

**CITY OF LA VISTA
PLANNING COMMISSION MINUTES
JULY 16, 2009**

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, July 16, 2009, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Nielsen, Horihan, Circo and Alexander. Absent: Hewitt. Also in attendance was Marcus Baker, City Planner, Joe Soucie, Public Works Director and John Kottmann, City Engineer.

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 Chairman Krzywicki at 7 p.m. Copies of the agenda and staff report were made available to the public.

2. Approval of Meeting Minutes – June 18, 2009

Gahan motioned to approve the minutes of June 18, 2009. Alexander seconded the motion. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Nielsen and Alexander. Nays: None. Horihan and Circo abstained. Motion carried.

3. Old Business

Revisions to Sections 2.02.155, 2.02.156 and Section 7.10 of the Zoning Ordinance, all relating to Home Occupations

Cancelled - Baker said this had been approved by City Council in their last meeting.

4. New Business

A. Public Hearing regarding revisions to Section 5.06, 5.07, 5/08 and 5.09 of the Zoning Ordinance – Residential Zoning Districts

i. Staff Report: Baker said the intent is to clean up and update some of the language that is referring to senior housing. Uses today indicate primarily three different types of care: independent living, assisted living, and nursing care and rehabilitation facilities. The conditional use "hospital" is being removed from the residential districts.

The attached revisions to the Residential Zoning Districts are primarily for replacing out of date terminology for senior housing with listings of uses that are more appropriate. Also, the term "group care home," which is defined in our Zoning Code, is proposed as a permitted use. This would be consistent with the City's definition of "family" when considering single family dwellings. Other revisions are general clean-up of the code. Single family detached dwellings and single family attached dwellings are proposed for removal from the R-3 and R-4 districts because those allow high density residential primarily.

Staff recommends approval of the proposed revisions with any added changes, if applicable.

ii. Public Hearing: Malmquist motioned to open public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None. Hearing opened at 7:10 pm.

Malmquist suggested in the R-3 district that the wording might need to be changed in the statement of intent where it says, the purpose is to permit high-density residential including single family. This seems contradictory to include single family residential. Baker agreed.

Krzywicki wondered whether the definition for group care home included recovering drug users. Baker informed him that a group care home is defined in Section 2 as a home that is operated under the auspices of an organization which is responsible for providing social services, administration, direction and control for the home which is designed to provide 24-hour care for individuals in a residential setting. This does not include any fraternity, club or society, sorority, lodge, association,

organization or group of students or other individuals where the common living arrangement is temporary or seasonal. It also does not include: any group of individuals who are in a group living arrangement as a result of criminal offenses.

Krzywicki felt that the definition doesn't fit the explanation and suggested that the city attorney review to see if the intent is not to include those described. His other concern would be if everyone in a group home would have their own vehicle, a parking situation would occur in the single family neighborhood.

Circo asked if there is another definition to define a drug rehabilitation home/facility. Baker could not recall one.

Malmquist added that the state and federal government has restrictions on those limitations.

Nielsen suggested that if the single family dwelling is to be stricken from R-3, then the height restrictions would need also to be cleaned up. Baker agreed.

Krzywicki wondered if the footnote to the height and lot restrictions to existing single-family developments refers to areas east of 72nd Street, or does it encompass others. Baker affirmed, but added there may be other areas as well.

Public Hearing: Malmquist motioned to close public hearing. Andsager seconded. Ayes Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None. Hearing closed at 7:18 pm.

iii. Recommendation: Malmquist motioned to recommend approval of the proposed revisions with discussed changes that would include comments related to the group care home allowed as a permitted use. Kramolisch seconded. Ayes Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None. Motion carried.

This item is tentatively scheduled to appear on the City Council agenda of August 18, 2009.

B. Public Hearing regarding revisions to Sections 5.15 PUD-1 Planned Unit Developments.

i. Staff Report: The attached revisions to the Planned Unit Development section are for creating a more effective planning process, providing architectural standards, adding opportunities for more pedestrian scale development and mixed use development, and generally improving and cleaning up the code.

Baker highlighted the changes on each page of the revised chapter.

Staff recommends approval of the proposed revisions with any added changes, if applicable.

ii. Public Hearing: Malmquist motioned to open public hearing. Alexander seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None. Hearing opened at 7:26 pm.

Horihan questioned whether PUD plans should reduce the minimum parking requirements that are shared by more than one land use or business. Baker said parking requirements can be reduced if the shared parking situation is feasible. It may not work for every case, but the code should be flexible for places where the shared parking would work. Minimum requirements could be required if shared parking wasn't possible.

Horihan felt this was too open ended. Kottmann reminded that a PUD is a case-by-case review.

Public Hearing: Circo motioned to close public hearing. Malmquist seconded. Ayes Krzywicki, Malmquist, Andsager, Circo, Gahan, Kramolisch, Nielsen, Horihan and Alexander. Nays: None. Hearing closed at 7:32 pm.

iii. Recommendation: Gahan motioned to recommend approval of the proposed revisions as is with discussed added changes. Circo seconded. Ayes Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None.

C. Public Hearing regarding the Papillion Creek Watershed Partnership Interlocal Agreement

i. Staff Report: Joe Soucie, Public Works Director explained that in late 1999-2000 EPA released their Phase Two Storm water regulations which required municipalities that are discharging storm water into the waters to have a permit. The metro areas designed a watershed group. This would be the third renewal of the agreement. The partnership has been a fantastic working group that has been beneficial to La Vista. The watershed in this area has been used as a model for the rest of the United States. The La Vista annual contribution is approximately \$5000; without the partnership, it is estimated that the city would have paid around \$150-175,000 range.

Soucie pointed out that on page 2, group six policy group, storm water management financing the water quality LID should be funded by the development.

Also, the water quality basins and the regional flood control reservoirs in a decision with MOBA that the partnership would lean towards more regional detention and water quality basins.

Within the interlocal agreement it is proposed that any single family residential development will have collected at the time of permitting a watershed fee of \$750 per lot. This fee will be with any new development or significant re-development from August 1, 2009.

The high-density multi-family residential is a base at \$3300 per gross acre and will be indexed on single family residential development in terms of potential to generate storm water and the fee will be 1.25 times as single family residential development fee.

The commercial/industrial development will be \$4,000 per gross acre and will be indexed at the single family residential development at 1.25 times the single family residential rate.

The individual municipalities and counties will collect these fees at the time of issued building permits and required to submit that back to an account within the NRD that deals with regional detention and water quality basins.

Fees will be reviewed every three years with the development communities and the watershed.

Changes will need to be made to the subdivision agreements in relationship to the updated local agreement.

As part of the renewal of the Interlocal Agreement that defines the PCWP and its mission, the member communities (Bellevue, Bennington, Boystown, Douglas County, Gretna, La Vista, Omaha, Papio-Missouri River NRD, Papillion, Ralston and Sarpy County) are being asked to adopt the revised policies and plans.

a. Summary of Changes to the Policy

Police Group #1 – Water Quality Improvements (renamed from Pollution Control)

- Water Quality Low Impact Development (LID) is required for all new developments
- Control of the first half inch of stormwater runoff
- No net increase in peak discharge for the 2 year storm event
- Encourage establishment of buffer strips and riparian corridors along streams
- Mitigate impacted wetlands at a 3:1 ratio
- Water quality basins as identified in the Watershed Management Plan

Policy Group #2 – Peak Flow Reduction

- Regional detention basins as identified in the Watershed Management Plan
- Maximum LID as identified in the Watershed Management Plan
- Peak discharge rates not to exceed 0.2 cfs/acre for the 2 year storm event and 0.5 cfs/acre for the 100 year storm event
- Significant redevelopment no net increase in 2, 10 and 100 year peak discharges

Policy Group #3 – Landscape Preservation, Restoration, and Conservation

- Natural features and stormwater management techniques to be placed in public right of way or easement
- 3:1 plus 50 foot creek setbacks along streams as identified in the Watershed Management Plan

Policy Group #4 – Erosion and Sediment Control and Other BMPs

- No significant changes

Policy Group #5 – Floodplain Management

- Limit filling in the floodway fringe to 25% of total floodplain area per development application. Remaining fringe area to be designated as a floodway overlay zone.

Policy Group #6 – Stormwater Management Financing

- Water Quality LID funded by development
- Water quality basins and regional flood control reservoirs to be funded 1/3 from development fees and 2/3 from NRD funds.
- Stormwater utility encouraged for on-going operation and maintaining city and county NPDES Best Management Practices

b. Changes to the Watershed Management Plan

The watershed map showing the long term plan for managing water has been modified to reflect the changes in the Policies, most notably that:

- Low Impact Development (LID) for water quality will be required for all new development and significant redevelopment across the watershed.
- In the jurisdictions of Douglas and Washington County, Maximum (enhanced) LID will be used for flood control.
- Up to 14 additional regional flood control reservoirs and 12 additional water quality basins may be evaluated for construction in the future.

c. Addition of a 3-year Implementation Management Plan

This watershed map shows the approximate locations of elements of the Watershed Management Plan that the Partnership recommends for design and construction between 2011 and 2013. Those elements have an estimated total cost of \$134M and are comprised of 4 water quality basins and 2 regional flood control reservoirs. The intent is that the Implementation Management Plan be reviewed and updated in 3-year increments and that the Interlocal Agreement be amended to reflect additional phases of work as they are needed.

IMPLEMENTATION

In addition to the execution of the extension of the Interlocal Agreement, amendments Chapter 154 of the La Vista Municipal Code and Subdivision Regulations will be needed to add the requirement to maintain peak discharge rates during the 2-year storm event and to implement the Watershed Management fee system described in the policies. There may be needs for additional implementation measures that have yet to be specifically identified.

The intent of the PCWP is to establish regionally common goals and development standard to address stormwater quality and quantify issue in a consistent, effective and efficient manner. The refinements contained in the proposed policies and plans are another incremental improvement in regional public health, safety and quality of life.

Staff recommends approval of renewing the Interlocal Agreement and the revised storm water management policies contained therein.

ii. Public Hearing: Horihan motioned to open public hearing. Circo seconded. Ayes Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None. Hearing opened at 7:45 pm.

Kramolisch asked what would happen if Washington County didn't pass the revisions. Soucie said Washington County is not on board and likely wouldn't pass the revisions, but the interlocal agreement would work for the remaining jurisdictions.

Gahan asked the definition of a gross acre. Baker explained that if a property extends into the right of way then the gross acre would include acreage in the right of way.

Krzywicki asked if there were any caps set on the fees. Soucie said that as much public scrutiny as the partnership has, it may be rolled back if excessive fees were gained from a boom in development.

Soucie said that if a storm water utility fee was assessed upon every business and resident then it wouldn't have come to assessing fees on developments at the time of permitting. The utility monthly fee for a residential home would have been on the average of \$2.00 - \$2.50. And the commercial/industrial would have been based upon acreage. These sources would have been able to fund the watershed issues.

Krzywicki asked how this was reported to the public. Soucie said the partnership has a public monthly meeting where the financial statement is available.

Public Hearing: Kramolisch motioned to close public hearing. Nielsen seconded. Ayes Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nays: None. Hearing closed at 7:50 pm.

iii. Recommendation: Malmquist motioned to recommend approval to City Council to renew the interlocal agreement and the revised storm water management polices contained within that as presented. Kramolisch seconded. Ayes: Krzywicki, Malmquist, Andsager, Circo, Gahan, Kramolisch, Nielsen and Alexander. Nays: None. Abstain: Horihan.

5. Comments from the Floor

None

6. Comments from the Planning Commission

Circo asked if PEDCOR had submitted a 404 permit as yet. Baker said we do not have that from them yet. Kottmann said he knew they were working on parts of their resubmittals to the city but nothing has come about to this date.

7. Adjournment

Malmquist motioned to adjourn. Circo seconded. Ayes Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Circo, Nielsen, Horihan and Alexander. Nay: None. Motioned carried. Meeting was adjourned at 7:53 p.m.

Reviewed by Planning Commission: John Gahan

Sharon Dennis
Recorder

Michael J. Kyppouk
Planning Commission Chair

8-20-2009

Approval Date