

**CITY OF LA VISTA  
PLANNING COMMISSION MINUTES  
April 20, 2006**

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, April 20, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Hewitt, Gahan, Andsager, Rizzo, Roarty, Horihan and Carcich. Also in attendance were John Kottman, city engineer, David Potter, city planner, and Ann Birch, community development director.

Legal notice of the public meeting and hearing was posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission and a copy of the acknowledgement of the receipt of notice is attached to the minutes. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

**1. Call to Order**

The meeting was called to order by Chairperson Krzywicki at 7 p.m. A copy of the agenda and staff report was made available to the audience.

**2. Approval of Meeting Minutes of March 16, 2006**

Carcich motioned to approve the minutes of March 16, 2006. Hewitt seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried.

**3. Old Business**

None.

**4. New Business**

**4A. An amendment to a Final P.U.D. Plan (Ordinance) for Southport West (Lots 1-4, 15-27, and outlots A&B) and Southport West Replat One (Lots 1-3) located in parts of the SE1/4 and SW1/4 of Section 18, T-14-N, R-12-F, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located at 126<sup>th</sup> and Giles Road.**

**i. Staff Report:** A public hearing was continued from the March 16, 2006 meeting to consider amendments to the final P.U.D. plan for approximately 150 acres zoned C-3 PUD-1 and I-2 PUD-1 and known as Southport West, generally located at 126<sup>th</sup> Street and Giles Road. The application is consistent with the comprehensive plan and compatible with surrounding developments.

An application was made to amend the current Planned Unit Development (P.U.D.) Plan which was approved by the City Council on December 21, 2004. The most recent proposed Final P.U.D. Plan is designed to compensate for project demands concerning height, setback, use limitations, parking requirements, etc. According to the La Vista Zoning Ordinance, the intent of the PUD-1 District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety and general welfare of existing and future residents of surrounding neighborhoods.

Staff is in the process of reviewing the application for an amendment to the Final P.U.D. Plan and will need additional time to provide a recommendation. A copy of the proposed P.U.D. Plan will be distributed for your review prior to action being taken.

Staff recommends continuation of the hearing until the next meeting.

ii. **Public Hearing:** Carcich motioned to further continue the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried.

**4B-C. Applications to amend Future Land Use Map from Industrial to commercial on Lots 1-3, Southport West, and to rezone Lots 1-3, Southport West from I-2 PUD-1 Heavy Industrial to C-3 PUD-1 Highway Commercial/Office Park, generally located at Westport Parkway and West Giles Road.**

i. **Staff Report:** Public hearings were held to consider an amendment to the future land use map and rezoning of approximately 32 acres generally located northeast of 132<sup>nd</sup> and West Giles Road. The application has been submitted by Southport West Partners, LLC.

On March 5, 2002 the City Council voted to change the future land use designation from commercial to industrial and the zoning from TA Transitional Agriculture to I-2 Heavy Industrial at the request of Millard Lumber. Since that time the property has changed ownership and adjacent properties within the Southport West Subdivision have seen retail and hotel development. The current owners of Lots 1-3, Southport West (known as Millard Lumber property) share this retail vision for the entire development and seek a change to the Future Land Use Map from Industrial back to Commercial and a change in zoning from I-2 Heavy Industrial PUD to C-3 Highway Commercial/Office Park PUD.

Staff has reviewed the application for a change to the future land use and rezoning and has the following comments:

1. This property falls within La Vista's Gateway Corridor District and would be a much better fit based upon the location and relationship to the Southport Commercial Development.
2. Significant impact on the storm and sanitary sewers resulting from the zoning change is not anticipated. However, there could be significantly different traffic characteristics associated with the commercial uses as opposed to the industrial uses. The typical commercial uses would have higher volumes especially during the P.M. peak hours. A traffic study shall be done prior to City Council approval to evaluate the impact of the proposed land use changes at the following intersections based upon full build-out of Southport East and Southport West subdivisions:
  - a. The westbound ramp terminal of I-80 and 126<sup>th</sup> Street.
  - b. The eastbound ramp terminal of I-80 and Giles Road.
  - c. The intersection of Southport Parkway and Giles Road.
  - d. The intersection of Giles Road/Eastport Parkway/West Giles Road.
  - e. The intersection of West Giles Road and Westport Parkway (west intersection).

Staff recommends approval of Item 4B to City Council to allow a change to the Future Land Use Map subject to the resolution of items identified by the city engineer and staff as it is consistent with adjacent land uses.

Staff recommends approval of Item 4C to City Council to allow the zoning change subject to the resolution of items identified by the city engineer and staff as it is consistent with the proposed change to the comprehensive plan and adjacent land uses.

**ii. Public Hearing:** Rizzo motioned to open the public hearings simultaneously on items 4B and 4C. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:08 p.m.

John Mengfrecker, E & A Consulting Group, was on hand to represent the applicant. Hewitt asked if the engineer had participated in 2002 application when this was rezoned to industrial and if the traffic study had been initiated. He was not. Hewitt asked what exactly does a traffic study indicate. Potter said a traffic study is done not only for the commercial build-out of Southport West but some of the things that are happening around that area as well. Kottman said that four of the five intersections of concern already have, or are scheduled for traffic signals. The purpose then, of these four, is to examine the length and number of turn bays. The fifth intersection of West Giles Road and West Port Parkway to determine traffic warrants to see if another traffic signal is needed.

Malmquist asked if the rest of Southport West is all zoned C-3 with this exception and if it was all rezoned at the same time. Potter said it was all zoned C-3, but had not been done all at the same time.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:12 p.m.

Hewitt asked if the Commission is reversing what has been done on a previous application regarding traffic studies being required before consideration.

Potter said in this particular case, this area was proposed to be commercial when the Future Land Use Map was amended in 2001. However, with a prior zoning change application by Millard Lumber it was rezoned from commercial to industrial. The original traffic studies indicated at that time that it was to be commercial, however, now with Cabela's and the hotel possibilities in that area, new traffic studies are warranted.

Kottmann said the intersection at 132<sup>nd</sup> and Giles is a problem and there are studies underway to examine solutions to that. This study requested does not specify the applicant to look at that intersection, but that is part of the bigger picture. The request for this traffic study is more of an update to the prior study on this subdivision and is stipulated to be accomplished before the applicant goes to City Council.

Kottmann said it is hard to create a set of rules to react to all situations the same.

**iii. Recommendation:** Malmquist motioned to recommend approval of Item 4B to City Council to allow a change to the Future Land Use Map subject to the resolution of items identified by the city engineer and staff as it is consistent with adjacent land uses. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried.

Rizzo motioned to recommend approval of Item 4C to City Council to allow the zoning change subject to the resolution of items identified by the city engineer and staff as it is consistent with the proposed change to the comprehensive plan and adjacent land uses. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried.

This item is tentatively scheduled for the May 16, 2006 City Council meeting.

**4D-F. Applications to amend the Future Land Use Map from Commercial to High Density Residential on approximately 36.49 acres; to rezone approximately 36.49 acres from TA Transitional Agriculture to R-3 High Density Residential; and to rezone approximately 3.51 acres from TA Transitional Agriculture to C-3 Highway Commercial/Office Park all located in part of the SW ¼ of Section 18, T-14-N, R-12-E of the 6<sup>th</sup> P.M., Sarpy County, NE., generally located northeast of 132<sup>nd</sup> and Centech Road.**

i. **Staff Report:** Public hearings were held to consider an amendment to the future land use map and rezoning of approximately 40 acres generally located northeast of 132<sup>nd</sup> and Centech Road. The application has been submitted by Jack Mackel on behalf of Tom and Colleen Rossitto.

The 40-acre parcel is currently zoned TA Transitional Agriculture, designated as commercial on the Future Land Use Map and is predominantly vacant or used for agriculture production. The applicant/owner is proposing to develop multi-family apartments on a majority of the parcel and a commercial flex space on a 3.51-acre proposed lot located at the southern end.

According to the La Vista Comprehensive Plan, multi-family land uses are recommended to be used as buffering mechanisms to lessen the effects of commercial and industrial uses upon single family neighborhoods. Staff feels that this rezoning and proposed use will provide such a buffer for the single family residential development (Millard Highlands South) to the north with regards to industrial uses located in the Centech Business Park located west of 132<sup>nd</sup> Street and with Interstate 80.

Staff does not expect an appreciable difference in impact to sewer, water, power and other utilities based upon commercial or multi-family uses on this property. Traffic generation characteristics of multi-family residential is estimated to be two to three times less than that expected from a commercial development. Also, the property in question is not included in the 132<sup>nd</sup> and West Giles Road study at this time.

Staff has reviewed the application for a change to the future land use and rezoning and has the following comments:

1. This property falls within La Vista's Gateway Corridor Overlay District and the appropriate design guidelines will apply. Such design guideline approval is required before any conditional use and/or building permit.
2. The multi-family apartments are a conditional use permit within the R-3 Zoning District and will require such a permit prior to issuance of a building permit.
3. An administrative plat or replatting consistent with the rezoning is required prior to the consideration of any conditional use and/or building permit.
4. The platting process will need to address storm water detention as required by the La Vista Subdivision Regulations and access locations onto 132<sup>nd</sup> Street. The accesses shall be aligned with Centech Road and Chandler Road. An intermediate access point may be considered.

Staff recommends approval of Item D, amendment of the Future Land Use Map from Commercial to High Density Residential on the 36.49-acre tract, to City Council as it is consistent with the intent of the Comprehensive Plan.

Staff recommends approval of Item E the zoning change of approximately 36.49 acres from TA Transitional Agriculture to R-3 High Density Residential, to City Council as it is consistent with the proposed change to the Future Land Use Map.

Staff recommends approval of Item F the zoning change of approximately 3.51 acres from TA Transitional Agriculture to C-3 Highway Commercial/Office Park, to City Council as it is consistent with the Comprehensive Plan.

ii. **Public Hearing:** Carcich motioned to open the public hearing for Items 4D, E, and F. Andsager seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:22 p.m.

Pat Sullivan, attorney for the applicant, and Doug Dreessen, engineer on the project were present. The intended project to be developed is in the Gateway Corridor and will be a high end development. The idea is for the applicant to build and own this project.

Gahan asked how large these apartments were to be. Sullivan said these would be one and two bedroom apartments with a loft concept for the on-the-go lifestyle.

Hewitt asked what was the plan used for the commercial flex space. Sullivan said there were no specific users, it would likely be those who would perform a service to the apartment complex and the community.

Horihan asked about the number of units. Sullivan said it comes close to 700 units.

Potter said that he received a number of calls from surrounding property owners who are concerned about this project. This is a conceptual plan for now and a conditional use process would be necessary at a later point with specific guidelines and issues addressed.

Krzywicki said that his issue would be the density and the fact that there is no park land. Sullivan said that would not be a problem to put in a park or a buffering zone. They would hope to put in more natural type barriers rather than a fence.

Krzywicki also asked what percentage of La Vista is currently multi-family compared to single family and how does that compare to surrounding areas.

Potter said this information would be researched and could be made available to the Planning Commission. He said there is one additional complex scheduled for the southwest corner of 96<sup>th</sup> Street and Harrison.

Mike McCormick, citizen in that area, did not receive notification of this meeting but does have a concern regarding the increase in traffic that this complex would represent. Where are all these children going to attend school. Does that school district know? It appears that we have already over used this road for commercial requirements and now we are trying to add more traffic. He wondered if the signage will be changed on the Interstate as to the renaming of Giles Road.

Potter answered that Mr. McCormicks' property is outside of the 300 foot radius required for notification of surrounding property owners, but that there was notice posted on the property in question. Also, the school districts do receive this information at the time of development.

Joe Soucie, Public Works Director, said signage would be changed on I-80, but that the state had sent back a recommendation that the entirety of 126<sup>th</sup> Street be changed. So, in time it will happen.

Horihan asked how many units the Brentwood Park Apartments have in comparison to this project.

Cary Kangor, resident of 130<sup>th</sup> Street, came forward to state she did not receive notice of the hearing either. She has concerns regarding the 45 mph zone and worried that it would become a freeway. She wondered if there would be adequate parking for 1400 cars at the apartment complex, or if those cars would be parked on her residential street.

Sullivan said this is a conceptual idea and the details were yet to be determined. He stated they hoped that as this plan goes forward they can incorporate into their designs things that minimize the concerns of property owners in the surrounding neighborhood.

Kangor inquired about the barrier between her neighborhood and the proposed apartment complex. Sullivan said this issue had come up at the neighborhood meeting. He suggests that it may be that the complex would be lower than the adjacent neighborhood due to the steep downhill slope and a fence may take away the view.

Krzywicki reminded that this is a conceptual plan and the details are not pertinent at this point, but would be addressed at the conditional use permit application stage at a future date.

Carcich motioned to close the public hearing. Rizzo seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 7:49 p.m.

iii. **Recommendation:** Malmquist motioned to recommend approval of Item D, amendment of the Future Land Use Map from Commercial to High Density Residential on the 36.49-acre tract, to City Council as it is consistent with the intent of the Comprehensive Plan. Roarty seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, Rizzo, and Krzywicki. Nays: None. Motion carried.

Gahan motioned to recommend approval of Item E, zoning change of approximately 36.49 acres from TA Transitional Agriculture to R-3 High Density Residential, to City Council as it is consistent with the proposed change to the Future Land Use Map. Roarty seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, Rizzo, and Krzywicki. Nays: None. Motion carried.

Carcich motioned to recommend approval of Item F, the zoning change of approximately 3.51 acres from TA Transitional Agriculture to C-3 Highway Commercial/Office Park, to City Council as it is consistent with the Comprehensive Plan. Rizzo seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, Rizzo, and Krzywicki. Nays: None. Motion carried.

These items are tentatively scheduled for the City Council agenda of May 16th. The audience was advised that at the upcoming City Council meeting it would be a resolution and ordinance to change the future land use and the zoning map, as was discussed tonight. If the rezoning were successful the applicant would have to come back with a conditional use permit application. If there are any concerns or anyone desires specific notification they should contact city hall.

**4G. A replat application for Lots 1-3, Southport West Replat Two, generally located at 126<sup>th</sup> and Southport Parkway.**

i. **Staff Report:** A public hearing has been scheduled to consider an application for a replat of Lots 17, 18, 21 and 22, Southport West. The application was submitted by JQH La Vista Development, LLC.

The owner of Lot 18 has recently purchased Lot 17 and parts of 21 and 22 to construct two hotels and a conference center. The property comprises approximately 21 acres and is zoned C-3 PUD-1.

City engineer, John Kottmann, and staff have reviewed the application for the proposed replat and have the following comments:

1. Traffic impacts were considered during the original platting of the subdivision, however the study done in 2003 did not consider a conference center. The applicant shall provide some usage or traffic count data for the conference center based upon similar facilities.
2. Perimeter sidewalks will be required as the lots are built upon. These sidewalks will need to be six inches thick, five feet wide, and placed at least six feet from edge of walk to back of curb. The sidewalk will need to be curvilinear in design according to the Planned Unit Development Plan.
3. The name of 126<sup>th</sup> Street needs to be changed to Giles Road.
4. Note #4 on the final plat shall be changed to include "now known as Giles Road" after 126<sup>th</sup> Street.
5. The access points noted on the proposed replat are consistent with what was approved on the original platting. However, prior to preparation of mylars for the replat these access points should be reviewed and revised to correspond to development plans currently being prepared for the property. The agreed upon revised access locations will need to be shown on the replat.
6. The proposed replat will not affect the drainage plan that was previously agreed upon.
7. No additional public utilities will be needed to serve the replat. All lots will have direct access to public utilities in Southport and Westport Parkways.
8. The subdivision agreement for Southport West contains language about revising the escrow amount of the hotel/conference center site in the event the size is increased beyond the original Lot 18. This replatting makes such a change. The applicant shall provide an amendment to the subdivision agreement satisfactory to the City Attorney prior to City Council approval.

Staff recommends approval of the proposed replat to City Council subject to the resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations.

**ii. Public Hearing:** Carcich motioned to open the public hearing.

Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:55 p.m.

John Mengfreckner, with E & A Consulting Group was present for the applicant. Potter said this is a pretty straight forward issue with the consolidation of two or more lots constituting a replat. Potter said the city had been informed that there would eventually be two hotels and a conference center on this site: Embassy Suites, Courtyard by Marriott and the Conference Center itself. The submitted conditional use permit application is currently for only one hotel.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 8 p.m.

**iii, Recommendation:** Hewitt motioned to recommend approval of the proposed replat to City Council subject to the resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, Rizzo, and Krzywicki. Nays: None. Motion carried.

This item is tentatively scheduled for the City Council agenda of May 16.

**4H. Stormwater Management Policy – Papillion Creek Watershed**

A presentation and discussion was scheduled regarding the Papillion Creek Watershed and the proposed Storm Water Management Policies. The La Vista Public Works Director Joe Soucie, along with Lyle Christiansen of HDR Engineering, presented the six proposed policies and discussed the process of incorporation.

A partnership was formed in 2001 to deal with EPA storm water regulations. It was determined that the nine cities and two counties involved could better be served as a group to successfully fulfill a five year permit process which encompasses 402 square miles of watershed.

**5. Comments from the Floor**

None.

**6. Comments from the Planning Commission**

Potter reported that from the last meeting, two items had been approved by City Council: the dog grooming and sign change.

There is a special meeting scheduled on May 4, in addition to the regularly schedule meeting on May 18.

Krzywicki asked that the members think about starting times for Planning Commission meetings that may work better for everyone and the subject will be discussed at the May meeting. Potter discussed the proposed meeting format.

On behalf of the NPZA, Potter presented Chairperson Mike Krzywicki with the Nebraska Planning & Zoning Associations Appointed Officials Service Award in appreciation of his outstanding dedication for twenty years as a member and chairperson of the City of La Vista’s Planning Commission. This honor is awarded for his leadership role in the development of the city’s community and economic development projects and for volunteering of his time and talents for community success.

**7. Adjournment:** Carcich motioned to adjourn. Rizzo seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 9:13 p.m.

Reviewed by Planning Commission: John Gahan

*Sharon Dennis*  
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Recording Secretary

*Michael J. Zygmunt*  
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Planning Commission Chair

5-18-2006

Approval Date