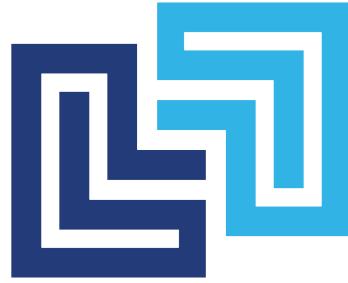


AGENDA ITEM 4A

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

MEMO



TO: Planning Commission Members

FROM: Cale Brodersen, Associate City Planner

DATE: 3/12/2025

RE: Willow Creek Replat Four Final Plat - Reapproval

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

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

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

Staff Recommendation Item 4A: Staff recommends reapproval of final plat for Willow Creek Replat Four as the request is consistent with the Subdivision Regulations and the La Vista Zoning Ordinance.

Harrison St

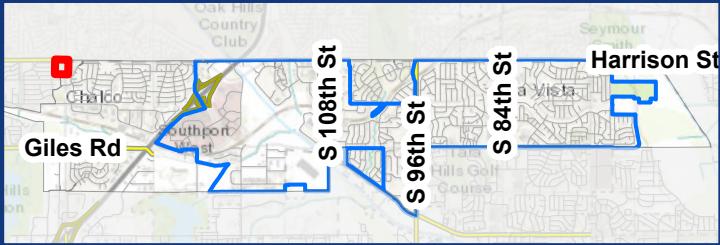
Site for
Proposed
New
Building

Existing
Apartment
Building

S. 145th St

S. 144th St

Bear Creek Apts PUD, CUP, Replat - Vicinity Map



Legend

- Property Lines
- PUD & CUP Boundary



WILLOW CREEK REPLAT FOUR

LOTS 1 AND 2

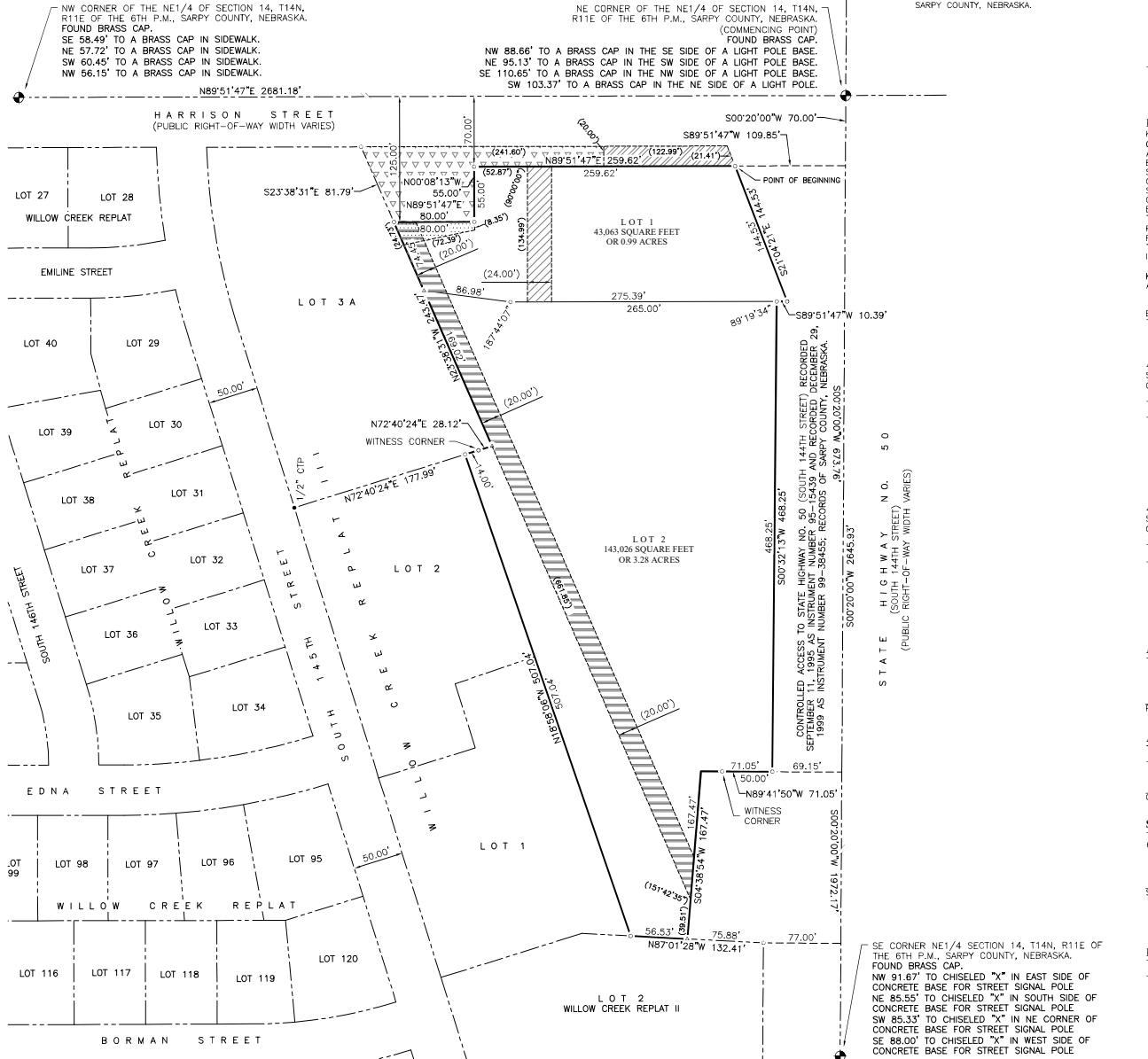
BEING A REPLATTING OF A PART OF LOT 240B, WILLOW CREEK REPLAT AND A PART OF LOT 3B, WILLOW CREEK REPLAT III, TOGETHER WITH A PART OF VACATED HARRISON STREET, SARPY COUNTY, NEBRASKA.

NOTES

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

LEGEND

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



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 STATED EFFECT AS OF THE DATE THOMAS DREESSEN, THAT PERMANENT MARKERS HAVE BEEN PLACED OR SET AT ALL CORNERS OF SAD BOUNDARIES AND ALL CORNERS WITHIN SAD SURVEYS. I HEREBY APPROVE AND SIGN THIS SURVEY OF LOT 240B, LOT 3B, 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 S02°20'00"W (ASSUMED BEARING) 70.00 FEET ON THE EAST LINE OF SAD 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 SAD 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 99-38452, THE POINT OF BEGINNING BEING THE POINT OF INTERSECTION OF S02°20'00"W 70.00 FEET ON THE EAST LINE OF SAD NE1/4 AND S00°08'13"E 50.00 FEET ON THE WEST LINE OF SAD LOT 240B; THENCE N72°40'24"E 28.12 FEET ON THE SOUTH LINE OF SAD LOT 240B TO THE SW CORNER THEREOF; THENCE N72°40'24"E 50.74 FEET ON A LINE COMMON BETWEEN SAID LOT 240B AND LOTS 1 AND 2 OF SAD WILLOW CREEK REPLAT III TO THE SE CORNER THEREOF; THENCE N23°38'31"E 243.47 FEET ON A COMMON LINE BETWEEN SAID LOT 240B AND SAD WILLOW CREEK REPLAT III; THENCE N89°51'47"E 60.00 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAD NE1/4; THENCE N00°08'13"E 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 SAD NE1/4 TO THE POINT OF BEGINNING.

CONTAINING 4.27 ACRES, MORE OR LESS.



CHRIS F. DORNER
NEBRASKA RLS #507

JANUARY 25, 2025
DATE

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, KRISHNA, LLC., A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS AND FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC., BEING THE MORTGAGE HOLDER OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND MEMORANDUM OF PLAT, HEREBY DEDICATE, RESERVE AND SET ASIDE THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE TO HERAFTER KNOWN AS WILLOW CREEK REPLAT FOUR, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK QC AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE TRANSMISSION 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 LUITING ALONG FRONT AND SIDE LOT LINES; AND 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 2025 BY
KRISHNA, LLC., A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF _____
COUNTY OF _____

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 2025 BY
FANNIE MAE C/O GREYSTONE SERVICING CORPORATION, INC. ON BEHALF OF SAID CORPORATION.

NOTARY PUBLIC

APPROVAL OF LA VISTA CITY COUNCIL

THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY COUNCIL THIS DAY OF 2025.

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

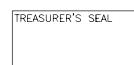
APPROVAL OF LA VISTA CITY PLANNING COMMISSION
THIS PLAT OF WILLOW CREEK REPLAT FOUR WAS APPROVED BY THE LA VISTA CITY PLANNING COMMISSION THIS DAY OF 2025.

CHAIRMAN: _____

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND ENBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS DAY OF 2025.

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 2025.

COUNTY SURVEYOR/ENGINEER: _____

WILLOW CREEK REPLAT FOUR
LOTS 1 AND 2



Revision Dates

No.	Description	MM-DD-YY
1		
2		
3		

Job No.: A1334-131-1.1A

Drawn By: BJH

Reviewed By: CED

Date: JANUARY 25, 2025

Book:

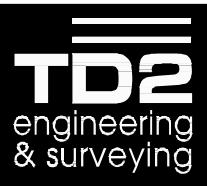
Pages:

Sheet Title: _____

CITY OF LA VISTA
FINAL PLAT

Sheet Number: _____

SHEET 1 OF 1



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



**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 144th 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 Plat 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 144th Street, in addition to a waiver from Section 7.05.10 of the La Vista Zoning Ordinance which requires a minimum of 0.5 enclosed garage stalls per residential dwelling unit in the R-3 and R-4 Zoning Districts for multi-family structures. The applicant has also requested shared parking through the PUD for the two proposed properties.

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

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

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

B. RELEVANT CASE HISTORY:

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

C. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

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

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

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

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

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 144th 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 144th 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 144th Street.
7. The existing non-conforming complex monument signs will be removed and will be replaced by one along S 144th 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. 144th 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