



CITY OF LA VISTA
PLANNING COMMISSION

STAFF REPORT

PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD)
THE ORCHARDS AT WILDEWOOD /
HARRISON HEIGHTS SUBDIVISION

DATE OF HEARING:
May 21, 2009

PROPOSAL:

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

PROPERTY INFORMATION

APPLICANT:
Empire Group, LLC
1941 S. 42nd Street
Omaha, NE 68105

PROPERTY OWNER:
Empire Group, LLC
1941 S. 42nd Street
Omaha, NE 68105

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

CURRENT ZONING:
TA, Transitional Agriculture

APPLICABLE DEFINITIONS

(from Section 2 of Zoning Ordinance)

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.

BACKGROUND

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.

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. The current proposal includes 112 senior living apartment units with 55 garages and 48 assisted-living units with no garages. Three commercial buildings are proposed 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-1 Planned Unit Development District

Applicable Plans:

The Comprehensive Plan and Future Land Use Map

REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES

Black Hills Energy, Denise Montgomery

No comments received

City Engineer, John Kottmann:

1. A traffic impact study was prepared and submitted that complied with the scope set forth in our initial review letter. The services of Felsburg, Holt & Ullevig were utilized to review this impact study. It has been determined that the Level of Service will be satisfactory given the current proposal.
2. There is an existing break in the controlled access along Harrison Street at roughly the center of the project area. The proposed development plan will require relocating this break to the west. Cross easements will be needed to allow for sharing of accesses and a development agreement will be needed to provide for shared maintenance of the accesses and any other shared improvements.
3. The proposed commercial buildings have a combined 20,500 gross square feet. This would require 103 parking stalls and the plan shows 109 stalls. The final PUD plan will need to address ADA parking stalls. The proposed senior independent living apartments are proposed to be two-thirds 2 bedroom and one-third 1 bedroom units. The parking regulators would require one stall for each bedroom. For a total of 112 units this would require 187 stalls. However, the applicant has indicated that since these are senior apartments, the second bedroom is most often used for hobbies, storage, or occasional guests. Therefore, they indicate the required parking is 118 stalls rather than 187. They are proposing 157 spaces between garage and open parking stalls. I find this to be satisfactory based on the apartments being used for senior housing. The assisted living facility is proposed to have 48 units. The parking regulators would require 1 stall per unit plus space per employee on the largest shift. The plan for Lot 4 proposes 76 stalls and indicates that 52 are required implying a staff of 4 persons. There appears to be a generous amount of parking and some of the long continuous rows of parking should receive some landscaped islands to improve appearance and reduce impervious coverage which appears unnecessary.

Utilities

4. The downstream sanitary sewer system has been analyzed and downstream capacity improvements do not appear to be required to serve these proposed land uses.
5. Water, gas, power, and communication systems are available to serve the proposed development. Extensions to the proposed buildings will need to be done in a manner that meets utility company and building code regulations. An acceptable site utility plan will need to be included with the final PUD submittal.

6. A lighting plan will need to be included with the final PUD submittal showing location of all proposed site lighting. The lighting shall be downcast, sharp-cutoff style lighting to reduce any light spillage onto adjacent residential properties.

Grading & Drainage

7. The site drains to a storm sewer system in Harrison Street. A drainage study was prepared in September of 2008 as part of the grading permit application process. This study indicated that the runoff from the site will be reduced to below existing conditions for 2, 10, 50 and 100-year events. This study was based upon a different development configuration than is currently being proposed; however, for the preliminary PUD stage it is sufficient to indicate that on-site detention will be employed to reduce storm water peak flows to existing conditions for 2, 10, 50 and 100-year events. Such a statement needs to be placed on the preliminary PUD plan. It should be noted that the current layout for Lot 5 provides less storm water detention space and at a location that will be more difficult to utilize.
8. A grading and erosion control permit through the Papillion Creek Watershed Partnership website has been obtained for this site. It will need to be modified to match the revised configuration of site development if the preliminary PUD is approved.
9. A preliminary Post Construction Storm Water Management Plan providing water quality improvements for the first 0.5 inch of runoff needs to be submitted as required by the recently adopted ordinances of the City. The preliminary PUD is sufficient for this stage of review. More details such as volumes of treatment areas to contain the first half-inch of run-off will be needed with the final PUD plan.

Miscellaneous

10. The preliminary PUD plans will serve as a preliminary plat for the re-platting action that will be necessary to create the proposed lots. Information is needed to show that a 12-foot wide right turn deceleration lane will leave at least 6 feet behind the proposed curb line to the existing right-of-way line. If not, an additional right-of-way dedication will be needed. Also, a pedestrian easement will be needed along the right-turn deceleration lane and will need to extend 12 feet back of the proposed curb line to cover the public sidewalk along Harrison Street.
11. The height, open space and building coverage limitations have been met. In order to meet the minimum lot area requirement per unit it will be necessary to take the composite area of Lots 4 and 5. Such averaging is allowed by the PUD regulations. However, the proposed garage buildings on Lot 4 do not meet the 50 feet setback requirement from public right of way which is applicable for accessory buildings. This could be addressed in the final PUD.
12. A development agreement will be needed that will identify the extent of common area improvements and identify the responsibility for maintenance of such improvements.
13. The PUD regulations have a provision that precludes residential projects from having direct access to arterial streets in Article 5.15.04.13.
14. The draft text of the PUD plan has several sections that may need modification. Article 6A does not exclude any of the permitted and conditional uses of R-3 Zoning, which could result in conventional multi-family if the intent to provide senior apartments or assisted living is not realized. This option seems to be further preserved by the language of Article 8C-ii which indicates leaving room to expand parking to that required for multi-family requirements. Section

7 for Building Design Guidelines and Criteria makes reference to 1999 Guidelines which were adopted for the Gateway Corridor Overlay District.

Chief Building Official, Jeff Sinnott

No comments received

Fire Chief, Rich Uhl

No comments received.

Metropolitan Utility District, Jeff Loll

No comments received.

Omaha Public Power District, Steve Sauer

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.

PUBLIC COMMENTS

Several phone calls have been received by the Planning Staff regarding this application from concerned neighbors. No written letters have been received. Concerns appeared to be alleviated when neighbors understood the development proposal was for elderly and retirement housing.

PLANNING STAFF ANALYSIS

Land Use:

City Planning Staff supports the use of Lots 13 & 14 for elderly / retirement housing and assisted living facilities. 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, Planning 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.

The commercial component of the applicant's rezoning request could offer neighborhood commercial services to the proposed and existing residential land uses. Although it would be an isolated pocket of commercial surrounded by residential zoning districts, Planning Staff does not view this as a spot zone because there is commercial zoning at the corner of 74th and Harrison (about 3 blocks to the East).

The Preliminary PUD plan notes a Phase One to the development, but a phased development plan is not part of the application. Therefore, it will be necessary to review the phasing of this development during the Final PUD review period.

Perspective drawings have not been submitted showing the revised building footprints. Elevation drawings will be required with review of the Final PUD and Conditional Use Permit application.

Transportation:

Access from Harrison Street to proposed Lot 2 is satisfactory as a right in/ right out turn movement.

Vehicular traffic would be able to circulate internally through the proposed five lots. However, pedestrian sidewalks are not shown internally. All five lots need to be ADA accessible to pedestrians. Entrances to buildings are not shown, but sidewalk connections should line up with side entries to the residential buildings.

Planning Staff has requested that proposed parking be reduced on Lot 4 and 5 to decrease impervious pavement and to preserve more trees on the South property line and East property line. Lot 4 has about 40 additional parking spaces than would be required, and Lot 5 has about 24 parking spaces more than required. Typically, elderly housing needs about 0.50 – 0.75 parking spaces per living unit according to research done on the American Planning Association's website. The Planned Unit Development allows for flexibility in parking requirements, so it is possible to relax the standard multi-family parking requirement for these elderly housing units and assisted living facility.

Also, to facilitate better traffic flow and maneuverability, it is suggested that the parking in the pick-up and drop off areas of Lot 4 and Lot 5 be diagonal parking or parallel parking only. This would also reduce the drive aisle widths and allow for more greenspace and pedestrian areas.

Parking on the eastside of the commercial building on Lot 2 should be eliminated or reduced to eliminate potential stacking problems at that access.

Landscaping:

Some of the existing mature trees will be conserved on the perimeter of the development. The developer proposes cutting into the hillside for building sites and parking areas which will likely cause some trees to be removed. The PUD plan needs 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 nice amenities to the proposed developments.

Additional landscaping is required on the perimeter of the proposed lots. New trees have been proposed to meet the minimum landscaping requirements. The Final PUD plan will need to show all proposed landscaping and existing trees to be preserved.

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:

An application for a Conditional Use Permit, Final Plat and Final PUD Plan approval will be required pending approval of the Comprehensive Plan Amendment, Rezoning, Preliminary Plat, and Preliminary PUD Plan.

PLANNING STAFF RECOMMENDATION

Approval of the Comprehensive Plan Amendment to change the Future Land Use Map designation for proposed Lots 4 & 5 in Harrison Heights Subdivision from “Public” to “High Density Residential” and for proposed Lots 1-3 in Harrison Heights Subdivision from “Public” to “Commercial.”

Approval of Rezoning proposed Lots 4 & 5 in Harrison Heights Subdivision from TA, Transitional Agriculture to R-3 PUD-1, High Density Residential and rezoning proposed Lots 1-3 of Harrison Heights Subdivision from TA, Transitional Agriculture to C-2 PUD-1, General Commercial.

Approval of the Preliminary PUD Plan / Preliminary Plat of Harrison Heights Subdivision with the following conditions:

1. A variance needs to be granted to Section 5.15.04.13 by the Board of Adjustment to allow for residential access onto an arterial street. This variance is required prior to Planning Commission’s review of the Final PUD Plan and Final Plat.
2. City Staff will need to review the phasing of this development during the Final PUD review period. The applicant shall submit the phased development plan with the Final PUD and Conditional Use Permit.

3. The draft text of the PUD plan needs modifications to limit the uses of Lots 4 & 5 to elderly / retirement housing and assisted living facilities.
4. Revisions requested by the City Engineer, in his letter dated May 4, 2009, shall be incorporated into the Final PUD Plan, Final Plat and Conditional Use Permit submittal.
5. Revisions and additional information requested by the City's Design Review Architect shall be incorporated into the Final PUD Plan, Final Plat and Conditional Use Permit submittal.
6. Other revisions stated in this report shall be addressed prior to Final PUD Plan, Final Plat and Conditional Use Permit submittal.
7. Commercial development shall meet the design standards set forth in the City of La Vista's Commercial Building Design Guidelines.


Prepared by:

 5-14-09
Community Development Director Date

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 and independent 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 either senior apartments or an assisted living facility 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, all Permitted and Permitted Conditional Uses allowed within the R-3 High Density Residential District shall be allowed on Lots 3 and 4, Harrison Heights except as modified below:

A. The following uses shall be prohibited:

- i. None

Unless otherwise provided in this Ordinance, all Permitted and Permitted Conditional Uses allowed within the C-1 General Commercial District shall be allowed on Lots 1 and 2, 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.

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 (office, retail, and lodging) on Lots 1-2.

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 and 2) is to develop retail, office center(s) and/or individual businesses. The intent of the design and layout for Lots 3 and 4 is to develop senior apartments and an assisted living facility.

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, provided sufficient space is reserved on site for increasing the total number of parking spaces to equal that required for multi-family.

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.
- (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, ad 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.

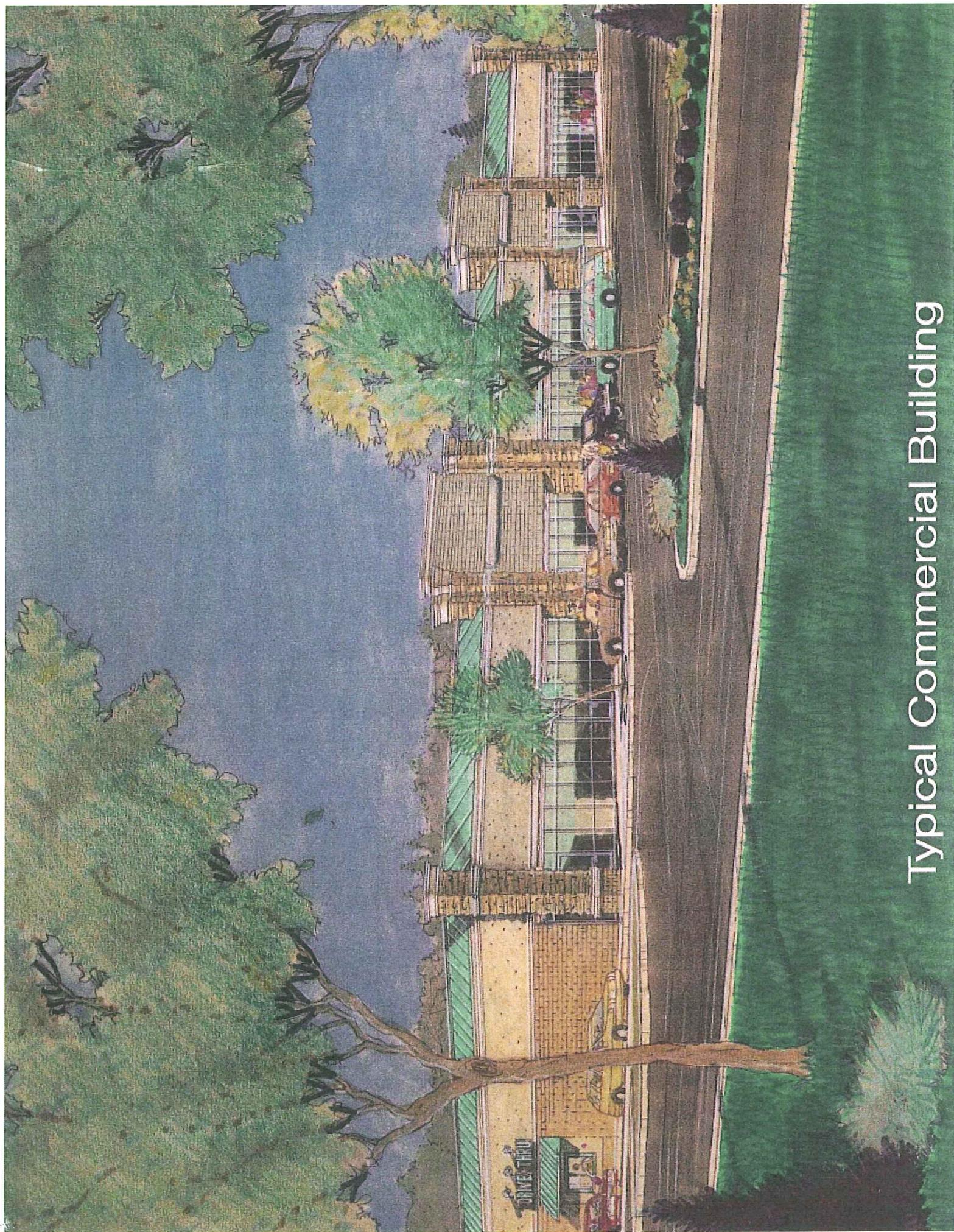
CITY OF LA VISTA

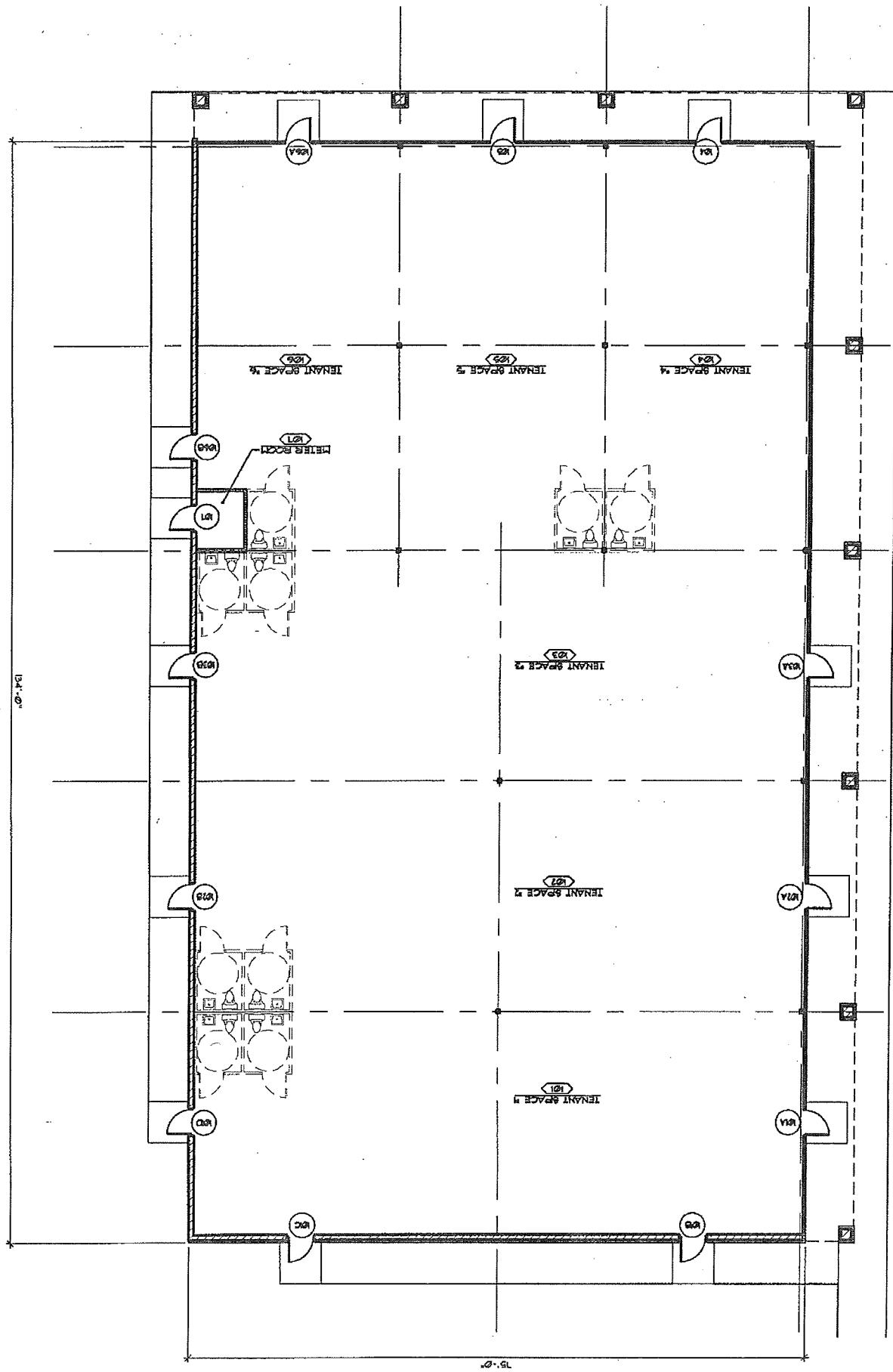
ATTEST:

Douglas Kindig, Mayor

City Clerk

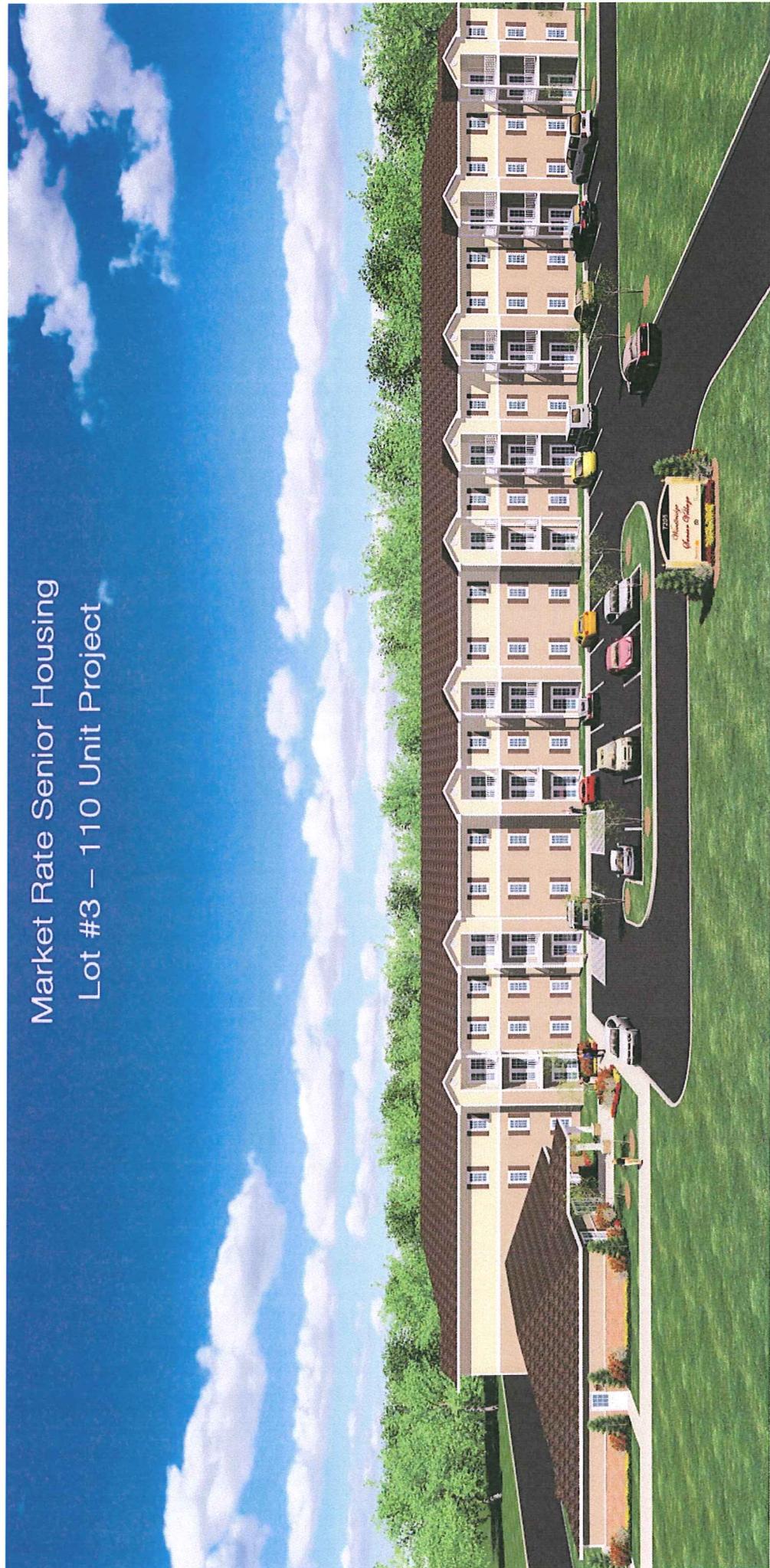
Typical Commercial Building







Market Rate Senior Housing
Lot #3 – 110 Unit Project



NOTICE
The following documents, the property of the Department of State, are now available for inspection and copying by the public. They are located in the *General Reference Room* of the Library of the Department of State, Washington, D. C. The hours of the Library are 8:30 a. m. to 4:30 p. m., Monday through Friday, except Federal holidays. The documents are arranged in chronological order, and are indexed under the names of the countries, persons, and subjects mentioned in the titles. The following is a list of the documents:

CALAMAR

**CRESTVIEW
SENIOR
HOUSING
74TH AND HARRISON
LA VISTA, NEBRASKA**

REVIEWS

SA PROJECT NAME: PRINCIPAL ENGINEER:
SOILS, ARCH. M. ANDREW C. COOPER
STRUCTURES DRAPTOR M. T. COOPER

**FIRST FLOOR
PLAN**

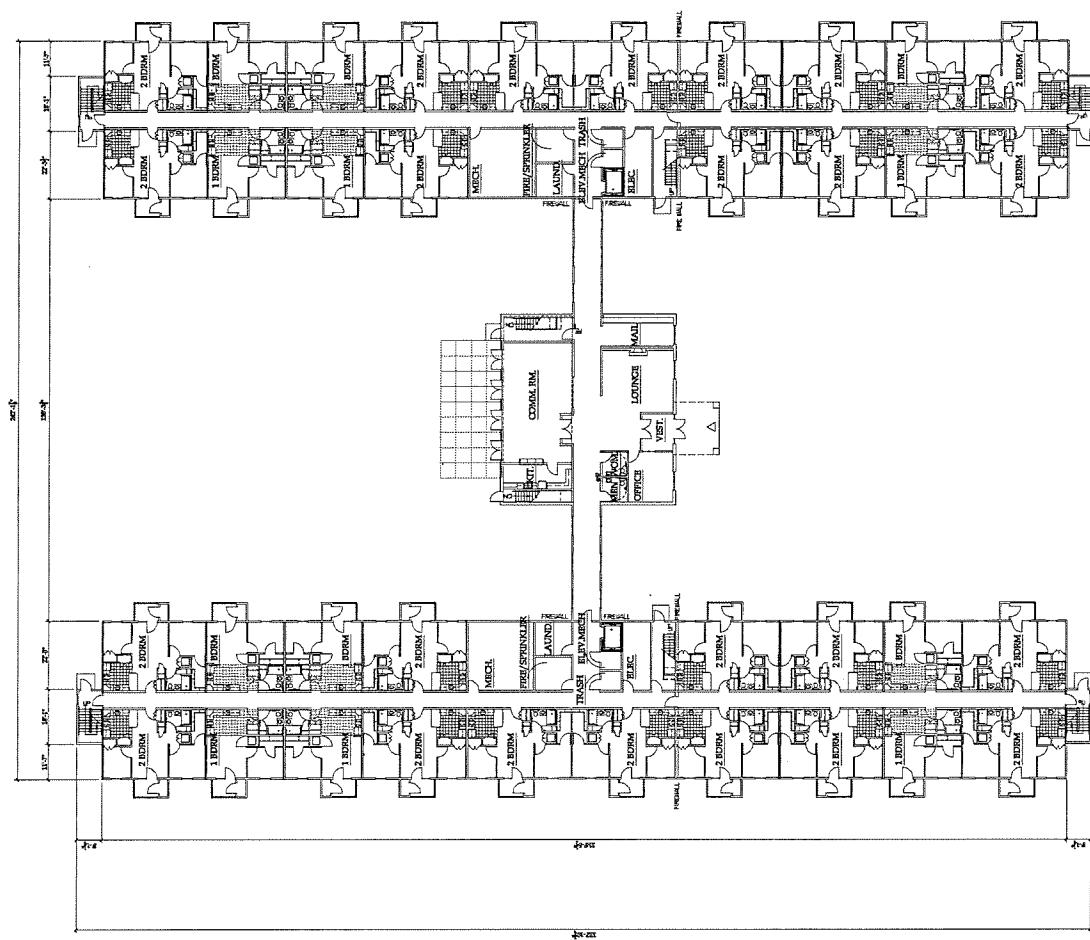
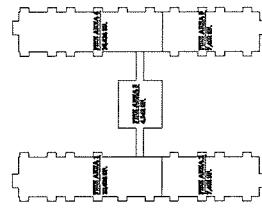
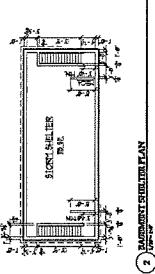
A stylized letter 'K' logo, rendered in white on a black background. The 'K' is formed by a thick, curved line that loops back on itself, creating a dynamic, modern appearance.

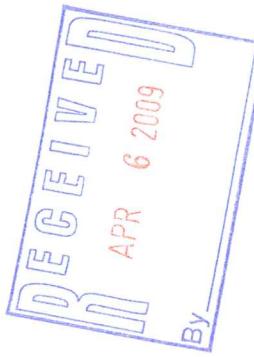
SILVESTR
ARCHITECTS, PC

REVIEW DATE
APRIL 1, 2001
FAX 716/617-0773
DATE
04/01/01

DRAWING #: A-101

UNIT SUMMARY		1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	TOTAL
1 FLOOR	1	1	1	1	1	4
2 FLOOR	2	2	2	2	2	8
TOTAL	3	3	3	3	3	16





Senior Independent Living

Lot #4 – 48 Unit Project



