



CITY OF LA VISTA  
8116 PARK VIEW BOULEVARD  
LA VISTA, NE 68128  
P: (402) 331-4343

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PLANNING COMMISSION MINUTES  
OCTOBER 20, 2016-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, October 20th, 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, Kevin Wetuski, Kathleen Alexander, Harold Sargus, Jackie Hill, and Mike Circo. Members absent were: Tom Miller and Jason Dale. Also in attendance were Chris Solberg, City Planner; 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 – September 15, 2016**

*Krzywicki* moved, seconded by *Alexander* to approve the September 15th minutes with corrections to the vote for the approval of the August 18th minutes. Alexander and Hill's vote needs to be moved from Aye to Abstain. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, Hill, and Sargus. Nays: None. Abstain: None. Absent: Miller and Dale. Motion Carried. (8-0)**

3. **Old Business**

None.

4. **New Business**

A. **Public Hearing for PUD Amendment – Lot 2, Southport East Replat 2 – Saldi Family Investments, LLC**

- i. **Staff Report – Chris Solberg:** Solberg states that the applicant, Saldi Family Investments, LLC, is requesting a Planned Unit Development Site Plan to allow for a commercial strip shopping center on Lot 2, Southport East Replat Two, generally located at the Southeast corner on Southport Parkway and Giles Road. Staff recommends approval of the PUD Site Plan for a commercial strip shopping center, contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

- ii. **Applicant Presentation:** Jamie Saldi, from Saldi Family Investments, LLC, came up and spoke on this item. He said that he was here to answer any questions that the commission might have.

Krzywicki mentioned that the original application included a drive up coffee window and asked if the removal of that was because one of the future tenants is not going to be there.

Saldi said that they originally did that to maximize the square footage, but in dealing with Solberg and the rest of the Staff, they decided it would be best to do a smaller building for that footprint.

- iii. **Public Hearing- Opened by Gayle Malmquist**

No members of the public came up to speak on this agenda item.

**Malmquist closed the Public Hearing.**

Hill asked Saldi how they were coming along with their negotiations with the maintenance of the shared facilities.

Saldi said that they currently have a maintenance agreement with the hotel operator and they also have a shared partner agreement with them.

Malmquist mentioned the review comments, with regard to the shared facilities, and verified that that has been agreed upon.

Saldi said yes.

Kottmann suggested asking for clarification from the applicant on the cross easement maintenance thing, which includes utilities as far as the lighting of the parking lot and whether that is included in the cross easement maintenance agreement. He mentioned that it was not specifically stated.

Saldi responded that in regards to the lighting, they are still working it out between building lighting versus parking lot lighting. He continued by saying when that comes to finalization they will have that worked out.

Solberg said it will have to be resolved before City Council approval as noted in the Staff Report.

- iv. **Recommendation:** *Sargus* moved, seconded by *Hill* to recommend, based on the statements of fact to the City Council, that they approve of the PUD Site Plan for a commercial strip shopping center, contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities prior to City Council approval, as the PUD Site Plan is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, Hill, and Sargus. Nays: None. Abstain: None. Absent: Miller and Dale. Motion Carried. (8-0)**

**B. Public Hearing for Conditional Use Permit – Lot 2, I-80 Industrial Park Replat 3 – LB Southwest, LLC**

- i. **Staff Report – Chris Solberg:** Solberg stated the applicant, LB Southwest LLC, is requesting a Conditional Use Permit that would allow the applicant to operate an Automotive Repair Service out of the three suites of an industrial flex building located in Lot 2, I-80 Industrial Park Replat 3, generally located at South 137<sup>th</sup> Circle, south of Giles Road. Staff's recommendation is for approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.
- ii. **Applicant Presentation:** Paul Cech, from Woodhouse Auto Family came up and spoke on behalf of the applicant. He said that he was there to answer any questions they may have.

Malmquist asked if this was intended to be a temporary site during the transition from the one dealership to another.

Cech said that they have a temporary sales location in Douglas County, which is near the service facility that they are looking at and will be there around 30 months while their permanent facility is being built off of 144<sup>th</sup> and Giles.

iii. **Public Hearing – Opened by Gayle Malmquist**

No members of the public came up to speak on this agenda item.

Hill asked if servicing included body repair.

Cech said that it does not.

Krzywicki said that he had a question about the actual Conditional Use Permit wording. He said that the review mentions noise and refers to the Conditional Use Permit, but after reading sections 2-i, 2-k, and 2-l, he said that he couldn't find anything that specifically addresses noise in there and was wondering where the noise complaint remediation would be in the Conditional Use Permit.

Solberg said that in l, where it specifically states *Performance Standards for Industrial Uses* that in that section of the Zoning Ordinance it does address noise aspects. In k, it talks about immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises. He said that that is loosely tied to it and that there are environmental safety rules and regulations and that noise is one aspect of the environmental review and that's how it's tied in.

Krzywicki asked if those ordinances are specific to decibel levels in certain businesses on the property. He wanted to know if it's someone's opinion that it's too noisy or are there specific requirements to the noise level.

Solberg said that the main aspect is item l which is *Performance Standards for Industrial Uses*. Solberg then read Section 7.16.03 of the Zoning Ordinance in reference to the noise level.

Krzywicki then mentioned notification of nearby residential and asked if Solberg could mention which areas adjacent to the property did receive notification.

Solberg said that the properties immediately to the west, in The Meadows, received notification because of the 300 foot notice requirements.

Krzywicki verified that anyone within the 300 feet of the west boundary received notification.

Solberg said yes.

Malmquist asked if we received any response from the neighbors.

Solberg said there was no response from the neighbors. He then asked the commission to note that 80 decibels [limit mentioned in 7.16.03 ]is rather significant.

Malmquist asked what activities currently go on in that building.

Solberg said that there is a site plan in their packets that shows them what is currently there. He said that their main noise issue is an asphalt plant on the Northside of Giles Road, which is who they have received most of the noise complaints about.

Hill mentioned that in the review comments it states that there is no outdoor storage permitted and that all discarded parts and parts and materials will be required to be stored inside. She also mentioned that it states that any discarded parts and materials will be required to remain in a dumpster until picked up for disposal. She asked Cech how they are handling those vehicles that are dropped off for repair and those waiting to be picked up after the repair.

Cech said that there is parking available outside and that the main sales facility is about 5 miles away, so repairs will be done same day and overnight will be inside. He then said that he didn't know what kind of volume they will have there, but they are not anticipating having bunch of vehicles sitting around outside overnight. He said that they do have a quick load lane out west and they find that if there are vehicles left outside overnight, they could be vandalized, so they either keep the vehicles inside or they give them back to the customers.

**Malmquist closed the Public Hearing.**

- iv. **Recommendation:** Sargus moved, seconded by Wetuski to recommend approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, Hill, and Sargus. Nays: None. Abstain: None. Absent: Miller and Dale. Motion Carried. (8-0)**

**5. Comments from the Floor**

None, no members of the public came up to speak.

**6. Comments from Planning Commission**

Malmquist mentioned reading in the paper that Costco will be opening.

Solberg said yes, on October 26<sup>th</sup>. He said that are doing the grand opening at 7:15 a.m. and that they may want to take a bike there because the traffic is going to be a little crazy. He said that they are expecting a lot of people to be there and have already been talking to the Police Department on how they are going to route everyone through there. He mentioned that he did a final review on the building [design] today and that there are few things that they are finishing up as well as working on a couple of things from the building department.

Sargus mentioned the Pet Spa that was talked about a few months ago and asked if they were not going to locate on Harrison anymore.

Solberg said they withdrew their application before it went to City Council and decided to look for other locations. He said that he had heard that they had found a different location somewhere farther out west.

Hill mentioned about Woodhouse and the vehicles sitting outside for repair and that the applicant didn't have any idea as to what their volume was going to be. She said that she didn't see anything anywhere in any of the City Ordinances about vehicles like that and asked if there was a situation that would warrant that.

Solberg said that he believed that there was something in the City Code about inoperable vehicle regulations; however, they are not thinking that that is going to be much of a problem. He said that most of the time you receive complaints about inoperable vehicles, it's on somebody's residential property and it's the neighbors complaining about that. He said that that's where we will typically receive most of the complaints on that and they feel that the turn over at a place likes that won't create any issues. He then added that it's at an industrial property and the residential properties are pretty well buffered from that property with a pretty good stand of trees.

Krzywicki mentioned, with Costco in mind, something that happened to the State a couple of years ago with having to rebate back some sales tax or property tax. He asked if there is anything in the Costco agreement or development that puts that out there for the City to keep track of that with the State so that we can make sure that we are not caught with something like that in the future.

Solberg said that what Krzywicki was referring to was something in the Nebraska Advantage Act and that's mainly related to equipment purchases in relation to job creation. He said that it's typically tied to industrial properties and that was an issue a few years back. He mentioned that there have been some changes to the Nebraska Advantage Act and how it is being run. He said that there also some proposed changes in that Act that would change the Act so much that it wouldn't be a rebate of the sales tax on those items to the applicant, it would be upfront.

Gahan said that he had heard that the previous tax commissioner had discussed the fact that there should be more disclosure to the local entities to prepare for the payback of the

rebate to avoid putting them into a financial mess. He said that he understood that it happened in La Vista and that it's happened in cities in Nebraska a number of times.

Solberg said that he couldn't tell him for sure if Costco has applied for the Nebraska Advantage Act and that that type of information is kept close to the chest. He said that retail entities usually don't apply for it. He then said that there is one aspect in relation to sales tax in relation to the Costco is the Nebraska Multisport Complex, in order to obtain the state sales tax rebate; they have to be open within 2 years of October 26, 2016.

Gahan asked if there was anything else known about Cabeia's besides what is in the paper.

Solberg said that we do not have any of that information at this time, but that the Mayor and City have been in communication with the stat DED. He then mentioned that Cabeia's has a massive sign outside that they are hiring, so that may be a good indication of how they're doing.

**7. Comments from Staff**

Solberg mentioned that they are working on a draft of the Comprehensive Plan pretty diligently and that we are down to the point of making edits to it. He said that they do have a draft of the Plan before them and will hopefully have some meetings over the next couple of months with the Advisory Committee and a joint meeting with the Planning Commission and the City Council. They are hoping to have the Plan finalized by the end of the year.

**8. Adjournment**

**Meeting adjourned by Malmquist at 7:39**

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chairperson

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Approval Date