

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
AUGUST 4, 2009 AGENDA

Subject:	Type:	Submitted By:
APPLICATION TO AMEND THE COMPREHENSIVE PLAN, REZONING, PRELIM. PUD PLAN & PRELIM. PLAT APPROVAL — LOTS 13 & 14, CRESTVIEW HEIGHTS	◆RESOLUTION ◆ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing was held at the July 21, 2009 City Council meeting. The resolution to amend the Future Land Use Map of the Comprehensive Plan was approved at that meeting. First reading of the ordinance to rezone and subdivide Lots 13 & 14, Crestview Heights was also approved. The resolution for the PUD Plan and Preliminary Plat approval is pending contingent upon adoption of the ordinance.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

On July 21, 2009 a public hearing was held to consider the following actions for Lots 13 and 14, Crestview Heights:

1. An amendment to the Future Land Use Map of the Comprehensive Plan from Public to High Density Residential and Commercial;
2. A change of zoning from TA, Transitional Agriculture District, to R-3 PUD-1, High Density Residential, Planned Unit Development, and C-2 PUD-1, General Commercial District, Planned Unit Development, and approval of a preliminary PUD Plan ; and
3. Approval of a preliminary plat to subdivide Lots 13 and 14, Crestview Heights, into five lots for residential and commercial purposes.

The property is located north and east of Gertrude Street and south of Harrison Street. The application has been submitted by Victor Pelster on behalf of the property owner, the Empire Group, LLC.

The resolution amending the Future Land Use Map of the Comprehensive Plan from Public to High Density Residential and Commercial was approved.

The first reading of the ordinance was approved for the proposed zoning change which would rezone the property to R-3 PUD-1, High Density Residential, Planned Unit Development, and C-2 PUD-1, General Commercial District, Planned Unit Development, to allow for senior apartments and an abutting commercial development. The ordinance is being presented for further action at this meeting.

The approval of a preliminary plat to subdivide Lots 13 and 14, Crestview Heights, into five lots for residential and commercial purposes is pending contingent upon adoption of the ordinance to rezone.

The application also includes three lots proposed for commercial development. Staff supports a mixed-use development concept if it is well-designed and integrated with the senior housing project and neighborhood. The concept of mixed-uses was prominent in our earliest cities. It combines housing, retail, and other work space and inevitably establishes a sense of place for those who live in or near the development. It can also reduce distances between housing, workplaces, retail and other services, and may cut down on auto dependence and promote healthier lifestyles by creating pedestrian-friendly environments.

At the public hearing the proposed height of the buildings was explained in further detail.

Some of the neighbors also expressed a concern as to whether the proposed parking for the development was adequate. The developer advised that the parking as shown on the PUD can be modified if there are parking concerns.

Since the July 21, 2009 public hearing additional letters have been received regarding the proposed project and are included in your packet for review.

A staff report is attached. If the request is approved, the applicant would be required to submit a subsequent application for a conditional use permit, a final PUD Plan and a final plat. More detailed information on the design of the buildings would be requested at that time as part of the application for the conditional use.

The Planning Commission held public hearings on May 21st and June 18, 2009, and recommended approval of the Comprehensive Plan amendment, rezoning, preliminary PUD Plan and preliminary plat subject to the conditions identified by planning staff and the City Engineer.

ORDINANCE NO. 1094

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. Approval of Rezoning. On June 18, 2009, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "TA" Transitional Agriculture District to "R-3 PUD-1" High Density Residential District Planned Unit Development and "C-2 PUD-1" General Commercial District Planned Unit Development. On July 21, 2009, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Sections 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "TA" Transitional Agriculture District to "R-3 PUD-1" High Density Residential District Planned Unit Development and "C-2 PUD-1" General Commercial District Planned Unit Development , and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "TA" Transitional Agriculture District to "R-3 PUD-1" High Density Residential District Planned Unit Development and "C-2 PUD-1" General Commercial District Planned Unit Development:

"R-3 PUD-1" High Density Residential District Planned Unit Development

ALL OF LOT 13, AND PART OF LOT 14, CRESTVIEW HEIGHTS (2ND PLATTING), A SUBDIVISION LOCATED IN THE NE1/4 OF SECTION 14; AND ALSO PART OF HARRISON STREET RIGHT-OF-WAY, AND ALSO PART OF GERTRUDE STREET RIGHT-OF-WAY; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE S87°53'23"W (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID NE1/4 OF SECTION 14, A DISTANCE OF 1154.76 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 13, CRESTVIEW HEIGHTS (2ND PLATTING), SAID LINE ALSO BEING THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 12, CRESTVIEW HEIGHTS, A SUBDIVISION LOCATED IN SAID NE1/4 OF SECTION 14, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S02°06'37"E ALONG THE EAST LINE OF SAID LOT 13, CRESTVIEW HEIGHTS (2ND PLATTING), AND SAID NORTHERLY AND THE SOUTHERLY EXTENSION THEREOF, SAID LINE ALSO BEING THE WEST LINE OF SAID LOT 12, CRESTVIEW HEIGHTS, AND SAID NORTHERLY AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 498.53 FEET TO A POINT ON THE CENTERLINE OF SAID GERTRUDE STREET; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE OF GERTRUDE STREET ON A CURVE TO THE LEFT WITH A RADIUS OF 990.00 FEET, A DISTANCE OF 148.88 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S76°11'52"W, A DISTANCE OF 148.74 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF GERTRUDE STREET ON A CURVE TO THE RIGHT WITH A RADIUS OF 980.00 FEET, A DISTANCE OF 513.13 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S86°53'23"W, A DISTANCE OF 507.29 FEET; THENCE N78°06'37"W ALONG SAID CENTERLINE OF GERTRUDE STREET, A DISTANCE OF 255.09 FEET; THENCE N02°06'37"W, A DISTANCE OF 227.95 FEET; THENCE N87°53'23"E, A DISTANCE OF 20.00 FEET; THENCE N02°06'37"W, A DISTANCE OF 247.86 FEET TO A POINT ON THE NORTH LINE OF SAID NE1/4 OF SECTION 14; THENCE N87°53'23"E ALONG SAID NORTH LINE OF THE NE1/4 OF SECTION 14, A DISTANCE OF 880.37 FEET TO THE POINT OF BEGINNING.

SAID LOT 13 AND PART OF LOT 14, CRESTVIEW HEIGHTS (2ND PLATTING), AND PART OF HARRISON STREET RIGHT-OF-WAY, AND ALSO PART OF GERTRUDE STREET RIGHT-OF-WAY CONTAINS AN AREA OF 476,697 SQUARE FEET OR 10.943 ACRES, MORE OR LESS.

"C-2 PUD-1" General Commercial District Planned Unit Development

PART OF LOT 14, CRESTVIEW HEIGHTS (2ND PLATTING), A SUBDIVISION LOCATED IN THE NE1/4 OF SECTION 14; AND ALSO PART OF HARRISON STREET RIGHT-OF-WAY, AND GERTRUDE STREET RIGHT-OF-WAY; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCING AT THE NORTHWEST CORNER OF SAID NE1/4 OF SECTION 14; THENCE N87°53'23"E (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID NE1/4 OF SECTION 14, A DISTANCE OF 208.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°53'23"E ALONG SAID NORTH LINE OF SAID NE1/4 OF SECTION 14, A DISTANCE OF 382.47 FEET; THENCE S02°06'37"E, A DISTANCE OF 247.86 FEET; THENCE S87°53'23"W, A DISTANCE OF 20.00 FEET; THENCE S02°06'37"E, A DISTANCE OF 227.95 FEET TO A POINT ON THE CENTERLINE OF SAID GERTRUDE STREET; THENCE N78°06'37"W ALONG SAID CENTERLINE OF

GERTRUDE STREET, A DISTANCE OF 129.60 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE OF GERTRUDE STREET ON A CURVE TO THE RIGHT WITH A RADIUS OF 310.07 FEET, A DISTANCE OF 407.76 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N40°26'11"W, A DISTANCE OF 379.01 FEET; THENCE N02°45'45"W ALONG SAID CENTERLINE OF GERTRUDE STREET, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 147.13 FEET TO THE POINT OF BEGINNING.

SAID PART OF LOT 14, CRESTVIEW HEIGHTS (2ND PLATTING), AND ALSO PART OF HARRISON STREET RIGHT-OF-WAY, AND ALSO PART OF GERTRUDE STREET RIGHT-OF-WAY CONTAINS AN AREA OF 149,174 SQUARE FEET OR 3.425 ACRES, MORE OR LESS.

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF AUGUST 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLAT AND PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOTS 13 AND 14, CRESTVIEW HEIGHTS, TO BE REPLATTED AS LOTS 1 THRU 5, HARRISON HEIGHTS, A SUBDIVISION LOCATED IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary plat and preliminary PUD plan for Lots 13 and 14, Crestview Heights, to be replatted as Lots 1 thru 5, Harrison Heights; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary plat and preliminary PUD plan; and

WHEREAS, on June 18, 2009, the La Vista Planning Commission held a public hearing and reviewed the preliminary plat and preliminary PUD plan and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary plat and preliminary PUD plan for Lots 13 and 14, Crestview Heights, to be replatted as Lots 1 thru 5, Harrison Heights, a subdivision located in the Northeast $\frac{1}{4}$ of Section 14, Township 14 North, Range 12 East of the 6TH P.M., Sarpy County, Nebraska, generally located south of Harrison Street & north and east of Gertrude Street, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

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 proposed Lots 4 & 5 to senior independent living or assisted living facilities.
3. Commercial development shall meet the design standards set forth in the City of La Vista's Commercial Building Design Guidelines.

PASSED AND APPROVED THIS 4TH DAY OF AUGUST 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



CITY OF LA VISTA
CITY COUNCIL

STAFF REPORT

PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD)
THE ORCHARDS AT WILDEWOOD /
HARRISON HEIGHTS SUBDIVISION

DATE OF HEARING:
July 21, 2009

PROPOSAL:

Subdivide Lots 13 & 14 in Crestview Heights into five (5) lots for the development of senior apartments and three commercial uses as a Planned Unit Development (PUD)

PROPERTY INFORMATION

APPLICANT:
Empire Group, LLC
1941 S. 42nd Street
Omaha, NE 68105

PROPERTY OWNER:
Empire Group, LLC
1941 S. 42nd Street
Omaha, NE 68105

LOCATION AND SIZE:
Lots 13 & 14, Crestview Heights
SE corner of Gertrude and Harrison Streets
Lots = 12 Acres

CURRENT ZONING:
TA, Transitional Agriculture

APPLICATION PROCESS

Applications have been required and submitted for the following:

1. Amendment to the Future Land Use Map in the Comprehensive Plan to change the future land use of the subject property from "Public" to "High Density Residential" and "Commercial"
2. Rezoning proposed Lots 4-5 of 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 District.
3. Preliminary PUD Plan / Preliminary Plat of Harrison Heights Subdivision.

APPLICABLE DEFINITIONS

(from Section 2 of Zoning Ordinance)

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together.

PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

BACKGROUND

History of Subject Properties:

On September 4, 2008, these lots were sold by the Metropolitan Utilities District to the Empire Group. Prior to this sale the land had been undeveloped and used for farming. The Future Land Use Map in the Comprehensive Plan reflects this former land use as "Public," and the Zoning Map supported the agricultural use.

Description of Proposed Development:

At the June 18th Planning Commission hearing, the developer and engineers described the proposal as 112 senior independent living apartment units at market rate with 55 garages; and 48 affordable, senior independent living apartments with no garages. These are age restricted for seniors 55 years old and up.

Three commercial buildings are proposed that would total 20,500 square feet of flex commercial space. The commercial component of this project is intended to provide goods and services to the senior residents of the apartments as well as to the surrounding neighborhood. It is desirable to have these commercial businesses close by with connecting pedestrian sidewalks to provide convenience and

accessibility without dependence on a motor vehicle.

Existing Conditions of Site:

The site is currently being graded for building pads. Mature pine trees and deciduous trees exist on the perimeter of the properties. These trees have been preserved through the grading permit.

Surrounding Area and Adjacent Neighborhoods Land Uses and Zoning:

North – City of Ralston, residential subdivision;

East – Crestview Village, R-3 High Density Residential;

South – Crestview Heights, R-1 Single Family; and

West – Crestview Heights and MUD Property, R-1 Single Family

Applicable Regulations:

Section 5.08 of the Zoning Ordinance, R-3 High Density Residential District

Section 5.11 of the Zoning Ordinance, C-2 General Commercial District

Section 5.15 of the Zoning Ordinance, PUD-1 Planned Unit Development District

Section 3.02 of the Subdivision Regulations regarding Preliminary Plats

Applicable Plans:

The Comprehensive Plan and Future Land Use Map – The Comprehensive Plan supports the development of residential options for all income levels and actively access affordable housing programs available from local, state, and federal agencies/departments.

REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES

Black Hills Energy, Denise Montgomery

No comments received

City Engineer, John Kottmann:

1. A traffic impact study was prepared and submitted that complied with the scope set forth in our initial review letter. The services of Felsburg, Holt & Ullevig were utilized to review this impact study. It has been determined that the Level of Service will be satisfactory given the current proposal.
2. There is an existing break in the controlled access along Harrison Street at roughly the center of the project area. The proposed development plan will require relocating this break to the west. Cross easements will be needed to allow for sharing of accesses and a development agreement will be needed to provide for shared maintenance of the accesses and any other shared improvements.
3. The proposed commercial buildings have a combined 20,500 gross square feet. This would require 103 parking stalls and the plan shows 109 stalls. The final PUD plan will need to address ADA parking stalls. The proposed senior independent living apartments are proposed to be two-thirds 2 bedroom and one-third 1 bedroom units. The parking regulators would require one stall for each bedroom. For a total of 112 units this would require 187 stalls. However, the applicant has indicated that since these are senior apartments, the second bedroom is most often used for

hobbies, storage, or occasional guests. Therefore, they indicate the required parking is 118 stalls rather than 187. They are proposing 157 spaces between garage and open parking stalls. I find this to be satisfactory based on the apartments being used for senior housing. The other senior facility is proposed to have 48 units. The parking regulators would require 1 stall per unit plus space per employee on the largest shift. The plan for Lot 4 proposes 76 stalls and indicates that 52 are required implying a staff of 4 persons. There appears to be a generous amount of parking and some of the long continuous rows of parking should receive some landscaped islands to improve appearance and reduce impervious coverage which appears unnecessary.

Utilities

4. The downstream sanitary sewer system has been analyzed and downstream capacity improvements do not appear to be required to serve these proposed land uses.
5. Water, gas, power, and communication systems are available to serve the proposed development. Extensions to the proposed buildings will need to be done in a manner that meets utility company and building code regulations. An acceptable site utility plan will need to be included with the final PUD submittal.
6. A lighting plan will need to be included with the final PUD submittal showing location of all proposed site lighting. The lighting shall be downcast, sharp-cutoff style lighting to reduce any light spillage onto adjacent residential properties.

Grading & Drainage

7. The site drains to a storm sewer system in Harrison Street. A drainage study was prepared in September of 2008 as part of the grading permit application process. This study indicated that the runoff from the site will be reduced to below existing conditions for 2, 10, 50 and 100-year events. This study was based upon a different development configuration than is currently being proposed; however, for the preliminary PUD stage it is sufficient to indicate that on-site detention will be employed to reduce storm water peak flows to existing conditions for 2, 10, 50 and 100-year events. Such a statement needs to be placed on the preliminary PUD plan. It should be noted that the current layout for Lot 5 provides less storm water detention space and at a location that will be more difficult to utilize.
8. A grading and erosion control permit through the Papillion Creek Watershed Partnership website has been obtained for this site. It will need to be modified to match the revised configuration of site development if the preliminary PUD is approved.
9. A preliminary Post Construction Storm Water Management Plan providing water quality improvements for the first 0.5 inch of runoff needs to be submitted as required by the recently adopted ordinances of the City. The preliminary PUD is sufficient for this stage of review. More details such as volumes of treatment areas to contain the first half-inch of run-off will be needed with the final PUD plan.

Miscellaneous

10. The preliminary PUD plans will serve as a preliminary plat for the re-platting action that will be necessary to create the proposed lots. Information is needed to show that a 12-foot wide right turn deceleration lane will leave at least 6 feet behind the proposed curb line to the existing right-

of-way line. If not, an additional right-of-way dedication will be needed. Also, a pedestrian easement will be needed along the right-turn deceleration lane and will need to extend 12 feet back of the proposed curb line to cover the public sidewalk along Harrison Street.

11. The height, open space and building coverage limitations have been met. In order to meet the minimum lot area requirement per unit it will be necessary to take the composite area of Lots 4 and 5. Such averaging is allowed by the PUD regulations. However, the proposed garage buildings on Lot 4 do not meet the 50 feet setback requirement from public right of way which is applicable for accessory buildings. This could be addressed in the final PUD.
12. A development agreement will be needed that will identify the extent of common area improvements and identify the responsibility for maintenance of such improvements.
13. The PUD regulations have a provision that precludes residential projects from having direct access to arterial streets in Article 5.15.04.13.
14. The draft text of the PUD plan has several sections that may need modification. Article 6A does not exclude any of the permitted and conditional uses of R-3 Zoning, which could result in conventional multi-family if the intent to provide senior apartments or assisted living is not realized. This option seems to be further preserved by the language of Article 8C-ii which indicates leaving room to expand parking to that required for multi-family requirements. Section 7 for Building Design Guidelines and Criteria makes reference to 1999 Guidelines which were adopted for the Gateway Corridor Overlay District.

Chief Building Official, Jeff Sinnett

No comments received

Fire Chief, Rich Uhl

No comments received.

Metropolitan Utility District, Jeff Loll

No comments received.

Omaha Public Power District, Connie Biddle

On May 26, 2009, Michael Herzog from T&D Planning was asked by OPPD to examine the impact on power quality that new development on Lots 13 & 14 could potentially have on the rest of Crestview Heights Subdivision. Mr. Herzog said the additional load will not change the power quality on the circuit. He added that a OPPD project was finished in March 2009 that should reduce the problems experienced in Crestview Heights in the past.

Police Chief, Bob Lausten

The Police Department has reviewed the provided documents relating to the Harrison Heights project. An obvious concern would be how the development effects traffic at Gertrude/Harrison and the other intersections in the area.

Public Works Director, Joe Soucie

No comments received.

Public School District

No comments received.

Qwest, Aaron Krebs
No comments received.

PUBLIC COMMENTS

Many of the public concerns were directed at increased traffic on Gertrude Street and the overall scale of the development project. Letters, if received, have been attached to the report for City Council review.

CITY PLANNER'S ANALYSIS

Land Use:

The City staff support the use of Lots 13 & 14 for senior apartments. Currently, La Vista only has one such facility at this time in Granville, which has just over 40 units. Elderly members of La Vista who are unable to get an available room at Granville are forced to leave La Vista to find senior housing. Therefore, City staff has been targeting Lots 13 & 14 in Crestview Heights for more elderly living opportunities because it is a large enough acreage and compatible with surrounding land uses.

The commercial component of the applicant's rezoning request could offer neighborhood commercial services to the proposed and existing residential land uses. This could benefit the future residents of the senior apartments as well as provide a convenience to existing residents of Crestview Heights Subdivision. The City Planner recommends mixed-use development (i.e. commercial and residential development integrated together) because mixed-use development can reduce dependence on automobiles by providing an option for walking to a retail center.

Perspective drawings are conceptual. Revised, detailed color elevation drawings will be required with review of the Final PUD Plan. It is important that the multiple buildings within this development are compatible and coordinated in their architectural design. Building materials should be similar and coordinated so that all buildings in the PUD appear cohesive in their design. The developers have agreed to achieve this request.

Transportation:

Access from Harrison Street to proposed Lot 2 is satisfactory as a right in/ right out turn movement. Harrison Street has strictly controlled access, so no additional access points will be allowed. Therefore, most of the accesses will be connected to Gertrude Street.

The traffic analysis was updated to reflect senior housing only without assisted living. The updated trip generation results shows a "negligible decrease" at peak times and "minor increase" in weekday trips.

Vehicles and pedestrians will be able to circulate internally through the proposed five lots. All five lots are proposed to be connected by ADA accessible sidewalks. Entrances to buildings connect with these internal sidewalks.

Typically, elderly housing needs about 0.50 – 1.0 parking spaces per apartment unit according to research done on the American Planning Association’s website. The Planned Unit Development allows for flexibility in parking requirements, so it is possible to relax the standard multi-family parking requirement for these elderly housing units. The City Planner has directed the applicant to plan for one parking space per apartment unit, which would be adequate to support the residential uses. The City Engineer concurs with this assessment.

Landscaping:

Many of the existing mature trees on the perimeter of the development will be preserved. The developer has graded the property to create level building pad sites at a significantly lower elevation as compared to Gertrude Street. Even though the developer proposes a three story apartment building, this grading should keep the roofline about even with the single family residential homes to the south of Gertrude Street.

The PUD plan attempts to minimize the number of trees lost to preserve a buffer between the single family land uses and the proposed development. Also, these trees would provide a nice amenity to the proposed Planned Unit Development. Additional landscaping is required on the perimeter of the proposed lots by code, so new trees have been proposed to meet the minimum landscaping requirements.

Stormwater Drainage:

Stormwater detention ponds are proposed on each individual lot. The use of landscaped drainage swales, permeable pavement, rain gardens or other Low Impact Development Best Management Practices could reduce the size or the need for detention ponds. Stormwater runoff would infiltrate the ground sooner, thus the detention areas would not need to be as large.

Process:

An application for a Conditional Use Permit, Final Plat and Final PUD Plan approval will be required pending approval of the Comprehensive Plan Amendment, Rezoning, Preliminary Plat, and Preliminary PUD Plan.

PLANNING COMMISSION AND STAFF RECOMMENDATION

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

Prepared by:

Community Development Director Date

Attachments:

- Vicinity Map
- Preliminary PUD Plan / Preliminary Plat
- Draft PUD
- Colored elevation views
- Updated Traffic Analysis dated May 26, 2009
- Letters from the public, if received

Mary Alex

From: Cindy Miller [cindymiller59m@gmail.com]
Sent: Monday, July 27, 2009 6:37 PM
To: Brenda Carlisle; Ron Sheehan
Cc: Kelly Sell; Alan Ronan; Mark Ellerbeck; Tony Gowan; mcrawford@cityoflavista.org; Teri Quick
Subject: Rezoning of Harrison/74th/Gertrude Streets
Follow Up Flag: Follow up
Due By: Thursday, July 30, 2009 12:00 AM
Flag Status: Red

My name is Cindy Miller and I live at 7209 So 74 Ave. I'm very concerned about the proposed changes to the rezoning of the area between Harrison Street and Gertrude Street and 74th Street.

I understand the need for limited income 55+ housing, I myself may qualify in a few years. I do believe that steps should be taken to ensure that those are the ones that live there. According to the Omaha World Herald (7-27-09 evening edition) Developer Bob Reed said it was uncommon for teenagers and young adults to move into such apartments. Uncommon, means that it does happen. Which would be unfair for the residents of the 55+ housing. It would also add to the burden of the much expanded population in this small area. If there are a total of 160 units, that means that between 160-320 additional people will be living in this area. It also means that there could be between 160-320 additional cars trying to travel this area. Will there be enough parking set up for these units? The article mentions 55 garages. Are these included with the apartments or for an additional fee? If the garages require an additional fee, then those on limited incomes will probably not use them. So will there be enough parking for the new apartments, street parking should NOT be counted.

As for the proposed commercial buildings, the developer doesn't know who might use it. He has some ideas. Looking at 84th Street between Harrison and Giles and look up 72nd between Harrison and L St and you see many commercial buildings with vacancies. Adding to this glut at this time serves no purpose, except to allow the developer a tax break. What plans are made for access to these buildings? They should NOT have access to Gertrude Street. It is not designed for commercial traffic. Will there be an additional traffic light on Harrison (I'm sure a traffic study will have to be done.) What type of barriers will be used to separate the commercial buildings from the residential area?

On a side note will MUD be required to install a sidewalk on the Gertrude side of the pumping station?

Thanking for reviewing my concern.
 Cindy Miller
 La Vista Resident 23 years
cindymiller59m@gmail.com

Mary Alex

From: sanzielinski1952@cox.net
Sent: Monday, July 27, 2009 6:48 PM
To: Alan Ronan
Cc: Mark Ellerbeck
Subject: Fwd: rezoning of harrisonbetween74th and gertrude

Follow Up Flag: Follow up
Due By: Thursday, July 30, 2009 12:00 AM
Flag Status: Red

> From: <sanzielinski1952@cox.net>

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> To: bcarlisle@cityoflavista.org
> Subject: rezoning of harrisonbetween74th and gertrude
> Cc: rsheehan@cityoflavista.org
>
> dear city concil member please reconsider the rezoning of harrison
street between 74th and gertrude your long time homeowners feel it
will be a terrible mistake to allow this rezoning to our quite
neighbor hood due to the heavy traffic flow .our streets cannot
handle that.as we live here we know. maybe some of you could come
and set down here on gertrude on a fri. or sat. nite and see what we
already deal with.those developers are going to tell you anything to
have there way come look at the way they take care of the property
now .please do not allow them to ruin our beautiful neighbor hood
sincerely jack and sandra graham 7106 so 75th ave.

2

Mary Alex

From: pmasek [pmasek@cox.net]
Sent: Tuesday, July 28, 2009 9:18 PM
To: Brenda Carlisle; Alan Ronan; mcrawford@cityoflavista.org; Ron Sheehan; Mark Ellerbeck; Teri Quick; Kelly Sell; Tony Gowan
Subject: Project on 74th and Gertrude
Follow Up Flag: Follow up
Due By: Monday, August 03, 2009 12:00 AM
Flag Status: Red

LaVista City Council

This letter is to express to you my opposition of the plans for the senior citizen apartments, and commercial buildings scheduled to be erected at 74th and Gertrude Street/Harrison.

I have lived in the Crestview Heights neighborhood for 24 years with a total of 33 years in LaVista. I live on Josephine Street which has now become a raceway with speeding cars up and down the street at all times of the day and night. Our driveway is a blind driveway and when people are heading west on Josephine, you cannot see them until you are out in the street and they are racing towards you so fast, your only option is to gun it back into our driveway.

With the increased traffic coming from the 74th and Gertrude Street area, we may never get out of our driveway. As a homeowner, I am objecting to this project not only for the increased traffic that it will bring to my street and surrounding ones, but also the fact that there are too many buildings proposed for such a small area. Also, there will not be enough parking stalls or garages to accommodate the buildings, the tenants and their guests. This will mean that our streets will fill up with parked cars and we will have no where for our guests to park.

I live across the street from the ballpark and when there are games, my street is so full of parking that you cannot get up and down the street. You end up waiting for cars to pass so you can get up or down the street. This increases the risk of accidents and children being hit by cars. The fire and emergency trucks use Josephine to come down the street, how will they get through with all the extra street parking? What about all the noise and pollution from all of these cars? I know the cars will come up my street to get to the lights on 78th and Harrison because that will be the only way they will get out to go west.

I know that LaVista needs the revenue this project would bring, but it needs to be moved to a larger area or it needs to be reduced to just one building with plenty of parking and garages to accommodate all the tenants and their guests.

I read in the Omaha World Herald, July 27, 2009 that one of the buildings there are proposing would hold a possible dentist's office (there is one up the street on 84th and at 85th and Harrison); coffee shop (one on 84th Street and one that closed on 72nd Street); day care center (one just down on 74th); hair salon (one on 72nd and Harrison) or veterinary clinic (one on 78th and Harrison and one on 72nd and Harrison). How many stores do we need in one small area?

Have you thought about all the accidents that will occur on Harrison Street because someone is trying to pull in or someone who pulls out in front of someone? In case, you haven't been on Harrison Street lately, they speed down the street heading east – most won't even stop for the red light on 78th and Harrison. Every time I sit for that light, there are at least 3 or 4 cars who totally run the red light. We don't need more traffic in our neighborhood.

You on the council are our voice for our neighborhoods. I urge you to use that voice and vote against this project.

Thanks,
Phyllis pmasek@cox.net
402-991-6856

Mary Alex

From: Christina Larsen [appleblossum48@msn.com]
Sent: Tuesday, July 28, 2009 9:26 PM
To: Brenda Carlisle; Kelly Sell; Ron Sheehan; Alan Ronan; Mark Ellerbeck; Tony Gowan; mcrawford@cityoflavista.org; Teri Quick
Subject: Harrison Street Developement
Follow Up Flag: Follow up
Due By: Monday, August 03, 2009 12:00 AM
Flag Status: Red

Dear City Council members,

We are e-mailing you asking that you consider what the residents of Crestview Heights are requesting. After canvassing our neighborhood, 95% of the residence are not in favor of this project. The traffic will be extremely unfavorable. Adding 200-300 more cars in a three block area is unheard of. The traffic is difficult as it is.

We understand that growth is important to our city, but this is not the way to do it!

With the government cutting HUD funds, where are the middle to lower income couples going to find any assistance? Is this not what the apartment complex is about?

Thinking that a 55 year old couple will own one car is ludicrous. They are still a working couple. With only one parking space **WHERE ARE THESE CARS GOING TO PARK? IN FRONT OF OUR HOMES. WE ARE TAX PAYERS AND WE DESERVE A RIGHT TO HAVE THE OPPORTUNITY TO PARK IN FRONT OF OUR RESIDENCE.** If there is a community room there will be all sorts of family members and friends wanting to borrow this room. **WHERE ARE THE CARS TO PARK?**

When talking with our neighbors they are stating there is to much traffic with Crestview Heights Apartments and the ball diamond on Josephine the way it is.

PLEASE, PLEASE, PLEASE VOTE NO TO THIS DEVELOPMENT. Thank you for reading this e-mail. See you on August 4.

Tina and Bud Larsen
7109 S 76th St
Lavista, NE 68128

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Mary Alex

From: Linda Gentle [lgentle@hotmail.com]
Sent: Wednesday, July 29, 2009 1:57 PM
To: Brenda Carlisle; Ron Sheehan; Kelly Sell; Alan Ronan; Mark Ellerbeck; mcrawford@cityoflavista.org; Teri Quick; Tony Gowan
Subject: Rezoning on Harrison Street
Attachments: Letter_to_City_Council.pdf

Please find attached my concerns regarding the rezoning on Harrison Street.

I appreciate your considerations listed in my letter.

Thank you.

Linda Shepherd, Homeowner
7106 South 76th Street
LaVista, Nebraska

Bing™ brings you maps, menus, and reviews organized in one place. [Try it now.](#)

July 29, 2009

Council Members:

I would like each of you who voted “yes” to reconsider your vote on August 4th on the rezoning of vacant land between Gertrude and 74th Street on Harrison for the following reasons:

1. LaVista doesn’t need any more commercial property. Currently, there are commercial bays vacant in the shopping centers on 84th Street causing 84th Street to appear poor, uninteresting, and unappealing.
2. We have been informed by the developer that the three commercial buildings will be sold to private businesses. We have no idea whatsoever as to what type of businesses will go in the buildings; thus, possibly devaluing our property.
3. The two developing companies wanting to build apartment buildings have their corporate offices outside of Nebraska. They have no interest in the appearance of LaVista except cash flow.
4. The Obama Administration is cutting back on Section 8 (HUD) funding and is eliminating single individuals from being HUD subsidized. Therefore, the 48-unit building will have at least two people living in an apartment (until the next cut in HUD housing occurs).
5. There currently is inadequate parking for both apartment buildings. The spokesmen for the developers said there is enough parking for the 160 apartment units. However, some of these apartments will have more than one person living in the apartment with a total of two cars. Some with more cars and some with less. I personally don’t want them parking on the side streets and definitely not on Gertrude where there is speeding.
6. With the potential of increased traffic on Gertrude and side streets, there is an accident waiting to happen especially with the young children. I completely disagree with the traffic study since there will be approximately 185 more people with cars using the streets each day either from the apartments or the commercial businesses.
7. Any tax revenue generated by the proposed development will be taken up with the increase of emergency vehicles, police, street repair and maintenance, and new intersection lights and speed bumps.
8. We don’t need any more apartments or condos in this area of the city.

Thank you for taking the time to reconsider your vote. As an elected public official, please listen and hear the concerns of those that you represent.

Linda Shepherd, Homeowner
7106 South 76th Street
LaVista, Nebraska

Mary Alex

From: Terrie Saunders [tsaund217@cox.net]

Sent: Wednesday, July 29, 2009 3:17 PM

To: Tony Gowan *[This same email was sent to all Council Members]*

Subject: Crestview Heights' rezoning

Dear Councilman Gowan:

As homeowners in the Crestview Heights neighborhood, we appreciate your efforts as you plan the future of our neighborhood and of La Vista. We, along with other residents of our neighborhood, have concerns regarding the development of the property from 74th to 77th between Gertrude and Harrison Streets.

The addition of a commercial development on the west end of the property is one concern. There are numerous empty commercial buildings on 84th Street as well as several unoccupied bays in the strip mall on the corner of 72nd and Harrison in neighboring Ralston. The commercial developer indicated that he hoped to use the commercial space for a day care center, a veterinary clinic, and a hair salon. The area already has a day care center on 74th and Gertrude, a major veterinary clinic on 78th and Harrison, and a hair salon on 72nd and Harrison. We doubt that the neighborhood could support two of each of these businesses. The result could easily be even more unoccupied buildings in La Vista.

Even more disconcerting is the addition of apartments into the neighborhood. Our neighborhood now is primarily single-family housing along with 154 Crestview Village Townhomes managed by the Sisters of Mercy. The addition of 158 apartments in the same general area more than doubles the number of apartment units within a few square blocks of 74th and Gertrude, thus tremendously increasing the population density in the neighborhood.

Traffic is already a problem in our neighborhood, especially near the corner of 74th and Gertrude. Gertrude Street between 74th and 75th is often reduced to a single lane of traffic since residents of the townhomes regularly park along Gertrude Street. This creates not only a traffic concern but also a safety issue as numerous children cross the street at that intersection as well as ride their bicycles and mini-bikes in the street. Children whose parents park along Gertrude Street run across the street to their townhomes without looking for on-coming traffic. The addition of 158 apartments would increase these traffic concerns.

In June, we received notification from the Planning Commission indicating a public hearing for Harrison Heights' elderly housing and assisted living, plus commercial retail space. (The developer originally proposed to "subdivide Lots 13 and 14 in Crestview Heights into 5 lots for the development of elderly/retirement housing, an assisted living facility, and three commercial uses as a Planned Unit Development.") However, the developers have now changed the proposal to a commercial building plus two senior independent living complexes, one with 110 units with some garages and the other with 48 units with no garages. As the Planning Commission indicated in their June meeting, the original plan consisting of a 48 unit assisted living complex would have supplemented the Granville Assisted Living Facility which is currently the only assisted living facility in La Vista. The Granville Assisted Living Facility, like other assisted living facilities, has very few or no residents who drive. (The Granville facility currently has no one driving.) An independent living complex—as the name suggests—would have residents who are independent and, therefore, still driving. An assisted living facility would add

very few, if any, traffic/parking problems to the neighborhood whereas independent living complexes would add considerable traffic/parking problems to an area that already has such issues as noted previously.

We urge you to consider our neighborhood as you make your decisions regarding this property and the current proposal of the developers. Crestview Heights is an established neighborhood of modest income residents who, like us, were told by real estate agents that the property in question could never be sold as it was part of the MUD pumping facility. Like others, we bought our home with that information in the forefront of our decision, thinking that we would have green-space near us as a buffer and barrier to the traffic noise on Harrison. We are now facing the possibility that our green-space will be replaced with buildings, concrete, and traffic noise--not only from Harrison Street but now from Gertrude Street as well.

We understand that we have lost our green-space and that it cannot be replaced; however, we ask you to consider the problems that would be created by the addition of 158 apartments in a neighborhood that is primarily single-family residential. With our concerns in mind, we respectfully request that you oppose the developer's current proposal. We feel that our neighborhood would be better served if the property were developed as single-family homes or, at least, as an assisted living facility as one component of the current proposal.

Sincerely,

Jim and Terrie Saunders
7105 South 75th Street

Mary Alex

From: Jim and Terrie Saunders [tsaund217@cox.net]
Sent: Wednesday, July 29, 2009 3:22 PM
To: Doug Kindig
Subject: Crestview Heights' Rezoning

Dear Mayor Kindig:

As homeowners in the Crestview Heights neighborhood, we appreciate your efforts as you plan the future of our neighborhood and of La Vista. We, along with other residents of our neighborhood, have concerns regarding the development of the property from 74th to 77th between Gertrude and Harrison Streets.

1

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neighborhood whereas independent living complexes would add considerable traffic/parking problems to an area that already has such issues as noted previously.

We urge you to consider our neighborhood as you make your decisions regarding this property and the current proposal of the developers. Crestview Heights is an established neighborhood of modest income residents who, like us, were told by real estate agents that the property in question could never be sold as it was part of the MUD pumping facility. Like others, we bought our home with that information in the forefront of our decision, thinking that we would have green-space near us as a buffer and barrier to the traffic noise on Harrison. We are now facing the possibility that our green-space will be replaced with buildings, concrete, and traffic noise--not only from Harrison Street but now from Gertrude Street as well.

We understand that we have lost our green-space and that it cannot be

replaced; however, we ask you to consider the problems that would be created by the addition of 158 apartments in a neighborhood that is primarily single-family residential. With our concerns in mind, we respectfully request that you oppose the developer's current proposal. We feel that our neighborhood would be better served if the property were developed as single-family homes or, at least, as an assisted living facility as one component of the current proposal.

Sincerely,

Jim and Terrie Saunders
7105 South 75th Street

Mary Alex

From: Jodie L Hanover [jhanover@unmc.edu]
Sent: Thursday, July 30, 2009 11:25 AM
To: Brenda Carlisle
Cc: Ron Sheehan
Subject: Harrison st rezoning

[This email was addressed individually to all Council Members]

Council Members

I live on 75th street right by the field. I have several concerns regarding this rezoning on Harrison Street. I have live in this neighborhood for 18 years it USED to be a very quiet trusting neighborhood. And within the last 3 years it has deteriorated. The apartments on 75th and Gertrude have brought nothing but gang members and trouble into them. The last thing this neighborhood needs is another low income apartment complex. What used to be a quiet neighborhood has turned into theft in the neighborhood, and kids wandering up and down the streets all hours of the night. I have never seen so many Lavista police in one spot in my life. Apartments we DO NOT NEED. As far as commercial property do we not have enough open spaces on 84th street not in use? What about the business on 72nd street with open spaces This wil cause nothing but Increased traffic, lots of added extra noise not to memtion the added lights. If this project is a deal please send a letter so we can do what we have to do to move out of the neighborhood before the value of our house goes down. No one I know whats to live around a bunch of low income housing and commerical busines. Please take the time to listen to our concerns its not that we don't want lavista to grow but we have enough at this end.

Thank you
 Jodie Hanover

Jodie L Hanover CPC
 Medical Billing Representative
 Reimbursement/Billing/Internal Medicine
 UNMC PHYSICIANS
 3333 Farnam St
 Omaha , Ne 988095
 Phone: 402-559-5195
 Fax: 402-559-9885
 Email: jhanover@unmc.edu

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Mary Alex

From: jacek czarnecki [jacekczar@gmail.com]

Sent: Friday, July 31, 2009 7:06 AM

To: Mark Ellerbeck; tquick@cityoflavist.org; Kelly Sell; Tony Gowan

Subject: Gertrude St. project

Follow Up Flag: Follow up

Due By: Monday, August 03, 2009 12:00 AM

Flag Status: Red

*[This was sent to
All Council Members]*

DEAR CITY COUNCIL,

>

> My name is Jacek Czarnecki

>

> I live on 7101 S 75th Ave. (east corner of Gertrude St and 75th Ave).

> There are few things , that I don't like about this " Gertrude St project".

> 1. I do not know any 55 year old working couples, with only 1 car per family, not to mention that every once in a while everybody has visitors . So there is not enough of parking space for the tenants provided there .

> 2. We will have tons of cars parking on Gertrude St. and the street is not wide enough for two way traffic with one lane occupied by many parking cars .

> 3. Because of the way Gertrude St. was build , I have 5 to 10 cars every winter sliding into my front yard . With all this potential extra traffic, I will now have 20 to 25 cars every winter ruining my grass and sprinkler system .

> 4. Living on the corner property , I already have to pick up cans, bottles and other garbage almost every day .

> With tens of cars parking on Gertrude St. I will NOW have to order garbage collections 2 times a week .

>

> My idea is to force them to provide 1 parking space for every bedroom . Make Gertrude St. one way traffic with parking on the north side of the street .

>

> Thank You, Jacek Czarnecki

>