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PLANNING COMMISSION MINUTES
AUGUST 15, 2013

The City of La Vista Planning Commission held a meeting on Thursday, August 15, 2013, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:00 p.m. with the following members present: Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. Members absent were: Nielsen. Also in attendance were Christopher Solberg, City Planner, Ann Birch, Community Development Director, Rita Ramirez, Assistant City Administrator, and Jeff Calentine, Assistant to the City Administrator.

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

- a. The meeting was called to order by Chairman Krzywicki at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – May 16, 2013 and July 15, 2013

- a. Tom Miller moved, seconded by Malmquist to approve the May 16, 2013 and July 15, 2013 minutes as submitted. **Ayes:** Tom Miller, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** Circo. **Absent:** Nielsen. **Motion Carried.** (7-0 with one abstaining)

3. Old Business

None.

4. New Business

A. Public Hearing regarding the Capital Improvement Program 2014 - 2018

- i. **Staff Report:** Ramirez explained this is the annual presentation of the Capital Improvement Plan for the city. She briefly reviewed the memo inside the manual. The purpose of the city's Capital Improvement Plan is to identify, prioritize and identify community needs through careful long-term planning. It is a planning guide only; it is reviewed on an annual basis and updated to reflect the changing needs of the community and the availability of financial resources. The CIP does not authorize or fund projects; that is done by the City Council. There are several carryover projects from FY2013 to 2014. Many projects are started or have other funding sources that need to be carried over. Some of these projects include the Hell Creek Channel improvements; the Giles Road traffic signal coordination which will not be done this year; new financial software; the Council Chamber technology upgrade; development and

implementation of an IT disaster recovery plan; the Thompson Creek project; and improvements to the intersection of 132nd and West Giles Road. Some of the new projects include funding for server infrastructure improvements; an update to the Comprehensive Plan, which is a big project that the Planning Commission will be heavily involved with next year; continued implementation of Vision 84; the third phase of replacing our 800 MHz radios; a couple street projects which include the installation of a traffic signal and turning bays at the intersection of 120th & Giles, and a traffic signal at Eastport Parkway & Harrison Street. In conjunction with the recently adopted Redevelopment Plan, a major project will begin to eliminate the blight and substandard conditions along 84th Street in 2015. Funding is proposed to come from a redevelopment levy of 2.6 cents and potentially an additional ½ cent sales tax. Council will be making a decision about the additional levy as they go through the budget process in the next 30 days. The Council has approved a resolution of intent which will put the City in a position to start working on the project in the CIP.

As an update on the Thompson Creek project, during this current year grant applications were submitted and approved from three different sources. Construction is scheduled to begin on channel improvements in FY2014.

Once again there is a lack of park improvement projects in the CIP. The City has completed the master plans for all existing parks however with the major redevelopment effort on 84th Street and the economic development priorities we are working on at Southport, there is a lack of funding for park improvement projects.

Some other projects have been moved to other years or divided between years, such as the 66th Street project and sports complex lighting.

As currently proposed project requests for FY2014 total about 2.5 million dollars. Funding comes from a variety of sources; sales tax funds about \$590,000, the lottery fund is \$450,000, the general fund is \$200,000, and grants, MAPA, and inter-agency transfers are the bulk of the funding at 1.2 million dollars.

Ramirez emphasized the CIP is a planning document and does not authorize or fund projects. The City Council takes the 2014 projects and considers them as part of their budget process, and what they approve becomes the capital budget.

State statute requires the Planning Commission to hold a public hearing on the plan and make a recommendation to the City Council.

- ii. **Public Hearing Opened:** Circo moved, seconded by Alexander to open the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

Gahan asked about the 66th project and the future extension of the road to Cornhusker Road.

Ramirez explained there is a future plan to do that however due to other agencies, there is a modified version to do some resurfacing to keep it passable until we can get federal funding to do the larger project.

Circo asked if the Thompson Creek project will be completed in 2014.

Solberg stated this is a three year project and a lot of the work will be done in 2014. There are also a lot of public outreach projects which will be done in 2014.

Tom Miller stated a concern with the 96th Street and Robin Plaza traffic signal being moved to 2015 because of the Wal-Mart project.

Ramirez stated that was pushed back a year. The reason Eastport Parkway was in next year because Performance Auto was contributing one-half of the funding. It is all a matter of funding and the City is being conservative due to the recent sales tax issue.

Solberg stated it will be important to determine the traffic numbers when all the development in the area is open.

Tom Miller stated his concern is with safety since the speed limit has been moved up to 45 on 96th Street.

Krzywicki noted a correction to the range of the street numbers noted for the Harrison Street sidewalks.

Ramirez reviewed the sales tax issue which was mentioned briefly. The Commissioners may have heard about the issue and probably will see further legislative efforts being undertaken by the United Cities of Sarpy County. The City received a notice from the state that we must pay back 2.4 million dollars in sales tax revenues. The state enters into incentive agreements with businesses as they locate here however the City is not made aware of these agreements. Ultimately the business has up to three years to apply for a rebate to get the sales tax back. In the interim the state has given the City the sales tax. The City needs to know how much of the sales tax revenues given to the City are subject to a rebate and the City will set it aside. The state has indicated there is nothing statutorily that says they have to give the City this information.

Krzywicki asked if this is the City's 1.5 cent sales tax, how the state can dip into the City's share of the sales tax.

Ramirez also explained the .5 cent which is ear-marked by the voters every 10 years or so for La Vista projects. She stated the unknown is the problem and going forward, how much of the sales tax is the City's and how much they will take back.

Gahan stated he understands other cities have been hit the same way.

Ramirez explained the cities of Sydney and Omaha have also been hit with this same problem.

Krzywicki explained the need to pass a law so that if the state gives sales tax back it should come out of the state portion. The City is not brought into the decision.

Ramirez stated that we have some benefit to having a business in our jurisdiction and so should maybe have skin in the game, but tell us what it is.

Gahan stated he understands the state tax commissioner has stated he would support this legislation.

Ramirez explained yes he has said that publicly but his staff has not been as cooperative.

Circo asked how the sales tax has fluctuated over the years.

Ramirez stated the revenues have been fairly steady although about six months ago the City received over one million dollars, compared to 300,000 to 350,000 per month. In checking into it, the City decided to hold this money back due to a potential appeal by the business. This impacts the CIP and the City budget in the future.

- iii. **Public Hearing Closed:** Circo moved, seconded by Lowell Miller to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)
- iv. **Recommendation:** Malmquist moved, seconded by Circo to recommend approval of the Capital Improvement Plan for 2014 – 2018 with a correction to the Harrison Street sidewalk project. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

B. Public Hearing regarding text amendments to Section 5.17 – Gateway Corridor District (Overlay District) and the Gateway Corridor Design Guidelines.

- i. **Staff Report:** Solberg noted there were updates on the Commissioner's desks. He stated staff has been working to clarify the guidelines and streamline the process from submission to approval. He referred the Commissioners to the red-line copy of the document to identify the proposed changes.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Tom Miller to open the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

No one was present to speak on this issue.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Alexander to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager,

*Alexander and Lowell Miller. Nays: None. Abstain: None. Absent: Nielsen.
Motion Carried. (8-0)*

Alexander noted a spelling correction to 5.17.05.01, item number 2 Building and Site Design, the word "shall" is miss-spelled.

Krzywicki asked about enforcement of the landscaping and replacement of the plants that have died.

Solberg stated there are plant warranty requirements and a maintenance section of the Zoning Ordinance, and noted Section 7.17.05.02.

Krzywicki asked about the "Dark Sky" rules and whether the existing lighting in the Gateway Corridor is compliant. He is concerned with customer traffic areas in the evening hours and if the business could be potentially liable because of this requirement. He noted that he dealt with this at his business.

Solberg explained the newer developments are complaint and the applicant submits a lighting plan with foot-candles noted to determine the level of lighting.

Krzywicki asked about the exterior finish requirement being at least 50 percent brick and some of the projects recently completed do not meet that requirement, such as the apartments and the Montessori preschool.

Birch noted these projects were not in the Gateway Corridor District at that time, that they were PUD's.

Krzywicki asked about the size restrictions for the monument signs and was concerned they were too plain and that corporate logos or colors would not qualify to be put on the sign.

Solberg stated we are looking at the structure of the sign and not the sign panel.

Lowell Miller asked how these standards compare to the Omaha By Design standards in order to make sure we are not at a competitive disadvantage when a business is looking to locate in the area.

Solberg stated he is not very familiar with those guidelines.

Circo asked if this district will be expanded throughout the City.

Solberg explained the district covers nearly every commercial property in the City and the ETJ, including west of 144th Street. There are future plans to implement a separate set of guidelines for Vision 84 along the 84th Street corridor.

Tom Miller asked about satellite dishes and how they are handled. He is concerned with the visibility of them and how many there will be on apartments.

Solberg noted Section 7.11.15.03 of the Zoning Ordinance regarding the number of dishes for multi-family residences however it may be outdated and should be reviewed.

Birch noted this may be an issue which should be reviewed as it applies to all districts and not just the Gateway Corridor Overlay District. She noted it may take some research in order to come back to the Commission with suggestions.

- iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval of the text amendments to Section 5.17 Gateway Corridor Overlay District and the Gateway Corridor Design Guideline booklet including the spelling change and the three additional pages in the handouts on the desks.
Ayes: Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

C. Public Hearing regarding text amendments to Section 5.05 – Transitional Agriculture

- i. **Staff Report:** Solberg explained the intent statement of the Transitional Agricultural district was not appropriate for this type of city. Several additional minor revisions have been proposed in the district regulations as noted in their packet.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Circo to open the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

No one was present to speak on this item.

- iii. **Public Hearing Closed:** Tom Miller moved, seconded by Malmquist to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

Malmquist asked the reason for removing hospitals and nursing homes from the list of permitted uses.

Solberg explained this change has been needed for some time as it is more appropriate for these types of uses to be in a non-agricultural zone.

Malmquist stated she was in support of the changes to the statement of intent as it more adequately reflects what the transitional agriculture district is about. She also noted a change needed to the renumbering of the uses listed below hospitals and nursing homes.

- iv. **Recommendation:** Malmquist moved, seconded by Gahan to recommend approval of the changes to the Transitional Agriculture District regarding the statement of intent and changes to the permitted uses as proposed. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

D. Public Hearing regarding amendments to the City of La Vista Comprehensive Plan – Future Land Use Map

i. **Staff Report:** Solberg noted the changes to the Future Land Use Map include a change to the city limits due to a recent annexation, and a change to the property acquired through the Thompson Creek project to a designation of parks as the future land use.

Krzywicki noted this is a continuation of the public hearing from the July 15th meeting.

No one was present to speak on this item.

ii. **Public Hearing Closed:** Circo moved, seconded by Tom Miller to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

iii. **Recommendation:** Malmquist moved, seconded by Circo to recommend adoption of the amendments to the City of La Vista Future Land Use Map of the Comprehensive Plan to identify the new city limit boundaries and the amendment to the land use category for the recently acquired properties of the Thompson Creek project. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

E. Public Hearing regarding amendments to the Zoning Map

i. **Staff Report:** Solberg noted these changes were needed due to city limits changes due to the recent annexation.

Krzywicki noted this is a continuation of the public hearing from the July 15th meeting.

No one was present to speak on this item.

ii. **Public Hearing Closed:** Circo moved, seconded by Malmquist to close the public hearing. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

iii. **Recommendation:** Malmquist moved, seconded by Alexander to recommend adoption of the amendment to the City of La Vista Zoning Map to identify the new city limit boundaries as presented. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

5. Comments from the Floor

None.

6. Comments from the Planning Commission

Commissioners generally discussed the future of cable TV services. Solberg informed Commissioners of the Comprehensive Plan project in the upcoming fiscal year. Malmquist stated that Sarpy County was also embarking on a comprehensive plan project this next year. Solberg stated we would need to look at Sarpy County, Papillion and other jurisdictions because there are effects to us. There was discussion regarding agreements with jurisdictional boundaries.

7. Adjournment

Lowell Miller moved, seconded by *Malmquist* to adjourn. **Ayes:** Tom Miller, Circo, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Nielsen. **Motion Carried.** (8-0)

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date