



CITY OF LA VISTA  
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A-4

 COPY

PLANNING COMMISSION MINUTES  
APRIL 21<sup>ST</sup>, 2016-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, April 21st, 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, Tom Miller, Kevin Wetuski, Kathleen Alexander and Mike Circo. Members absent were: Harold Sargus, Jackie Hill and Jason Dale. Also in attendance were Chris Solberg, City Planner; Meghan Engberg, Permit Technician; Ann Birch, Community Development Director; 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 Malmquist at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes – February 18, 2016**

Krzywicki moved, seconded by Miller to approve the February 18th minutes. **Ayes:** Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, and Miller. **Nays: None. Abstain: None. Absent: Hill, Sargus, and Dale. Motion Carried. (7-0)**

**3. Old Business**

**4. New Business**

**A. Public Hearing for an amendment to Conditional Use Permit – Casey's General Stores, Inc.**

- i. **Staff Report – Chris Solberg:** Solberg states that Casey's Retail Company is requesting to amend the Conditional Use Permit for their current use at 9542 Giles Rd. The owner wishes to continue the operation of a convenience store with limited motor fuel sales, while expanding the use by providing for two building additions and modifications to the site plan. Staff recommends approval of the Conditional Use Permit for Casey's General Store, conditional on the correction of the existing landscaping issues through the building permit process for the building additions, as the CUP amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance.
- ii. **Public Hearing- Opened by Gayle Malmquist**  
Wally Pelds from Pelds Engineering Company came and spoke on behalf of this project. He stated that they are looking to expand due to the fact that their food sales are rising and the kitchen is not big enough to accommodate for this. Expansion will be on the east and west sides of the building to include room to

build a freezer to hold more pizza dough. He asked for approval on their CUP recommendation and offered to answer any questions that the commission may have.

Miller stated that the citizens of La Vista seem to eat a lot of pizza.

Pelds agreed.

Circo asked if the expansions were going to be similar to the stores in Council Bluffs.

Pelds said that this expansion will be a little different because the expansion on the west side will connect with the hip roof to keep the design of the building the same and on the east side it will have a walk in freezer with a flat roof to blend in with that side of the building.

Malmquist asked if they had looked over the changes and concurred with the changes.

Pelds said yes and that the latest site plan should be in compliance including showing additional plantings. They are also going to be replanting a tree and some bushes that have died. He also mentioned that it was brought up that the entrance was looking a little beat up and will be meeting with their concrete guy to address that issue when the expansion is being done.

Krzywicki asked Solberg if the plan did not include where the dumpster needed to be relocated to yet.

Solberg said that they did request dumpster relocation. At one time it was on the south and requested that it be moved back to the north side. He said that the site plan does show that.

Krzywicki asked if it is flush to the front of the building because that is where the plans show it.

Solberg said that there was some back and forth with the engineering company and that he doesn't think that it is fully flush at this time.

Pelds said that they pushed it back as far as they could to make it appear flush to the building.

**Malmquist closed the Public Hearing.**

- iii. Recommendation:** Circo moved, seconded by Alexander to approve the Conditional Use Permit for Casey's General Store, conditional on the correction of the existing landscaping issues through the building permit process for the building additions, as the CUP amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, and Miller. Nays: None. Abstain: None. Absent: Hill, Sargus, and Dale. Motion Carried. (7-0)**

**B. Public Hearing for Final PUD Site Plan – Cutchall Property Management, LLC**

- i. **Staff Report – Chris Solberg:** Solberg states that Cutchall Property Management, LLC is requesting a PUD Site Plan to allow for a fast food establishment with drive thru. Staff's recommendation is to approve of the PUD Site Plan for a fast food establishment, as the PUD Site Plan is consistent with the Comprehensive Plan and the Zoning Ordinance.
- ii. **Public Hearing – opened by Gayle Malmquist**

Brad Blakeman from Blakeman Engineering came up and spoke on behalf of Cutchall Management Company. They are looking at constructing a Sonic at the southwest corner of Eastport Pkwy. and McDermott. He said that Mr. Cutchall was out of town, but his partner Tim Grieggs, was here tonight. He said that after doing some extensive searching, that this would be a good place to build. The lot is vacant and they would be building a new store on that site. He offered for himself or Mr. Grieggs to answer any questions they may have.

Krzywicki mentioned that the Sonic on 72<sup>nd</sup> has 2 sided parking under the canopy and that this one appeared to only have one. He asked for clarification on this.

Grieggs said that that was correct.

Krzywicki asked why they were only going with one side having a canopy.

Grieggs said that as they have continued to develop the restaurants, 90% of their sales are through the drive thru and the extra stalls are not needed.

Krzywicki asked about the plan not having an entrance only or exit only areas. He asked if this was looked at with this site.

Solberg said that he would have to defer that to Kottmann, but he believed that there access controlled spots on Southport Pkwy. and some setback of the connections.

Kottmann said there is no access allowed on Eastport Pkwy. and a limited number of driveways allowed in the development plan for that area in general. He said that due to traffic, that putting one driveway on that site is an acceptable situation.

Grieggs said that the reason that the driveway is located where it is at on the plans is because right across from them is another driveway on the north.

**Malmquist closed the Public Hearing.**

- iii. **Recommendation:** *Gahan* moved, seconded by *Wetuski* to approve the PUD Site Plan as it is consistent with the Comprehensive Plan. **Ayes:** *Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, and Miller*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Hill, Sargus, and Dale*. **Motion Carried. (7-0)**

**C. Public Hearing for Conditional Use Permit – Cauble Sports, LLC**

- i. **Staff Report – Chris Solberg:** Solberg states that Jeff Cauble of Cauble Sports, LLC is requesting a Conditional Use Permit to allow for indoor recreation, specifically cross-training in an approximately 5,000 square foot bay within a

30,933 square foot building in Lot 24A, Brook Valley Business Park. Staff recommends approval of the Conditional Use Permit for Cauble Sports, conditional on the resolution of the issues listed within the Review Comments prior to issuance of a Certificate of Occupancy as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

ii. **Public Hearing – Opened by Gayle Malmquist**

Jeff Cauble from Cauble Sports, LLC stated that he is trying to get this zoned so he can open this facility. He said that he owns a youth track club and has been a personal trainer for 20 years. He usually trains clients one at a time because his current facility is so small. He coaches long jump and high jump and needs a facility that he can use year round. He said that this will be done in groups of about 4-5 kids at a time, with 12 being the maximum at one time. He will also be opening this up to parties and dodge ball for up to 12 kids, as well as personal training sessions for 1-3 people. He will also be having a morning yoga class for 10-12 people. His focus is private, personal service.

Miller asked how he gained his clients.

Cauble said mostly word of mouth, but with the track club, he trains a lot of his kids off season at the studio he is at now. He feels that by being able to open a bigger facility, he can train 4-5 kids at a time, making it more cost effective and affordable for his clients.

Malmquist asked if the dodge ball would take place inside.

Cauble said yes. He said about 1/3 of the space is offices and the rest he will be laying field turf down.

Wetuski asked if everything was going to be done 100% inside.

Cauble said yes, there will be no outside activities.

Gahan asked if this his first location.

Cauble said that he has a location as a personal trainer, but this would be his first expansion.

Malmquist asked where his current location was.

Cauble said that he is located at 168<sup>th</sup> and Q, but he does do some in home stuff and also trains kids at the Papillion La Vista High School track.

Gahan mentioned that there are 2 items under the review comments concerning the entrance and exit requirements and with the Papillion Fire Marshall about the type of fire resistant construction. He asked if Cauble had addressed those 2 issues.

Cauble said yes, but that he is having problem with the owner, who is in New York. He said that the owner has been very difficult and are not letting him doing of this stuff until he has the permit and will not give him a lease or sink any money until he has the CUP.

Malmquist mentioned there was something stated about there not being enough parking, but that the applicant stated that the clients are mostly kids that are being dropped off and picked up.

Cauble reaffirmed that and also reiterated that his class sizes are very small as well.

Krzywicki asked Solberg with the conditions put on the approval recommendation, if he thought that the CUP covers that satisfactorily if a recommendation and approval of the permit was issued that he wouldn't be able to operate until those conditions were met.

Solberg stated that that is how we operate here. He would have to obtain a C.O. in order to start operations. He said that those are aspects that are typically reviewed during the building permit process and in order to get his C.O., he has to clear those aspects anyway, but they wanted to make sure that it was part of the CUP approval process.

Gahan asked if those are normal fire codes that all businesses would have to meet regardless.

Solberg said that is correct. He said that this type of occupancy has certain fire codes that they have to meet just like any other occupancy.

**Malmquist closed the Public Hearing.**

- iii. **Recommendation:** Miller moved, seconded by Alexander for approval of the Conditional Use Permit for Cauble Sports, conditional on the resolution of the issues listed within the Review Comments prior to issuance of a Certificate of Occupancy as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, and Miller. Nays: None. Abstain: None. Absent: Hill, Sargus, and Dale. Motion Carried. (7-0)**

**D. Public Hearing regarding an amendment to the City of La Vista Comprehensive Plan – Page 4.20 – Narrative under “Commercial”. Chapter 4: Land Use and Development.**

- i. **Staff Report – Chris Solberg:** Solberg states that in 2010 City Council adopted A Vision Plan for 84<sup>th</sup> Street which included an extensive public process resulting in a master plan which identifies that the vision for 84<sup>th</sup> Street is the creation of a downtown for the community. Numerous references throughout the plan called for a mixed use city center. Step 7 of the “Next Steps” section of the plan also noted the need to identify action items, such as rezoning of the property. Staff, in review of A Vision Plan for 84<sup>th</sup> Street, have concluded at a mixed use district is necessary for the proper implementation of the plan. In order to incorporate mixed-use zoning into the City of La Vista Zoning Ordinance, an amendment to the City of La Vista – Comprehensive Plan 2007 is necessary. Chapter 4: Land Use and Development profiles that land uses within the planning jurisdiction. The attached amendments to this chapter are consistent with the need for mixed – use redevelopment along the 84<sup>th</sup> Street corridor. Staff recommends approval of the amendment of the City of La Vista Comprehensive Plan 2007 – Chapter 4: Land Use and Development.

ii. **Public Hearing – opened by Gayle Malmquist.**

**Public Hearing Closed by Malmquist, as there were no members of the public present.**

Krzywicki asked if the changes were fairly open as long as it was a redevelopment for anything along 84<sup>th</sup> Street.

Solberg said yes, that this opens up a way to implement a mixed use district. The intention is to have a mixed use district in the 84<sup>th</sup> Street district.

Krzywicki confirmed that it would be Harrison to Giles that would be able to be rezoned.

Solberg said yes.

Malmquist asked if the City Center area was defined anywhere.

Solberg said that the City Center is defined in the 84<sup>th</sup> Street Vision Plan as well as the redevelopment plan to be the Walmart area from the golf course to the car wash. He said that area is the main focus of the mixed use zoning regulations that will be seen in agenda item 4E, however it will allow for other mixed use zoning in that district.

iii. **Recommendation:** *Krzywicki* moved, seconded by *Circo* to approve the amendment of the City of La Vista Comprehensive Plan 2007 – Chapter 4: Land Use and Development as highlighted in the attachment. **Ayes:** *Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, and Miller*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Hill, Sargus, and Dale*. **Motion Carried. (7-0)**

E. **Public Hearing for Zoning Ordinance Text Amendments – Sections 2.02, 2.14, and 2.16 (Definitions “A”, “M”, and “O”); 5.00-5.01 (Districts; Use); 5.15 (Planned Unit Development District); 5.19 (Mixed Use – Town Center District); 7.01.05 (Permitted Signs and Limitations); 7.07 (Off-Street Parking: Shared Parking); and 7.17 (Landscaping Requirements) – City of La Vista**

i. **Staff Report – Chris Solberg:** Solberg states that in 2010, the City Council adopted A Vision for 84<sup>th</sup> Street which included an extensive public process resulting in a master plan which identifies that the vision for 84<sup>th</sup> Street is the creation of a downtown for the community. Numerous references throughout the plan called for a mixed use city center. Step 7 of the “Next Steps” section of the plan also noted the need to identify action items, such as rezoning of the property. Staff, in review of A Vision Plan for 84<sup>th</sup> Street, have concluded at a mixed use district is necessary for the proper implementation of the plan. He mentions that the commissioners have before them is not a mixed use city center district, but also several changes throughout the zoning ordinance that are necessary because each of those sections refer back to different districts throughout the zoning district. Staff recommends approval of the zoning text changes to the City of La Vista’s zoning ordinance.

ii. **Public Hearing- Opened by Gayle Malmquist**

Krzywicki asked that on the definition section for Artist's Live-Work Space if it was intended only for artist's businesses or could it be for other businesses as long as they complied with the other part that talks about not including activity that causes noise, odor, vibration, etc.

Solberg said that the term is Artist Live- Work Space, which means that they look to make sure that it lines up with the main term which includes artists involved in it, so in order to maintain that narrow view so it doesn't go awry, they make sure that artist is part of the use.

Krzywicki asked if another type of use would need to be included in mixed use development, you would have to insert another one with that definition.

Solberg said yes, that there a number of uses in that district, but if there was something that they haven't listed as a use in the mixed use district, they would have to come back and do a zoning text amendment to put that use in.

Malmquist asked if there has been some call for Artist Work-Live Space.

Solberg said that there hasn't been a call for that specifically, but in their review of the base model for this mixed use district that came from the American Planning Association, this was one of the uses that was listed within that district that they're using as a model. They feel they need to provide some flexibility for that to allow for that creativity throughout the city and to allow for startup businesses like that in this community and they decided to add that as a use.

Krzywicki compared to it being like loft living where you live and work at the same location.

Solberg mentioned that there a few spots in Council Bluffs that are using something similar to that.

Malmquist asked if this definition for Artist Live-Work Space and manufacturing artist unlimited coincide with one another. Allowing for manufacturing by the artisan in the live-work space.

Solberg said it allows for minor manufacturing, but it's not necessarily a live-work space, so if you had someone who was making a sculpture in one of the tenant bays on the commercial side, they could be doing some sculpting in that tenant bay, but they wouldn't necessarily be living there. They wanted to make sure it was limited so there wasn't full out manufacturing of that stuff.

Krzywicki mentioned the one difference between that and home occupation is that customers can come to the place where they live at and work at, where a home occupation does not.

Solberg said yes; in their definition that would not be listed as a home occupation conditional use permit. This would be permitted out right as it is.

Krzywicki said that this would be better for someone who does not have a property here yet because it would allow for them to have customers come to their home operation.

Solberg reiterated that it was for artists.

Malmquist mentioned that they had added an Open Air Farmer's Market because there probably had not been one there before.

Solberg said that it's one of those things that if you are trying to create a downtown for the City of La Vista, you are going to want some type of farmer's market space.

Krzywicki asked if these types of definitions are more than just mixed use or not.

Solberg said that whenever an amendment to a section definition has been done, the entire section has to be shown, per the City Attorney. The red line is just what's new and all of the other is existing definitions.

Krzywicki asked if the Open Air Farmer's Market would be allowed in a C-1 District.

Solberg said that he believed that they do allow for it as an accessory use.

Birch mentioned that she believed that this was the only place they have it as a permitted use.

Solberg agreed and said that he believed that this is the only place that they have allowed for this specific use.

Krzywicki asked about section 5.19 and what the P's and C's were designating on there.

Solberg said that if you look above section 5.19.03, the key for that is there.

**Public Hearing closed by Malmquist.**

- iii. Recommendation:** *Gahan* moved, seconded by *Wetuski* to approve of item 4E, the Zoning Ordinance Text Amendments as described earlier by the chair, as they are consistent with the Comprehensive Plan and Zoning Ordinance. **Ayes:** *Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, and Miller*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Hill, Sargus, and Dale*. **Motion Carried. (7-0)**

**5. Comments from the Floor**

None, no members of the public were present.

**6. Comments from Planning Commission**

Miller asked if we were any closer to negotiations with Kroenke and purchasing of the property.

Solberg said that we haven't moved forward with the purchase of the property yet. He said that this one of the items he has been tasked with since he was hired back in February of 2010. He mentioned there has been push from administration to get this done and hopefully something will be seen in the near future to get this moving along down the road.



Gahan asked if acquiring the property for a developer from Kroenke is what we were waiting to do. He asked if this was holding things up from happening on 84<sup>th</sup> Street. He said that he is being asked by his neighbors what the problem and hold up has been on this.

Birch told him to tell his neighbors to stay tuned and that hopefully more information will be available at the next meeting.

Solberg agreed and said that he would have more information for them at the next Planning Commission meeting.

Gahan asked if we were closer to getting something to pop.

Solberg said that he would give more information at the next meeting.

Krzywicki asked what the number of work days remaining were being permitted for 66<sup>th</sup> Street resurfacing.

Kottmann said that Sarpy County is actually leading that project. We are participating with them in the cost of the project, so they are the ones monitoring it. However, had it not rained on Monday and yesterday, they would have been done this week. He said that the project will most likely be done at the end of next week.

Krzywicki reiterated that that would not include recurbing until the sewers were done.

Kottmann said that this was an interim project and we are doing asphalt patching and an asphalt overlay. This will buy us 7-8 years until we can actually do the federal aid project, which includes a 3 lane road with curbs, storm sewer and make it a regular urban street. This an approved project with the MAPA transportation program. Design work is to start next year, construction will begin in the 2020-21 year, with completion not being any sooner than 2021.

## **7. Comments from Staff**

Solberg said that the Comprehensive Plan is underway. They had another phone call with the consultant today and hopefully will have things running down the road pretty soon. They are looking to have some meetings in the near future on it. There is going to be another Taste of La Vista event this summer and hope to have a draft of the plan at that event. There are also plans to have a meeting with the Planning Commission, as well as the advisory committee as we go through this process. Solberg also talked about Costco being fully underway with construction and mentioned that there are also a number of other developments underway at this time.

## **8. Adjournment**

**Meeting adjourned by Malmquist**

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chairperson

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Approval Date

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