

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 7, 2021 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – JOHN GALASKA – LOTS 12, 15, 16 & 17 CROSSROADS ADDITION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

SYNOPSIS

A public hearing has been scheduled and resolution prepared to consider an application for a Conditional Use Permit to allow for outdoor storage and an indoor self-service storage facility on Lots 12, 15, 16, and 17 Crossroads Addition, generally located north of Portal Road between Hupp Drive and S 97th Street.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The property located at 9710 Portal Road was being utilized for outdoor storage prior to the 2001 adoption of La Vista's updated zoning ordinance which requires a Conditional Use Permit for all outdoor storage in the I-2 Heavy Industrial zoning district. The outdoor storage use on this property is currently considered legally non-conforming (i.e. it is considered to be "grandfathered in"). The applicant seeks to construct a self-service storage building (indoor RV storage) on Lots 15-17 Crossroads Addition and extend the outdoor storage of RVs to Lot 12 Crossroads Addition. The introduction of the self-service storage facility and outdoor storage require a Conditional Use Permit, per Section 5.14.03 of the La Vista Zoning Ordinance.

A public hearing has been scheduled and resolution prepared to consider the application submitted for a Conditional Use Permit to bring the existing outdoor storage on Lots 15-17 Crossroads Addition into compliance, to allow for the construction of an indoor self-service storage facility, and to allow for the operation of outdoor storage on Lot 12 Crossroads Addition.

A detailed staff report is attached.

The Planning Commission held a public hearing on August 5, 2021, and unanimously recommended approval of the Conditional Use Permit as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT, OWN, AND OPERATE AN OUTDOOR STORAGE FACILITY AND AN INDOOR SELF-SERVICE STORAGE FACILITY ON LOTS 12, 15, 16, AND 17 CROSSROADS ADDITION.

WHEREAS, an application has been submitted for a Conditional Use Permit to allow for outdoor storage and an indoor self-service storage facility on Lots 12, 15, 16, and 17 Crossroads Addition, generally located north of Portal Road between Hupp Drive and S. 97th Street; and

WHEREAS, the Planning Commission held a public hearing on August 5, 2021 to review the application and unanimously voted to recommend approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby approve and authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, subject to any additions, subtractions, or modifications that the City Administrator may determine necessary or advisable to construct, own, and operate an outdoor storage facility and an indoor self-service storage facility on Lots 12, 15, 16, and 17 Crossroads Addition.

PASSED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2021.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP21-0001;

FOR HEARING OF: SEPTEMBER 7, 2021

REPORT PREPARED ON: AUGUST 26, 2021

I. GENERAL INFORMATION

A. APPLICANT(S):

John Galaska
11620 S 181st Circle
Gretna, NE 68028

B. PROPERTY OWNER:

John Galaska
11620 S 181st Circle
Gretna, NE 68028

C. LOCATION: 9710 Portal Road, La Vista, NE 68128 & 9304 S 97th Street, La Vista, NE 68128.

D. LEGAL DESCRIPTION: Lots 12, 15, 16, and 17 Crossroads Addition.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit for outdoor storage and a self-service storage facility.

F. EXISTING ZONING AND LAND USE: I-2 Heavy Industrial.

G. PURPOSE OF REQUEST: To bring an existing legally non-conforming outdoor storage use on Lots 15-17 Crossroads Addition into compliance, to allow for outdoor storage on Lot 12 Crossroads Addition, and to allow for the construction and operation of a self-service storage facility on Lots 15-17 Crossroads Addition.

H. SIZE OF SITE: Approximately 6.37 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial	I-2 Heavy Industrial	Crossroads Addition Industrial Subdivision
East	Industrial	I-2 Heavy Industrial and a Gateway Corridor Overlay (Overlay District)	Crossroads Addition Industrial Subdivision
South	Industrial	I-2 Heavy Industrial; AG Agricultural District (Papillion)	Portal Road ROW; Patrick Thomas Juvenile Justice Center
West	Industrial	I-2 Heavy Industrial; AG Agricultural District (Papillion)	La Vista Parks Department and Papillion Public Works

B. RELEVANT CASE HISTORY:

1. John Galaska's property located at 9710 Portal Road was being utilized for outdoor storage prior to the 2001 adoption of La Vista's updated zoning ordinance which requires a Conditional Use Permit for all outdoor storage in the I-2 Heavy Industrial zoning district. The outdoor storage use on this property is currently considered legally non-conforming (i.e. it is considered to be "grandfathered in").
2. Any expansion or enlargement of a legally-nonconforming land use is not permitted, per Section 4.20 of the La Vista Zoning Ordinance.
3. John Galaska approached the Community Development Department about constructing a self-service storage building (indoor RV storage) on Lots 15-17 Crossroads Addition, and extending the outdoor storage land use to Lot 12 Crossroads Addition. The introduction of the self-service storage facility and outdoor storage require a Conditional Use Permit, per Section 5.14.03 of the La Vista Zoning Ordinance.
4. This Conditional Use Permit, if approved, would allow for the introduction of the uses described above, and would also bring the existing outdoor storage use into compliance.

C. APPLICABLE REGULATIONS:

1. Section 5.14 of the Zoning Regulations - I-2 Heavy Industrial
2. Article 6 of the Zoning Regulations - Conditional Use Permits

3. Section 7.05 of the Zoning Regulations – Off-Street Automobile Storage
4. Section 7.16 of the Zoning Regulations – Performance Standards for Industrial Uses

III. ANALYSIS

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the La Vista Comprehensive Plan designates the area for industrial uses.
- B. OTHER PLANS:** N/A.
- C. TRAFFIC AND ACCESS:**
 1. The main entrance to Galaska's storage facility is off Portal Road with a secondary access on Hupp Drive. Customers gaining access to the outdoor storage on Lot 12 Crossroads Addition will enter using the existing access points to Lots 15-17 Crossroads Addition off Portal Road and Hupp Drive.
- D. UTILITIES:** N/A
- E. PARKING REQUIREMENTS:** N/A

IV. REVIEW COMMENTS:

- A.** Screening in the form of fencing with slats is required for all street-facing perimeters on Lots 12, 15, 16, and 17 Crossroads Addition. Fencing will be added where not currently in place, and existing fencing will be repaired and maintained, per Section 2d in the draft Conditional Use Permit attached as Exhibit "C".
- B.** For Lot 12 to be utilized for outdoor storage and parking of vehicles and trailers, it must first be paved with asphalt or concrete, per Section 7.05.03 of the La Vista Zoning Ordinance. Prior to paving, the applicant must first receive a building permit and approval of a Post Construction Stormwater Management Plan (PCSWMP). In conjunction with the PCSWMP, the applicant must adhere to the City of La Vista's stormwater management and detention requirements, per Section 2e of the attached, draft Conditional Use Permit.
- C.** The proposed self-service storage facility would contain approximately 5 bays for indoor RV storage and one office/apartment to house an on-site facility manager/security personnel. Final design of this addition to the main facility has not been completed.

D. Additional information about the proposed use is included in the "Operating Statement" as an attachment to the Draft Conditional Use Permit attached to this staff report as Exhibit "C".

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for John Galaska for Lots 12, 15, 16, & 17 Crossroads Addition, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The La Vista Planning Commission held a public hearing on August 5, 2021 and voted unanimously to recommend approval of the Conditional Use Permit for John Galaska for Lots 12, 15, 16, & 17 Crossroads Addition, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review Letters
- C. Draft Conditional Use Permit

VIII. COPIES OF REPORT SENT TO:

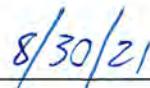
- A. John Galaska
- B. Dean Fajen, Fajen Consulting
- C. Brad Blakeman, Blakeman Engineering
- D. Public Upon Request



Prepared by: Assistant Planner



Community Development Director



Date



Conditional Use Permit Vicinity Map



Legend

- Property Lines
- Galeska Storage Facility Boundaries





February 9, 2021

John Galaska
11620 South 181st Circle
Gretna, NE 68028

RE: Outdoor Storage & Self-Service Storage Facility Conditional Use Permit
– 9710 Portal Road - Initial Review

Mr. Galaska,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal and have provided the following initial comments:

1. Per Section 5.14.01 of the La Vista Zoning Ordinance, the front yard setback in the I-2 Zoning District when parking is located in front of the building is sixty feet (60'). The site plan that you provided calls out a fifty-foot setback (50') on the north side of the property for the new addition that will need to be increased by a minimum of 10 feet. Please revise the site plan to meet the required setback for the proposed addition, and delete the reference to the building setback in the last sentence of the operating statement.
2. Any fencing surrounding the property that abuts a street will need to provide adequate screening of the outdoor storage areas and be maintained in good repair. Slats will need to be added to the open fencing on the east half of the northern property line, and damaged slating in the existing screened fencing around the property will need to be repaired within six months of approval of the proposed Conditional Use Permit.
3. The Fire Marshal with the Papillion Fire Department noted that the addition to the non-conforming structure will require that fire sprinklers be installed in both the addition and in the existing building, as 12,000 square feet is the trigger for fire sprinklers in an S-1 Occupancy.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

4. As the proposed disturbance of ground is less than the 5,000 SF, and as it is likely not to change the drainage pattern significantly, a Post Construction Stormwater Management Plan (PCSMP) is not likely at this time. However, if the disturbance becomes greater than 5,000 SF, or the drainage patterns are altered significantly/adverse drainage conditions arise from the addition of the building, then a PCSMP would be required prior to issuance of a building permit.
5. Due to the amount of pre-existing pavement and the close proximity of the power lines to the southern property line, La Vista recognizes the potential challenges present in meeting the requirement of one tree per forty feet of street frontage, per Section 7.17.03.02 of the La Vista Zoning Ordinance. As an alternative to meeting the requirement of one tree per forty feet, La Vista would allow for the placement of at least one shrub per twenty feet on the southern property line fronting Portal Road. Additional plantings beyond that minimum are welcomed, but not required. We would allow the use of the following shrub species planted at a minimum size of 5 gallons:
 - i. Alpine Currant
 - ii. Burning Bush
 - iii. Birchleaf Spirea
 - iv. Blue Muffin Viburnum
6. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

Please submit a landscaping plan that denotes the placement and species of the additional plantings required, along with a timeline for when the plants could be installed.

Sincerely,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6400

CC

Dean Fajen, Fajen Consulting, LLC
Christopher Solberg, Deputy Community Development Director
Bruce Fountain, Community Development Director

From: [Dean Fajen](#)
To: [Cale Brodersen](#)
Cc: tjomaha2589@yahoo.com; [Dean Fajen](#); [BlakemanEng](#)
Subject: RE: [EXT]RE: Galaska Conditional Use Permit Application - Initial Review Letter
Date: Wednesday, June 9, 2021 11:53:52 AM
Attachments: [C1.1.pdf](#)
[image001.png](#)
[image002.png](#)

Hi Cale.

We wish to amend our Conditional Use Permit to include RV Parking on Lot 12, as per the attached Site Plan:

1. We have provided the 15 foot setback as requested and required by the City on south and east sides of lot.
2. We have shown a 6 foot high slated chain-link fence as requested by all involved around the site.
3. We have matched the existing pavement in place to the west on and off of Lot 12.
4. We have shown a man gate for mowing and maintenance equipment to access the lot on the east side.

Due to the shallow and flatness of the site installing inlets on the south side where water will drain will be difficult due to lack of fall and cover over pipes that can be achieved especially at the lowest point on the site which is already paved at the SW corner and were we are matching the pavement grades there. We would suggest that we construct the outdoor storage lot with no curbs all around it allowing for sheet flows off the site and not point source flows. The pavement would sheet flow South off the site into a erosion mat within the 15 foot setback area on south.

As for storm water detention you can see that this site has had heavy industrial usage since at least 2001 based on the aerials shown on the drawing. The heavy industrial usage was concrete factory from what we understand with concrete trucks constantly using the site and parking on the site. In our opinion between the constant heavy compaction caused by the trucks over at least the last 20 years and the usage and spillage of concrete on the site the site could seriously be considered impervious in its current state and not allowing storm water to infiltrate the subgrade in any manner with all storm water flowing off the site. With this consideration we would intend to design the site, with approval of the city, with no storm water detention structures on it due to the fact that the existing site condition is 100 percent impervious and the proposed plan would have the site 95% impervious in nature. Using this design analogy we feel we would be lowering the current storm water runoff volumes and flows off the site with the proposed plan.

As for storm water quality improvements and BMP's to achieve this requirement we would like to suggest using the 15 foot grass buffer strip to help in this function but would suggest using the very flat, long, and grassy swale south of the site for the primary water quality BMP. The swale is over 500 feet long and crosses Portal Road West of Lot 12 in 2 culverts as shown in the attached photo. The longitudinal slope of the swale is approximately 0.5 % which easily fits the definition of a water quality BMP that can be used as defined in the City Code. Its flow characteristics also can easily

handle the flows to it from the parking lot especially since the flows will be slightly less than are currently going to it after construction of the project. We believe using this existing swale would be beneficial to all parties by: eliminating the need for trying to install another BMP swale running parallel to the existing swale and daylighting into that same existing swale at the west end of Lot 12; elimination of excessive paperwork and permitting for a swale on site; and major maintenance issues of trying to keep the 2 swales right next to each other from becoming one wide flat channel over time which would cross over the property line.

Cale, let us know if you have questions or need more information.

Thanks,



Dean Fajen

ARCHITECT/STRUCTURAL ENGINEER

Dean Fajen PE, AIA
Fajen Consulting LLC
4916 Franklin St.
Omaha, NE 68104
(402) 677-2040
DeanFajen@outlook.com



July 12, 2021

John Galaska
11620 South 181st Circle
Gretna, NE 68028

RE: Outdoor Storage & Self-Service Storage Facility Conditional Use Permit
– 9710 Portal Road - Second Review

Mr. Galaska,

Thank you for your re-submittal of the above referenced Conditional Use Permit (CUP) application. Staff has reviewed the re-submittal and has provided the following comments:

1. Please clarify the runoff coefficient “C” value utilized in your calculations for the BMP’s referenced in the post construction stormwater management plan note on the updated site plan. While the ORSDM does not have a prescribed value for a rock surfaced or gravel lots, the most applicable value referenced is that for brick pavers. This value is 0.85 and is consistent with the values for rocked surfaces mentioned elsewhere. It appears some of the greenspace around the edges of the lot have either been already paved over recently or are proposed to be paved over. If the green spaces are lessened and more impervious area is introduced, the composite “C” value would also go up, meaning that stormwater detention would likely be required even if the surfacing value already used is 0.85.
2. With the uncertainty of the timeline for the construction of the proposed indoor storage facility, and the amendment to the application to also allow for storage on Lot 12 Crossroads Addition, please revise the operating statement submitted with your initial application to more broadly describe the use as a whole, including the outdoor storage of RV’s on Lots 12, 15, 16, and 17 Crossroads Addition, with a mention to the potential future construction of an indoor storage facility.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
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402.331.4375 F

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402.331.3455 P
402.331.0299 F

3. Please revise the site plan submitted for Lots 15, 16, and 17 Crossroads Addition by changing “New Storage Building” to “Potential Future Storage Building” if your timeline for the construction of the facility is still to be determined. Please also remove the hatching for the two parking stalls along the Hupp Drive frontage in front of the potential future building, as noted in the redlined site plan attached as Exhibit “A”. As previously discussed, if this building is constructed, those two stalls will need to be removed in order to meet the required building setbacks per Section 5.14.05 of the La Vista Zoning Ordinance. If the two parking stalls are to be included, the setback distance would be increased to 60 feet and the building would no longer be in conformance.
4. Please revise the site plan for Lot 12 Crossroads Addition to identify the boundaries of the area to be paved over, in addition to the hatching for the proposed future outdoor storage parking stalls. This site plan, along with the revised site plan for Lots 15, 16, and 17 Crossroads Addition will be included as attachments to the Conditional Use Permits.

Please submit a response that addresses each of the comments above. A schedule for the meetings and public hearings at the Planning Commission and City Council will be determined upon resubmittal. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6400

CC Dean Fajen, Fajen Consulting, LLC
 Christopher Solberg, Deputy Community Development Director
 Bruce Fountain, Community Development Director
 Pat Dowse, City Engineer

From: [Dean Fajen](#)
To: [Cale Brodersen](#)
Cc: [BlakemanEng](#); [Pat Dowse](#); [Christopher Solberg](#); [Bruce Fountain](#); tjomaha2589@yahoo.com; [Dean Fajen](#)
Subject: RE: [EXT]RE: Galaska Conditional Use Permit Application - Initial Review Letter
Date: Friday, July 16, 2021 12:24:32 PM
Attachments: [Galaska Updated Operating Statement .pdf](#)
[07-14-21 Proposed Site Plan.pdf](#)
[Galaska Lot 12 Site Plan by Blakeman.pdf](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image002.png](#)

Hi Cale,

Attached is the requested Updated Operating Statement, dated July 14, 2021.

I've also update the Site Plan for Lots 15, 16 and 17, as requested, attached.

The Site Plan for Lot 12 is also attached. It shows the extent of the existing paving and the proposed paving.

When, and if, a Conditional Use Permit is issued, we will prepare Construction Documents for Developing Lot 12 and provide the calculations and required information documenting that the BMP and the Post Construction Stormwater Plan, requirements have been met.

Please proceed with the Conditional Use Permit Application so this Project can be on the Planning Commission Meeting Agenda for August 5th.

Let me know if you have questions or need more information.

Thanks,



Dean Fajen

ARCHITECT/STRUCTURAL ENGINEER

Dean Fajen PE, AIA
Fajen Consulting LLC
4916 Franklin St.
Omaha, NE 68104
(402) 677-2040
DeanFajen@outlook.com

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Outdoor Storage & Self-Service Storage Facility for John Galaska

This Conditional Use Permit issued this ____ day of _____, 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to John Galaska (Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner desires a Conditional Use Permit to construct and operate an outdoor storage area and an indoor self-service storage facility upon the following described tracts of land within the City of La Vista zoning jurisdiction:

Lots 12, 15, 16, & 17 Crossroads Addition located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 9710 Portal Road, La Vista, NE 68128; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of operating an RV storage facility, with vehicles and trailers to be parked both indoors and outdoors; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Conditional Use Permit is issued to the Owner to use the areas designated on Exhibit “A” and “Exhibit B” hereto for outdoor storage and a self-service storage facility, said use hereinafter being referred to as “Permitted Use or Use”.

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
 - a. Site Plans showing the property boundaries of the tracts of land, existing and proposed improvements, access points, and drives are attached to the permit as Exhibit “A” (showing Lots 15, 16, and 17 Crossroads Addition) and Exhibit “B” (showing Lot 12 Crossroads Addition).
 - b. The permitted use shall be operated in accordance with the Operating Statement attached as Exhibit “C”.
 - c. In addition to the outdoor storage, an indoor self-service storage facility may be constructed on Lots 15, 16, and 17 Crossroads Addition. This building addition, if constructed, would contain approximately five indoor storage bays and one bay to be utilized for an office and apartment for one (1) individual to serve as the on-site facility manager/security person. The bay to be utilized for the office and residential space shall be limited to 800 square feet.
 - d. A fence with a minimum height of six feet has been constructed around the perimeter of the lot(s) along all edges fronting a street. Such fencing must include slats for screening. The fence and slats shall be maintained in good repair at all times by the property owner. All perimeter fencing and

slating must be installed and in good repair within one year of the date of issuance of this permit.

- e. Prior to any paving or construction activity, the applicant must first receive a building permit and approval of a Post Construction Stormwater Management Plan (PCSWMP). In conjunction with the PCSWMP, the applicant must adhere to the City of La Vista's stormwater management and detention requirements.
- f. Owner is required to control weed growth, prevent the depositing or existence of trash and litter, and ensure that no nuisances are occurring in the storage area or on the property, as per the La Vista Municipal Code Section 92.15.
- g. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official and City Engineer, including, but not limited to, building, fire, stormwater, and ADA.
- h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- i. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
- j. All exhibits attached to or referenced in this permit and all recitals at the beginning of this permit are incorporated into this permit by reference.
- k. Any changes to the operation of the Permitted Use outlined in the Operating Statement, attached as Exhibit "C" that are considered minor must be submitted and approved by the City Administrator prior to implementation. Significant changes to the conditions in this permit or the characteristics outlined in the Operating Statement will require an amendment to this Conditional Use Permit.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be

removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address: John Galaska
11620 S 181st Circle
Gretna, NE 68028

Effective Date:

This permit shall (i) amend, supersede and replace the Original Conditional Use Permit in its entirety, (ii) take effect upon the filing hereof with the City Clerk a signed original hereof, (iii) constitute covenants running with the land that are binding on Owner and all successors and assigns of Owner, and (iv) upon execution, be filed with the Sarpy County Register of Deeds.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____
John Galaska, Owner

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____) ss.
)

On this _____ day of _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____) ss.
)

On this _____ day of _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared John Galaska personally known by me to be the owner of Lots 12, 15, 16, and 17 Crossroads Addition in La Vista, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

Exhibit A

REVISIONS

No. Issued Description

This document has been prepared by SR MASS DRAFTING SERVICES under direction of Dean Fajen for the

GALASKA RV STORAGE BUILDING

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PROPOSED SITE PLAN GALASKA RV STORAGE BUILDING 9710 PORTAL ROAD LAVISTA, NEBRASKA

ISSUED
01/25/21
UPDATED
07/14/21

SHEET NO.

C1.1

PROPOSED SITE PLAN

SCALE: 1/32" = 1' — 0"

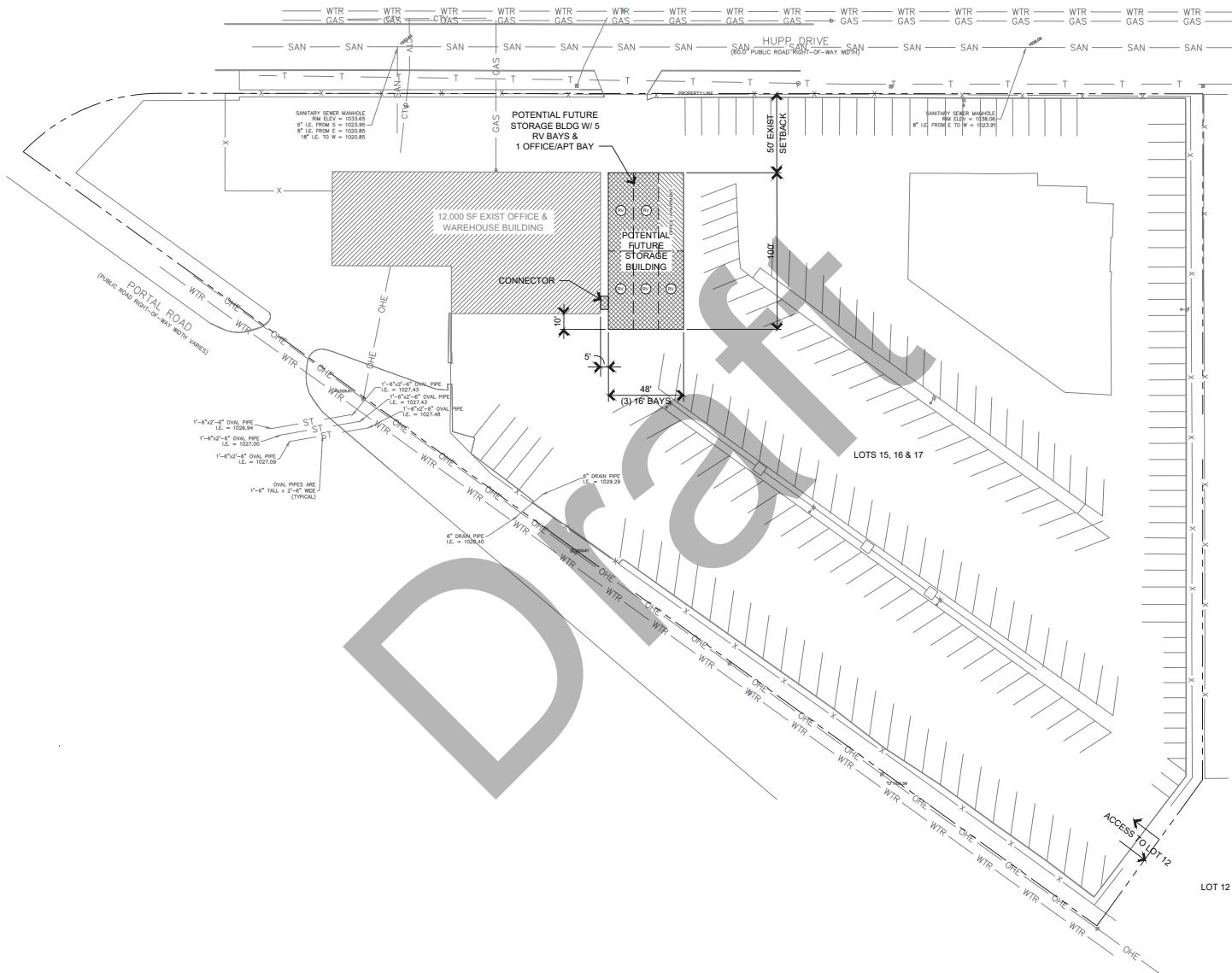
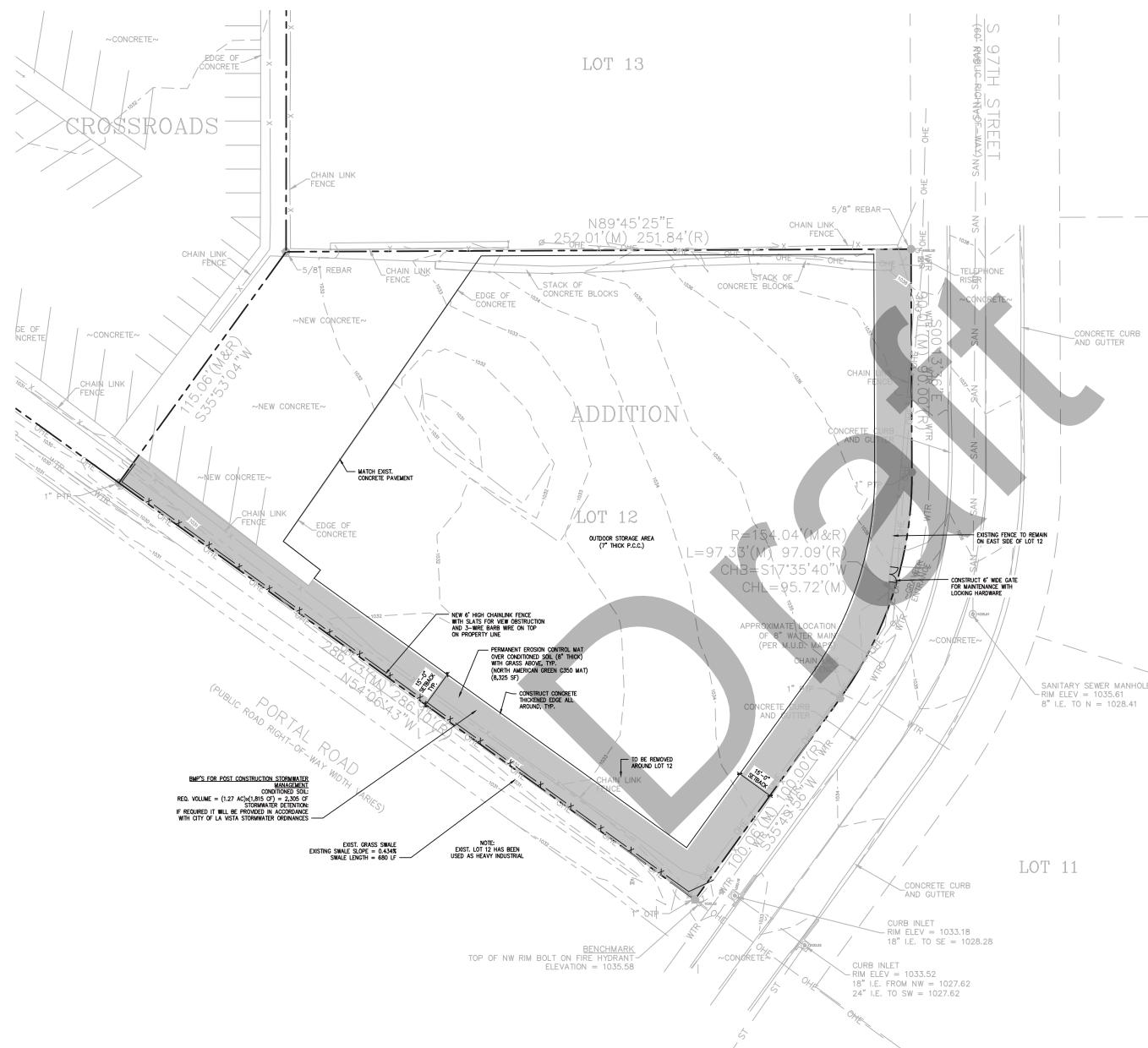


Exhibit B

B
BLAKEMAN
ENGINEERING

JOHN GALASKA OUTDOOR STORAGE

9304 SOUTH 97TH STREET
LA VISTA, NE 68128
LOT 12 CROSSROADS INDUSTRIAL PARK



SITE PLAN
SCALE: 1" = 20'-0"



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REVISIONS:

DRAWN BY: **JSP**
CHECKED BY: **BKB**
ISSUED: **PERMITS**
DATE: **6-25-2021**
SHEET NO. **C1.1**

OPERATING STATEMENT

Galaska RV Storage Building

9710 Portal Road

La Vista, NE

January 27, 2021

Updated July 14, 2021

John Galaska current has a business to provide open storage for RV's on the East portion of his property (Lots 15, 16 and 17) at 9710 Portal Road in La Vista. Demand for indoor RV storage has led Galaska to consider building a Future Indoor RV Storage Building to accommodate 5 RV's. One bay would be developed into an Office/Apartment to be used by the Manager of the RV Facility. The Manager would live in this Office/Apartment and conduct RV Rental business out of this Office/Apartment.

RV renters can access the Site 24 hours a day, 7 days a week, to pick up or drop off their RV units. They can access the Site through the existing Electric Gate on the West side of the Property, using a Keypad. The hours of operation for the RV Office, would be 8:00 – 5:00 Monday – Saturday.

The RV Building would be 100-foot x 48-foot with Overhead Doors to access the Storage Bays. The RV Building would be an Addition to the Existing Galaska Building, current used for the Galaska Painting Decorating Business as their Office Building and Warehouse. It will be a Pre-Manufactured Wood Framed Building with Metal Roof and Wall Siding to match the existing Building. It would be setback from Hupp Drive 50 feet, matching the setback on the existing Building.

John Galaska is also requesting using Lot 12, east of his existing Facility, for open RV Storage. Access will be provided from his existing Outdoor Storage Area, (Lots 15, 16 and 17). All LaVista Storm Water Quality and Detention Requirements will be met.



MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, AUGUST 5, 2021, AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, August 5, 2021 in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. 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. The following Planning Commission members were present and absent:

PRESENT: Kevin Wetuski, Mike Krzywicki, Gayle Malmquist, Kathleen Alexander, John Gahan, Patrick Coghlan, Harold Sargus, and Josh Frey.

ABSENT: Jason Dale and Mike Circo.

STAFF PRESENT: Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; and Pat Dowse, City Engineer.

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 From July 15, 2021

Motion: *Malmquist* moved, seconded by *Krzywicki*, to **approve** the July 15th, 2021, minutes.

RESULT:	Motion carried 8-0.
MOTION BY:	Malmquist
SECONDED BY:	Krzywicki
AYES:	Krzywicki, Gahan, Frey, Wetuski, Sargus, Coghlan, Alexander, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Jason Dale and Mike Circo

3. Old Business

None.

4. New Business

A. Conditional Use Permit – Lots 12, 15, 16, and 17 Crossroads Addition – John Galaska

- i. Staff Report – Cale Brodersen:** Brodersen stated that the request by John Galaska is for a Conditional Use Permit to operate outdoor storage and an indoor self-service storage facility on Lots 12, 15, 16, and 17 Crossroads Addition, located at 9710 Portal Road. Brodersen showed the Planning Commission a map of the site. He mentioned that Galaska was operating the outdoor storage facility prior to 2001, which was when the City did a comprehensive Zoning Ordinance update which now requires a Conditional Use Permit for outdoor storage and indoor self-service storage facilities. Brodersen said Galaska's outdoor storage use is considered "grandfathered in" and legally nonconforming. Galaska recently reached out to Staff letting them know that he had purchased Lot 12 and would like to expand the outdoor storage use to that lot, as well as construct a building addition in the future to include indoor storage, and office/apartment for an on-site manager.

Brodersen mentioned that this Conditional Use Permit would allow for those expansions and bring the existing legally nonconforming use into compliance. Staff recommends approval of the Conditional Use Permit for John Galaska for Lots 12, 15, 16, & 17 Crossroads Addition, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

- ii. Public Hearing: Wetuski Opened the Public Hearing**

Wetuski closed the Public Hearing as no members of the public came forward.

Frey mentioned that it looks like there is a bike path that dead ends on 97th Street and asked if there are any plans for that to continue.

Dowse explained that the section of concrete referenced is not a bike path, but an old section of Portal Road from before the intersection was reconfigured with the widening of 96th Street.

Krzywicki asked if a violation of one of the conditions in the CUP were to be discovered on one lot, if it would affect the applicant's ability to operate the use on another lot.

Brodersen confirmed that if there was a violation on any one of the lots that was serious enough and couldn't be resolved in coordination with the property owner, the City could take action to invalidate the Conditional Use Permit and the ability to operate the proposed use on all lots.

Krzywicki asked if the owner was aware of them being tied together or if he would rather have them split up into separate CUP's.

Brodersen explained that the applicant requested that Lot 12 be incorporated into this CUP request for the sake of simplicity and to reduce the approval process timeline.

iii. **Recommendation:** Sargus moved, seconded by Malmquist, to recommend **approval** of the Conditional Use Permit for John Galaska for Lots 12, 15, 16 & 17 Crossroads Addition, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

RESULT:	Motion carried 8-0.
MOTION BY:	Sargus
SECONDED BY:	Malmquist
AYES:	Krzywicki, Gahan, Frey, Alexander, Wetuski, Sargus, Coghlan, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Dale and Circo

B. Replat – 8201 Harrison Street – RFS Holdings, LLC

i. **Staff Report – Cale Brodersen:** Brodersen stated the request for a replat by RFS Holdings, LLC, is for Lot 12821-D1 La Vista. Half of the lot is currently occupied by Bethany Funeral Services, and the applicant is looking to divide this lot into two so it may be sold and developed at a later date. Brodersen mentioned that before this item goes to City Council, the easement language for the sanitary sewer easement must be completed and approved by the City Engineer. Staff recommends approval of the replat for Lot 12821-D1 La Vista being replatted as Lots 1 and 2 La Vista Replat 4, contingent upon City Engineer approval of the separate sanitary sewer easement document, as the request is consistent with La Vista's Subdivision Regulations.

Krzywicki asked if there would be approval for an additional curb cut for the newly created lot or would there be a cross-access easement to an existing curb cut.

Brodersen said that a traffic study would likely be required when the City receives a development proposal for the additional lot, and the determination for access would be dependent upon the use and traffic generation. He said that there is currently a shared access easement for the driveway entrance to the church to the east, and the new lot may be constrained to that access, or the applicant could seek a shared access easement for the driveway access in front of Bethany Funeral

Services. However, an additional access onto Harrison Street would likely not be permitted.

Frey said that there is an overhead power easement for OPPD and asked if it would restrict any kind of development there.

Dowse said that he believes that is a remnant of the high voltage line. He said that it is noted and that its status would have to be understood when a future development is proposed.

Brodersen said that it would be the responsibility of the property owner to request OPPD to release the easement.

- ii. **Recommendation:** Gahan moved, seconded by Frey to recommend **approval** of the replat for Lot 1282-D1 La Vista being replatted as lots 1 and 2 La Vista Replat 4, contingent upon City Engineer approval of the separate sanitary sewer easement document, as the request is consistent with La Vista's Subdivision Regulations.

RESULT:	Motion carried 8-0.
MOTION BY:	Gahan
SECONDED BY:	Frey
AYES:	Krzywicki, Gahan, Frey, Alexander, Wetuski, Sargus, Coghlan, and Malmquist
NAYS:	
ABSTAINED:	None
ABSENT:	None
	Dale and Circo

C. 2021 Papio-Missouri NRD Hazard Mitigation Plan

- i. **Staff Report – Pat Dowse:** Dowse stated that the 2021 Papio NRD Hazard Mitigation Plan is an update of the 2016 plan. He said that the plan is a requirement to receive any kind of federal funding for disaster aid. He mentioned that we have used such federal grants in the past for the Thompson Creek Rehabilitation project.

Krzywicki pointed out some grammatical and verbiage corrections that need to be made in the report.

- ii. **Recommendation:** Malmquist moved, seconded by Alexander to recommend **approval** of the 2021 Papio – Missouri NRD Hazard Mitigation Plan with the minor corrections as discussed.

RESULT:	Motion carried 8-0.
MOTION BY:	Malmquist
SECONDED BY:	Alexander
AYES:	Krzywicki, Gahan, Frey, Alexander, Wetuski, Sargus, Coghlan, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Dale and Circo

5. Comments from the Floor

None.

6. Comments from the Planning Commission

None.

7. Comments from Staff

Solberg mentioned that registration for NPZA is now open and to reach out to Meghan if you are interested in attending.

Fountain added that those interested in attending NPZA will want to do so quickly as hotel rooms tend to fill up quickly. Fountain mentioned we are looking into getting iPads for the Planning Commission members to use during meetings, as part of a larger effort to digitize and modernize processes in the Community Development Department.

8. Adjournment

Wetuski adjourned the meeting at 6:53 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date