



CITY OF LA VISTA
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COPY

PLANNING COMMISSION MINUTES
AUGUST 16, 2018-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, August 16th, 2018 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Tom Miller called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, Kevin Wetuski, Jason Dale, John Gahan, Kathleen Alexander Tom Miller, Mike Circo, and Harold Sargus. Members absent were: None. Also in attendance were Chris Solberg, City Planner; Meghan Engberg, Permit Technician; Ann Birch, Community Development Director; Rita Ramirez, Assistant City Administrator and John Kottmann, City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. 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 Chairman Miller at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – July 19, 2018

Malmquist moved, seconded by Dale, to approve the July 19th minutes with corrections. **Ayes:** *Krzywicki, Wetuski, Sargus and Malmquist* **Nays:** *None.* **Abstain:** *Gahan, Miller, Alexander, and Circo.* **Absent:** *None.* **Motion Carried, (4-0-5)**

3. Old Business

None.

4. New Business

A. Planned Unit Development – Rotella's Bakery

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, Rotella's Italian Baker, is requesting a PUD for numerous properties. This includes Lot 1, Rotella's First Addition, Lots 4, 5, 6, 15, 16, 17 and 28A Oakdale Park and Tax Lot 8A2. The requested PUD site plan will allow for a campus plan detailing existing conditions and future developments. Staff's recommendation is for approval of the PUD Site Plan for an industrial campus development as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

- ii. **Applicant Presentation:** Kylan Block from RDG Planning and Design came up and spoke on behalf of the applicant. He mentioned that Rotella's has been in business since 1921 and in its current location since 1989. During this time they have grown and acquired additional properties from their North, South, and East and as they have considered their future growth, their desire to improve and grow where they are instead of building remote locations. They then developed a Master Plan and studied how to better utilize the space they have and prioritize their future growth. He said that that's what led them to this PUD. The PUD was created to address some of the zoning issues that limited the ability for them to develop the spaces that they needed in order to streamline operations at their current location. He said that major projects in their future would allow them to streamline production, to simplify some of the logistics, and address the growing needs of new markets, such as the gluten free product line and servicing their national accounts. He then offered to answer any questions there may be.

Krzywicki asked if Block could give a summary of the water detention treatment part of the plan.

Block showed them a picture and explained that when they did the current south addition they did make provisions and included a storm detention area underneath the existing site. He said that many of the existing properties are fairly well paved already, so they'd be swapping roofing area for paving area. With that being said, they are trying to preserve some of the green space where they could accommodate either surface or subterranean storm detention. He mentioned that he knew it was a concern as far as controlling the runoff and the amount of water that is dumping into the storm sewer. He said that there would never be an instance where they would be imposing water drainage onto adjacent properties. He said that right now everything is fairly internal and even the east plant right now has its own storm sewer that runs around the perimeter of the property which is being preserved and they would tie into that with any work they do in the east part of the campus.

- iii. **Public Hearing – Miller opened the public hearing.**

Lisa Robino Walter came up in regards to the drainage issue and asked if the 3D Storage was still going to be tying into that sewer line. She also asked if the traffic from the 3D Storage still going to be able to exit out to 108th Street through their property. She said other than that, her main concerns are that there will still be some green space and that the noise level will be kept down.

Solberg said that this is a public hearing for the Rotella's PUD and not about the 3D Storage.

Robino Walter rebutted and said that the 3D Storage said that they are going to tie into Rotella's drainage.

Solberg said that is correct. He said that they do have an easement set up.

Robino Walter said that the last time she heard it was just a verbal agreement and that is why she was asking if it was really going to happen.

Solberg said that he believed that Block could talk to that connection and verify that that agreement is still happening, but as far as her basic questions on 3D Storage, nothing has changed. It is still directing most of the traffic out onto 107th Street once you get into the development and the agreement for the storm sewer still runs through the Rotella's property.

Block came up and said that Rotella's met with the people that are developing that storage facility and there was a preliminary agreement that if they develop that property, they would make some improvements to the storm sewer that is on the private property of Rotella's so that it would accommodate not only the capacity that is ultimately needed by Rotella's, but the capacity that would be added by the storage facility as well. He said that if whatever time the storage facility is done there is an agreement, in principle at least, that would happen. Block then received confirmation that there is an agreement in place. He then reiterated Solberg's point that that is not a part of their project or their PUD application. It is a private party that is adjacent to their location.

Sargus asked if Block could address the green space.

Block said that the green space in reference to that particular property is outside of their jurisdiction. He said that there is quite a tree line that exists as you enter Cimarron Woods, which is adjacent to the property that was asked about. He then showed an image of the tree line and existing green space. He said they would not be doing anything to tree line that is there now because it adds a nice landscape buffer between them and the residential area. He also said that the tree line is 20-30% higher than the buildings.

Gahan brought up the noise level and asked if they expected it to go up as the project advances.

Block said that during construction there would be noise, but that it would be short term. He mentioned that the site used to have external intercoms for paging, but that a lot of those have been removed and they are now using cell phones and wireless radios, so that they can cut down on noise that would affect the neighbors. Block then said that the sound from manufacturing noises would not be any louder than it is today.

Dale asked if there is any kind of a timeline they have for the future expansion and when that would begin.

Block pointed on the visual that the areas marked as A1, A2, and A3 are scheduled for construction in the next 1 to 2 years. They are hoping to break ground in the spring for any of those 3 buildings. He said that as a bakery, they do work that is demand driven, especially in the area that is slated as A3. He said that the demand has been adequate enough for Rotella's to ask him to speed up his work on the

project. He anticipates that A1 and A2 would happen very quickly and A3 would be soon after. Block mentioned that A4 would more than likely be done in the next 5 to 6 years.

Miller closed the public hearing.

- iv. **Recommendation –Approval: Malmquist moved, seconded by Gahan to recommend approval for the PUD site for industrial campus development as the PUD Site Plan as presented is consistent with the Comprehensive Plan and the Zoning Ordinance. Ayes: Krzywicki, Wetuski, Dale, Sargus Gahan, Circo, Alexander, Miller, and Malmquist Nays: None. Abstain: None. Absent: None. Motion Carried, (9-0)**

B. Zoning Ordinance Amendment: Sections 2.02 and 5.10 (Adult Daycare)

- i. **Staff Report – Chris Solberg:** Solberg stated that Adult Daycare Services is a land use category that has grown in demand over the years but has not been identified specifically within the City's Zoning Ordinance. Staff has been contacted regarding a potential project which would have a need for this use, and staff concluded that adult daycare services should be assigned to a zoning district as a permitted use. Staff approves approval of the proposed amendments.
- ii. **Public Hearing – Miller opened the public hearing.**

Miller closed the public hearing as no members of the public came forward.

Malmquist asked why they needed to differentiate between daycare services and adult daycare services.

Solberg said that childcare services are more defined in their Zoning Ordinance and that it's more split out because of the state regulations that are related to it, so that's part of the reason why they are differentiating it.

- iii. **Recommendation – Approval: Krzywicki moved, seconded by Alexander to recommend approval of the changes of the Zoning Ordinance in regard to the adult daycare. Ayes: Krzywicki, Wetuski, Dale, Sargus Gahan, Circo, Alexander, Miller, and Malmquist Nays: None. Abstain: None. Absent: None. Motion Carried, (9-0)**

C. Zoning Ordinance Amendment: Sections 2.04 and 5.14 (Concrete Batch Plant)

- i. **Staff Report – Chris Solberg:** Solberg stated that permanent concrete batch plants are currently not addressed in the City’s Zoning Ordinance. Staff has been contacted by the Lyman-Richey Corporation regarding a potential project which would expand their plant located on the northwest corner of 96th Street and Portal Road. Because concrete batch plants are not listed as a use in the I-2 District, the current use is nonconforming and expansion would not be permitted. Staff has evaluated their proposal and concluded that we would recommend an amendment to allow concrete batch plants as a conditional use in the I-2 District. Staff recommends approval of the proposed amendments.

- ii. **Public Hearing – Miller opened public hearing**

Miller closed the public hearing as no members of the public came forward.

Circo asked how these plants were listed before.

Solberg said that it’s currently nonconforming and they currently do not have concrete batch plants as a permanent use within the district. They annexed that property after the 2001 Zoning Regulations changes and that was developed prior to that, so that’s why it was allowed at that time.

- iii. **Recommendation:** Malmquist moved, seconded by Krzywicki to approve the proposed amendments regarding concrete batch plants. That would be sections 2.04 Definitions C and 5.14 in the Heavy Industrial District. **Ayes: Krzywicki, Wetuski, Dale, Sargus Gahan, Circo, Alexander, Miller, and Malmquist Nays: None. Abstain: None. Absent: None. Motion Carried, (9-0)**

D. Zoning Ordinance Amendment: Sections 2.07 and 4.15 (Flags)

- i. **Staff Report – Chris Solberg:** Solberg stated that upon staff review of Sections 2.07 and 4.15, it was concluded an update to the regulations was warranted. The proposed change to Section 2.07 adds a definition for “**Flag**” that prohibits the use of flags for commercial purposes. The proposed change to Section 4.15 removed flagpoles from the list of structures exempt from height regulations and created a section that sets the maximum height of flagpoles to 50’ or 25% above the accompanying building’s height, whichever value is lesser. Staff recommends approval of the proposed amendments.

ii. **Public Hearing – Miller opened public hearing**

Miller closed the public hearing as no members of the public came forward.

Circo asked with the height of 50' are we mirroring or looking at cities surrounding La Vista to come up with that number.

Solberg said that we have conducted a significant amount of research and reviewing other local regulations and said that most of them are in the 50-75' range. They decided that 50' was appropriate for the look and feel of a lot of these areas.

Krzywicki asked what the maximum height of a building can be in La Vista right now.

Solberg said it depends on the district that you're in. C-3 District can go up to 90', but there are a lot of other districts where it's much lower than that.

Krzywicki then said that if 90' is the max then it would never be able to be 50' above the building because 25% of 90' is quite a bit less than 50'.

Solberg agreed that it could never be above 50'.

Kottmann asked for clarification where the language says 50' or 25% above the accompanied building's height and asked if the building is 36' tall then they're talking about 9' above 36' or is figured another way.

Solberg said that he believes that is how they are calculating it.

iii. **Recommendation:** Circo moved, seconded by Malmquist to approve the Zoning Ordinance Amendment 2.07 and 4.15 for the flag height requirement. **Ayes:** *Krzywicki, Wetuski, Dale, Sargus Gahan, Circo, Alexander, Miller, and Malmquist* **Nays: None. Abstain: None. Absent: None. Motion Carried, (9-0)**

E. Corridor 84 Streetscape Plan

i. **Staff Report – Chris Solberg:** Solberg showed a presentation about the 84 Streetscape Plan. He said that they have been working diligently on the Streetscape Plan on 84th Street since last July, when they hired the consultant. They've had a number of public input processes and have had very good public input throughout the process. The Design Workshop worked together with them to create a project

vision for this. Solberg then presented the commission with visuals of what the 84th Streetscape will look like as well as the process and timeline for the project.

Sargus asked if there were two options for what the Streetscape would look like.

Solberg said that there had been and it shows in the book which option was selected. He said that the selected option was more of a mashup of other selections.

Malmquist mentioned that they had in front of them an implementation of the cost opinion and it was pointed out to her was the addition of the artistic overhead bridge and wanted to verify that that was the correct change she was supposed to be looking at.

Solberg said that there were actually numerous changes, but they looked it over with their consultant to try and clarify everything a little bit better. The additional changes included the adding of utilities as a contingency because they know that's going to fluctuate with what they find once they get into the final construction document preparation process as well as arches and they wanted to break that out a little bit further to create a more realistic cost aspect.

Gahan asked if they are costs that are borne by the city.

Solberg said yes.

ii. Public Hearing – Miller opened public hearing

- iii. Recommendation:** Gahan moved, seconded by Malmquist to recommend approval for the Corridor 84 Streetscape plan. **Ayes: Krzywicki, Wetuski, Dale, Sargus Gahan, Circo, Alexander, Miller, and Malmquist Nays: None. Abstain: None. Absent: None. Motion Carried, (9-0)**

5. Comments from the Floor

No members of the public were present.

6. Comments from the Planning Commission

None.

7. Comments from Staff

Solberg said that the Streetscape Plan will be going to City Council on September 18th. He also mentioned that they received on their desk the first draft of a flyer that the Metro District sent out regarding a workshop that is being held on September 14th and is geared a lot toward what they do as a planning commission. The city will pay for them to attend and it is being held in Sarpy County. He told the commissioners to let someone on staff know if they are interested in attending.

8. Adjournment

Miller adjourned the meeting at 7:48 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date