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CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
DECEMBER 12, 2019 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, December 12th in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Kevin Wetuski called the meeting to order at 6:30 p.m. with the following members present: Gayle Malmquist, John Gahan, Jason Dale, Mike Krzywicki, Josh Frey, and Kevin Wetuski. Members absent were: Patrick Coughlan, Harold Sargus, Kathleen Alexander, and Mike Circo. Also, in attendance were Chris Solberg, Senior Planner; Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; and Pat Dowse, 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 Wetuski at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – November 21, 2019

Malmquist moved, seconded by Krzywicki, to approve the November 21st minutes. Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)

3. Old Business

None.

4. New Business

A. Conditional Use Permit – Casey's – Lot 3 Harrison Hills

i. **Staff Report – Cale Brodersen:** Brodersen stated that the applicant, Casey's, is looking for a Conditional Use Permit to operate a convenience store with limited fuel sales. He said that the site is located approximately on Harrison and 118th Streets. He mentioned that the applicant will be giving a short presentation, but that he wanted to touch upon a few things before they came up. Brodersen said that a traffic impact analysis was completed for this project as well as one in conjunction with Streck to look at the combined impact of both locations. He said that the study showed that there may be some signal improvements required by the City of Omaha, so they put a condition in the CUP that any improvements to

the signals required by the City of Omaha must be made before the certificate of occupancy can be received. He then wanted to note that the site is within the Gateway Corridor District, so the development does have to follow the city's design review process, which is almost complete, but there are a few items that need to be addressed prior to having a building permit issued to them. Brodersen stated that staff recommends approval of the Conditional Use Permit, contingent on the finalization of the design review process, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

ii. **Applicant Presentation:** Rob Duvall, from Schemmer, came up and spoke on behalf of the applicant. He said that they are proposing the Conditional Use Permit for a 6,000 square foot convenient store on 118th and Harrison. He said that it will be a 24-hour store with 12 pumps. He stated that everything is designed per code and that he is there to show the site plan and answer any questions.

iii. **Public Hearing:** Wetuski opened the public hearing.

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

iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval of the Conditional Use Permit, contingent on the finalization of the design review process, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes:** *Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Coughlan, Sargus, Alexander, and Circo.*
Motion Carried, (6-0)

B. Comprehensive Plan Amendment: Future Land Use Map – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report - Chris Solberg:** Solberg stated that the applicant, West Management, LLC, is requesting an amendment to the Future Land Use Map of the Comprehensive Plan for Echo Hills Lot 3, located generally northwest of the intersection of Chandler Road and 144th Street. The overall application includes the approval of an amendment to the Future Land Use Map of the Comprehensive Plan, Rezoning, PUD Site Plan, and a Preliminary Plat. Solberg stated that the intention for the space is for the development of an assisted living facility, memory care facility, multi-family housing, a restaurant, retail space, and drive-thru coffee shop. Staff recommends approval of the Comprehensive Plan Amendment, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval.
- ii. **Applicant Presentation:** Brett West came up and spoke on behalf of the applicant. He said that he has several partners in this project and they have been working on this project for a little while to find a good use for this location. He stated that they

have been working with the current land owner and have it under contract and that that what they are wanting to do is very similar to a project they did in Lincoln.

West then showed renderings to the commission and public of what their plans were for the site. The assisted living quarters would include 60 units of assisted living and 20 units of memory care. He said that the site is obviously larger than what they are needing for that, so as a development professional, him and his partners also thought this site would be good for an apartment complex as well. He then showed where the apartments and commercial building would be going as well.

He said that they have met with the DOT about the opportunity to access this site on 144th and/or Chandler Road and at this point, neither of those were options they could look at. He mentioned that there have been concerns about that, but they have met with the DOT. West mentioned that they did have a traffic study done, and largely the roads take the requirements that this would add to it from a traffic stand point. They will have to do some improvements on Chandler Rd. and are more than willing to do that.

iii. **Public Hearing: Wetuski opened the public hearing.**

Nicole Saathoff came up and spoke about the project. She said that her main concern is the increase in traffic that will be happening at 146th and Echo Hills Dr. She said that it is already a very busy intersection and people blow through the stop sign. She is concerned about what kind of traffic the apartment complex will bring in and is also concerned about the safety of the children that would be going to the park in that area.

Kathy Seymour came up and spoke about the project. She said that she agreed about the concerns of the increased traffic. She doesn't feel that the streets in the neighborhood will support the traffic. She mentioned that there has been a desire for a traffic light at 144th and Echo Hills Drive for years and feel that it is necessary due to the increased traffic. She stated that she is opposed to the new development coming in.

Robert Seymour came up and spoke about the project. He said that one of his concerns is how narrow the street is from Highway 50 going west on Echo Hills. He said that they already allow parking on one side, which people continually violate by parking on both sides of the street, which makes it very difficult to get through. He feels that there should not be any parking allowed on the street if this development were to happen and feels that there needs to be a light at Highway 50 and Echo Hills. Mr. Seymour then stated that he would like to see the light on Chandler Rd. stay,

but to see Chandler widened since it's also one of the proposed entrances for this site.

Jeremy Saathoff came up and spoke about the project. He said that he feels that traffic will increase and that as a SID they will be liable for repairs on the road. He mentioned that they are going to be an estimated 3100 cars daily driving through their streets now and wanted to know who is going to pay for street repairs. He then brought up that in the summer, spring, early fall, they get cars backed up from the park to his house. He brought up the traffic study and said that he didn't see anywhere that a study was done on 146th and Echo Hills Dr., which is the busiest intersection in that neighborhood.

Andre Steinbergs came up and spoke about the project. He said that he lives directly across that open field and that it has been kind of ideal having that there because they can see across and have privacy. He said that his main concern is privacy and accessibility. He is also concerned about traffic increase and people parking on both sides of the street. Steinbergs brought up that he is also concerned about what he will see when he looks out his front window. He is wanting to know if there is going to be some type of a fence or barrier or will he be looking at buildings and apartments. He also brought up the danger of the intersection at 144th and Echo Hills Dr.

John Warren came up and spoke about the project. He is also concerned about the accessibility, safety and increase in traffic. He mentioned that since they are a SID, they pay for the maintenance of the roads, the park and the mowing and asked who is going to pay for everything if this development comes in. He then asked if the county or the city will be plowing the streets.

Solberg said that since they are still a SID, they contract that [the plowing of the streets] out.

Warren asked if the meeting tonight was for approval to rezone this and asked how it's zoned now.

Solberg said that it is currently zoned C-1.

Warren asked if C-1 would allow this development to take place.

Solberg said that C-1 would allow for the commercial development that's being proposed. He said that we are here tonight to vote on the rezoning of the property.

Warren brought up that this lot has been vacant for over 30 years because of the price tag attached to it and because it's zoned commercial. It's not zoned for what the developer wants to do.

Bob Ireland came up and spoke about the project. He said that he is pleased to see interest in the property and said that from the looks of the renderings, they are beautiful buildings and that he appreciates that effort that has gone into doing the research for this project. He said that one of the interests that he had is in the safety of the kids with the increased traffic, especially by the park. He said that 146th is only designed for two-way traffic with no on-street parking, so trying to mitigate how that traffic flow will work, especially with the C-1 property, is a concern. He said that he is all for the coffee shop and having a restaurant but having it right in front of a park with a high amount of traffic flow that already exists and bringing in more needs to be taken into consideration. He mentioned that he wasn't there at the SID meeting and was unable to ask questions. Ireland brought up the tax incentives and property value that is being invested into this and asked if that will be invested back into the SID to help pay for some of the road repairs and other things.

West came back up to address the concerns and comments that were made by the public. He said that they did not make any suggested changes at this time. They requested some feedback from the SID because they understand the traffic issue. They had a traffic study done by a third party and what it suggested was to add a lighted left turn at the 144th and Chandler and stated that they agree with that. He said that it is a SID, so to clarify, this property would pay into the SID and would help cover any expenses related to that [road repairs]. He said that they did meet with the state and asked a lot of questions about access and unfortunately, that's the direction that they were given. They were "flat out" told "no" about creating an access off 144th St. and would have to purchase land from the DOT to be able to create an access off Chandler Rd. West said that they are there to be good neighbors. He then brought up the fact that the entire property is currently zoned C-1, so anything on a large-scale commercial side could go in there. They are downsizing the commercial from what could potentially go in there, which would have more of an impact on the traffic.

Malmquist asked if there had been any conversation with the DOT on a traffic signal at Echo Hills Dr.

West said yes and that the DOT is not in support of that because it's too close to their other light at 144th and Chandler.

Gahan verified that there is on-street parking on Echo Hills Dr. and 146th St.

West said there is.

Gahan asked if that was something that the city could address and make it so there is no parking on the street.

Solberg said that could be done through the SID's administrative actions.

Gahan verified that the SID could control that.

Solberg said yes.

Dale brought up the 4200 square feet of office/ retail space and asked if that is above where the pad for the restaurant would be.

West pointed out where the office/retail would be and the pointed out the restaurant. He said that no tenants have been confirmed since it's so early in the project, but the restaurant would more than likely be a sit-down establishment.

Krzywicki brought up the traffic control comparisons between C-1 and apartments trips per day and asked how long it took the apartments to reach the same amount of traffic in a day as C-1. He wanted to know which one was better from a traffic standpoint.

Solberg said that typically commercial has more traffic, however, apartments have more traffic during peak times.

Dowse said that along those lines, it really depends on what your use is. He did confirm that generally, commercial will have more traffic.

Wetuski closed the public hearing.

Krzywicki stated that one of the primary things that he heard is the traffic and the safety issue and that it's unfortunate that hands are tied with the state for improvements for traffic flow, safety, signalization, etc. He said that he hopes the developer will continue to work with whoever controls the intersections and that improvements can be made if the project continues to move forward.

Solberg reminded the planning commission that there are four different agenda items related to this.

iv. **Recommendation:** Malmquist moved, seconded by Dale for approval of the Comprehensive Plan Amendment contingent on the satisfactory resolution of the

issues stated within this staff report prior to City Council approval. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

C. Rezoning – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report – Chris Solberg;** Solberg stated that the applicant, West Management, LLC, is requesting an approval of a Zoning Map Amendment for Lot 3 Echo Hills for the purpose of developing an assisted living facility, memory care facility, multi-family housing, a restaurant, retail space, and drive-thru coffee shop generally located northwest at the intersection of 144th and Chandler. Staff recommends approval of the Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to C-1 Shopping Center Commercial, Gateway Corridor Overlay, and Planned Unit Development, and staff recommends approval of the Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay, and Planned Unit Development, as depicted in the Zoning Map Amendment Exhibit, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval.
- ii. **Applicant Presentation:** Applicant did not come forward as he had nothing else to add or speak on.
- iii. **Public Hearing:** Wetuski opened the public hearing.

Wetuski closed the public hearing as no members of the public came forward.
- iv. **Recommendation:** Malmquist moved, seconded by Dale to recommend approval for the rezoning of proposed Lots approval of the Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to C-1 Shopping Center Commercial, Gateway Corridor Overlay, and Planned Unit Development, and recommends approval of the Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay, and Planned Unit Development, as depicted in the Zoning Map Amendment Exhibit, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

D. Planned Unit Development – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, West Management, LLC, is requesting a Planned Unit Development approval for Lot 3 Echo Hills. Staff recommends approval of the Planned Unit Development, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan (as amended) and the Zoning Ordinance.
- ii. **Applicant Presentation:** The applicant did not come forward as he had nothing to add or speak on.
- iii. **Public Hearing:** Wetuski opened the public hearing.

Wetuski closed the public hearing as no members of the public came forward.
- iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend for approval item 4D, the approval of the Planned Unit Development, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan (as amended) and the Zoning Ordinance. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

E. Preliminary Plat – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, West Management, LLC, is requesting an approval of a Preliminary Plat for Lot 3 Echo Hills into 4 separate lots for development generally located Northwest of the intersection of 144th and Chandler. Staff recommends approval of the Preliminary Plat for Lot 3 Echo Hills, being replatted a Lots 1-4 Echo Hills Replat 4, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval. Solberg said that it is also noted to City Council that they will have to come back for final plat approval as well as Conditional Use Permit for the senior housing and apartments.
- ii. **Applicant Presentation:** Applicant did not come forward as he had nothing to add or speak on.

Krzywicki said that based on the Preliminary Plat that was presented if there is anything that the developer can do to modify and help mitigate some of the traffic concerns that the neighbors have voiced would be greatly appreciated.

iii. **Recommendation:** Malmquist moved, seconded by Gahan to recommend to City Council the approval of the Preliminary Plat for Lot 3 Echo Hills, being replatted as Lots 1-4 Echo Hills Replat 4, contingent on the satisfactory resolution of the issues stated within this staff report. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

5. Comments from the Floor:

None.

6. Comments from the Planning Commission:

Gahan mentioned that the commission had voted 6 months ago on the 6:30 p.m. start and that they were going to readdress the start time in December to see if it was going to remain the same or change.

Solberg said that it is up for discussion.

Krzywicki asked how the 6 p.m. start time was working out for City Council and asked if it was better.

Solberg said that he hasn't heard any qualms about it and seemed perfectly fine with the start time. He said that it's completely up to them and what works best for the commission and making sure that there would be enough there for a quorum. Solberg said that it can be put on the January agenda. He also let them know that we will not be meeting on January 2nd.

7. Comments from Staff

Solberg said to be looking out for new developments that will be coming in future in planning commission meetings.

8. Adjournment

Wetuski adjourned the meeting at 7:26 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date