



CITY OF LA VISTA  
PLANNING COMMISSION

## STAFF REPORT

FINAL PLANNED UNIT DEVELOPMENT (PUD)  
FINAL PLAT HARRISON HEIGHTS SUBDIVISION  
CONDITIONAL USE PERMIT FOR LOT 4

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**DATE OF HEARING:**  
October 15, 2009

**PROPOSAL:**

Subdivide Lots 13 & 14 in Crestview Heights into five (5) lots for the development of elderly / senior housing and three commercial uses as a Planned Unit Development (PUD)

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### PROPERTY INFORMATION

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**APPLICANT:**  
Empire Group, LLC  
1941 S. 42<sup>nd</sup> Street  
Omaha, NE 68105

**PROPERTY OWNER:**  
Empire Group, LLC  
1941 S. 42<sup>nd</sup> Street  
Omaha, NE 68105

**LOCATION AND SIZE:**  
Lots 13 & 14, Crestview Heights  
SE corner of Gertrude and Harrison Streets  
Lots = 12 Acres

**CURRENT ZONING:**  
R-3, High Density Residential and C-2, General Commercial  
PUD, Planned Unit Development District

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## APPLICABLE DEFINITIONS

(from Section 2 of Zoning Ordinance)

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**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together.

**PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

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## BACKGROUND

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### **History of Subject Properties:**

On September 4, 2008, these lots were sold by the Metropolitan Utilities District to the Empire Group. Prior to this sale the land had been undeveloped and used for farming. The Future Land Use Map in the Comprehensive Plan reflects this former land use as a Public/Civic use, and the Zoning Map supported the agricultural use.

On August 4, 2009 the subject properties were rezoned by City Council from TA, Transitional Agriculture to R-3, High Density Residential and C-2, General Commercial with an overlay of PUD, Planned Unit Development District.

### **Description of Proposed Development:**

On April 6, 2009, the City of La Vista received a new application for the development of apartments for senior living, an assisted living facility, and commercial flex buildings. The developer proposes to subdivide the two lots into five with each use to be built out in phases.

At the August City Council hearing, the preliminary PUD plan was approved for 112 elderly apartment units at market rate with 55 garages; and 48 affordable, senior apartments with no garages. These are age restricted for seniors 55 years old and up. Also, three commercial buildings were approved in the preliminary PUD that would total 20,500 square feet of flex commercial space.

### **Existing Conditions of Site:**

The site is currently being graded for building pads. Mature pine trees and deciduous trees exist on the perimeter of the properties. These trees have been preserved through the grading permit.

### **Surrounding Area and Adjacent Neighborhoods Land Uses and Zoning:**

North – City of Omaha, residential subdivision;

East – Crestview Village, R-3 High Density Residential;

South – Crestview Heights, R-1 Single Family; and

West – Crestview Heights, R-1 Single Family

**Applicable Regulations:**

Section 5.08 of the Zoning Ordinance, R-3 High Density Residential District

Section 5.11 of the Zoning Ordinance, C-2 General Commercial District

Section 5.15 of the Zoning Ordinance, PUD Planned Unit Development District

**Applicable Plans:**

The Comprehensive Plan and Future Land Use Map – The Comprehensive Plan supports the development of residential options for all income levels and actively access affordable housing programs available from local, state, and federal agencies/departments.

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## **REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES**

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**Architectural Design Review, Kevin Schluckebier**

1. Light fixtures are not yet compliant. Downward shining lights that match the style of the Gateway Corridor District are required on buildings and for parking lot lighting.
2. Garages need to add battens, where indicated, for better architectural detail.
3. Louvers need to be painted to match the color of the adjacent building material's color.
4. Some landscaping from the Harrison Street side needs to be relocated to the Gertrude Street side to provide better screening of the commercial uses from the existing residential area.

**Black Hills Energy, Denise Montgomery**

No comments received

**City Engineer, John Kottmann:**

I have reviewed the latest version of updated site plans that were received Sept. 10, 2009 for Harrison Heights. In regards to my last review letter dated Sept. 4, 2009, the following few items remain to be addressed:

1. The locations of existing and proposed fire hydrants need to be reviewed by the Fire Dept. The plan appears to indicate existing hydrant locations, but they are not clearly identified as to what they are.
2. The Post Construction Storm Water Management Plan needs to have a statement added that the water quality volumes will be drained in less than 40 hours.
3. Need to have a screen wall detail around dumpster locations added to the Landscape Plan.
4. A statement needs to be included in either the PUD plan or the CUP that identifies that there shall be a mix of commercial uses so that the parking requirement does not exceed the parking provided.

**Chief Building Official, Jeff Sinnett**

No comments received

**Fire Chief, Rich Uhl**

Needs to review fire hydrant locations for adequacy.

**Metropolitan Utility District, Jeff Loll**

No comments received.

**Omaha Public Power District, Connie Biddle**

No comments received.

**Police Chief, Bob Lausten**

The Police Department has reviewed the provided documents relating to the Harrison Heights project. An obvious concern would be how the development effects traffic at Gertrude/Harrison and the other intersections in the area.

**Public Works Director, Joe Soucie**

No comments received.

**Public School District**

No comments received.

**Qwest, Aaron Krebs**

No comments received.

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**PUBLIC COMMENTS**

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No additional comments have been received regarding the Final PUD Plan, Final Plat or Conditional Use Permit, as of the time this report was written.

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**CITY PLANNER'S ANALYSIS**

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**Land Use:**

The City Planner supports the use of Lots 13 & 14 for senior apartments. Currently, La Vista only has one such facility at this time in Granville, which has just over 40 units. Elderly members of La Vista who are unable to get an available room at Granville are forced to leave La Vista to find accommodations. Therefore, city staff has been targeting Lots 13 & 14 in Crestview Heights for more elderly living opportunities because it is a large enough acreage and compatible with surrounding land uses.

Revised, detailed color elevation drawings have been submitted with review of the Final PUD Plan. The multiple buildings within this development are compatible and coordinated in their architectural design. Building materials are similar and coordinated so that all buildings in the PUD appear cohesive in their

design. The City's design review architect has been working with the developers to achieve this. As mentioned in the report, there are only a few minor design considerations remaining.

**Transportation:**

Vehicles and pedestrians will be able to circulate internally through the proposed five lots. All five lots are proposed to be connected by ADA accessible sidewalks. Entrances to buildings connect with these internal sidewalks.

In order to avoid parking problems, the Final PUD shall limit Lots 1, 2 and 3 of Harrison Heights to no more than 25% of the combined gross floor area of the three commercial buildings for use as an A-2 occupancy (i.e. restaurant, nightclubs, bars.) This has been noted in the PUD Plan. Also parking will need to be limited to on-site parking only and avoid overflow parking onto Gertrude Street.

**Landscaping:**

Many of the existing mature trees on the perimeter of the development will be preserved. The developer has graded the property to create level building pad sites at a significantly lower elevation as compared to Gertrude Street. Even though the developer proposes a three story apartment building, this grading should keep the rooflines about even with the single family residential homes to the south of Gertrude Street.

The PUD plan attempts to minimize the number of trees lost to preserve a buffer between the single family land uses and the proposed development. Also, these trees would provide a nice amenity to the proposed Planned Unit Development. Additional landscaping is required on the perimeter of the proposed lots by code, so new trees have been proposed to meet the minimum landscaping requirements.

**Stormwater Drainage:**

Stormwater detention ponds are proposed on each individual lot. The use of landscaped drainage swales, permeable pavement, rain gardens or other Low Impact Development Best Management Practices could reduce the size or the need for detention ponds. Stormwater runoff would infiltrate the ground sooner, thus the detention areas would not need to be as large.

**Process:**

Motions are needed for recommendations on the Conditional Use Permit (multi-family development on Lot 4), Final Plat and Final PUD Plan need.

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## PLANNING STAFF RECOMMENDATION

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Approval of the Conditional Use Permit for Lot 4, Final PUD Plan and Final Plat of Harrison Heights Subdivision with the following conditions:

1. All remaining architectural design revisions, as described herein, shall be made prior to City Council's review.

2. All remaining revisions to the landscape plan, as described herein, shall be made prior to City Council's review.
3. Lots 1, 2 and 3 of Harrison Heights shall be limited to no more than 25% of the combined gross floor area of the three commercial buildings for use as an A-2 occupancy (i.e. restaurant, nightclubs, bars.)
4. All parking for Lots 1-5 shall be on-site parking only with no parking overflowing onto Gertrude Street.



\_\_\_\_\_  
Prepared by:



\_\_\_\_\_  
Community Development Director      Date  
10-8-09

**Attachments:**

- Final PUD Plan / Final Plat
- Landscape Plan
- Post Construction Stormwater Management Plan
- Draft PUD

# DRAFT

## PUD PLAN

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

Section 1. In accordance with Section 5.15 of the La Vista Zoning Ordinance No. 848, the final PUD-1 (Planned Unit Development) plan for Harrison Heights is developed for the following described real estate, to wit:

### LEGAL DESCRIPTION

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

Section 2. This document provides for a PUD plan for development of a planned residential area for senior living that will service not only the city, but also the surrounding market area. In addition the PUD includes a small community commercial center. The residential area is characterized by senior apartments served by separate parking and garage facilities uniquely located on two tracts of land with a combined area of approximately 9.39 acres. The commercial center is characterized by multiple-tenant or free-standing retail, office and general services served by communal parking areas and uniquely located on two tracts of land with a combined area of approximately 2.66 acres. 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, construction of site improvements 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 and commercial 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 Empire Group L.L.C. its successors and assigns.
- B. "Free Standing Building" shall refer to any building or similar structure, each of which conducts a separate business.
- C. "Multiple-attached Building" shall refer to any building or similar structure that houses more than a single tenant or owner, in which numerous, discrete business activities are conducted.
- D. "Open Space" shall mean anything on the site except buildings, parking lots or drives for vehicular circulation, that is generally pervious, but may include well landscaped pedestrian places, pools, pool decks and roof gardens.
- E. "Planned Unit Development Plan" shall mean a plan developed and approved that outlines certain provisions for the property and its uses. Such plan shall consist of the final plat, design guidelines, landscaping, etc.
- F. "Plat" or "the Plat," shall mean the final plat approved by the City Council.
- G. "Subdivision" shall mean the 12.052 acres of land described in Exhibit "A" hereto, to be known as "Harrison Heights".

### Section 4. Parcel Identification Map

Attached hereto and made a part of this PUD plan for parcel delineation is the Parcel Identification Map for the Harrison Heights PUD (Planned Unit Development), marked 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. Allowed Uses

Unless otherwise provided in this Ordinance, Permitted and Permitted Conditional Uses allowed within the R-3 High Density Residential District shall be allowed on Lots 4 and 5, Harrison Heights except as modified below:

- A. The following uses shall be prohibited:
- i. Non-age restricted apartments

Unless otherwise provided in this Ordinance, all Permitted and Permitted Conditional Uses allowed within the C-2 General Commercial District shall be allowed on Lots 1,2 and 3, Harrison Heights except as modified below:

- B. The following uses shall be prohibited:
- i. None

#### Section 7. Building Design Guidelines and Criteria

Building design shall be performed in accordance with the City of La Vista's Commercial Building Design Guide and Criteria dated September 15, 1999. Buildings within this development will be compatible and coordinated in their architectural design. Materials shall be similar and coordinated so all buildings in the PUD appear cohesive in their design.

#### Section 8. Conditions

Section 5.15 of the La Vista Zoning Ordinance No. 848 includes the Planned Unit Development Overlay District (PUD) and establishes certain regulations and guidelines pertaining to accompanying information required on a Plat, Site Plan and/or conditional use permits. All uses shall adhere to the underlying zoning district except as herein provided.

##### A. General Conditions

The Parcel Identification Map and Conceptual Site Plan incorporate commercial uses as allowed by C-2 General Commercial Zoning on Lots 1,2 and 3.

In addition, the following general site plan criteria shall be integrated into and made part of the Harrison Heights 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 PUD Plan and Harrison Heights Design Guidelines.
- ii. Unless otherwise specified herein, the development of the Harrison Heights 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 PUD Plan, all general use regulations, performance standards and provisions set forth in the La Vista Zoning Ordinance for the appropriate commercial and residential zoning districts shall apply to any development within the identified area. The negative elements of such uses as loading docks, heating, ventilation, or air conditioning (HVAC) units, or similar electrical or mechanical appurtenances shall be designed to be screened and buffered from view by the general public through the use of architectural features or earth berthing and landscaping.

- i. The intent of the design and layout of Lots 1,2 and 3 is to develop retail, office center(s) and/or individual businesses. The intent of the design and layout for Lots 4 and 5 is to develop senior apartments.

##### 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 subdivision agreement. Any deviation from this shall require the approval of the City.

- ii. **Off-Street Parking.** Parking on lots in the identified commercial areas shall be provided based on the aggregate ratio of five (5) off-street parking spaces per one thousand (1,000) square feet of gross leasable floor area of improvements constructed on each lot, unless off-site/public parking is utilized with approval of the city. Parking on lots in the identified residential areas shall be provided based on the aggregate ratio of one (1) space per unit plus one (1) space per employee on the largest shift.

- a. **Landscaping.**

- (1) Off-street parking areas containing twenty-five (25) or more parking spaces shall provide internal landscaping, other than that required in a buffer zone or along street frontages, and shall be protected by a concrete curb.
    - (2) Landscape islands a minimum of seven (7) feet in width shall be provided at the end of all parking rows. In addition, landscape islands a minimum of seven (7) feet in width shall be provided throughout the parking lots such that no parking space is farther than one hundred twenty (120) feet away from any landscaped space.
    - (3) Required trees shall be located to minimize potential damage to vehicles, to insure adequate sight distance, and the maneuvering of emergency vehicles within the development and each lot.
    - (4) The internal landscaped areas shall be located to direct traffic, dispersed throughout the lot to improve site aesthetics, and installed so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
    - (5) Parking areas shall be screened, recessed, or otherwise constructed and located so as to prevent the glare from automobile headlights illuminating adjacent properties and to minimize negative views from public streets.
    - (6) Parking area lighting shall be shielded so as to prevent illumination of adjacent properties. A lighting plan shall be submitted from review in conjunction with any site plan. Site lighting shall conform to the Mayfair Commons Development, Architectural and Site Design Guidelines. Fixtures shall be Aro-Eiectural Area Lights with a dark bronze finish or approved equal (see attached exhibits).
    - (7) Off-street loading areas shall not interfere with or impede the circulation or flow of traffic.

- D. Signage**

All signs may be permitted with approval of a sign permit based upon the adopted sign regulations, except as modified herein. To the extent that the provisions of this PUD Plan conflict with or are more restrictive than similar provisions provided in the La Vista Zoning Ordinance, the provisions of this PUD Plan Shall control.

This Ordinance recognizes that because of the size and scope of the project, and because access will be obtained to the development via large public arterial streets, the project has an extraordinary need for flexibility in the signage regulations applicable thereto.

- i. **Project Directory Signs.** Project Directory Signs shall be allowed on the internal roadways of the subdivision to help facilitate movement through and around the development. The sign area, setback, and number of project directional signs located within the development shall be determined in conjunction with the issuance of the sign permit for the development. The Project Directory Signs may contain directional

information about the location of individual businesses within the development, and such information may be set forth the name of the business and use logos, service marks, or stylized letters that are identified with that business. Any Project Directory Sign may contain the Developer's logo for the development.

ii. Center Identification Signs. Multi-tenant buildings, multi-attached buildings and free standing buildings as part of a mall in the identified area may be allowed to advertise on center Identification signs. Such signs shall be a maximum of twenty-four (24) feet in height and contain a maximum of one hundred fifty (150) square feet of signage. Center identification signs may be allowed for individual users to identify their location off of internal streets or driveways with the approval of a sign permit. Such signs may include logos; located at least twenty (20) feet from the street right-of-way and ten (10) feet from the property line; and at not more than one per entrance.

iii. Monument Signs. Monument signs for free standing buildings in the identified area shall not exceed fifteen (15) feet in height. Such signs may include logos; located at least ten (10) feet from the street right-of-way and ten (10) feet from the property line; and at not more than one per street frontage.

Section 9. Amendment to this PUD Plan Application for amendments to this PUD plan may be made only by the Developer as long as it holds ownership of any portion of Harrison Heights Subdivision. This shall overwrite Section 5.15.09 of the 2001 LaVista Nebraska zoning ordinance.

Section 10. 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

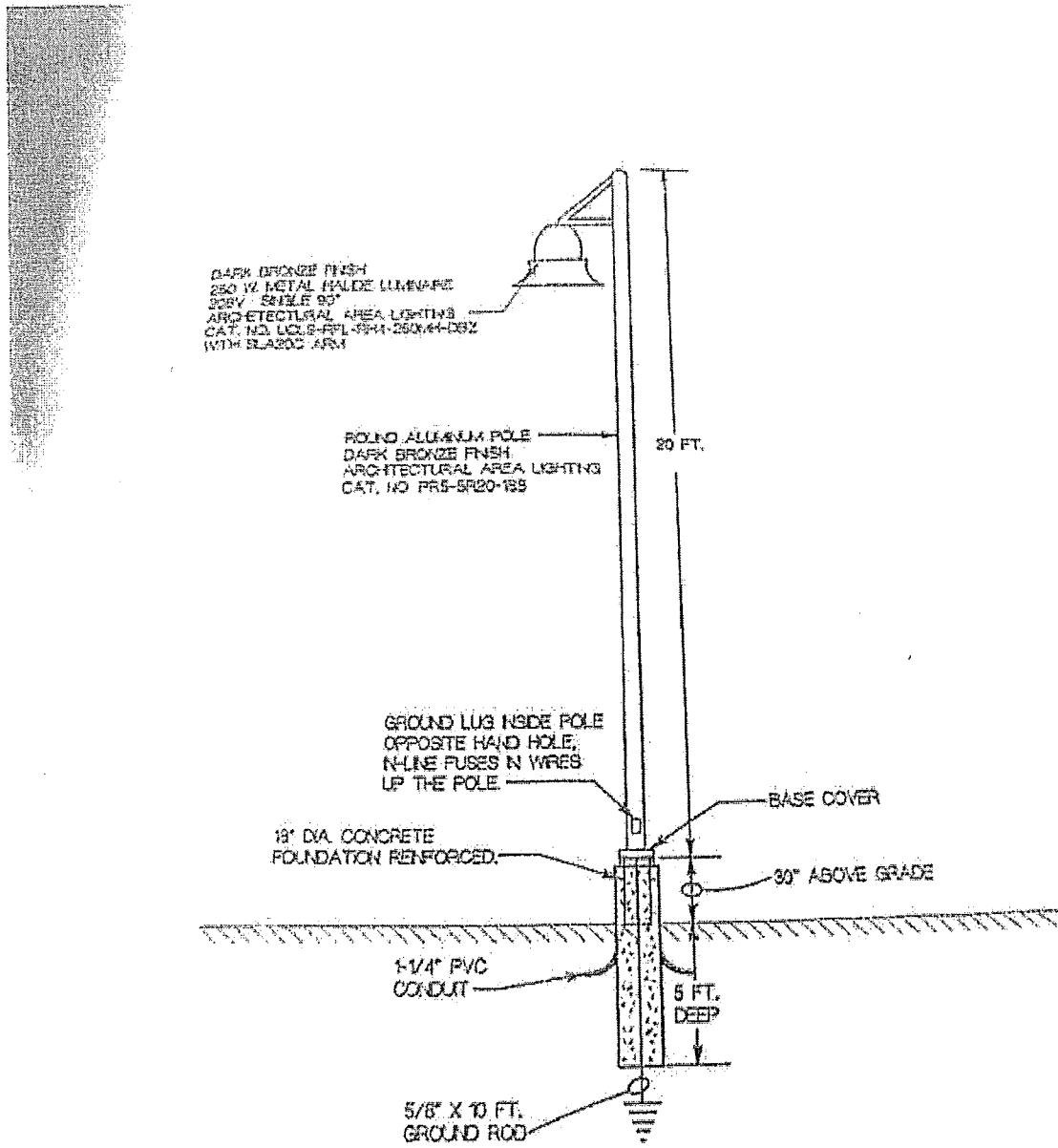
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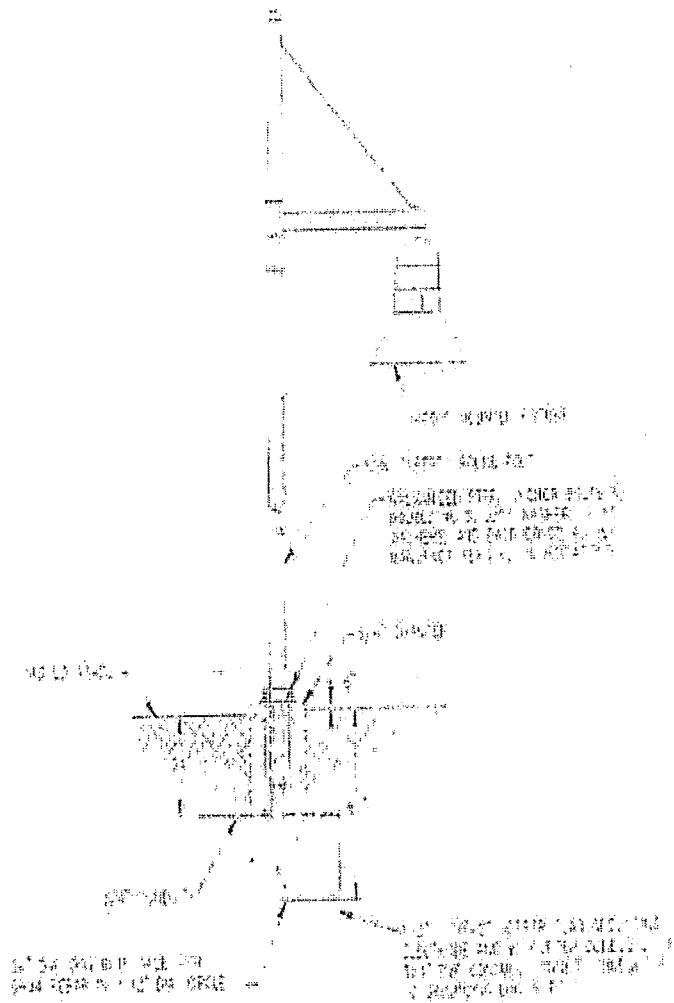
City Clerk

**EXHIBIT A**  
**SITE LIGHTING REQUIREMENTS**

## F. Lighting Details

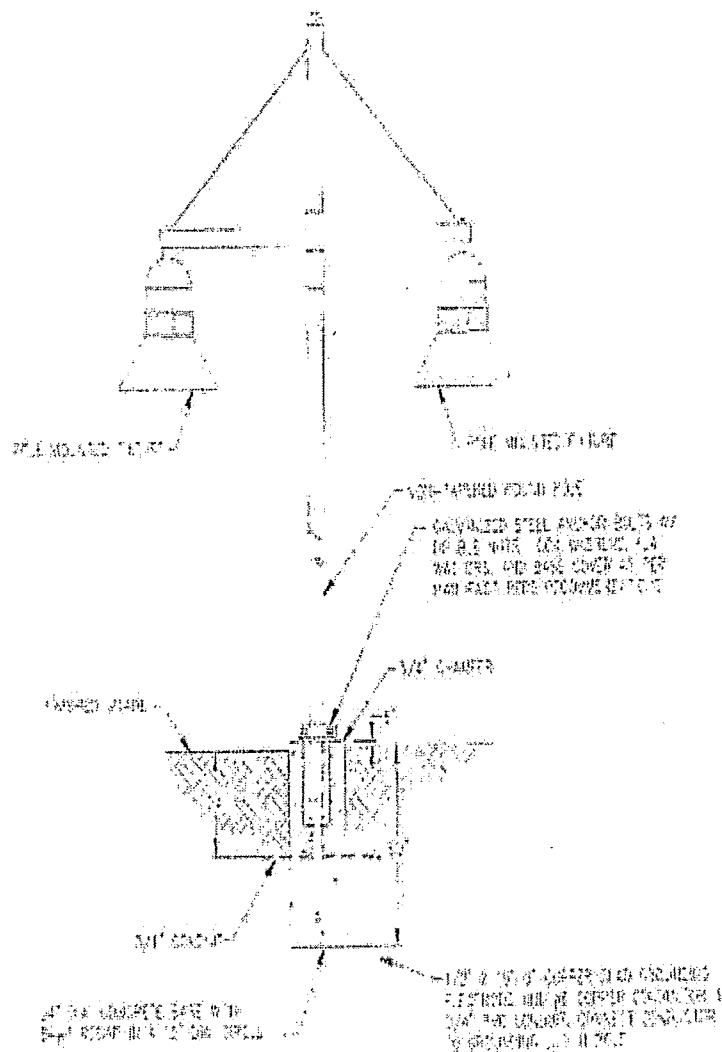
Manufacturer sales Rep.:  
Lighting Specialists  
4727 Center Street  
Omaha, NE 68106  
(402) 558-4812





## TYPE 25 & 26 POLE MOUNTED LIGHT FIXTURE DETAIL

NO SCALE



## TYPE 27 POLE MOUNTED LIGHT FIXTURE DETAIL

NO SCHE