

**CITY OF LA VISTA
PLANNING COMMISSION MINUTES
December 21, 2006**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, December 21, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Carcich, Andsager, Rizzo, Hewitt, Horihan and Roarty. Members excused: Gahan. Also in attendance were John Kottman, City Engineer 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 7:00 p.m. A copy of the agenda and staff report was made available to the public.

2. Approval of Meeting Minutes of November 16, 2006

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

3. Old Business

None.

4. New Business

4A. A replat application for Lots 1-3, Southport East Replat Seven located in parts of the SE ¼ of Section 18 and the SW ¼ of Section 17, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located a Eastport Parkway and Giles Road.

4B. A preliminary and final PUD plan and designation for Lots 1-3, Southport East Replat Seven located in parts of the SE ¼ of Section 18 and the SW ¼ of Section 17, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located a Eastport Parkway and Giles Road.

i. **Staff Report:** The request is to allow the property to be subdivided into three commercial lots; and allow for a change to the maximum building height from 45' to 55', and to allow the front yard, side yard and rear yard setbacks to be a minimum of 10'.

The City Engineer and staff have reviewed the request and have the following comments:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.

2. Financial data for participation in the widening of Eastport Parkway and traffic signal modifications, including itemized estimates of construction and soft costs, should be provided before consideration by the City Council. This information should identify that the funding source will be private and identify cost sharing with the developer of Southport East Replat Six.

3. The transfer of ownership of the vacated right-of-way that is being incorporated into this plat should be completed prior to any approval of this final plat.

4. An amendment to the subdivision agreement will be required prior to City Council consideration. This amendment will need to identify the scope of common area improvements and provide for an acceptable method and schedule for constructing the improvements. Tract sewer connection fees will need to be revised and restated in the amendment.

5. The PUD text indicates allowing building heights up to 55 feet and reducing building setbacks from property lines to 10 feet. The site plan does not appear to show a need for such adjustments. The applicant should justify these height and setback proposals.

6. The PUD site plan shows a shared access roadway. This roadway should be paved with not less than 7-inch thick Portland cement concrete pavement to a width of at least 25 feet and this should be noted on the site plan.

7. Article 5.15.06 of the Zoning Regulations includes a requirement to provide the uses of the proposed buildings. The applicant has addressed this by stating in the PUD text that any allowed use in C-3 zoning, except for auto/motor vehicle sales may occur on the property.

8. A drainage plan showing drainage areas and a storm sewer system layout needs to be provided. This is needed to establish how the runoff from each lot will reach the public storm sewer system so that regardless of which lot develops first, the buyer and developer of that lot will have an indication of what will be required to serve the lot. This plan will also identify what, if any, common area storm sewer system is needed for incorporation into the common area maintenance provisions. The PUD text can include language that allows for adjustment of the storm sewer system with administrative approval of requested changes.

9. The PUD site plan needs to address common area water main extensions that will be needed to provide fire protection to the property.

10. The estimate of costs for common area improvements needs to be updated to address storm sewer and water mains noted in the foregoing comments.

11. An internal sidewalk system connecting to the public sidewalk along Eastport Parkway should be included in the site plan.

12. The proposed sidewalk along Eastport Parkway should be noted on the site plan to be 6 inches thick and 4 feet wide.

13. A 20-scale drawing of the proposed intersection of the common drive with Eastport Parkway should be provided that demonstrates alignment of the left-turn lane in the Replat Six development.

14. The grading plan shows up to 20 feet of fill being proposed over the existing public storm sewer on Lot 2. An analysis needs to be submitted showing that the existing sewer is capable of supporting this much additional load over the pipe.

15. The plans need to address how the drainage from the relocated road ditch along Giles Road will be connected to the storm sewer system.

16. The grading plan shows significant encroachment onto the adjacent property to the east to excavate a slope. The applicant should identify what has been done to obtain an easement for such grading. If no easement is obtained, then a significant retaining wall may be required.

17. The applicant will need to acquire a grading permit through the newly established process for the Papillion Creek Watershed Partnership. A grading permit fee of \$500.00 will be required.

18. Approval from the FAA is required prior to the issuance of a building permit on any of the lots.

Birch referenced the italicized wording on the Amended items pages placed before the commission regarding items 4A and B as the revised recommendation by staff.

In summary, on page 2 of the staff report, final plat comments, items 2, 3, and 4 would need to be resolved before city council, as well as items 14 and 16 on page 3.

Roarty asked about the 20 feet of fill in this area which seems to be flat. Kottmann said the southeast corner of the plat has a large slope which goes down to the railroad embankment where a storm sewer exists between the right-of-way and this is the area being filled.

ii. Public Hearing: Malmquist motioned to open the public hearing simultaneously on items 4A and 4B. Seconded by Roarty. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:04 p.m.

Krzywicki asked about the 55 foot height, on item 5 of the staff report, if the PUD was going to stay at the 55 ft. height. Birch said the PUD would allow the building to be built at the 55 foot height. Otherwise, under the C-3 district regulation of the Zoning Ordinance, it would only allow the 45 ft. height. Kottman said this was requested on Lot 3 of Southport East Replat Two where the applicant is proposing a multi-story office building on that parcel which could reach that height.

Carcich motioned to close the public hearing simultaneously on items 4A and 4B. Seconded by Hewitt. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried. Hearing closed at 7:08 p.m.

iii. Recommendation: Malmquist motioned to recommend approval of Item 4A the replat as outlined in the staff report as it appears to be consistent with the Comprehensive Plan. Hewitt seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried.

Hewitt motioned to recommend approval of Item 4B, preliminary and final PUD plan and designation of lots 1-3 of Southport East Replat Seven subject to the resolution of items prior to City Council as the request is in general conformity with the provisions of the Comprehensive Plan and will not have a substantially adverse effect on the development of the neighboring area. Rizzo seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried.

This application is tentatively scheduled for the City Council meeting of January 16, 2007.

4C. A preliminary and final PUD plan and designation for Lots 14A and 15A, Southport East Replat Eight located in the E ½ of Section 18, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located at Southport Parkway and Port Grace Blvd.

i. Staff Report: The request is to enable the applicant to construct buildings with a maximum height of 55', rather than the 45' as currently allowed under the C-3 zoning regulations.

The City Engineer and staff have reviewed the request and have the following comments:

1. Sidewalks connecting the buildings to the perimeter public sidewalks should be included in the site plan.
2. The site plan should show existing storm and sanitary sewers to show compliance with Article 5.15.05.04 of the Zoning Regulations.
3. The site plan should also include information to address Articles 5.15.05.05 of the Zoning Ordinance regarding the legal description, and 5.15.05.06 regarding a vicinity map.
4. Existing and proposed contours at 2 feet intervals should be shown on the site plan as required by Article 5.15.05.02 of the Zoning Regulations.
5. The public sidewalks along Eastport and Southport Parkway shall be a minimum 6 inches in thickness. This is because these two streets are considered arterial streets. This should be noted on the site plan. The public sidewalk along Port Grace Blvd. may remain at 4 inches minimum thickness.
6. The site plan should label the distances from the edge of the parking lot to the lot lines. This is needed to verify compliance with the 10 feet and 20 feet minimum dimensions.
7. Two islands should be added along the common lot line of Lots 14A and 15A as noted on the attached sketch.
8. The site plan should identify an ingress/egress easement area for Lot 15A to cross Lot 14A to reach the shown access point to Southport Parkway.
9. Approval from the FAA is required prior to the issuance of a building permit on any of the lots.

Birch referenced the italicized wording on the Amended pages placed before the Commission regarding item 4C as the recommendation by staff. The only change to the recommendation is that the PUD section of the regulations require that a specific statement be made in the approval motion advising whether or not the application is in conformance with the Comprehensive Plan and will or will not have an adverse affect on the neighboring area.

ii. Public Hearing: Hewitt motioned to open the public hearing on item 4C. Carcich seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:14 p.m.

John Blumenthal, with Baird, Holm law firm, appeared on behalf of the applicant. The plan is to construct a three-story office building on Lot 14A. Current design plans call for a height of 43 feet but a 7 foot high mechanical penthouse is necessary atop the building to support technical needs. The applicant is requesting a PUD to allow for a maximum building height of 55 ft. to provide the developer with flexibility in completing the final design plan for the building and a potential building on Lot 15A. The applicant advises they will comply with each of the site plan recommendations by the staff.

Horihan asked about the traffic access and why a traffic count was not available. Blumenthal said a traffic count was not requested by the city. Granting a PUD would not have any affect on traffic counts. Carcich motioned to close the public hearing simultaneously on items 4A and 4B. Roarty seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried. Hearing closed at 7:18 p.m.

Malmquist inquired if Lots 14A and 15A would be owned jointly with the potential to separate if need be. Blumenthal said they would be separate lots and there would be parking on Lot 14A with the building. The idea is that a similar office building would be built on 15A.

iii. Recommendation: Hewitt motioned to recommend approval of the preliminary and final PUD plan and designation for Lots 14A and 15A in Southport East Replat Eight subject to the general conformity with the provisions of the Comprehensive plan and providing it does not have an adverse affect on the development of the neighboring area. Rizzo seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried

This item will appear on the City Council agenda of January 16, 2007.

4D. Updated Future Land Use Map for the City of La Vista.

4E. Updated Zoning Map for the City of La Vista.

i. Staff Report

Birch advised that items 4D and 4E are not currently ready for consideration.

ii. Public Hearing: Roarty motioned to open the public hearing simultaneously on items 4D and 4E. Hewitt seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:18 p.m.

Carcich motioned to continue the public hearing on items 4D and 4E. Hewitt seconded. Ayes: Carcich, Malmquist, Roarty, Andsager, Hewitt, Rizzo, Horihan, and Krzywicki. Nays: None. Motion carried.

5. Comments from the Floor

6. Comments from the Planning Commission

Birch encouraged feedback on the new design of the staff report.

Birch asked if any members were interested in receiving various publications which are being received by the city. It was decided that if staff felt there was a pertinent need for the members to have any such information it should be added to their packets or sent to them on-line.

7. **Adjournment:** Roarty motioned to adjourn. Carcich seconded. Ayes: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 7:28 p.m.

Reviewed by Planning Commission: Mike Krzywicki

Sharon R. Steiner
Recording Secretary

Michael Krzywicki
Planning Commission Chair

1-18-2007
Approval Date

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