



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
SEPTEMBER 21, 2017-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, September 21st, in the Harold “Andy” Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Gayle Malmquist called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Mike Circo, Harold Sargus, Kevin Wetuski, Kathleen Alexander, and Jackie Hill. Members absent were: Jason Dale and Tom Miller. Also in attendance were Chris Solberg, City Planner; Ann Birch, Community Development Director; Meghan Engberg, Permit Technician; 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 Malmquist at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – July 20, 2017

Hill moved, seconded by Gahan to approve the July 21, 2017 minutes. **Ayes: Krzywicki, Malmquist, Gahan, Sargus, and Hill. Nays: None. Abstain: Circo, Wetuski, and Alexander. Absent: Dale and Miller. Motion Carried. (5-0-3)**

3. Old Business

None.

4. New Business

A. Public Hearing for a Conditional Use Permit (CUP) and Preliminary Plat – Lot 26 Oakdale Park & Tax Lot 8A1B 16-14-12 & Tax Lot 8A1A Exc Pt for Row 16-14-12 – 3D Self Storage La Vista, LLC

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, 3D Self Storage La Vista, LLC, is requesting a Conditional Use Permit and Preliminary Plat to operate a self-storage facility on Tax Lot 8A1A Exc Pt for ROW and Tax Lot 8A1B 16-14-12 and Lot 26 Oakdale Park to be replatted, located on the southwest corner of S. 104th and Harrison Street. Staff recommends approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. Staff recommends approval of the Preliminary Plat as the request is consistent with the Comprehensive Plan and the Subdivision Regulations.

- ii. **Applicant Presentation:** James Buser came up and spoke on behalf of the applicant. He stated that this is a preliminary plat and a conditional use permit application for a 50,000 square foot, 2 story, climate controlled storage facility at the southwest corner of 104th and Harrison. He then showed a picture to the commission that depicts the project site and the surrounding area at 104th and Harrison. He then stated that they had last had a meeting with City Staff on September 13th, 2016. He stated that it was a good meeting and that their project looked substantially different then than it does now. They had initially walked into the City offices with a site plan that showed outdoor storage as well as climate controlled storage as part of the project. He stated that in their initial meeting with City staff that they learned a little more about the site history and the challenges that they were going to face and did face over the next year to get to where they are tonight and what the ultimate design was. He stated that after that meeting, they focused on a couple of things. They had to come up with a new design that did not include outdoor storage. He mentioned that Mr. Douglas, who was at the meeting, had connections with a design team in Denver and so, they were able to take some site plans and design plans from there and help transform a prior project that they had for a 3D Storage out in Elkhorn. He said that while the look of the project is similar to that facility, there is an outdoor storage component to that, so they've redesigned the building based upon some other architecturally appealing facets to this building. He then said that their next stakeholder meeting was with the City after they went through the redesign of the building, they came back down and met with city staff and presented a 3 story, completely contained climate controlled structure. Buser stated that this was much better received by City Staff at that point, but they still had some challenges ahead of them. He stated that the two main things that came out of that meeting were; now they have a facility that at least looks pretty good and the outdoor storage is gone, so they need to now tackle the issues as they move forward. The access issue is a kind of a big one as they move forward at 104th and Harrison with the neighborhood and so, city recommended that they meet with both the SID board and the Homeowner's Association to talk about their plan, get some input from the neighborhood groups and then see where the project would go from there. They were also cautioned that all they brought in were building elevations and a preliminary site plan, but that ultimate plan that they needed to present would have thorough City review for issues like landscaping and other access and some of the drainage reports that need to be filed with the applications.

Buser then stated that they made contact with the SID. They got in touch with John Fullenkamp, who represents SID 237. They met with John in his office, showed him their plan and he gave them the same discussion they had with City Staff and that access is a challenging issue for the neighborhood. He stated that they had a long meeting with John and they tried to come up with some ideas on how to make that a more palatable solution, how to make the access better for the neighborhood and for the site itself. He stated from that meeting that they went back to the drawing board and came up with a concept and went back to Colonial Press and asked if they would be receptive to them having egress easement across their parking lot, so they can minimize traffic coming off of 104th Street. Colonial Press agreed and they entered into a purchase agreement. They then went back to John to show him what they had come up with and after a few tweaks, came up with the current plan they

have now. Buser then said that the next meeting they had was with the Homeowner's Association. They met with the board and they expressed some of the same issues with the access and the drainage and that they needed to do everything they could to try and minimize those problems for the neighborhood. He said that from that point on, they had a follow up meeting with the residents, where they invited everyone to provide their input. They presented their evolving plan, which included access, landscaping, drainage, lighting, architectural features on the building and that the board will be able to see from pictures how that project evolved. He feels that their building will stand out and will be a much more attractive looking building than a lot in the area. He then added that in regards to the drainage issue, that they did approach Rotella's because they have a sewer line for their drainage from their property and asked if they could create an easement across their property and connect into their storm sewer. They have reached a verbal agreement with Rotella's to do that and the engineers have all met to talk about that and they think it's a very good plan and will implemented as part of their CUP and is ultimately approved.

Jeff Lake then came up and spoke on behalf of the applicant. He said that he was going to move very quickly through some the iterations they have. He stated that he was going to start with the Preliminary Plat that was in front of them. He said that the existing properties have not been platted and one of the courses of action is to clean up both the Colonial Press property and the proposed project site with formal platting. He then pointed out that Colonial Press is on Lot 2 and that they would be occupying Lot 2 of the proposed Oakdale Park storage platting. He said that this was a snippet of their first discussion with City Staff. He said that the original 3 story facility was smaller than what the Board was looking at and one of the concerns of City Staff was what happened in that space between the 3 story structure of 3D storage and the Colonial Press facility. Also, in conversations with neighbors and others, the 3 story structure seemed a little less appropriate for the area and they condensed that down to 2 stories and stretched that out as was presented to the board. He then mentioned that in their original plan, the entrance was on the southeast corner of the site and the office where first time customers go and other administrative activities would occur out of and parking lot were also on the southeast corner. He stated that through the process, they evolved into the configuration presented. A 2 story structure, with the entrance to the facility closer Harrison Street and the office is now on the northeast corner of the building, as well as the subsequent parking lot. He stated that they have stepped back the building on the southeast corner to provide more space and green space to the neighborhood and what is occupying that green space is their storm water detention, water quality facility.

Lake then started to talk about their hours of operation and their use permit. He said that they are open Monday through Sundays, 6a.m. to 10p.m. They are controlled access and the gates beyond those hours cannot be accessed to get to the facility. They do have an office that's staffed with a couple of employees and is staffed from 8a.m. to 6p.m. Monday through Friday and Saturday, Sunday from 9a.m. to 1p.m. He said that they will discuss the circulation and mentioned that lighting will meet City requirements.

Lake mentioned circulation and one of the issues from the neighbors was vehicles exiting the property and going through the neighborhood. He then showed a picture of the egress easement through the Colonial Press property. He then pointed out on the picture the arrows showing everything going that direction. He mentioned that the center of the site is the main corridor and once you enter you cannot go back out it, you have to transfer from east where you enter, to west where you exit. It is also the same thing with the south part of the building where there are some exterior doors facing the Rotella's property, there is a gate you can enter, but you cannot exit back out. He then stated if you circulate to the north side, there is a gate on the northwest corner of the facility as well that you can exit out, but you cannot enter. Likewise, folks from Colonial Press cannot cut through their site to 104th Street and cut through the Cimarron Woods neighborhood. He stated that the only real risk he sees is that there are going to be some violators, but it will be very difficult for them to violate. The only real risk they see are those who try to exit onto 104th from their first time visit. They come to the office on the northeast corner, they will be told to head to the west and through the gate, but it is possible that those folks will exit back out to 104th Street. He then said that everybody who uses the facility to physically drop something off to the facility cannot exit on to 104th.

Sargus asked what was on the north side of the building.

Lake said that it is a drive.

Sargus asked if there were any storage units on that side.

Lake said there are not.

Sargus asked if there are doors.

Lake said that there are no doors on that side.

Lake then showed the landscape plan and that on the northeast side they are planting trees, shrubs and other ground cover. He then mentioned the elevation pictures and said that the top elevation is a view from Harrison Street looking south towards the property. The middle elevation is from the west side, looking from Colonial Press to the east towards the site and then the bottom one is from 104th looking west towards their facility. He then showed some perspective views of the facility.

Circo asked if there was going to be another gate on the property line.

Lake said there would not. He said that they have kind of cornered people where there only way out is through Colonial Press.

Circo asked what would happen if a moving truck came in to access the property and get to the west entrance of the building with the door open.

Lake said that if the door is open it is a possibility, but it's like swimming upstream. He said that there also cameras throughout the corridor as well. He said that the gate is only opened when some exits and then the door shuts automatically. Lake said that they will also have signage showing where to exit.

Hill asked if there are 3 gates.

Lake said that that is correct.

iii. Public Hearing: Malmquist opened the Public Hearing.

Tim Muinov (?) came up and spoke on the agenda item. He mentioned that when he received information on the project that they all sent emails to the HOA president and felt like he voiced all of their concerns. He said that it looks like the plan has been approved and is better than the original version that they had seen. He is concerned about the entrance because he drives on that road 4 to 5 times a day and has been enjoying a private entrance and exit. He wanted to know why the entrance couldn't be off of Harrison Street. He is also concerned about the existing trees being cut down and losing privacy between the industrial area and the neighborhood.

Adam Studts came up and spoke about the agenda item. He said that he lives on Lot 78, the southernmost point of 103rd Circle, right at the end of the median coming into the neighborhood. He thanked the applicant for working with the HOA on any concerns that were shared. He stated that his main concern is the egress onto 104th Street. He feels that that will undoubtedly result in U-turns at that median, which is a safety risk. He said that the design allowing egress on 104th Street by its nature is unsafe. He asked if an unsecure gate at the entrance on 104th has been considered.

Lisa Robino-Wolter came up and spoke about the agenda item. She stated that she is concerned that the entrance to the neighborhood is only a single lane and is worried that some of the trucks into the neighborhood will not be able to make turn and will want to break into the island. She feels that there should be more of gate in the front to prevent people from going out and wanted to know how they can prevent the facility from being 24 hour access. She is also concerned about the safety issues on her property. She mentioned that their covenant is very strict on what kind of fencing they can have, so she cannot put up a privacy fence up to shield her from this area.

Solberg stated that he wanted to point out that every Planning Commission member has an email on their desk from a resident that was sent earlier in the day.

Laurie Callahan came up and spoke on the agenda item. She said that as soon as you make that turn off of 104th and Harrison, you see the back end of their house. She said that it is unclear from the pictures the extent of the landscaping. She has concerns about the lighting and cannot get the feel for what this is really going to

look like. She has concerns about safety and what this will do to their property value.

Lake came up to provide answers and rebuttal to concerns and questions. He mentioned that the entrance from Harrison Street has controlled access across the whole frontage of the property, so the County will not allow access points anywhere along there.

Lake mentioned that there are good stand of trees along the east proper line of that facility as well as on the island. He said that many of the trees on their property are volunteer trees that have grown over time. He stated the one of the advantages of moving the drive up to the north is that it gives a little better opportunity to save some of those. He said that they will save as many as they can and will be planting more to help with blocking some of the view.

Lake then answered about the gate that was brought up by a couple of residents. He said that they had considered that and they feel that it will cause more harm than good. He said that if you are a first time visitor and do not have access to that gate, you're more likely to drive on by and make those U-turns.

Lake then addressed the concern about trucks. He said that what they allow into the facility are box trucks and that semis aren't visitors for these types of facilities. They have done turning radii that will allow them to enter in and move through the site and exit through the site, baring driver mistakes, the need to back up in the facility.

Lake then brought up the concern about 24 hour access. He said that the fobs are controlled during the hours of operation and they will not be able to enter into the facility outside of those hours.

Lake mentioned that they will be meeting all of the City lighting codes.

Wetuski asked why there are two entrances and not just one through Colonial Press.

Lake said that they were not able to obtain access rights to get all of their access points through Colonial Press. They had a big win getting egress through that site. He pointed out that the City did give them two options in their comment letters and they picked the second option. The other option was to be able to enter and exit onto 104th Street.

Malmquist asked if there is approved fire and emergency access.

Lake said yes.

Circo said that he has concerns that there isn't a clear indicator of where to enter and people going east will try to access the facility on the Colonial Press side. He then asked if there was accurate turning radius on a 20 foot truck to turn around there.

Lake said that perhaps more building signage would help. He said that he hopes that if it does happen, that it only happens once.

Sargus asked if it was up to city or HOA as to what kind of fence the residents could have.

Circo said that it was up to the HOA.

Malmquist closed the Public Hearing.

- iv. **Recommendation – CUP:** Gahan moved, seconded by Alexander to recommend approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Alexander, and Hill. Nays: Sargus and Circo. Abstain: None. Absent: Dale and Miller. Motion Carried. (6-2)**
 - v. **Recommendation – Preliminary Plat:** Hill moved, seconded by Gahan to recommend approval of the Preliminary Plat as the request is consistent with the Comprehensive Plan and Subdivision Regulations. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Alexander, and Hill. Nays: Sargus and Circo. Abstain: None. Absent: Dale and Miller. Motion Carried. (6-2)**
- B. Public Hearing for a Conditional Use Permit (CUP) – Lot 1 Papio Valley 1 Business Park Replat 1 – Sadoff E-Recycling & Data Destruction**
- i. **Staff Report – Chris Solberg:** Solberg stated the applicant, Sadoff E-Recycling & Data Destruction, is requesting a conditional use permit to operate a computer electronics recycling center on Lot 1 Papio Valley Business Park Replat 1, generally located at 12034 Cary Circle. Staff recommends approval as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.
 - ii. **Applicant Presentation:** Jason Lasky came up and spoke on behalf of the applicant. He mentioned that he is there to answer any questions they have in regards to the conditional use permit request for an existing building to be used for electronics recycling. He stated that they take electronics from business to business. He mentioned that they have retail sites in Omaha and Lincoln as well. He said that the CUP they are looking for is a business to business site. They will be collecting electronics from businesses, bringing electronics into the building, tearing apart those electronics to harvest usable items and then resell those items for recycling purposes. They also have data destruction for the business and will do a complete erasure of hard drives. He mentioned that they have been in the recycling business for about 70 years and are now venturing into this aspect of recycling. He then invited any questions.
 - iii. **Public Hearing:** Malmquist opened the public hearing.

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

Hill brought up the concern with data breaches and asked what kind of security they had in place.

Lasky said they do tip to tail security. They have to go through a certification process in order to be able to do this kind of recycling. He went through the process on how they transport items, log and recycle items. They also are insured in case there is a data breach, which is unforeseeable.

Sargus asked how long they've had the retail facility.

Lasky said they've been in Lincoln since 1999 and in Omaha since 2012.

Sargus asked if they deal with hazardous wastes.

Lasky said that they will come across batteries, but will be following all regulations as far as packaging and transportation of those particular batteries. He said that they also have procedures for cleanup in case a battery should break. They do not recycle batteries, they collect and ship.

Gahan asked if they product coming in comes from anywhere in the United States.

Lasky said they would assume more regionally.

Gahan asked if they would be brought in from trucks they own or from leased trucks.

Lasky said both.

Gahan asked if the technicians will have the knowledge to take apart the machines.

Lasky said they will only touch the stuff they are familiar with and will the send the rest, as whole units, to another facility to be broken down.

Circo asked how much of the facility would be used for storage and how often is the supply replenished.

Lasky said that the building is 19,000 square feet and 5-6,000 will be office space. He said that the back of the building is owned by a construction company that rents out equipment and will be continued to be used for that. They will be utilizing that area for tear down. The area where the overhead doors are will be there inventory and receiving area. He then mentioned that they will be expecting 5-7 trucks a week.

Hill asked if they will tear apart anything with hazardous materials.

Lasky said that no, they will be passed through the facility and sent somewhere else.

Krzywicki asked out of everything that comes in, what percentage would be going to the local dump.

Lasky said that they will be recycling and scrapping most of what comes in. He said that about 5% will go in the trash.

Alexander asked if the public can come in off the street and used the facility.

Lasky said that that is not a proposed use for that facility.

Matt Weirman came up and spoke in regards to the agenda item. He mentioned that they have been buying this material for about 8-9 years from the public at their facility and about 7 in their Omaha facility. They are looking at giving to businesses the same services they give to the public.

- iv. Recommendation – CUP:** Circo moved, seconded by Sargus to approve the Lot 1 Papio Valley Business Park Replat 1 Sadoff E-Recycling and Data Destruction. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Alexander, Sargus, Circo, and Hill.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Dale and Miller.* **Motion Carried. (8-0)**

C. Brook Valley Business Park Replat 5

- i. Staff Report – Chris Solberg:** Solberg stated the applicant, REDZ LLC, is requesting a replat for Brook Valley Business Park Replat 5, a replat of Lot 51 and Lot 28A1 Brook Valley Business Park, Lot 2 Brook Valley Business Park Replat Four, located southwest of the intersection of 108th and Olive Street. Staff recommends approval of the replat, contingent on the final resolution of issues related to the Army Corps of Engineers and Sarpy County as noted in Review Comments #1 and #2, and the finalization of a subdivision agreement prior to City Council review, as the request is consistent with the Subdivision Regulations and the Comprehensive Plan.
- ii. Applicant Presentation:** Russ Daub came up and spoke on behalf of the applicant, as one of the members of the LLC. He said that the challenge presented is how to make warehouses more interesting. He said that this particular created an interesting challenge because this particular lot has a huge storm sewer easement running right through the middle of it. He said that it caused to lot to be less developable in terms of size and created other problems as well. He then mentioned there is a lot to the south with railroad right of way and wanted to see what he could do to combine those lots. He said that he approached the owner of lot 2 to see about selling and then addressed the issues with the Corps of Engineers and get help from the City and County to work on the erosion issues. He wants to use the lots to build warehouses on.
- iii. Public Hearing:** Malmquist opened the public hearing.
- v. Recommendation – Replat:** Krzywicki moved, seconded by Wetuski to recommend approval of the replat, contingent on the final resolution of issues related to the Army Corps of Engineers and Sarpy County as noted in Review Comment's #1 and #2, and the finalization of a subdivision agreement prior to City Council review, as

the request is consistent with the Subdivision Regulations and the Comprehensive Plan. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Alexander, Sargus, Circo, and Hill. Nays: None. Abstain: None. Absent: Dale and Miller. Motion Carried. (8-0)**

D. La Vista City Centre Replat 2

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant is the City of La Vista. He stated that when they were going through the development process of City Centre, their architectural consultant for the parking garage on Lot 17 was requesting additional space to build the parking garage to what they needed to make it fit in there. In order to make it fit, they needed to take an additional foot off of Lot 16 to the south and in exchange, part of the Cottonwood ROW (1 ft.) would be shifted over to the Lot 16 space so they wouldn't lose any overall width. The 2 tabs on the north and south end of Lot 17 would be shifted over to ROW, this is in relation to concerns from ICC about egress for the Lot 15 building as well as the future Lot 16 building.

- ii. **Applicant Presentation: See above**

- iii. **Public Hearing**

Krzywicki brought up the aerial photo and asked if the entire east boundary redlined where the parking garage is going to be.

Solberg said not all the way up there. He said that there is roughly 10 foot before you get to the retaining wall.

Kottmann said that it's 30 foot to the parking structure and 10 foot to the retaining wall.

Krzywicki asked if the existing bermed area not part of the plan.

Solberg said no, it's 30 feet from that lot line to the parking structure.

Krzywicki asked why there were red lines that looked like parking stalls and if there are going to be parking stalls.

Solberg said yes, there are exterior parking stalls on the bottom floor that come out right before you get to the retaining wall.

Kottmann said that at the October 3rd Council meeting there will be a presentation by the architect for the parking structure that will provide some visual graphics of the structure.

- vi. **Recommendation – Replat:** Sargus moved, seconded by Gahan for approval of the replat, contingent on the finalization of a subdivision agreement prior to City

Council review, as the request is consistent with the Subdivision Regulations and the Comprehensive Plan. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Alexander, Sargus, Circo, and Hill. Nays: None. Abstain: None. Absent: Dale and Miller. Motion Carried. (8-0)**

5. Comments from the Floor

No members of the public came forward.

6. Comments from the Planning Commission

Krzywicki asked what the plans for Chili's were.

Solberg said that he wasn't sure of the details specifically, however, from what he's heard from the developer there is an agreement in place and the Chili's is going to stay there for a little while and will then be moved into one of the bays. He then mentioned that there will be a replat coming soon in regards to that aspect.

Krzywicki asked if there was any update on the sports complex.

Kottmann said that discussions are ongoing.

Krzywicki asked if this wall city driven or if the nonprofit is still a part of the game.

Kottmann said that they nonprofit are working on fundraising strategies.

Sargus asked if there was a timeline for the project.

Solberg said there is not a specific deadline, except for their CUP.

7. Comments from Staff

Solberg said that they are continuing to work on the Comprehensive Plan and hope to have a copy for them to review in the coming months.

Solberg mentioned that they had the ground breaking for the City Centre the previous day and that a couple of permits have been issued.

Engberg said that the First National Bank permit has been issued and are still waiting for one to be picked up and paid for.

8. Adjournment

Malmquist adjourned at 8:51p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date