

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 5, 2022 AGENDA**

Subject:	Type:	Submitted By:
COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE MAP LOTS 3 AND 4 ECHO HILLS REPLAT FOUR	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and ordinance prepared for Council to consider an application for an amendment to the Future Land Use Map of La Vista's Comprehensive Plan to modify the future land use designation of Lots 3 and 4 Echo Hills Replat Four from commercial to high-density residential. The purpose of the applicant's requests is to allow for the construction of an additional apartment building with 71 units. This would be the fifth apartment building in the Echo Park Apartment Complex and would bring their total number of units to 281.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and ordinance prepared to amend the Comprehensive Plan Future Land Use Map to designate Lots 3 and 4 Echo Hills Replat Four and associated right-of-way, located at 7631 S 146th Street, for high-density residential usage.

The applicant received approvals from Council in the spring of 2020 for the first phase of their development, which included an assisted living and memory care facility and four apartment buildings, with a proposal to develop the two southern-most lots as commercial. The assisted living and memory care facility and two of the apartment buildings are now complete with construction on apartment buildings #3 and #4 well underway. With no prospects for the commercial development, the applicant has applied for the necessary approvals to allow for the construction of a fifth apartment building on the two southern-most lots with 71 apartment units, 16 ground-floor garages, and an 1,800 square foot bay on the southwest corner for a coffee shop or community gathering space.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 3, 2022, and unanimously voted to recommend approval of the Comprehensive Plan Future Land Use Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of amendments to the Official Zoning Map, PUD site plan, and Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 1 AND 2 OF ORDINANCE NO. 1436 CODIFIED IN MUNICIPAL CODE SECTIONS 151.01 AND 151.02 TO UPDATE THE COMPREHENSIVE DEVELOPMENT PLAN AND RELATED FUTURE LAND USE MAP; TO REPEAL SECTIONS 1 AND 2 OF ORDINANCE NO. 1436 CODIFIED IN MUNICIPAL CODE SECTIONS 151.01 AND 151.02 AND ANY OTHER CONFLICTING ORDINANCES AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE.

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

WHEREAS, Ordinance No. 1436 dated February 1, 2022 amended the La Vista Comprehensive Plan, Updated December 2018, as codified in Municipal Code Sections 151.01 and 151.02; and

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 1436 and the La Vista Comprehensive Plan ("La Vista Comprehensive Plan, Updated December 2018, as amended February 1, 2022").

NOW THEREFORE, the following are approved, contingent on the approval of a Zoning Map Amendment and approval and recording of the Final Plat:

SECTION 1. Amendment of Sections 1 and 2 of Ordinance No. 1404 codified in Municipal Code Sections 151.01 and 151.02. Sections 1 and 2 of Ordinance No. 1436 codified in Municipal Code Sections 151.01 and 151.02 are hereby amended, repealed and replaced in their entirety with the following:

§ 151.01 COMPREHENSIVE PLAN ADOPTED. In order to accommodate anticipated long-range future growth, the City of La Vista Comprehensive Plan, Updated December 2018, as amended April 5, 2022, and including and incorporating therein, without limitation, the Redevelopment Plan for the 84th Street Redevelopment Area, Amendment No. 1 to the Redevelopment Plan for the 84th Street Redevelopment Area, and Amendment No. 2 to the Redevelopment Plan for the 84th Street Redevelopment Area, as Appendices D, E-1 and E-2, respectively, and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is adopted as and shall constitute the comprehensive development plan of the City of La Vista and general plan for development of the City as a whole. Three copies of the adopted plan and any amendments thereto shall be kept with enacting or amending ordinances on file with the City Clerk and available for inspection by any member of the public during office hours.

§ 151.02 ADOPTION OF OFFICIAL LA VISTA COMPREHENSIVE PLAN UPDATE. The City of La Vista Comprehensive Plan, Updated December 2018, as amended April 5, 2022, received and recommended by the La Vista Planning Commission, and including and incorporating therein, without

limitation, Redevelopment Plan for the 84th Street Redevelopment Area, Amendment No, 1 to the Redevelopment Plan for the 84th Street Redevelopment Area and Amendment No, 2 to the Redevelopment Plan for the 84th Street Redevelopment Area, as Appendices D, E-1 and E-2, respectively, and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is hereby adopted and shall constitute the official governing comprehensive development plan of the City, general plan for development of the city as a whole, and the successor and replacement of the City of La Vista Comprehensive Plan, Updated December 2018, as amended February 1, 2022, or any other previously adopted comprehensive development plan or amendment thereto."

SECTION 2. Recitals. Recitals at the beginning of this Ordinance and all documents, exhibits and appendices referenced in this Ordinance are incorporated into this Ordinance by such reference as if fully set forth herein.

SECTION 3. Repeal. Sections 1 and 2 of Ordinance No. 1436 codified in Municipal Code Sections 151.01 and 151.02, and all other ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

SECTION 4. 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 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or otherwise in accordance with applicable law.

PASSED AND APPROVED THIS 5TH DAY OF APRIL 2022.

CITY OF LA VISTA,

Kim J. Thomas, Acting Mayor

Attest:

Pamela A. Buethe, MMC
City Clerk



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

CASE NUMBERS: PCPA22-0001;

FOR HEARING ON: APRIL 5, 2022
REPORT PREPARED ON: MARCH 22, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

West Management, LLC
Attn: Brett West
129 N 10th Street, #106
Lincoln, NE 68508

B. PROPERTY OWNER:

Vandelay Investments, LLC
Attn: Brett West
PO Box 22151
Lincoln, NE 68542

C. LOCATION: 7631 S 146th Street, La Vista, NE 68138, generally located northwest of the intersection of 144th Street and Chandler Road.

D. LEGAL DESCRIPTION: Lots 3 and 4 Echo Hills Replat Four.

E. REQUESTED ACTION(S): Approval of an amendment to the Future Land Use Map of La Vista's Comprehensive Plan to redesignate the property for future high-density residential use from the existing commercial designation.

F. EXISTING ZONING AND LAND USE: C-1 Shopping Center Commercial, Planned Unit Development (Overlay District), and Gateway Corridor District (Overlay District). This property is currently vacant.

G. PURPOSE OF REQUEST: Applicant is seeking to construct an additional apartment building as part of the Echo Park Apartments complex (building #5). The building would include 71 units, 16 tuck-under garages, and an 1,800 square foot retail space for a coffee shop user on the first floor on the westernmost edge of the building. With the construction of proposed building #5, the Echo Park Apartments would have a total of 281 units.

H. SIZE OF SITE: Approximately 2.88 acres.

II. BACKGROUND INFORMATION

A. 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	High-Density Residential	R-3 High-Density Residential, PUD, and Gateway Corridor District (Overlay District).	Echo Park Apartments
East	Commercial	C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District).	Dino's Storage
South	Industrial	I-1 Light Industrial and Gateway Corridor District (Overlay District).	Vacant
West	Medium-Density Residential	RS-72 Single-Family Residential (Sarpy County Zoning)	Echo Hills Neighborhood

B. RELEVANT CASE HISTORY:

1. On February 4, 2020 the City Council of the City of La Vista approved a Comprehensive Plan Future Land Use Map amendment, rezoning, planned unit development site plan, and replat for Lot 3 Echo Hills (replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development. Shortly thereafter, conditional use permits were approved for the apartments and assisted living facilities.
2. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of one stall on Lot 1. Since the proposed number of parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified for administrative approval, and was approved by the City Administrator.
3. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking

garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.

4. On September 15, 2020, City Council approved an amendment to the PUD site plan that allowed for alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The revised, approved dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6").
5. Construction has been completed on the Echo Hills Assisted Living and Memory Care facility and the Echo Park Apartments buildings #1 and #2. Construction on the Echo Park Apartments buildings #3 and #4 is underway.

C. APPLICABLE REGULATIONS:

1. Section 5.08 of the City of La Vista Zoning Ordinance – R-3 High Density Residential
2. Section 5.10 of the City of La Vista Zoning Ordinance – C-1 Shopping Center Commercial
3. Section 5.15 of the City of La Vista Zoning Ordinance – PUD Planned Unit Development District (Overlay District)
4. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
5. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for commercial development. This application would change the designation to allow the property to be rezoned as R-3 High Density Residential.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. A traffic impact analysis prepared by Felsburg, Holt & Ullevig (FHU) was submitted and reviewed through the approval process for Phase 1 of the Echo Hills Apartments and the Echo Hills Assisted Living and Memory Care facilities. As a result of this study and the subdivision agreement approved by the La Vista City Council on July 10, 2020, the applicant has made the following street signal improvements at the intersection of 144th Street and Chandler Road:
 - i. Added a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow; and
 - ii. Modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity.
2. A trip generation comparison was completed by Felsburg, Holt & Ullevig (FHU) to explore the traffic generation differences between the previously approved PUD site plan and commercial development concept for Lots 3 and 4 Echo Hills Replat Four and the proposed revised PUD site plan and multi-family residential development. A memo containing this analysis, dated December 29, 2021, concludes “based on the trip generation analysis results, no significant impact is anticipated to traffic conditions with the proposed changes in land uses and quantities.”
3. The trip generation comparison memo mentioned above has been reviewed by the Nebraska Department of Transportation and Sarpy County Public Works, and both have expressed no comments or concerns.
4. As part of the Echo Park Apartments phase 1 development to mitigate the potential negative impacts of increased traffic to the neighborhood, the applicant installed a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills park, and an improved sidewalk connection to the park from the neighborhood.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Proposed Lot 1 Echo Hills Replat Five	Multi-Family with one commercial bay with a drive-through	385	422

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 Echo Hills Replat Four based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. This reduction of parking for this facility was approved.
3. The proposed number of provided off-street parking stalls for Lot 2-4 Echo Hills Replat Four (proposed Lot 1 Echo Hills Replat Five) exceeds the minimum number of stalls required by Section 7.06 of the La Vista Zoning Ordinance.
4. Per Section 7.05.09, multi-family housing developments shall provide a minimum of 0.5 enclosed garages per unit, but these garages may count toward the total number of parking spaces required. With 281 units, this requirement for the Echo Park Apartments is to provide a minimum of 141 garage stalls. This proposal includes 153 garage stalls (88 stalls in the garage under apartment building #3, and 65 single garages under apartment buildings #1, #2, #4, and #5.

IV. REVIEW COMMENTS:

1. Per Section 5.15.02.04 of the La Vista Zoning Ordinance, land uses not permitted in the underlying zoning district may be allowed by City Council through a Planned Unit Development Overlay District to promote mixed-use development. The development proposal related to this application includes a coffee/shop (commercial) use on the property which is not currently permitted in the underlying R-3 High Density Residential Zoning District, but will be permitted through the PUD ordinance if approved by City Council.
2. The applicant has requested an allowance for a reduction in the lot area minimum requirement for the R-3 High-Density

Residential Zoning District from 3,000 square feet for the first four units and 1,500 square feet for each additional unit to 3,000 square feet for the first four units and 1,316 square feet for each additional unit. This represents an 11% reduction in the lot area requirement for the multi-family housing on proposed Lot 1 Echo Hills Replat Five. A formal request letter for this allowance was submitted and is attached to the staff report for the PUD application. Allowances for this lot area requirement may be granted by City Council through the Planned Unit Development process, per Section 5.15.02.04 of the La Vista Zoning Ordinance.

3. The building design for the Echo Park Apartments Building #5 is currently under review by the City's third-party Design Review Architect. This design review process must be substantially complete prior to application for building permits.
4. The landscaping plan is currently under review by the City's third-party Design Review Architect and must be approved prior to building permit issuance.
5. Through the Conditional Use Permit, limitations will be placed on the commercial or coffee shop user proposed for the 1,800 square foot space on the west side of apartment building #5, to ensure that the user is one that can regularly maintain a drive through stacking queue of 5 cars or fewer (or such amount that the City Engineer deems appropriate for the location) to ensure that vehicles in the proposed drive-through do not stack out onto the public street.
6. A draft subdivision agreement is attached to the Replat packet item. It addresses items including but not limited to: public and private improvements, maintenance of common areas, staking bonds, guarantees and performance bonds, etc.

V. STAFF RECOMMENDATION – COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT:

Staff recommends approval of the Comprehensive Plan Future Land Use Map amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Official Zoning Map, PUD site plan amendment, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VI. PLANNING COMMISSION RECOMMENDATION – COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT:

The La Vista Planning Commission held a public hearing on March 3, 2022 and voted unanimously to recommend approval of the Comprehensive Plan Future Land Use Map amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of

an amendment to the Official Zoning Map, PUD site plan amendment, Conditional Use Permit amendment, and approval and recording of the final replat and subdivision agreement.

VII. ATTACHMENTS TO REPORT:

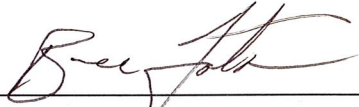
- A. Vicinity Map – La Vista Comprehensive Plan Future Land Use Map Amendment
- B. Updated Future Land Use Map

VIII. COPIES OF REPORT SENT TO:

- A. Brett West, West Management, LLC
- B. Joe Dethlefs, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request



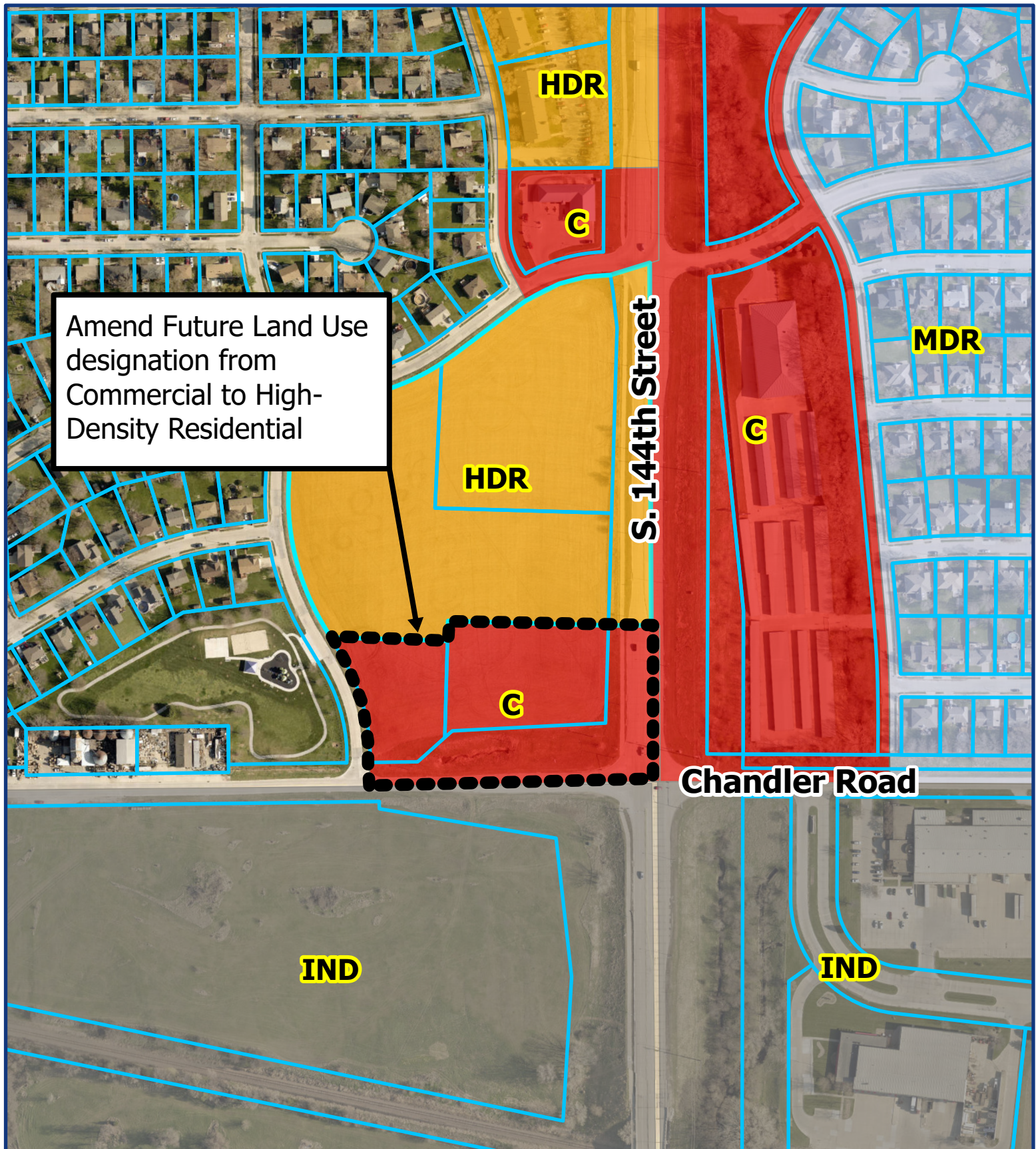
Prepared by: Assistant Planner



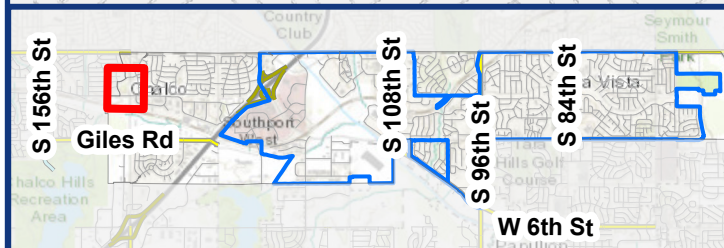
Community Development Director

3/25/22



Date



Future Land Use Map Amendment - West Management, LLC

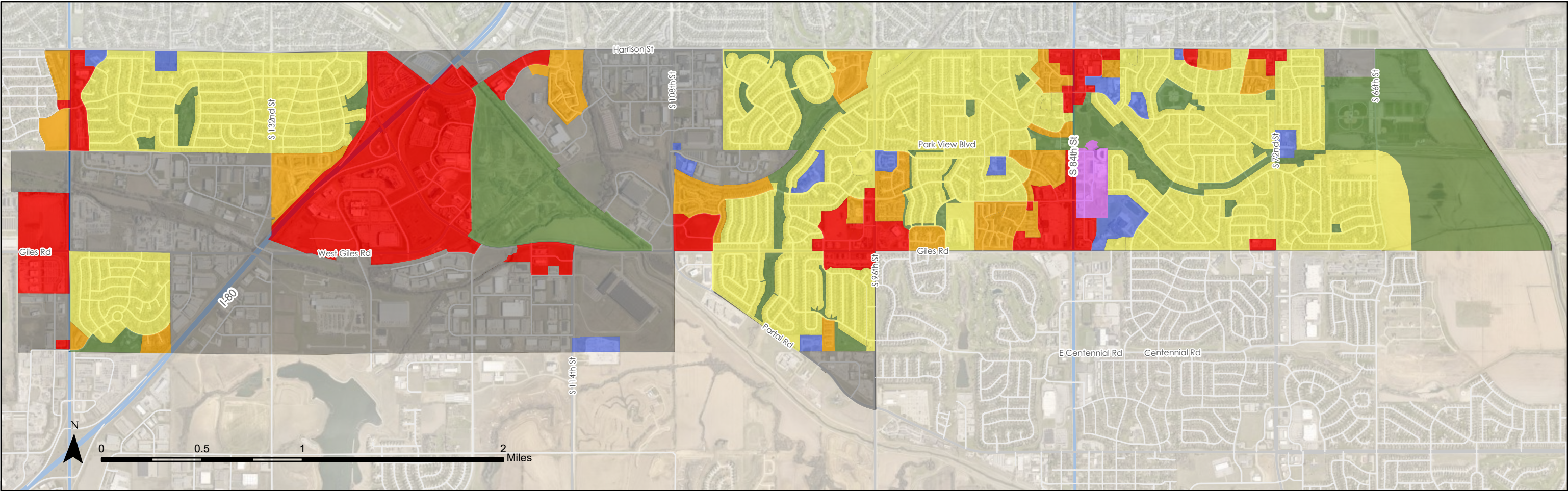


Legend

-  TaxParcel
-  Proposed Amendment Area



Future Land Use Map



LEGEND

- | | |
|--|---|
| Medium Density Residential | Industrial |
| High Density Residential | Public |
| Mixed-Use | Parks and Recreation |
| Commercial | |

Amended: 4/5/2022

THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY APPLICABLE CITY, COUNTY, STATE, FEDERAL, OR PUBLIC OR PRIVATE ENTITIES. THE ACCURACY OF THIS MAP CAN NOT BE GUARANTEED. THIS IS NOT A SCALED PLAT.