



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
JANUARY 21, 2021 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, January 21, 2021 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Co-Chairman Harold Sargus called the meeting to order at 6:30 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, Harold Sargus, Patrick Coghlan, John Gahan, Kathleen Alexander, and Josh Frey. Members absent were Jason Dale, Mike Circo, and Kevin Wetuski. Also, in attendance were Chris Solberg, Deputy Community Development Director; Bruce Fountain, Community Development Director; Cale Brodersen, Assistant City Planner; Pat Dowse, City Engineer; and Meghan Engberg, Permit Technician.

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 Co-Chairman Sargus 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – January 7, 2021

Malmquist moved, seconded by *Krzywicki* to approve the January 7th minutes. **Ayes: Krzywicki, Gahan, Alexander, Coghlan, Frey, and Malmquist. Nays: None. Abstain: Sargus. Absent: Wetuski, Circo, and Dale. Motion Carried, (6-0-1)**

3. Old Business

None.

4. New Business

A. Conditional Use Permit – 12005 Portal Road – 4Seams Academy, LLC

- i. **Staff Report – Cale Brodersen:** Brodersen stated that the applicant, 4Seams, LLC, has requested a Conditional Use Permit to operate an indoor recreation facility at 12005 Portal Rd. He said that they are looking to operate a baseball and softball training facility in a new industrial flex space on Lot 5 Papio Valley 2 Business Park. Brodersen said that this building has 6 bays and the application will be occupying bays 1-5 and the owner of the building will be occupying bay 6.

Brodersen said that one reason the City of La Vista requires a Conditional Use Permit for facilities such as these is to ensure that the site can adequately handle the parking and traffic something like this can generate. Brodersen said that based off the expected maximum occupancy for peak times, the requirement for off-street parking in La Vista's Zoning Ordinance is 28 stalls, and this facility has 61 dedicated stalls in the front of the building. He mentioned that one of the conditions that they placed in the permit was that if they do run over that amount of parking, there is a very large concrete area in the back of the building they may require to be striped if necessary. He then mentioned that if they also start to experience traffic backing out on to public streets, the City could require operational changes or physical improvements to make sure that stacking doesn't occur.

Staff recommends approval of the Conditional Use Permit for Lot 5 Papio Valley 2 Business Park, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

ii. **Public Hearing; Sargus opened the public hearing.**

Sean Schrader, one of the business owners of 4Seams Academy, LLC, spoke on behalf of the project. He gave some history on his involvement with baseball and feels that opening this facility would give kids an opportunity to have somewhere to practice. He said that they have been working on this for 2 years now to be able to give kids a place to take their dreams to the next level. Schrader said that as far as the building goes, he feels that they have addressed the questions and issues Cale had and are continuing to address the other issues that have come up.

Cheri Williamson, one of the business owners, spoke on behalf of the project. She mentioned her personal involvement and history with baseball. She said that one of the reasons that she wanted to get involved in this project is because there is such a need for this community to have a facility that they want to provide for these kids.

Dan Tinnell, one of the business owners, spoke on behalf of the project. He said they have been working on this project for 2 years with a lot of ups and downs. He said that they want to fight and go forward to get this facility open. Tinnell described the need for the facility for his players and other players. He then thanked the Commission for allowing them to speak.

Steve Thornburg, Papillion/La Vista Fire Marshall, spoke during the public hearing to voice his concerns. He mentioned that the applicant has the occupant load at 110, but that the calculated occupant load under the building code is over 2,000. He said that they deal with worst case scenario in the code and if they have the room, they'll bring the people. He said that parking is also an issue and that they are looking out for the safety of everybody who goes into the building. Thornburg said that he is still waiting for plans from their architect because he hasn't gotten all of his questions answered. He feels that there shouldn't have been any work done inside the building yet as he claimed it hasn't been permitted.

Sargus asked if 110 versus 2,000 was a good thing.

Thornburg said it's a good thing if they actually limit it to that number and it's being policed.

Coghlan asked if Thornburg as Fire Marshal, could put a restriction on occupancy because of those issues.

Thornburg said that he can't limit occupant load except for those based off exiting and other related issues.

Krzywicki said that the proposed Conditional Use Permit sets the maximum occupancy in it, so if they exceed it, the permit would be voided. He then said that if there are more people than would normally be there that create traffic and other issues that would come up as a violation of the permit.

Thornburg replied wanting to know who is going to police that in this location.

Coghlan asked in a facility like that, what would 2,000 people do.

Thornburg said they wouldn't be able to practice, but there are other things such as open houses, registrations, etc., that could cause an issue.

Coghlan said that he sees that happening a very small percentage of the time. He said that he grew up in those facilities too and to have 2,000 people in batting cages and throwing areas would be detrimental to their business.

Schrader came back up to podium and said that the occupancy load being set at 2,000 is pretty ridiculous and they wouldn't be able to function as a training facility with that many people in there. He said that he wasn't sure of the exact codes the Fire Marshal was referring to, but the ability to operate with that many, let alone the insurance costs and liability issues, would be impossible. He said there's no way you'd be able to be in there swinging baseball bats with that many people. He said that he understood there might be special days where there'd be an influx, but that it wouldn't be as bad as the traffic at The Volleyball Academy. Schrader mentioned that there are cages with set dimensions and netting within the facility, with hallway space for people to travel about. He said that normal traffic would be a team of 10-12 players and a few coaches.

Sargus said that he was excited to see in the operating statement that the applicant is in talks with a sports performance coach that may sublease.

Schrader said that would be in bay 5 and that there would be professional players who would use that bay.

Sargus asked about the impacts on parking and building occupancy of a professional player coming in for training.

Schrader said that he didn't think they're trying to draw crowds; they focus on private training sessions, not events like autograph signings. Tinnell said that those players are training during the day while the kids are in school, so there wouldn't be a concern for crowds.

Brodersen came forward to give clarification on a couple things mentioned during this discussion. He said that the applicant will still be required to meet all the life safety codes. So even after the approval of the Conditional Use Permit, they won't be able to occupy the space until they've worked with Thornburg to meet all the life safety codes. He then mentioned that they do have the occupancy limit in the Conditional Use Permit, so if they do experience large influxes and are going over that 110 amount, they will be in violation of the CUP and will be required to make sure that they are not going above that level or lose their CUP. Brodersen said that Community Development staff conduct annual inspections on every approved Conditional Use Permit, Staff will monitor occupancy limits, parking and complaints on this facility and follow up as required

Solberg pointed out items D, E, and G of the Conditional Use Permit in relation to the items that were recently discussed. He said that the occupancy issue was something that had just come up in the last 24 hours and is something that needs to be dealt with prior to getting their Certificate of Occupancy. He then said the applicant's architect will have to work with both the Building Department and Papillion Fire to resolve the issue and that there is time between now and then to resolve the issue.

Sargus closed the Public Hearing.

Krzywicki asked for confirmation that if the Planning Commission and City Council approve the Conditional Use Permit, that the Conditional Use Permit lists the specific remaining requirements that must be met before they can operate.

Solberg said yes, they still need to get their C.O. to start operating.

Frey asked if both entrances are paved to the street that are noted in one of the packet attachments.

Brodersen said they are.

iii. **Recommendation:** Coghlan moved, seconded by Frey, to recommend approval of the Conditional Use Permit for Lot 5 Papio Valley Business Park, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance. **Ayes:** Krzywicki, Gahan, Alexander, Coghlan, Sargus, Frey, and Malmquist. **Nays:** None. - **Abstain:** None. **Absent:** Wetuski, Circo, and Dale. **Motion Carried, (7-0)**

5. Comments from the Floor

No members of the public came forward.

6. Comments from the Planning Commission

None

7. Comments from the Staff

Fountain said that City Council approved the final plat for I-80 Business Park Second Addition Replat 1.

Solberg said that the Nebraska Planning Conference has been postponed to September 15-17th, 2021.

8. Adjournment

Sargus adjourned the meeting at 7:01 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date