

CITY OF LA VISTA
PLANNING COMMISSION MINUTES
JANUARY 17, 2008

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, January 17, 2008 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Andsager, Carcich, Hewitt, Malmquist, Krzywicki and Gahan. Absent: Horihan. Also in attendance were City Planner Marcus Baker and Community Development Director Ann Birch.

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 7:00 p.m. Copies of the agenda and staff report were made available to the public.

2. Approval of Meeting Minutes – December 20, 2007

Hewitt motioned to approve the minutes of December 20, 2007. Carcich seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Krzywicki, and Malmquist. Malmquist abstained. Nays: None. Motion carried.

3. Old Business

A. Colonial Press – withdrawal of re-zoning application for Lot 26, Oakdale Park

At this time, Colonial Press is no longer pursuing their rezoning request.

4. New Business

A. Rezoning of Lot 380-Cimarron Woods Subdivision from R-1 PUD-1, Single Family Residential to R-3 PUD-1, High Density Residential.

i. Staff Report: The applicant, City of La Vista, is requesting to rezone Lot 380, Cimarron Woods from R-1 PUD-1 to R-3 PUD-1 to allow for multi-family development. The property is owned by Torco Development Inc. and is generally located on the southwest corner of 96 Street and Harrison Street. The property is currently an undeveloped. It is moderately sloping toward an open drainage channel which bisects the site from north to south.

In October of 2002, an application was filed for approval of a Comprehensive Plan Amendment, a rezoning from TA, Transitional Agriculture, to R-1 PUD and R-3 PUD; and approval of a preliminary plat for a subdivision to be known as "Shenandoah". Proposed Lot 514 (26.7 acres) was to be zoned for multi-family development.

On March 20, 2003, after some revisions to the layout of the plat, the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes identify the rezoning from TA to R-1 but state "A P.U.D. designation will also allow for some mixed residential development...which will be predominantly single-family housing." And "Through the use of a P.U.D.s the higher density residential has relocated to the northeast corner of this site where commercial uses have been previously discouraged." Also identified are several comments from the staff and the Acting City Engineer, Terry Atkins, including:

- (a) A traffic signal shall be provided at 99 Street when the apartments are constructed regardless of warrants.
- (b) Language must be incorporated into the subdivision agreement requiring approval of the final apartment plan prior to site development. The final apartment plan must have adequate internal traffic flow for police and fire, which would include a wide divided entrance.

On May 6, 2003, the City Council conducted a public hearing and approved Ordinance No. 907. The staff report and meeting minutes include the same comments regarding multi-family development however the ordinance rezoned the entire area of the preliminary plat to R-1.

In August of 2003, an application was filed for approval of a revised preliminary plat, a final plat, a final PUD plan and a waiver to two sections of the Subdivision Regulations. The name of the subdivision was changed to "Cimarron Woods". The application identifies a proposed 418 units on Lot 380 however the proposed zoning designation is listed as R-1 PUD.

On August 21, 2003 the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. In addition, the debt to value analysis for the S.I.D. identifies Lot 380 will contain +400 units.

On September 16, 2003 the City Council conducted a public hearing and approved Ordinance No. 916 which created the PUD-1 overlay designation to the R-1 zoning which had been approved in Ordinance No. 907. The City Council also approved the revised preliminary plat, the final plat and the Subdivision Agreement. The staff report and meeting minutes include the same comments above regarding the multi-family development. Section 19 of the Subdivision Agreement also states "As regards Lot 380 (multi-family tract), site plan, building elevations and building design shall be subject to City approval, at which time it should become part of this Agreement and designated as Exhibit "K".

The Future Land Use Map of the Comprehensive Plan identifies this site for high density residential. The lot was platted with access to 99 Street in Cimarron Woods. All utilities are available to the site.

The staff reports from the original rezoning request imply that the R-1, PUD-1 zoning classification would allow for mixed residential development, including multi-family uses. Upon review of the district regulations however, only single family dwelling are permitted in R-1. Multiple family dwellings are only allowed as a conditional use in the R-3 District.

Lot 380 was platted as a 26 acre lot. It is unlikely the intent would have been to develop one single family lot of this size (25.938 acres). Documents on file from the original zoning and platting hearings clearly identify the intent to develop this lot for multiple family dwellings.

Staff has sponsored this rezoning request as a "housekeeping" item to resolve the discrepancy in the record and correct the Official Zoning Map. If the rezoning is approved, any multi-family development will require approval of a conditional use permit and site plan by the Planning Commission and City Council. This property is also in the Gateway Corridor Overlay District and will also require architectural review.

Staff recommends approval to rezone Lot 380, Cimarron Woods from R-1 PUD-1 to R-3 PUD-1.

ii. Public Hearing: Carcich motioned to open the public hearing. Malmquist seconded. Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None. Public hearing was opened at 7:08 p.m.

Malmquist asked if abutting property owners were notified. Yes, it was treated as a regular zoning issue and property owners, newspapers and the site was posted.

Krzywicki inquired if the staff had received any calls prior to the hearing.

Baker said yes there had been a few. Once the situation had been explained to those callers they were satisfied and understood the site was intended for multi-family residential development.

Carcich motioned to close the public hearing. Hewitt seconded. Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None. Public hearing was closed at 7:10 p.m.

iii. **Recommendation:** Hewitt motioned to recommend approval to rezone Lot 380, Cimarron Woods from R-1 PUD-1 to R-3 PUD-1 to correct the oversight. Malmquist seconded. Ayes: Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None. Motion approved.

This item is tentatively scheduled to appear on the February 19, 2008, City Council agenda.

5. Comments from the Floor.

Baker introduced three newly appointed Planning Commission members who were in the audience:

- Kathleen Alexander has lived in the La Vista area for 12 years and is currently resides in the Val Verde subdivision.
- Brad Strittmatter has lived in the area since 2001 and moved into the Cimarron Woods subdivision in 2005.
- Michael Circo will be the Alternate. He has lived in the La Vista area since September of 2006.

Baker reported that City Council had appointed the above commissioners at their meeting on Tuesday, January 15, 2008. The new members will begin their terms with the Planning Commission when they next convene. Welcome to all.

City Council also adopted the new sections to the zoning code on the industrial revisions. Copies were distributed to the commissioners tonight for insertion in their zoning ordinance books.

It was asked if anyone had any interest in attending the APA/NPZA Conference February 20-22. If so, commissioners should let Ann Birch or Marcus Baker know by Friday, January 18, 2008 so that registration can be arranged. On February 20th, there is a section on Planning Commission Fundamentals and Legal Aspects of Planning which may be of benefit.

6. 2008 Election of Officers

The current Planning Commission officers include:

Chair – Mike Krzywicki
Vice-Chair – Marv Carcich
Secretary – John Gahan

Carcich nominated Krzywicki to retain the position of Chairperson. Hewitt seconded. Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None. Krzywicki accepted the position of Chairperson.

Gahan nominated Carcich to retain the position of Vice-Chair. Andsager seconded. Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None. Gahan accepted the position of Vice-Chairperson.

Malmquist nominated Gahan for position of Secretary. Hewitt seconded. Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None. Gahan accepted the position of Secretary.

These positions are for one year durations.

7. Adoption of the 2008 Schedule of Planning Commission Hearings/City of La Vista Review Schedule

Baker commented that this schedule represents the meeting dates for the review processes.

Malmquist motioned to adopt the 2008 Schedule of Planning Commission Hearings/City of La Vista Review Schedule. Andsager seconded. Ayes: Andsager, Malmquist, Krzywicki, Gahan, Carcich, and Hewitt. Nays: None.

8. Comments from the Planning Commission.

Baker announced that there would likely not be a Planning Commission meeting in February as there are no applications in need of hearings.

Carcich welcomed the new members.

Krzywicki inquired when the Embassy Suites was scheduled to be opened. Birch thought by the College World Series, but no later than the end of May along with the conference center.

7. Adjournment

Carcich motioned to adjourn. Hewitt seconded. Ayes: Andsager, Gahan, Carcich, Hewitt and Horihan. Nays: None. Meeting adjourned at 7:23 p.m.

Reviewed by Planning Commission: John Gahan

Recorder

Planning Commission Chair

Approval Date