



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
FEBRUARY 18TH, 2016-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, February 18th, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman John Gahan called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Kevin Wetuski, Tom Miller, Jason Dale, Kathleen Alexander, Harold Sargus, Mike Circo, and Jackie Hill. Members absent were: None. Also in attendance were Chris Solberg, City Planner; Pam Buethe, City Clerk; 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 Gahan at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – January 21, 2016

Krzywicki moved, seconded by *Miller* to approve the January 21st minutes. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

3. Old Business

None

4. New Business

A. Public Hearing for an amendment to Section 150 of the La Vista Municipal Code and adoption of the of the 2012 I-Codes and 2014 NEC

i. Staff Report – Jeff Sinnott: Sinnott recommends approval of the proposed adoption of the 2012 I-Codes with amendments recommended by the Chief Building Official as they will be consistent with codes of surrounding jurisdictions and will provide for the health, safety and welfare of the community.

Hill noted that there looked like there was some discussion about the model energy code being a little too cumbersome for the entry level housing market with requirements on that and the additional costs to it. She asked if that was something that we were looking at that at all.

Sinnett said yes and that it is a state requirement. The building community got together to find a way to get people certified and help each other to do it. The cost didn't end up being as bad as they thought it would be.

Hill asked if there were going to be any amendments to that at this time.

Sinnett said no because the state has not changed anything.

Wetuski asked why we are only now approving the NEC code.

Sinnett said that we were on the '08 and are required to adopt it within 2 years. They adopted it when the state did.

Hill asked what other communities have adopted this code.

Sinnett said that Bellevue has adopted it and Papillion has it coming up. He has sent this to Sarpy County and South Sioux City.

Krzywicki asked about page 5; letter F in regards to Vertical Support requirements for decks and porches, noting that the requirement is nothing less than 6" x 6". He thought it was based off of the span and load.

Sinnett said that since he has been here, there was an amendment requiring 6" x 6".

Krzywicki then asked if it made sense that a small patio would require that size.

Sinnett said that is in the zoning ordinance.

ii. **Public Hearing Opened:** Circo moved, seconded by Hill to open the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)

No one came forward to speak on this item.

Public Hearing Closed: Malmquist moved, seconded by Circo to close the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)

iii. **Recommendation:** Malmquist moved, seconded by Miller to recommend approval of the proposed adoption of the 2012 I-Codes with amendments recommended by the Chief Building Official as they will be consistent with codes of surrounding jurisdictions and will provide for the health, safety, and welfare of the community. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)

B. Public Hearing for the review of the One & Six Year Road Plan

i. **Staff Report – Jeff Calentine:** Calentine mentioned that he has taken over this process temporarily due to the retirement of the Streets Supervisor. He said that he had received help from John Kottmann and wanted to acknowledge the help from Cindy Norris as well. He is going to go over the projects that were completed last year and the projects slated for this year. In 2015, there was a traffic signal installed at Eastport Pkwy. and Harrison St., 120th and Giles, and the Papio Trail. The traffic

signal at Eastport and Harrison was a split project with Performance Auto Group and the cost was split 50/50. The 120th and Giles included the signal and additional turn bays. The cost was a little bit more because of the addition of the turn bays. The signal at Papio trail had a small portion of funding. That was a joint project with Papillion and the Papio Missouri River NRD. Projects for 2016 include a temporary overlay at 66th St until the entire road is done in 2020. That is a split project between us, Sarpy County and MAPA. The 132nd St. project is the Engineering and right of way for the eventual adjustments to the intersections at 132nd and West Giles Road and 132nd and Old Giles Road.

Krzywicki asked if the red roadway at 132nd and Giles over the interstate were over or under.

Calentine said under. He said that black dotted line eventually will be Giles Road making the turn and there will be an overpass built over that creek.

Circo asked there was still a plan to put a T-Intersection at 66th St.

Kottmann said that the work being done this year is a patch job with an asphalt overlay. In 2017, the engineering design work will be done, 2018 some right of way work, and in 2020 depending on funding from MAPA is the earliest day the construction would begin. He said that it would become a T-intersection.

Krzywicki asked when the curbing and reengineering is done if the ditch will now run into the sewer system.

Kottmann said they are trying to get in an enclosed storm sewer for the project, but foresee being challenged on that due to environmental issues.

Calentine also wanted to update the commission that MUD plans on replacing a lot of the waterlines down Parkview Blvd., 84th Street and Short Valley Road after the Salute to Summer festival.

- ii. **Public Hearing Opened:** Hill moved, seconded by Miller to open the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

No one came forward to speak on this item.

Public Hearing Closed: Hill moved, seconded by Circo to close the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

- iii. **Recommendation:** Circo moved, seconded by Malmquist for the approval of the 1 and 6 year road plan as presented by staff. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

C. Replat – Gary and Debbie Pink No. 3 – Pink Investments LLC

- i. **Staff Report:** Solberg states that Pink Investments LLC is asking for replat of Lot 2 Gary & Debbie Pink No. 2 and a platting of Tax Lot 14 19-14-12 and Tax Lot 8 18-14-

12 into 4 lots for purposes of development. This recommendation will take two recommendations from the planning commission, the first being a recommendation to approve the request for waiver of Section 4.11 of the Subdivision Regulations as the property is constrained by access control limitations along West Giles Road and Giles Road, prohibiting additional access points to the northern lots. The second is a recommendation for the replat itself. Staff recommends approval of both the waiver and replat.

- ii. **Public Hearing Opened:** Malmquist moved, seconded by Circo to open the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)

Dean Jaeger from TD2 came up and spoke on behalf of the Pink family. He is asking for approval of Gary and Debbie Pink No. 3, which is a parcel of land located West of Giles and 125th St. Due to the narrow size of this land, it makes development rather challenging. There is only one access to the property. They want to widen the entrance for easier access and provide storm sewer for all lots. There is also a low part to the pavement that will drain to the sewer line as well.

Public Hearing Closed: Wetuski moved, seconded by Alexander to close the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)

- iii. **Recommendation:** Sargus moved, seconded by Malmquist to approve the waiver to section 4.11 as presented by staff. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)
- iv. **Recommendation:** Krzywicki moved, seconded by Sargus to approve the replat. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried.** (9-0)

D. Public Hearing for Zoning Map Amendment – Tax Lot 14 19-14-12 and part of Tax Lot 8 18-14-12 – Pink Investments LLC

- i. **Staff Report:** Solberg stated that the applicant, Pink Investments LLC, is requesting a zoning map amendment for Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12 to align the zoning with the parcel lines created by Gary and Debbie Pink No. 3 replat.
- ii. **Public Hearing Opened:** Hill moved, seconded by Wetuski to open the public hearing. **Ayes:** Wetuski, Miller, Circo, Sargus, Krzywicki, Malmquist, Gahan, Alexander, and Hill. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried:** (9-0)

Dean Jaeger of Thompson Dresseen and Dorner stepped forward to answer any additional questions the Commission had.

Public Hearing Closed: Miller moved, seconded by Circo to close the public hearing. **Ayes:** Wetuski, Miller, Circo, Sargus, Krzywicki, Malmquist, Gahan, Alexander, and Hill. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried:** (9-0)

- iii. **Recommendation:** Krzywicki moved, seconded by Malmquist to approve the Zoning Map Amendment as the request is consistent with the City of La Vista

Comprehensive Plan and the City of La Vista Zoning Regulations. **Ayes: Wetuski, Miller, Circo, Sargus, Krzywicki, Malmquist, Gahan, Alexander, and Hill. Nays: None. Abstain: None. Absent: None. Motion Carried: (9-0)**

E. Public Hearing for Harrison Heights PUD Amendment – Empire Group LLC

- i. **Staff Report:** Solberg states that Empire Group LLC is requesting a PUD site plan amendment for Lots 1 & 2, Harrison Heights. The applicant is requesting the site plan amendment to be taken from two lots to one for the purpose of future development. Staff recommends approval of the Final PUD Site Plan map amendment contingent on the finalization of the landscaping plan prior to City Council approval of the Final PUD Site Plan as the amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Alexander to open the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

Kyle Haase from E & A came up and spoke about wanting to combine lots 1 and 2 into 1 lot for development. They want to make this into 1 lot and utilize about 11, 900 square feet.

Public Hearing Closed: Sargus moved, seconded by Sargus to close the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

- iii. **Recommendation:** Krzywicki moved, seconded by Miller for City Council to approve the final PUD Site Plan map amendment contingent on the finalization of the landscaping plan as the amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried. (9-0)**

F. Public Hearing for Conditional Use Permit – The Paw Spa Pet Resort – Empire Group LLC

- i. **Public Hearing Opened:** Sargus moved, seconded by Malmquist to open the public hearing. **Ayes: Wetuski, Miller, Circo, Sargus, Krzywicki, Malmquist, Gahan, Alexander, and Hill. Nays: None. Abstain: None. Absent: None. Motion Carried: (9-0)**

Frank Kudlacz spoke to the Commission, noting his dislike of the proposed development. He mentioned the availability of the lots west of the BP gas station at 72nd and Giles for this development. Mr. Kudlacz also noted a likely loss in value for his property, dogs potentially getting loose and hurting the nearby daycare kids and the noise generated by the large amount of dogs at the facility.

Beverly Varn mentioned that she lives closer to the proposed development than Frank does. She mentioned that she herself is a pet owner, however she was concerned of the noise based off of her experience at other facilities. Ms. Varn also noted current traffic issues and the impact of additional traffic to the problems

already there. She reiterated the earlier comments about loss of property value and also asked the Commission if they would like it in their back yard.

Quinn Abraham spoke to the Commission, mentioning that he lives behind the Montessori. He discussed his concerns about the noise, even with the 8-foot wall that is proposed. He also voiced his concerns over the look of an 8-foot wall along Harrison Street, stating that it would look like a prison wall. Mr. Abraham noted that the early morning opening is not good as dogs could be barking outside at 6:30am. He continued to discuss the look of the facility and its appearance along Harrison Street, noting the need for more brick and a breakup of the roofline. He also stated that the landscaping is an issue, even with the existing development as there are missing trees and sodding.

Richard Varn of 7641 Emiline discussed that he had walked the developer's other property, stating that it was a good fit for that area, but it isn't here. He noted his previous issues with noise coming from the MUD plant and their response that a 30-foot dirt embankment would have to be constructed to stop the noise impact on his property from theirs, noting that no 30-foot embankment is part of the proposed project. Mr. Varn went on to discuss the early opening time and the impact of the dogs barking all day. He asked the Commission to consider moving the play yard behind the building and along Harrison Street. Mr. Varn also mentioned the lack of a stop sign and that people do not stop when leaving the development now.

Ron Sheehan of 7629 Emiline addressed the Commission and voiced his belief that the play area should be behind the building, along Harrison. He noted that the area around the existing facility is mostly commercial, unlike this location. He also stated that he had mentioned his issues to the City Planner and Ann Birch prior to the meeting.

Applicant Kevin Irish of 16912 Audrey St. came to the podium and described his project to the Planning Commission. He discussed the layout and how he fit it within the existing PUD layout. He then addressed how he dealt with the smell issues through the design of the play yard, which allows for drainage and watering, as well as often cleanup of solid wastes as pet owners do not want their pets to come home with fecal matter on their paws. He addressed the open hours of the facility and when and how many dogs are in the play area at one time, as well as how they rotate through the play area. He notes that there is a large amount of dogs in these zip codes. Mr. Irish also noted that this area will be developed commercially, regardless of if it is him or not and he feels that his development will have less of an impact than retail. He also mentioned that the walls in the facility are insulated to keep the noise inside the building.

Sargus asked Mr. Irish about the consideration of the "Belino lot" mentioned earlier.

Irish noted that elevation issues would require substantial grading at that site and the price for this site was appealing.

Sargus mentioned the Operating Statement and asked the applicant to provide more information about the use of the play area.

Irish stated that 15-20 dogs are allowed outside at any one time.

Sargus asked about the construction materials of the fencing at the existing location.

Irish stated that it was vinyl with cyclone fencing on the outside and that he's proposing a decorative concrete block for this site.

Hill asked about Irish's comment about fitting the building in the existing PUD layout.

Solberg discussed that the existing PUD had two strip-style commercial buildings on this site where the proposed Pet Spa would be located.

Irish added his intentions to plant larger trees than required per the regulations.

Miller asked about the distances to nearby houses at the current location compared to the proposed location and if there were any problems voiced to the current location.

Irish responded that there were no concerns voiced at that location.

Sargus asked for more information about play times.

Irish's discussed that dogs were typically inside for good around 7:15pm as staff likes to start work on closing the facility.

Wayne Bolt of 7633 Emiline reiterated the issue about the lack of a stop sign. He also voiced concern regarding the drainage ditch around the property regularly being full of water and that it could become contaminated. He also asked if the dogs see outside as he believed that dogs bark more when they see things outside. He hoped the construction would make the facility quiet and remove all odors.

Vic Pelster came forward to discuss potential signage at the location and his intention to locate a Center ID sign on the property.

Abraham approached again and noted to the Commission that the existing location is down the hill from Harrison Street, which has an impact on the noise.

Sargus asked Irish if the dogs could see outside the facility.

Irish stated that there are now windows to the outside from the kennels and no windows between the kennels to help reduce problems.

Vann asked what can be done if there is a complaint about the noise.

Solberg said that since this a CUP, there are a number of conditions that are placed in regards to noise and other nuisances that may come up. If there are any complaints within a 30 day period, the applicant is subject to any of the enforcement actions of the CUP, which could include the revocation of the CUP if there are too many issues.

Close Public Hearing: Miller moved, seconded by Malmquist to close the public hearing. **Ayes:** Wetuski, Miller, Circo, Sargus, Krzywicki, Malmquist, Gahan, Alexander, and Hill. **Nays:** None. **Abstain:** None. **Absent:** None. **Motion Carried:** (9-0)

Krzywicki asked where in the CUP it mentions regulations about noise.

Solberg said that it is under section 2.0 in the CUP. La Vista also has city regulations in place as far as noise is concerned.

Circo asked if the ordinance only deals with late night noise or if there is an ordinance in place during the day as well.

Solberg said that he wasn't sure and would have to check the ordinance.

Malmquist said that the ambient noise from the traffic would be higher than the facility.

ii. **Recommendation:** Malmquist moved, seconded by Sargus to approve the Conditional Use Permit contingent on the finalization of the design review process prior to City Council approval as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Wetuski, Miller, Sargus, Malmquist, Alexander, and Hill. Nays: Circo, Krzywicki, and Gahan. Abstain: None. Absent: None. Motion Carried: (6-3)**

5. Report of the Nominating Committee

Krzywicki mentioned that he and Malmquist sent a joint email to members to see if there was anyone interested serving in office for this next year to let them know so they could accumulate an interest level. After receiving input, there was a slate that presented that would offer a nomination and require a second. The slate shows Malmquist as chair, Miller would be co-chair and Wetuski would be secretary. They accepted their nominations.

6. 2016 Election of Officers

Recommendation: Sargus seconded nominations to vote in Malmquist as chair, Miller as co-chair, and Wetuski as secretary. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Miller, Hill, Alexander, Circo and Sargus. Nays: None. Abstain: None. Absent: None. Motion Carried: (9-0)**

7. Comments from the Floor

None.

8. Comments from Planning Commission

Gahan mentioned that there a couple of comments in regards to the stop signs and asked if it could be recommended that Public Works takes a look to see if it is an issue.

Solberg said that they will put that recommendation in and put it in the staff report prior to City Council review.

Krzywicki and Malmquist both thanked Gahan for serving as chair for the last 2 years.

Gahan thanked Public Works for the excellent work they do with snow removal.

6. Comments from Staff

Solberg said that Kottmann will pass on the word to Public Works about snow removal.

Solberg mentioned NPZA is next month and has 3 confirmed members attending.

He stated that the Comprehensive Plan is on hold. There were some ideas presented by the consultant that staff didn't agree with and they are working on restructuring and moving forward with the plan.

7. Adjournment

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date

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