



MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, JUNE 6 AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, June 6, 2024, in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notices 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. The following Planning Commission members were present and absent:

PRESENT: Gayle Malmquist, Amanda Brewer, Kathleen Alexander, Michael Kryzwicki, Harold Sargus, John Gahan, and Josh Frey,

ABSENT: Patrick Coghlan, Mike Circo, Debra Dogba,

STAFF PRESENT: Bruce Fountain, Community Development Director; Lydia McCasland, Permit Technician; Pat Dowse, City Engineer; and Cale Brodersen, Associate City Planner

1. Call to Order

The meeting was called to order by Chairman Alexander at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes from May 2, 2024

Motion: Malmquist moved, seconded by Frey, to **approve** the May 2, 2024, minutes.

RESULT:	Motion carried 7-0-0
MOTION BY:	Malmquist
SECONDED BY:	Frey
AYES:	Malmquist, Alexander, Frey, Kryzwicki, Brewer,
NAYS:	None
ABSTAINED:	Gahan, Sargus,
ABSENT:	Coghlan, Circo, Dogba

3. Old Business

There was no old business for discussion.

4. New Business

A. **Planned Unit Development – Bear Creek Apartments – Lot 3B Willow Creek Replat II & Former ROW & Lot 240B EXC N 20FT Willow Creek Replat, located approximately southwest of the corner of Harrison Street and S. 144th Street – Krishna, LLC**

Staff Report – Cale Brodersen, Associate City Planner: Brodersen explained the applications for Commission review are for a Planned Unit Development (PUD), a Conditional Use Permit (CUP), and a Replat. Brodersen then provided some background on the project, noting that although it now lies within the city's extraterritorial planning jurisdiction, that it was originally constructed while under Sarpy County's jurisdiction. Hence, the development was not required to obtain a CUP as is required of La Vista's zoning ordinance and is therefore considered legally non-conforming.

Brodersen then noted that the applicant has acquired a small parcel, adjacent to the original site, from Sarpy County and they're looking to combine the properties and construct an additional apartment building. Under this request, they would be required to bring their current building into compliance. Brodersen then described the PUD and the reasoning for it in relation to the proposed development. He explained the request for reduced setbacks. He then discussed a letter received from the Nebraska Department of Transportation (NDOT) confirming their approval of the reduced setback.

Brodersen then continued to discuss a requested allowance on the number of garages. He mentioned that requiring more garages on the site would reduce the overall parking stall count. He also noted that additional garages could not be constructed alongside the existing garages due to stream setbacks implemented since the original garages were constructed.

Brodersen also noted recent issues with the existing facility in relation to fire codes and how they were handled and corrected prior to the meeting. He also pointed out the location of an additional fire hydrant being required to provide better protection to the current structure.

He then noted another issue raised by the Papio Missouri NRD in relation to the stream setback requirement. The proposed site plan adds some additional paving within the stream setback that has caused the NRD to request a hydrologic study of the site to determine if there is any increased potential for flooding. That study is currently underway, and a contingency has been added to the staff recommendation for the study to be provided to the NRD for review and approval prior to the application going to City Council.

Brodersen also explained other aspects of the PUD process and the improvements that the applicant has agreed to in relation to signage and landscaping that are above and beyond the basic requirements if the PUD process was not utilized.

Brodersen introduced Bear Creek applicants and their development team including: Trevor Vasca, engineer with TD2; Jim Lang, attorney for Krishna LLC; property owners Prim and Steve Aruza; and Randy Meyer, the project architect.

Lang introduced his team and detailed the project, which includes constructing a new building with 33 units (21 one-bedroom and 12 two-bedroom) and 33 parking spaces, adding to a total of 134 spaces on site (where 121 are required). He noted a waiver request to forego the detached garage requirement by providing additional surface parking was also presented.

Vasca, from TD2, showed the Commission plans for the new building and parking lot. He also mentioned that they would be restriping the old and new lots to optimize parking.

Sargus inquired about recent fire code violations and if the City provided more frequent inspections than Sarpy County. Brodersen informed the Commission that the City does not currently do inspections on these apartments because they are located outside of the La Vista City Limits, so the City's Rental Inspection Program does not apply. He also stated that staff reviews all approved conditional use permit holders so the complex would undergo more regular, routine inspections.

Fountain also replied that the County doesn't do any inspections once they receive a certificate of occupancy unless they've received complaints. He also mentioned recent discussions with the Fire Department about increasing the frequency of their inspections as well.

Gahan asked about the annual inspections that are part of the CUP annual review process. Brodersen responded with a description of the annual inspection process and that all CUPs have a condition about needing to conform with all building life safety, and zoning regulations. Brodersen continued to discuss that there are other apartment complexes in the City that do not have CUPs as they were constructed prior to the zoning amendments that required multifamily developments to have one. However, apartment complexes within the City limits fall under the City's Rental Inspection Program, so they are inspected through that program.

Gahan then asked general questions about the Rental Inspection Program and how violations are handled. Brodersen responded with a discussion of the inspection and remediation process.

Brewer said she drove by the complex that day and noticed several issues including trash on the ground and a broken window. Brewer also asked about what would happen if there are code violations that happen after the yearly inspection. Brodersen stated that if staff receives a tenant complaint that the Building Department or Code Enforcement would follow up on the complaint.

Brewer asked the applicant about their capacity to support basic maintenance. Lang confirmed and noted the operation plan within the conditional use permit. He stated that the complex has an on-site manager who is the owner. They also employ a part-time maintenance person. With the improvements required through the approval process, Lang noted that overall, the complex will be in a better position. He continued to note that owners are aware of the violations and have worked to get them remedied quickly.

Sargus asked the applicant if the current staffing was going to change to handle another building on the site. Lang replied that at this time they have one and a half maintenance staff and stated that they would look into adding more. He then noted that, being a new building, it would not require as much maintenance as the older building. Lang also noted that owners have a vendor list of contractors to call if the fix is above their capabilities. Lang then commented on his confidence that the overall maintenance of the complex would improve due to the requirements of the CUP.

Kryzwicki noted his concerns about the parking stall count and the applicant's desire to develop the property with a garage stall count lower than what is required through the zoning ordinance. Lang replied that the site would have to be managed on a regular basis to ensure that if cars are parked for an extended period of time they would need to be towed. He noted that the owner does have a towing

service that is able to take away cars that have been determined to not be in running condition. Lang went on to note that they also have a sign posted that tells residents that violators will be towed.

Lang continued on to describe that the lease agreements limit residents to one parking stall per bedroom. He also mentioned that the owner is on-site every day and that he knows the tenants, he knows their cars. So, he's in a good position to enforce it.

Brewer inquired about the condition of sidewalks along Harrison Street and 144th and the applicant's plans for repair of those sidewalks. Vasca replied that they don't have any plans to improve the exterior sidewalks along Harrison or 144th. He noted that they're providing a new sidewalk connection into the site and some new internal sidewalks, but that no changes were planned for the perimeter sidewalks.

Brewer asked if they planned on hiring more staff for the new building since they are self-maintaining. Prim responded that they are looking to hire at least one more.

Sargus asked City staff if there had been any recent interest in that piece of property by anybody else. Brodersen replied that staff have not received any additional inquiries on the property. He noted that the property is zoned for multifamily residential and that access to the property makes it unlikely to draw interest for commercial use.

Kryzwicki asked about parking during construction. Discussion then ensued about limiting contractor parking during construction and signage that prohibits contractor vehicles beyond a certain point.

Brewer asked if it was possible for the city to require the owner to fix the sidewalks as part of the CUP approval process. Fountain stated that staff will look into this issue to see if it is the owner's responsibility, the County's or the State's.

Frey asked if the sidewalks along 144th Street were part of a trail system, noting that if it was, it would not be part of the owner's responsibility. Dowse noted that he would have to do more research on the topic as he doesn't know if they are owned by the NDOT or the property owner.

Brewer and Frey asked about the extent of regular inspections and if there was a tenant complaint. Fountain provided further details on both instances. Gahan asked for further clarification on the extent of inspections when a tenant complaint has been received. Fountain provided more information on the inspection process.

Frey asked about the possibility of adding another entrance off of 144th Street to improve fire access. Brodersen noted that the subject had been explored as the Fire Department review noted an interest in having additional access on the south end, for emergency use only. However, the Nebraska Department of Transportation was not in approval of adding another connection to 144th Street due to the speed of the roadway. Frey asked if the Fire Marshall or Fire Department looked into revising the parking lot configuration to see if a turnaround area could be created. Brodersen confirmed that they had as a requirement for the PUD, but the narrowness of the lot doesn't allow for a turnaround area. Brodersen then showed a schematic of the turning template for a fire truck on the site and noted that there were adequate turning radiiuses.

Brewer expressed concerns about providing a positive recommendation with unanswered questions about the project. Fountain responded that it is certainly the prerogative of the Commission to table

things if there are aspects they want additional answers on. He then cautioned that the Commission should be as specific as possible as to what aspects they would want a response on. Malmquist commented that Staff would not be able to move it on to City Council before they vote on the matter. Fountain confirmed.

Kryzwicki asked about the stormwater impacts of adding an additional building to the existing site. Brodersen confirmed that a drainage study would be part of the building permit process and a post construction stormwater management plan would need to be developed and reviewed.

Brewer noted concerns about the standard within the CUP language of annual inspections and that more frequent inspections of this property may be necessary.

Kryzwicki asked why the City uses Papillion's Fire Inspector when the Millard Fire Department responds to calls. Brodersen explained that Papillion's Fire Inspector is the designated fire inspector for the City and our ETJ. He also noted that the Fire Inspector reached out to the Millard Fire Department and that they went on-site together as a coordinated effort.

Frey inquired about other nuisance code violations and who would handle those aspects. Fountain described the involvement of the Code Enforcement staff and Community Development staff in resolving nuisance issues.

Chair Alexander opened the Public Hearing.

Public Hearing:

As no members of the public came forward, Sargus moved, seconded by Gahan, to close the public hearing.

RESULT:	Motion carried 7-0-0
MOTION BY:	Sargus
SECONDED BY:	Gahan
AYES:	Malmquist, Alexander, Krzywicki, Brewer, Frey, Gahan, Sargus,
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Circo, Dogba,

Chair Alexander stated that the motion to close the Public Hearing was approved.

Kryzwicki inquired about if notices had gone out to everyone within 300 feet. Brodersen confirmed public hearing notice and that a sign had been posted on site. In addition, notification letters had been sent out, and the legal ad was published in the newspaper.

Recommendation:

Malmquist moved, seconded by *Gahan* to recommend approval of the **Planned Unit Development – Bear Creek Apartments – Lot 3B Willow Creek Replat II & Former ROW & Lot 240B EXC N 20FT Willow Creek Replat**, located approximately southwest of the corner of Harrison Street and S. 144th Street – Krishna, LLC

RESULT:	Motion failed 2-4-1
MOTION BY:	Malmquist
SECONDED BY:	Gahan
AYES:	Malmquist, Sargus,
NAYS:	Gahan, Kryzwicki, Frey, Alexander,
ABSTAINED:	Brewer,
ABSENT:	Coghlan, Circo, Dogba,

Kryzwicki and Sargus noted concerns about voting on the application based on the concerns that they have mentioned.

Frey made a motion to table item 4A until July 18th in order to give the applicant time to get answers on the questions and concerns the commission asked of them. Seconded by Gahan.

RESULT:	Motion carried 7-0-0
MOTION BY:	Frey
SECONDED BY:	Gahan
AYES:	Malmquist, Alexander, Krzywicki, Brewer, Frey, Gahan, Sargus,
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Circo, Dogba,

B. Replat – Willow Creek Replat Four – Krishna, LLC

Staff Report – Cale Brodersen, Associate City Planner

Recommendation:

Frey motioned to table item 4B until the July 18th Planning Commission meeting in order to get more information from the applicant. Seconded by *Gahan* **Willow Creek Replat Four – Krishna, LLC**

RESULT:	Motion carried 7-0-0
MOTION BY:	Frey
SECONDED BY:	Gahan
AYES:	Malmquist, Krzywicki, Alexander, Brewer, Sargus, Gahan, Frey
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Dogba, Circo,

- C. Conditional Use Permit for Multiple Family Dwellings – Bear Creek Apartments – Lot 3B Willow Creek Replat II & Former ROW & Lot 240B EXC N 20FT Willow Creek Replat, located approximately southwest of the corner of Harrison Street and S. 144th Street – Krishna, LLC.**

Staff Report – Cale Brodersen, Associate City Planner

Chair Alexander opened the Public Hearing.

Public Hearing:

As no members of the public came forward, Gahan moved, seconded by Malmquist, to close the public hearing.

RESULT:	Motion carried 7-0-0
MOTION BY:	Gahan
SECONDED BY:	Malmquist
AYES:	Malmquist, Alexander, Krzywicki, Brewer, Frey, Gahan, Sargus,
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Circo, Dogba,

Recommendation:

Frey motions to table Item 4C until the July 18th Planning Commission meeting in order to get more information from the applicant. Seconded by Gahan **Conditional Use Permit for Multiple Family Dwellings – Bear Creek Apartments – Lot 3B Willow Creek Replat II & Former ROW & Lot 240B EXC N 20FT Willow Creek Replat, located approximately southwest of the corner of Harrison Street and S. 144th Street – Krishna, LLC.**

RESULT:	Motion carried 7-0-0
MOTION BY:	Frey
SECONDED BY:	Gahan
AYES:	Malmquist, Krzywicki, Alexander, Brewer, Sargus, Gahan, Frey
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Dogba, Circo,

5. Comments from the Floor

No comments were made.

6. Comments from the Planning Commission

Kryzwicki asked about the status of fiber installations throughout the community. Dowse responded with details of the current state of fiber installations by Allo and Great Pains.

Kryzwicki also inquired about the permitting process for roof repairs in relation to recent storms. Fountain replied with a discussion about the City's requirements for permits and for contractors to be licensed. Discussion followed about ensuring every repair had a permit and that contractors were licensed.

7. Comments from the Staff

Brodersen noted that the Planning Commission will have a June 20th meeting.

8. Adjournment

Chairman Alexander adjourned the meeting at 8:15 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date