for BEAST. The major portion of the cost is based on the number of electronic devices it is loaded on. The invoice of \$13,315.59, includes the client server software, an additional license (we need 2), interface, barcode scanner and supplies related to processing property. It also includes an annual software support cost of \$1,175. Once this initial installation and training is complete, we will pay \$1,175 annually for any support needed.

The BEAST Barcoded Evidence Software will allow our agency to process and maintain property according to federal government rules and regulations.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF AN EVIDENCE MANAGEMENT SYSTEM IN AN AMOUNT NOT TO EXCEED \$13,315.59.

WHEREAS, the City Council of the City of La Vista has determined the purchase of an Evidence Management System is necessary, and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase; and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of an Evidence Management System in an amount not to exceed \$13,315.59.

PASSED AND APPROVED THIS 20TH DAY OF AUGUST 2024.

CITY OF LA VISTA

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

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



# QUOTE

Porter Lee Corporation  
1901 Wright Blvd.  
Schaumburg, IL 60193  
(847) 985-2060

Valid for: 90 Days

### Prepared For:

Agency Name and State: La Vista Police - NE  
Contact Name: Stacia Burt  
Email: sburt@cityoflavista.org  
Quote Date: 05/28/2024  
Quote ID: 14540  
Prepared By: Lee Cuttill Phone: (847) 985-2060 x308 Email: Lee.Cuttill@porterlee.com

Software				
Description	Part #	Qty	Unit Price	Price
BEAST Barcoded Evidence Software (Client Server)	PLC-EMS	1	\$3,000.00	\$3,000.00
Additional BEAST Property Management License (Client Server)	PLC-EMSA	1	\$1,000.00	\$1,000.00
EMS Motorola P1 RMS Interface. 1 Way push to the BEAST EMS Tables	PLC-EMSINTER	1	\$1,500.00	\$1,500.00
<b>Sub Total:</b>				<b>\$5,500.00</b>

Hardware				
Description	Part #	Qty	Unit Price	Price
LI4278 Cordless Barcode Scanner Requires power supply PWR-WUA5V4W0US	TRBU0100ZWR	1	\$546.00	\$546.00
CRADLE FOR DS6878 AND LI4278 MULTI I/F TWILIGHT BLACK	CR0078-SC10007WR	1	\$197.00	\$197.00
ZD421 Thermal Transfer Desktop Printer • 203 DPI Resolution • USB 2.0, USB Host	ZD42042-C01M00EZ	2	\$821.51	\$1,643.02
<b>Sub Total:</b>				<b>\$2,386.02</b>

Supplies				
Description	Part #	Qty	Unit Price	Price
White Barcode Labels 3.25" x .875" • Qty: 1,500 per roll	PLC-LBL-WHT-1500	1	\$43.00	\$43.00
White Barcode Labels 4" x 5" • Qty: 500 per roll	PLC-LBL-WHT-500	4	\$43.00	\$172.00
Resin Ribbon 4.33" Wide x 244' Length ZD420 Cartridge (Qty 1)	05095CT11007	3	\$23.81	\$71.43
<b>Sub Total:</b>				<b>\$286.43</b>

Services				
Description	Part #	Qty	Unit Price	Price
Travel expenses (EMS)	PLC-Travel	1	\$700.00	\$700.00
EMS Installation and Training	PLC-InstallEMS	2	\$1,600.00	\$3,200.00
Annual Software Support	PLC-Support	1	\$1,175.00	\$1,175.00
<b>Sub Total:</b>				<b>\$5,075.00</b>



# QUOTE

Valid for: 90 Days

Porter Lee Corporation  
 1901 Wright Blvd.  
 Schaumburg, IL 60193  
 (847) 985-2060

Others				
Description	Part #	Qty	Unit Price	Price
Shipping and Handling	PLC-Shipping	1	\$68.14	\$68.14
				<b>Sub Total: \$68.14</b>

Section Totals	
	Sub Totals
Software	<b>\$5,500.00</b>
Hardware	<b>\$2,386.02</b>
Supplies	<b>\$286.43</b>
Services	<b>\$5,075.00</b>
Others	<b>\$68.14</b>
<b>Total: \$13,315.59</b>	

Ticket #110460

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 20, 2024 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
DISCUSSION – SWIMMING POOL PROJECT	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	RITA RAMIREZ ASSISTANT CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES

**BACKGROUND**

At the June 18, 2024 City Council meeting a discussion was held regarding the potential construction of a new swimming pool. A project was included in the FY25-FY29 Capital Improvement Program to construct a new pool with an opening date of spring 2029.

Discussion initially centered around whether the Council members all agreed that construction of a new pool was a priority. Unanimous consensus of Council was yes.

Discussion followed regarding the potential design and timeline for this project. Site selection for the Central Park West location was based off of the conceptual site plan developed by Water’s Edge Aquatic Design for a potential site in Central Park East. During the discussion, Council unanimously agreed they would like to see a similar design with one body of water rather than the proposed two and keeping the square footage of water around 8,000 sf. They also indicated they would like to look at various finishes for the bathhouse, which is something that occurs during the final design process.

Staff was directed to provide additional information based on Council’s direction and return with a recommendation regarding the potential to expedite the timeline. Additional information has been gathered and will be presented at the meeting.