

CITY OF LA VISTA
PLANNING COMMISSION MINUTES
JUNE 18, 2009

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, June 18, 2009, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Hewitt, Andsager, Kramolisch, Gahan and Alexander. Absent: Circo, Nielsen and Horihan. Also in attendance was Marcus Baker, City Planner, Ann Birch, Community Development Director and John Kottmann, City Engineer.

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

2. Approval of Meeting Minutes – May 21, 2009

Gahan motioned to approve the minutes of May 21, 2009. Malmquist seconded the motion. Ayes: Hewitt, Krzywicki, Andsager, Kramolisch, Alexander, Malmquist and Gahan. Nays: None. Motion carried.

3. Old Business

None.

4. New Business

A. Continuance of Public Hearing for Comprehensive Plan Amendment and Rezoning for Lots 13 & 14 of Crestview Heights Subdivision and Harrison Heights Preliminary Planned Unit Development (PUD) and Preliminary Plat.

i. Staff Report: Planner Baker updated the commission on the new materials presented tonight. Two letters from the public were mailed with the packets, and another letter was handed out this evening. The developers' site plan revisions are also included.

Baker continued the topic from the last meeting as to what the difference would be in traffic generation between an assisted senior living facility and independent senior living on Lot 5. The updated trip generation results showed a negligible decrease at peak times and a minor increase in week-day trips. No significant difference was indicated between the two uses.

Also, Baker indicated that staff had done research on another continued topic regarding whether staff would recommend approval of the project if it were two independent living facilities versus both an independent and an assisted living facility. Research was done by staff on existing facilities in Sarpy County, within 3 – 5 miles of La Vista, and Baker noted that there were 6 facilities in all. One facility in La Vista, and the others are in Papillion. All have waiting lists at this time. A new senior housing project, currently under construction in Papillion, will help satisfy some of that demand. There is a general need for senior housing in La Vista. Specifically, La Vista is in need of both assisted living and independent living facilities. Currently working with 2000 population data, the City is hoping the results from the 2010 census will provide better information regarding the aging population. The staff conclusion is that the community needs both independent and assisted living for seniors in La Vista. This project will offer the independent living component on these lots and staff would support this request and look to other properties in the future to obtain the assisted living facilities.

Staff has requested many revisions to the site plan, which were addressed in last month's staff report. These revisions should be made before City Council reviews the project.

each of the percentages were of the assisted and independent living. Baker said the proposal is all independent living on these lots.

Morgan Sykes, E & A Consulting Group, appeared to address the submitted revisions. Sykes stated that due to a change in lot numbers, the PUD lots are 1, 2 and 3, senior independent living are Lots 4 & 5. Lots 4 and 5 have a use that is to be age restricted. C-2 zoning has been amended on the PUD plan.

Sykes continued that in Section 7 of the Draft PUD a line was added to state that the buildings within the development will be compatible and coordinated in their architectural design; materials will be similarly coordinated so that all buildings in the PUD will appear cohesive in their design. A comment about additional off-street parking has been stricken from the Draft PUD agreement as well due to substantial research that reflects that for this type of facility it would not need the higher parking levels required by the La Vista zoning ordinance and parking regulations.

Site modifications include: removal of the parking along the entrance drive to the commercial lot, which will now be green space. Residential access is not allowed off of Harrison Street, so the applicant has shifted the property line to the outside of the drive so that the residential access is through the commercial lot. Parking on the south side of Lot 4 has now been removed to save a few more mature pine trees. Diagonal parking in the center areas of Lot 4 and 5 was established and the drive width reduced which will increase the green space. There will be perimeter sidewalks along Gertrude and Harrison and interior sidewalks connecting the three commercial buildings to Lot 4 senior apartments, and a sidewalk that will stair step down the hill to connect Lot 5 senior apartments.

Sykes also noted that there is no phasing on this project.

Krzywicki asked if the zig-zag line behind the garages was for wheel chair accessibility and would the grade meet ADA allowances. Sykes answered there is room for ramps and the grade is within allowances.

Jack Gichamz, Traffic Engineer with E & A Consulting Group, does not expect to see any major impact from this project on the current traffic situation, nor significant delays at the intersection of Harrison and Gertrude Streets.

Developer, Bob Reed, Sr. Vice President of Housing Development, Eastern Division for Community Development Inc. (CDI) presented information on the senior housing apartments project which is called The Orchards at Wildwood. It is approximately 4 acres along 75th and Harrison Streets in La Vista. There will be 48 units equally divided between 2 bedroom and 2 bedroom units with an on-site manager. Affordable living has restrictions on rent charged and income of residents. These are adjusted every year based as to 50% of the areas median income, which is the maximum income they can market to. Utilities are not included in the rent. Lot 5 has 48 units with the community room in the middle with kitchen and recreation rooms. They have a NIFA inspection annually, as well as other interested party inspections.

Scott Kennedy, representing Kalamar Enterprises who is developing Lot 4. The project is a market rate, age restricted senior complex, approximately 110-112 units with one- and two-bedroom apartments. They offer garages with some of their units at typically a ratio of 50% garages to apartments. There are approximately 52 garages on this project. Each of the three-story towers on the site are connected so that it is 100% enclosed. A subsidiary of Kalamar Enterprises called, Senior Apartments, provides local management of their facilities.

Krzywicki asked if the real estate taxes on senior living is different than normal developments? Kennedy said there is no difference since this is a for-profit facility.

Vic Pelster, with NP Dodge Management Company, representing the developer on the project spoke to the commercial portion of the project. Their intent is to build the 3 buildings on 3 separate lots. They would start with the 10,000 square foot building first and the smaller 5,000 and 5,500 square foot buildings as they lease, or offer the lots for sale to those who wish to own their own buildings

within the development. The entrances to the commercial buildings are from Gertrude Street and a right-in and right-out off of Harrison Street.

Pelster said they had worked closely with the city and there are a few issues yet to be worked out. They are willing to make changes by suggestions that people offer.

Jack Graham, citizen asked if the property had been rezoned. He also asked why only one entrance is planned to Harrison Street. He felt it could be a bad problem between the lights, traffic, visitors, etc.

Quinn Abraham, citizen, had sent an email regarding his concerns about the commercial development. The Lot 3 commercial development is 120 feet from his front door. He opposes the zoning of commercial uses on this site. He also felt the 3-story, multi-family units, even though it is below grade, would be rather large. He wondered why the green space faces Harrison Street, he felt it should face the side of the existing neighborhood.

Reed commented that the building must face Gertrude as no access is allowed from Harrison Street.

Yosef Chelinsky, citizen, is afraid that due to the winter road conditions on Gertrude Street he would have twice as many cars sliding onto his property than usual, damaging his grass and sprinkler system. He also was concerned that if the developers could not find the age of tenants desired, the units could be rented to anyone they wanted to.

Red Emmons, citizen, said he was told last Fall that the graders were leveling for duplexes or single family homes. Then at the first of the year, he got a letter to say it would be 110 living assisted living units, in two 3-story buildings. First, he does not want a three-story building. He gave ideas on how to restructure those buildings into two story buildings instead and a different plan for the entrance. He stated he is not opposed to the commercial, his concern is with the three-story buildings.

Richard Barns, citizen, appeared to say he had nothing against the project. He is concerned about what the backside of the commercial property will look like as it will face his property. He is concerned that the traffic will be too much.

James Thusacker, citizen, felt he was more comfortable with today's presentation, but there are still concerns with the traffic. There is a horrendous ice problem on the residential streets in the winter. Speed bumps are a necessity, not really wanted, but would help the extra traffic load and speed problem. He asked if the question of power outage issues have been addressed.

Baker responded that city staff did contact OPPD for their response to power outages in the area. They examined the impact on power quality that the proposed development would potentially have and found it would not change the power quality on the circuit. An OPPD project in March 2009 was completed to reduce problems experienced in the past.

Thusacker was comfortable on what had been presented on the age restricted units. He did not want to lose control of these lots, however, to create a La Vista ghetto.

Terrie Saunders, citizen, had written a letter included in the packets and summarized her concern that adding 158 more apartments would create a high population density. The traffic is terrible as it is. Gertrude Street is very narrow. She has a safety concern with the kids in the neighborhood. She is somewhat concerned about the developer's lack of concern about the commercial buildings and that there are a lot of unoccupied commercial spaces vacant in La Vista already. Graders were in violation on different occasions, yet the grading continued. She feels misled in that they were told it was going to be assisted living and now it is not. Upon calling the Granville Assisted Living facility she found they have no one that drives. The fact that an independent living facility is under consideration, this will complicate the traffic problem. She felt this is not an appropriate use of the land, adding tremendously to the population density. She urges the city to give careful thought to this proposal.

Mary Jillson, citizen, also commented on the traffic. Additionally, she was concerned about the limited parking. Most of those she knows have two vehicles, plus visitors. With limited parking, these are going to spill parking into the side streets in front of their residential homes.

Jim Saunders, citizen, appreciates all the efforts made in working with the known problems. He felt the traffic study was done only over two days. The neighborhood sees other existing traffic problems. Parking on Gertrude Street leaves the street a one-way, as you have to wait for cars to come through. In the winter, Gertrude Street is rough and requires a snow fence and added traffic will complicate this.

Jillson returned to ask when the traffic study had been done.

Westergard answered March of 2009, between the hours of 7-9 am and 4-6 pm.

Jillson felt the number would be off as it would not take into account the period when parents would be picking up their children from school.

Pelster responded that the children playing in the streets is because there are no sidewalks and the development will have sidewalks along Harrison Streets and they could be made wider. Regarding the wintery street conditions, with the buildings that go in, the water/snow would be more controlled and should control the situation. They would like speed bumps on the project, but felt that was more of a city issue. They have tried to put the buildings in the most advantageous spots for all things considered.

Pelster asked for staff and the commission for guidance on acceptable parking requirements.

Baker commented that minimum parking requirements within senior living facilities are not specifically addressed by the Zoning Ordinance. Therefore, staff has been researching what other communities require for senior housing. The City Staff do not want the parking overflowing onto Gertrude Street either.

Malmquist asked if it could be further explored within the PUD final approval. Baker said Staff can look at it before it goes to City Council during the preliminary process. By the time the final PUD is looked at, parking should not be an ongoing debate.

With no further comments from the public, Malmquist motioned to close public hearing. Hewitt seconded. Ayes: Hewitt, Krzywicki, Andsager, Kramolisch, Malmquist, Alexander and Gahan. Nays: None. Public hearing closed at 8:50 p.m.

Baker said that the parking issue is the only requested staff revision left to consider. All other revisions were reflected in the site plans presented tonight.

Malmquist added that reduction in parking has some good elements because you allow for better on-site drainage and a decrease in impervious area. At the same time, she has mixed emotions about decreasing it because of the concern for traffic and pushing parking out onto the street. She would like to see Planning Staff further review with the City Engineer, prior to passing this on to City Council.

Krzywicki voiced that he is opposed to the proposed commercial uses on the property because of the commercial that is already in the area – vacancy rates show enough capacity already and in addition to the contiguity of the residential nearby. Also, he feels that the design of the buildings should be revisited due to the height of the buildings, which should be reduced in conjunction with the single family residential neighborhoods. He also wondered if there is any way that all the traffic of this development be kept off of Gertrude Street entirely, based on the comments heard.

Sykes responded that the height was within the limits of the zoning district and by City Code, no residential access is permitted off of Harrison Street. Sykes also said that on Lot 4 the highest point of elevation is only 6 feet higher than the houses across the street.

Malmquist felt that the developers had responded very well with the task put before them and have responded by moving the green space around, have had conversation regarding the parking, the

limited access, fire access, etc. The developer has responded appropriately to the concerns of the neighbors given the confines and restrictions of codes and requirements. Much of the remaining issues, she feels, are based on existing problems in the neighborhood. The traffic study, conducted according to engineering protocol, shows minor impact.

Gahan asked who determines if speed bumps are placed on a street and if parking would be restricted on Gertrude Street. Kottman said that Public Works would make a recommendation to the City Council whom would then approve or not approve these requests.

Kramolisch asked if there was a possibility of a one-way street that would eliminate back and forth traffic, and who makes that determination. Kottmann responded that too would be a City Council decision.

Baker informed the commissioners that there was another option that could be considered tonight. Approval could be recommended for the comprehensive plan amendment and recommend approval of the rezoning with a continuance of the preliminary PUD plan; however, staff would desire approval of the rezoning R-3 PUD-1 and C-2 PUD-1 so that the PUD agreement could be adopted.

Malmquist asked what the commissioners could see further if they continued the PUD and preliminary plat discussion. Krzywicki felt there were issues that still needed to be addressed. Hewitt thought the only issue left was parking.

Krzywicki stated that in the staff report continuance had been recommended.

Baker said, continuance is an option for all motions, and he has written up conditions of approval as the discussion progressed tonight, in case the commission's choice is to recommend approval. Hewitt asked what those conditions of approval were.

Baker said if a recommendation for approval were the direction the commission would want to go, then three separate motions would be suggested, as follows:

Approval of the Comprehensive Plan Amendment to change the Future Land Use Map designation for proposed Lots 4 & 5 in Harrison Heights Subdivision from "Public" to "High Density Residential" and for proposed Lots 1-3 in Harrison Heights Subdivision from "Public" to "Commercial."

Approval of Rezoning proposed Lots 4 & 5 in Harrison Heights Subdivision from TA, Transitional Agriculture to R-3 PUD-1, High Density Residential and rezoning proposed Lots 1-3 of Harrison Heights Subdivision from TA, Transitional Agriculture to C-2 PUD-1, General Commercial.

Approval of the Preliminary PUD Plan / Preliminary Plat of Harrison Heights Subdivision with the following conditions:

1. Revisions requested by the City Engineer, in his letter dated May 4, 2009, shall be incorporated into the Final PUD Plan, Final Plat and Conditional Use Permit submittal.
2. The draft text of the PUD plan needs modifications to limit the uses of Lots 4 & 5 to senior independent living or assisted living facilities
3. Other City Staff revisions stated in this report shall be addressed prior to City Council's review of the Preliminary PUD Plan and Preliminary Plat.
4. Commercial development shall meet the design standards set forth in the City of La Vista's Commercial Building Design Guidelines.
5. Buildings within the development shall be compatible and coordinated in their architectural design. Building materials shall be similar and coordinated so that all buildings in the PUD appear cohesive in their design

Malmquist asked in the design rendering, if the buildings seemed fairly compatible at the present time. Baker said conceptually they do, but further review can be done if the project proceeds to Final PUD.

iii. Recommendation: Malmquist motioned to recommend approval to the City Council of the comprehensive plan amendment as Baker had iterated for Lots 13 and 14 of Crestview Heights subdivision. Hewitt seconded. Ayes: Hewitt, Andsager, Alexander, Kramolisch, and Malmquist. Nays: Krzywicki and Gahan. Motion carried 5-2.

Hewitt made a motion to re-zone Lots 13 and 14 of Crestview Heights subdivision according to proposed Lots 1, 2 and 3 of Harrison Heights from TA to C-2 PUD-1; and proposed Lots 4 and 5 of Harrison Heights from TA to R-3 PUD-1. Malmquist seconded. Ayes: Hewitt, Andsager, Alexander, and Malmquist. Nays: Krzywicki, Kramolisch and Gahan. Motion carried by 4-3.

Hewitt motioned to recommend approval to City Council of the preliminary PUD and the preliminary plat subject to the conditions identified by planning staff and the letter of the city engineer, previously read, by Baker. Malmquist seconded. Ayes: Hewitt, Andsager, Alexander, Kramolisch, and Malmquist. Nays: Krzywicki and Gahan. Motion carried by 5-2.

All three items have been approved for recommendation to City Council tentatively July 21, 2009.

5. Comments from the Floor

None

6. Comments from the Planning Commission

Gahan asked if there had been any flooding issues in Cimarron Woods due to the recent heavy rains. Kottmann responded that two vacant lots east of Cimarron Woods Drive had 6-8 inches of water on them. A citizen said water was pooled into his backyard, but not into his house @ 7411 S 101st Avenue. The attorney for the homeowners association had phoned the city who requested copies of the drainage studies originally done on the lots which had been handed over. Kottmann wrote a letter to the SID Board of Trustees recommending that they do additional drainage studies of the subdivision to determine whether any additional improvements are needed.

Ann Birch announced that a Vision 84 Community Workshop would be held, Tuesday, June 23rd at 6:30 pm here at City Hall facilitated by the consultant. Everyone is encouraged to attend. There will be a review of the Vision 84 project, guest speaker and an image board display on which the public will be able to rank their preferences.

Birch also mentioned there will be a mobile tour to Kansas City on Wednesday as part of the Vision 84 project.

7. Adjournment

Hewitt motioned to adjourn. Malmquist seconded. Ayes: Hewitt, Krzywicki, Andsager, Malmquist, Kramolisch, Alexander and Gahan. Nay: None. Motioned carried. Nays: None. Meeting was adjourned at 9:08 p.m.

Reviewed by Planning Commission: John Gahan

Sharon R. Dennis
Recorder

Michael Krzywicki
Planning Commission Chair

7-16-2009

Approval Date