



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
FEBRUARY 21, 2019 7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, February 21, 2019 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, Jason Dale, Mike Circo, Tom Miller, Kathleen Alexander, John Gahan, and Harold Sargus. Members absent were: Kevin Wetuski. Also in attendance were Chris Solberg, City Planner; Meghan Engberg, Permit Technician; Jeff Calentine, Deputy Director of Public Works; Jeff Sinnott, Chief Building Official; 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 – January 17, 2019

Malmquist moved, seconded by *Krzywicki*, to approve the January 17th minutes. **Ayes:** *Krzywicki, Dale, Sargus, Alexander, Miller, Gahan, and Malmquist. Nays: None. Abstain: Circo. Absent: Wetuski. Motion Carried, (7-1-0)*

3. Old Business

None.

4. New Business

A. Public Hearing for a Conditional Use Permit (CUP) Amendment – Lot 1, Oakdale Park Storage – 3D Self Storage-La Vista, LLC

i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, 3D Self Storage – La Vista LLC, is requesting an amendment to their existing conditional use permit to allow for the applicant to construct and operate a self-serve storage facility. The proposed development is on the southwest corner of 104th and Harrison Streets, Lot 1 Oakdale Park Storage. Staff's recommendation is for approval of the amendment to the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

- ii. **Applicant Presentation:** Jim Buser came up and spoke on behalf of the applicant. He said that this a reboot of a project that was presented to the commission in October of 2017 and had received approval on the final plat and conditional use permit then.

Buser then showed renderings of what has changed. He mentioned that after the initial approval they were going to start construction of the facility, but they came to find out after beginning the bidding process for the building that it was a little too expensive and wasn't going to work very well.

He brought up that the original building was going to be a 2-story building with a drive thru area through the middle of the building where trucks would pull through and unload storage materials. Buser said that they found out during the bidding process was that the wide-open space in the middle became a challenge from a construction standpoint and a pricing standpoint.

He mentioned that Willie Douglas from the ownership team was also present and that he did a lot work on the construction aspect and met with the architects to come up with a building design that would work for the site. Buser said that they are here today because they have solved the problems and that he is going to show what the site changes are. He feels that there are some design benefits that actually address some of the additional concerns that they had from the first go around on the site and that some of the neighborhood concerns were addressed as well.

Buser then showed the original site plan with the entrance on 104th Street and the circulation of the trucks driving through the middle of the facility where they would unload and then would exit out of the building and all the circulation would come out to the west through the Colonial Press site. He said that the original site plan also had some units that were outdoor garages on the south side of the building. Buser then pulled up the new site plan and showed that those units and that circulation have been eliminated.

He mentioned that the building has actually been pushed back to the west closer to the Colonial Press site, so they were able to preserve an existing group of trees along 104th Street. He said that the circulation has changed just a little bit. You will still come into the facility off 104th Street, but that the traffic will now go on the north side of the building and still exit out of the Colonial Press parking lot. They are installing a weighted gate so there will be no traffic from the Colonial Press site. They provided assurances that there will be no egress back through to the east. He said that if it ever becomes a problem where truck traffic would start to go back to 104th Street they would install a second gate.

Buser said that the facility itself became a 3-story facility and that the actual footprint of the building shrunk from 56,000 square feet to about 40,000 square feet. Another landscape area was created due to the smaller building size. Buser said that they have talked to Rotella's about the storm sewer easement they had secured with them in the previous site plan and that none of that has changed with the new site plan.

He said that they have also spoken with the neighbors, contacted their board and made a presentation to the board with the new site plan. Buser said that in the last 2 weeks they sent a note letting them know they would be here tonight and sent them the most current plans. He invited them to reach out with any questions or concerns and have not heard anything back from them. Buser then invited the commission to ask any questions they may have.

Sargus brought up the increase in traffic flow and asked if the increase was due to adding a 3rd floor and more units.

Buser said yes.

Circo brought up the entrance to the storage facility and asked if there will be only one entrance on the north side.

Buser said yes, although there is an office on the east side and that's where the entrance is for that. He said that as far as the entrance for loading and unloading it's all done on the north side.

Circo asked if a traffic jam would happen if you had 3 or 4 trucks there trying to unload at the same time.

Aaron Wiese from Olsson and Associates came up and said that there is appropriate stacking. They did an updated traffic study to address the increase in building and are using existing counts from the original 3D Storage building in Elkhorn and at a maximum peak, in an hour they had 8 visits in that time span. He said that there are 6 parking stalls available and a long drive for people to stack.

Gahan asked what they thought the estimate of people picking up or dropping off 1 to 2 items would be.

Wiese said that that was largely addressed through the traffic study, but from an operational standpoint, the number of parking stalls that they have and the stacking lanes that they have are intended to address whatever the peak flows would be. He

said that from the original site plan to today, they have additional stacking areas that are larger and wider than before.

Gahan asked if the manager or employee on site would make sure people get in and out as fast as possible.

Wiese said that with his experience with these 3D sites, it's rare that you will see more than 2 or 3 cars that are actually parked there at any one time. He said that he's not aware of any parking problems they have ever had at these facilities. Wiese also said that the facility would also be staffed full time to be able to take care of customers.

Sargus asked if the median on 104th Street was an enhanced median.

Buser said that there are no changes to the median, but they are going to add directional signage. He said that in the event that someone has pulled into the parking space and try to go out, there is directional signage on site to direct all flow to Colonial Press.

iii. Public Hearing: Miller opened the public hearing.

Lisa Robino-Wolter came up and said that she lives across the street from the development. She asked about the security after hours, if the lighting will shine into the back of her house, and if people accidentally drive into the site after hours will the gate still open for them to get out or will they have to turn around and come back out onto 104th Street.. She said that she felt that rest of her concerns were addressed.

Willie Douglas came forward and said that they have been at this project for a while and that they appreciate the input from the neighbors. He said that when they went back and redesigned the facility to what it looks like today, they did push the building to the west. When they originally had the drive going through the center of the building, they lit that drive up at night since that's where people would be coming in and out of. He said that with the elimination of being able to drive through the center they eliminated the lights on the east side of the building towards the neighbors'. He said that he hopes between that and the coverage of the trees that the light pollution will be much less than it was before. Douglas said that there will be some lights on the building, but they will shine down to the ground and not out.

He said that as far as the traffic coming in, they do anticipate that people coming in there will follow the directional signage that will be there. He said that if they have issues they would install a gate closer to 104th Street.

Circo brought up that Robino-Wolter asked if someone did come in at night, would the gate open up or will they have to come back out onto 104th Street.

Douglas said they will still go to the west based on the signage and go through the gate and exit.

Sargus asked if the security was the cameras or if there was a person there after hours.

Douglas said it will be cameras, but they do not anticipate needing security there at night. He said that everything will automatically lock on the hours after the proposed hours of operation.

Circo asked how the gate would be operated, weighted or keypad.

Douglas said it's a weighted gate.

Gahan mentioned the hours of operation and verified that no one would be able to get in after hours.

Douglas said that was correct. He then corrected himself and said that they do have a few units that are allotted after-hours access. They do have to sign in and sign out. The tenants are given a code and have to be able to provide why they're there and what's going on.

Gahan asked if the gate would make a noise that would annoy the neighbors when it goes up.

Douglas said that it does not make a noise.

Jeff Bakewell came up and mentioned that his house is the 5th one the west to 104th Street in Applewood. He said that his major concern is the lighting. He said that he has been in his house since 1995 and said that they have had a considerable amount of light pollution from Colonial Press. He then brought up the 2 retention ponds and wanted to verify that they would not have standing water. He then mentioned that he was concerned about it being a 3-story building.

Pat Callahan came up and said that his house will be the most affected by the entrance. He said that his backyard is facing the proposed development. He mentioned that he had not received any mailings or notification other than his neighbors coming over and talking to him about this issue. He said that his backyard is constantly lit up and that the headlights from turning traffic shine on his house. He is concerned about the addition of another story. He brought up the fact that someone can enter the facility at 9 at night and might not leave until 11 or 12 because the gate will open automatically.

Douglas said that they are notified 15 minutes after 10 o'clock that someone is still in the building and they send notifications to their managers that someone is still in the building. He said that someone could stay and finish, but after 15 minutes, there would be notification that someone was still there and cameras would be checked to see what was going on.

Callahan said that all of them in their neighborhood worked hard to live there. He said that he's worked hard his entire life and now he's going to have 3-story storage facility behind his house. He said that will all of the young kids and problems they have with traffic now, we're adding more to the problem and wanted to know where it stopped.

Douglas came up and said that one of the things that was a large concern for the neighbors was the large drive coming through the center of the building and they talked extensively about that. He said that with the proposed traffic, the center of the building is not open, which is probably the most viewable of the previous building that you can see in from the neighbors' there and so when you talk about light that was well lit down the center of that. They have moved the traffic to the north side of the building along Harrison Street. He said they have tried to make the east side of the building as least noticeable from the neighbors from the backyard. They will have lights on there, but the lights are an LED light that shine down. The trees that the neighbors see now would stay or maintain and would be what they continue to see. He said that they want to be a good neighbor and have a good reputation.

Miller closed the public hearing.

Sargus said that he was looking at the recommendation and that under 3C, the second paragraph stated that "The City has reserved the right through a condition within the Conditional Use Permit to review the traffic patterns annually and make adjustments as necessary," and asked if that paragraph refers to page 2 of the Conditional Use Permit letter M.

Solberg said yes, that's what it is and that he copied it for the staff report.

Sargus said that his interpretation of letter M is that the city has the right to review traffic in the first full year of operation and does not say annually.

Solberg acknowledged the difference and said that the actual CUP does say the first year. He said that they can request an amendment in the recommendation to change it to annually or push it back for further review.

Krzywicki asked Solberg if the applicant came in and asked for an administrative extension between the time it was approved and today.

Solberg said that they did and they were approved of that administrative extension which was allowed through Section 6 of the Zoning Ordinance.

Krzywicki said that the only reason he asked is because the original CUP would have expired in October had they not.

- iv. **Recommendation:** Gahan moved, seconded by Malmquist for recommendation of Conditional Use Permit Amendment – Lot 1, Oakdale Park Storage- 3D Self Storage-La Vista, LLC approval with amendment for the annual review of the traffic study as the CUP request is consistent with the Comprehensive Plan and Zoning Ordinance. .
Ayes: Krzywicki, Dale, Sargus, Alexander, Gahan, and Malmquist. Nays: Sargus and Circo. Abstain: Miller. Absent: Wetuski. Motion Carried, (5-2-1)

B. Public Hearing for the review of the One & Six Year Road Plan

- i. **Staff Report – Jeff Calentine:** Calentine came up and spoke about the One and Six Year Road Plan. He went over some of the 2019 projects, some of the stuff they completed in 2018 and invited the commission to ask any questions.

Krzywicki mentioned that Granville Parkway looked like it could use some work to the north and asked if they could patch into that too.

Calentine said that it will tie into right at the parking lot entrance.

Circo brought up the Giles Road widening review and asked if that was in conjunction with the Multisport Complex.

Calentine said that it was in conjunction with the Multisport Complex, but that it needed to be done either way.

Gahan brought up how well Public Works had been doing with snow removal. His statement was echo'd by other members of the Planning Commission.

- ii. **Public Hearing: Miller opened the public hearing.**

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

- iii. **Recommendation – Krzywicki moved, seconded by Sargus to recommend to city council approval of the One and Six Year Plan. *Ayes: Krzywicki, Dale, Circo, Sargus, Alexander, Miller, Gahan, and Malmquist. Nays: None. Abstain: None. Absent: Wetuski. Motion Carried, (8-0)***

C. Public Hearing for a Zoning Ordinance Amendment: Section 7.11 (Wireless Communications Towers)

- i. **Staff Report - Chris Solberg:** Solberg stated that due to some recent changes in regulations that have come down from the FCC, staff has been required to make some amendments to Section 7.11 of the Zoning Ordinance in reference to eligible facilities and small wireless facilities. Staff recommends approval of the proposed amendments to comply with federal regulations.
- ii. **Public Hearing: Miller opened the public hearing.**

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

Krzywicki asked if the City of La Vista relies on any model ordinance that other cities would be taking advantage of or if every city was just doing it on their own as far as how they want to write it up and comply.

Solberg said that for this specific section, there's a base model ordinance that was drafted by CMS for them to go off of. Since then, these two (directives) have come down from the FCC and have required some changes. He said that they have looked at a number of different ordinances that are a lot like ours because of CMS' presence in the area and they made changes specifically related to that. Solberg said that most of these changes echo Papillion's ordinance as they are striving to make this general vicinity more common, so when a carrier comes in with an application, the different languages don't confuse them.

- iii. **Recommendation:** Circo moved, seconded by Alexander to approve the zoning amendment to Section 7.11, Wireless Communications Towers. **Ayes: Krzywicki, Dale, Circo, Sargus, Alexander, Miller, Gahan, and Malmquist. Nays: None. Abstain: None. Absent: Wetuski. Motion Carried, (8-0)**

D. Adoption of the 2017 Edition of the National Electrical Code

- i. **Staff Report- Jeff Sinnett:** Sinnett stated that he would like to recommend for approval of the 2017 National Electric Code as submitted with no amendments to comply with the state of Nebraska Electric Code.
- ii. **Public Hearing: Miller opened the public hearing.**

Miller closed the public hearing as no members of the public came forward.
- iii. **Recommendation:** Malmquist moved, seconded by Gahan to recommend to city council to approve the adoption the of the 2017 edition of the National Electrical Code as recommended by the chief building official to be consistent with the requirements with the state and because it will protect the health, safety and welfare of the community. **Ayes: Krzywicki, Dale, Circo, Sargus, Alexander, Miller, Gahan, and Malmquist. Nays: None. Abstain: None. Absent: Wetuski. Motion Carried, (8-0)**

E. Public Hearing for the review and adoption of a new Comprehensive Plan for the City of La Vista

- i. **Staff Report – Chris Solberg:** Solberg stated that in 2001, the City adopted the “Comprehensive Plan 2007,” which replaced the plan adopted in 1970 and updated in 1985 and 1991. In 2015, a new process began to gather input at community events and from working with the city’s leadership to create a new comprehensive plan for the city. What followed was an extensive public process, and so now after a lengthy effort, the “City of La Vista Comprehensive Plan, Updated December 2018” is presented at a public hearing for your review and consideration. Staff recommends approval of the new “City of La Vista Comprehensive Plan, Updated December 2018.”
- ii. **Public Hearing: Miller opened the public hearing.**

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

Krzywicki brought up the section about an annexation plan and that there are two areas that were on the 1 to 5 year timeline and asked how firm they thought they were on that timeline.

Solberg said that the city over the last 2 years has been conducting some very thorough long-term financial studies and have been making some projections out of that. He said that what has come out of that is actually an analysis of the future annexations. The city has looked at the ramifications of annexing those areas in that 5 year span and the belief was those areas will still be annexed within those 5 years.

- iii. **Recommendation:** Krzywicki moved, seconded by Malmquist to approve the adoption of the Comprehensive Plan dated December of 2018. **Ayes:** Krzywicki, Circo, Sargus, Alexander, Miller, Gahan, and Malmquist. **Nays:** None. **Abstain:** Dale. **Absent:** Wetuski. **Motion Carried, (7-0-1)**
- 5. **Report of the Nominating Committee:** Gahan said that he and other members of the nominating committee had some emails back and forth and they thought it would be good for the current officers to serve an additional year. They reached out to the current officers and all 3 indicated that they would.
- 6. **2019 Election of Officers**

Recommendation: Gahan moved, seconded by Krzywicki to recommend that the officers are in for 1 more year. **Ayes:** Krzywicki, Circo, Sargus, Alexander, Miller, Dale, Gahan, and Malmquist. **Nays:** None. **Abstain:** None. **Absent:** Wetuski. **Motion Carried, (8-0)**
- 7. **Comments from the Floor**

Kottmann came up and introduced Pat Dowse, formally with Sarpy County Public Works for the past 7 or 8 years, as his replacement after an appropriate transition time.
- 8. **Comments from the Planning Commission**

None.
- 9. **Comments from Staff**

Solberg said that with the completion of this plan, it does not stop the number of plans that we have coming forward to them in the coming months. He said that they are working on a number of different things planning-wise, mostly 84th Street related, but this (Comprehensive Plan) is a basis of a lot of what they are doing and asked them to keep their Comprehensive Plans around. Solberg brought up that the NPZA Conference is happening the first week in March and to let us know if there is anyone interested in attending.

10. Adjournment

Miller adjourned the meeting at 8:13 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date