

**CITY OF LA VISTA**  
**PLANNING COMMISSION MINUTES**

**DRAFT**

**JULY 17, 2008**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, July 17, 2008, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Also in attendance was John Kottman, City Engineer and Marcus Baker, City Planner.

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 7:01 p.m. Copies of the agenda and staff report were made available to the public.

**2. Approval of Meeting Minutes – June 19, 2008**

Carcich motioned to approve the minutes of June 19, 2008, as presented. Alexander seconded the motion. Ayes: Carcich, Krzywicki, Alexander, Circo, and Gahan. Nays: None. Horihan, Circo, Andsager and Malmquist abstained. Motion carried.

**3. Old Business**

**A. Revisions to City of La Vista Zoning Ordinance – Section 2.02 Definitions**

i. Staff Report: Revisions have been made to the definition section of the Zoning Ordinance to eliminate words or phrases that appear nowhere else in the code; to add definitions to uses that are elsewhere in the code; and to revise content for definitions that are in need of clarity, rewriting, and/or updating. The American Planning Association's Planning Advisory Service has been utilized to help determine appropriate wording for definitions. All revisions have been submitted for consideration, and a final draft will be ready for review by the August Planning Commission Agenda.

Staff recommends continuance of the proposed revisions with any added changes, if applicable.

Malmquist recommends continuance to the August meeting. Andsager seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None.

**4. New Business**

A. Southport West Replat 5 and Preliminary PUD

i. Staff Report: Applicant proposes to build an office park comprised of 2-3 story buildings within a seven lot, planned unit development. This would be Replat 5 of Southport West. The subject properties are Lots 1-3, Southport West zoned C-3, Highway Commercial/Office Park District and PUD-1, Planned Unit Development and Gateway Corridor District. The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

Unrestricted accesses are proposed to Westport Parkway and to West Giles Road. Outlot A would contain the private drive to access the seven proposed lots from the main public roads. This outlot would be owned and maintained by the property owners association. No traffic study has been required by the City Engineer as part of this application. A traffic light will be warranted at the intersection of West Giles Road and Westport Parkway as Southport West continues to build out. Pedestrian sidewalks will be required along Westport Parkway. A common area maintenance agreement needs to be reviewed by the city attorney prior to approving the final plat and subdivision agreement.

Existing Southport West PUD requires 4.5 parking spaces per 1,000 s.f. of gross leasable floor area.

Each lot meets or exceeds the minimum 25% open space standard and meets or exceeds the minimum parking ratio. Each building design will need to be reviewed by the City of La Vista's design review architect prior to obtaining building permits. An amendment to the subdivision agreement will be made to establish that the applicant needs to share the costs of creating a "quiet zone" for the railroad crossings in the area. All FAA regulations will apply to this proposed development and proper permits will need to be obtained prior to construction. Corner landscape features need to be installed at the intersection of West Giles Road and Westport Parkway.

To reduce the size or the need for the detention ponds, the use of bio-swales, permeable pavement, rain gardens or other Best Management Practices related to Low Impact Development are recommended.

Final PUD plans will need to be reviewed and approved for each development that is not in substantial compliance with the Preliminary PUD Plan. Landscaping shall comply with Southport West PUD requirements and project directory signs or center identification signs need to be constructed at each entrance to the office park.

Staff recommends approval of Southport West Replat 5 and Preliminary PUD subject to addressing the items noted in the staff report.

ii. Public Hearing: Carcich motioned to open public hearing. Malmquist seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Public hearing opened at 7:10 p.m.

Larry Jobeun appeared on behalf of the applicant along with Brad Weckerlin to field any questions.

Krzywicki asked for an explanation of "quiet zone" for the railroad. Kottman said there had been an evaluation and engineer study to establish the potential and ability to establish quiet zones to remove the requirement for trains to blow their whistles at three different crossings: 132nd Street, West Giles and 126th Streets. The \$100,000 cost of the study and upgrades to establish those "quiet zones" was reached through an inter-local agreement with Sarpy County, the developer, and the City of La Vista.

To establish these quiet zones, it would require raised islands on each approach of the crossing to keep people from short cutting around the crossing arms. This may necessitate raising the road shoulders at some sites, as well as some electronic upgrades.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Public hearing closed at 7:13 p.m.

This item will tentatively appear on the City Council agenda of August 19, 2008.

iii. Recommendation: Malmquist motioned to recommend approval of Southport West Replat 5 and Preliminary PUD subject to addressing the items noted in the staff report. Horihan seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Motioned carried.

B. Dogtopia Conditional Use Permit (CUP)

i. Staff Report: The applicant, Pete and Barneys World, represented by Nichole Deisdorff has reappeared to request to open a business called Dogtopia at 13239 Portal Drive which would provide animal specialty services that are conditionally permitted in the City of La Vista Zoning Ordinance for I-1 Light Industrial zoning on Lot 12A, I-80 Industrial Park 2. The same proposed business was requested earlier in the year for consideration at another location. However, the lease did not work out for the applicant at that location.

This new requested conditional use permit would establish a business principally used for daycare, boarding, spa, and grooming for pets (specifically dogs) within the flex space units requiring approximately 5,500 square feet of space.

Access to this location would be from two existing drives providing egress/ingress to Portal Drive. Parking requirements would follow the minimum needed for a daycare: 65 parking spaces exist on site now shared equally by nine tenant bays. Dogtopia is leasing two of these bays. Proposed minimum requirement for Animal Specialty Services is one space per 300 square foot of gross floor area, which would equal 18 spaces.

Odors would be mitigated by an HVAC system with high grade HEPA filters and air exchange vented to the roof. A proposed insulation in walls and flooring would diminish noise. The outside play area is at the back of the building. Waste would be double bagged and contained in a fully enclosed dumpster. Indoor waste would be picked up and mopped, not hosed off into a drainage system. All parking lot and common area waste would be regularly cleaned up.

Staff recommends approval of the conditional use permit to allow animal specialty services at the proposed site in the I-1 zoning district with the following conditions:

1. The applicant shall demonstrate that the business can provide the necessary number of parking spaces without negatively impacting the parking required for future or existing tenants on this lot.

2. Outdoor clean-up of solid animal wastes shall be performed at least twice a day to keep the parking lot and landscaped areas clean and safe.

ii. Public Hearing: Carcich motioned to open public hearing. Malmquist seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Public hearing opened at 7:18 p.m.

Nicholle Stahl-Deisdorff, sole proprietor, appeared to answer specific questions.

Circo asked when most of the customers arrived/departed. Deisdorff said her hours will be 7-7, M-F with shorter hours on weekends. Heavier traffic may appear between 7-9 a.m. and 5-6:30 p.m.

Horihan asked about the reference of parking spaces for animal specialty services and a day care. Baker answered that the code requirements today are: 15-25 parking spaces for a day care facility and 18 spaces for an animal specialty service.

Malmquist asked what other tenants/use existed. Baker said there is wholesale trade and other light industrial services currently operating their businesses within this building. Mark with the Lund Company appeared to add that employee parking could be met in the rear of the building where there is a large concrete apron. He also said the auto body business has very little traffic.

Horihan asked if the parking stall allotment included the concrete space in the rear. Mark said no there are no striped spaces in the rear and would not be suitable for customers. Malmquist clarified that the concrete space in the back was intended primarily for use of truck turn-around space and loading/unloading.

Horihan asked what requirements would be set making the business demonstrate the necessary parking spaces in the future. Baker said that would require an annual review, like any conditional use permit, and is also complaint-based.

Horihan asked if there had been any comments from the 300 ft. radius mail out regarding the request. Baker said just one had been phoned in asking if the dogs were going to be inside or outside. The answer is both, but primarily the dogs will be inside the facility.

Nichole Duffy, owner of this property, appeared to say that the parking situation currently has very light traffic.

Alexander motioned to close the public hearing. Horihan seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Public hearing closed at 7:27 p.m.

iii. Recommendation: Malmquist motioned to recommend approval of the conditional use permit to allow animal specialty services at the proposed site in the I-1 zoning district providing the conditions of staff are satisfied and parking is reviewed and assessed. Circo seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried.

This item will tentatively appear on the City Council agenda of August 19, 2008.

C. Omaha Metro Gymnastics Conditional Use Permit (CUP)

i. Staff Report: Omaha Metro Gymnastics is requesting a conditional use permit for an indoor recreation facility which is conditionally permitted in the I-2 Zone District (Heavy Industrial) within the Gateway Corridor Overlay District at 12305 Cary Circle, Papio Valley 1, Lot 6. A substantial portion of the property is within the Floodplain Overlay District. The property contains one

existing building with seven bays of miscellaneous industrial uses and a newly constructed building of equivalent size. The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses. Building plans are currently under review for the building which would house this facility.

The conditional use permit would allow for indoor recreation, specifically gymnastics for ages 9 months to 18 years; birthday parties; and a pro shop in a 9000 square foot unit within a 37,500 square foot building.

Access to the site is from two existing drives providing egress/ingress to Cary Circle. Pedestrian access is provided by a perimeter sidewalk.

Parking requirements would follow the minimum needed for a recreational facility which is one space per four occupants. Sixteen spaces exist on-site now, which are shared by seven different tenants. Around 45 new spaces are planned for the new building under construction and shared by various tenants. A 480 square foot of interior parking lot landscaping is required before a Certificate of Occupancy can be obtained.

Staff recommends continuance of the Conditional Use Permit until the following can be reviewed by city staff:

1. The applicant shall demonstrate that the business can provide the necessary number of parking spaces without negatively impacting the parking required for future or existing tenants on the premises.
2. A landscape plan shall be submitted to the City of La Vista for review and approval. This plan shall show existing and proposed landscaping. Proposed landscaping shall be installed per the approved plan.
3. As-built plans shall be submitted to show tenant bays, accesses, existing parking, and the bay(s) used for indoor recreation shall be highlighted for the conditional use permit exhibit.

Item # 3 above was covered at the meeting and can be omitted. The applicant would like to go forward with the request. A letter from the applicant regarding the parking situation and the City Engineer's response letter have been provided as hand-outs to the commissioners.

ii. Public Hearing: Malmquist motioned to open public hearing. Andsager seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Public hearing opened at 7:35 p.m.

Larry Jobeun appeared on behalf of the applicant Omaha Metro Stars Gymnastics. Also on hand were Eric Lilla, the business owner, Doug Dreessen with Thompson, Dreessen & Dorner engineers and Brian Torczon, the landlord and contractor of the building. Recommendations and comments have been reviewed and are all acceptable. Please review the revised operating statement which addresses parking issues.

Horihan referenced the 28 spaces adjacent to Cary Circle as those which are now paved. Jobeun replied yes and to remember that one of the buildings is under construction, when it is complete there will be eighty parking spaces total for the two buildings.

Baker added that both buildings will have access from both the front and the back.

Baker asked about the parking analysis which addressed the primary use of ages 1-12 and not 13-18 year olds, some of whom may actually be driving them. Lilla said at this time they do not have any children that drive themselves. The majority of the students are pre-schoolers and at this time they are not set up to coach older children.

Baker asked about the birthday party service. Lilla said they are conducted when no classes are going on, mostly Saturday afternoons, and most of this is drop-offs.

Baker commented on the 15 minute window between classes, saying that the traffic would still overlap with families arriving early and that Saturdays would be the peak traffic times. These are the scenarios planning must consider.

Kottman said his concerns had been addressed with the more than doubling of the existing parking stalls.

Carcich motioned to close the public hearing. Alexander seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nays: None. Public hearing closed at 7:46 p.m.

iii. Recommendation: Malmquist motioned to recommend approval of the conditional use permit feeling the concerns of parking have been addressed and the willingness of staff's annual review that the parking requirements are maintained on the site. Circo seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried.

This item will tentatively appear on the City Council agenda of August 19, 2008.

D. Revision to Sections 5.13 and 5.14 of the Zoning Ordinance

i. Staff Report: City staff is requesting a minor change to the zoning ordinances listed above. Staff believes that self-service storage facilities, as defined in Section 2.02.345 of the Zoning Ordinance, should be a permitted conditional use rather than a permitted use. This would allow the City more discretion when considering location and design of "mini-storage" buildings. With this proposed revision, applications for self-service storage facilities would have to be reviewed by Planning Commission and City Council.

Staff recommends approval of the proposed revision to move self-service storage facilities from a permitted use to a permitted conditional use.

ii. Public Hearing: Malmquist motioned to open public hearing. Horihan seconded. Ayes: Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried. Public hearing opened at 7:50 p.m.

Malmquist wondered if mini-storage in commercial districts is a conditional use. Baker said they are not allowed at all. Malmquist remembered a request some time ago allowing a conditional use permit to a mini-storage facility. Baker clarified that she was referring to Dino's Storage which was granted a conditional use permit to expand the business which was already allowed in the C-1 zoning.

Horihan questioned if there had been a history of issues with storage facilities to warrant the revision requested. Baker said there was no project that stood out as a concern but there had been a few enforcement cases in the past. The city felt more discretion was necessary on this use as to the approvals and designs. The annual reviews required of a conditional use permit would provide this ability.

Malmquist asked if outdoor storage of boats, vehicles was allowed in mini-storage. Baker said this is one of the enforcement issues as it is not permitted and it does occur.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried. Public hearing closed at 7:56 p.m.

This item will tentatively appear on the City Council agenda of August 19, 2008.

iii. Recommendation: Malmquist motioned to recommend approval of the proposed revision to move self-service storage facilities from a permitted use to a permitted

conditional use. Horihan seconded. Ayes: Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried.

This item will tentatively appear on the City Council agenda of August 19, 2008.

**5. Comments from the Floor**

None

**6. Comments from the Planning Commission**

Horihan noted that the Island Bar and Grill is not adhering to its parking condition of the conditional use permit granted to them earlier this year. She has noticed that all parking stalls were full on two Friday evenings that she had noticed and the overflow is parking on the side of the road where gas station customers are present. Kottman felt it may self-correct in the future. Baker added that it can be monitored by enforcement staff.

Carcich asked about a bus tour this fall for the Planning Commissioners/staff of the projects within the La Vista jurisdiction.

Horihan inquired about the City Council's decision on the Pedcor apartment complex and if the developer is proceeding. Baker said the developer has not reapplied, but all new materials would have to be submitted if they did and would likely be back to a preliminary plan with the Planning Commission.

Gahan asked why the City Council had disapproved the Pedcor project. Baker directed those interested to view the City Council's minutes regarding this subject. The commissioners asked for a copy and, also, if these were available on the website.

**7. Adjournment**

Carcich motioned to adjourn. Andsager seconded. Ayes: Carcich, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried. Nays: None. Meeting was adjourned at 8:06 p.m.

Reviewed by Planning Commission: John Gahan

Sharon L. Dennis  
Recorder

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Planning Commission Chair

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Approval Date