

CITY OF LA VISTA
PLANNING COMMISSION MINUTES

DRAFT

JUNE 21, 2007

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, June 21, 2007 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Andsager, Gahan, Krzywicki, Hewitt, Horihan, Malmquist and Carcich. Rizzo absent. Also in attendance were City Engineer John Kottman and City Planner Marcus Baker.

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 Chairperson Krzywicki at 7:00 p.m. A copy of the agenda and staff report were made available to the public.

2. Approval of Meeting Minutes – May 17, 2007

Malmquist motioned to approve the minutes of May 17, 2007 as presented. Carcich seconded. Ayes: All. Nays: None. Motion carried.

3. Old Business

A. Updated Future Land Use Map for the City of La Vista.

B. Updated Zoning Map for the City of La Vista

i. Staff Report: Planner Baker indicated that the maps are ready, however, a couple of amendments need yet to be made to the zoning text.

Staff recommends continuance to an effort to ensure the accuracy of content.

ii. Public Hearing: The public hearing is continued from the last meeting.

Carcich motioned to continue the public hearing. Malmquist seconded. Ayes: All. Nays: None. Motion passed.

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4. New Business

A. A conditional use permit application to operate a beauty shop at 9106 Grove Court

i. **Staff Report :** Applicant, Jina Sedlacek is seeking a conditional use permit to operate a beauty shop from one side of their two car garage at a single-family residence located at 9106 Grove Court. The space will be renovated to 200 square feet to support her business. The Comprehensive Plan identifies this area as medium density residential. Off-street parking must be provided as no parking is allowed in the cul-de-sac. In response to a 300 ft. notification to the surrounding neighbors, a letter has been received by the city with concerns as to parking on the street, the safety of children playing with regard to additional traffic and snow removal. The application indicates space for four vehicles in their driveway. The business will be operated by appointments scheduled only on Tuesday and Saturday. One letter, received in opposition, was supplied to the commissioners addressing the on-street parking, children's safety in regard to the added traffic, and concerns of snow removal. A phone call was also received regarding these issues. The city monitored the property for indications of these parking issues, June 12 through June 21, 2007. Only 1 -3 vehicles were ever found to be parked in the driveway. Only one day a lawn care truck was parked in the cul-de-sac.

Staff recommends approval with the condition that parking will not be allowed in the cul-de-sac, which is already posted on the street.

ii. **Public Hearing:**

Hewitt motioned to open the public hearing. Malmquist seconded. Ayes: All. Nays: None. Public hearing was opened at 7:07 p.m.

Jina Sedlacek, the applicant was present to say that her hopes are to remodel half of the garage to accommodate the beauty salon. She will take appointments Tuesday through Friday from 1pm – 8 pm and on Saturday from 1 p.m. – 5 p.m. and her driveway will provide parking space for only those clients scheduled within those hours. She will not do walk-ins and will allow plenty of time between appointments. Her plans are to work only 15-20 hours per week.

Krzywicki asked where during her stated hours she expected the bulk of her appointments to be and, if deemed necessary by the commission, would she object to them limiting her operating hours.

Sedlacek said business would occur during the day hours, mostly afternoons. She felt she could work out a schedule to satisfy her needs with any restrictions the commission might need to establish. Her goal for herself is not to overbook and tax her personal needs.

Hewitt asked if her neighbors had brought their concerns to her prior to her application to run a beauty salon at the residence. Hewitt also inquired if the parking issues, brought about by the neighbor, could be rectified. She had no knowledge of any specific issues, knowing that all those within the 200 foot radius for her Home-Occupation License poll had not indicated any problems with the business. She stated that her college age son parked on Harvest Hills Drive when home rather than in her driveway or on the cul-de-sac.

Krzywicki pointed out that with the granting of a conditional use permit the business and any pertinent issues associated with it would be monitored. If any abuse of the conditions were found, her conditional use permit could be revoked.

Gahan asked, if the conditional use permit were granted and complaints did come in then what does the city do? Baker said all complaints would be followed up on and as with any conditional use permits, there is a monitoring of conditions. Due process would take place with any such infractions.

Horihan asked if business was currently being conducted at the house. Sedlacek said no there was not.

Cindy Metlen, the neighbor, was present to voice her concerns of parking. She stated that contrary to what had been said previously, there were times that parking had occurred in the cul-de-sac and even blocked part of her driveway. However, they had said nothing to the Sedlaceks. When they discovered a business was being considered, they were concerned with the parking. Also, if this would decrease the value of their home, considering a business was located next door. The Metlens asked in the event the conditional use permit were granted they would like this not to apply to the next owner of the home (should the Sedlacek's decide at some point to move) and that this be recorded with the registered of deeds. She felt that being zoned commercial and on a cul-de-sac residents perceive quiet and then to allow a business causes uncertainty. She said she being the immediate next door neighbor had not been approached to sign the Home Occupation poll.

Hewitt stated that the commission appreciated these legitimate concerns being brought forward. She stated that a conditional use permit is restricted to these current occupants and would not go on to the next owners of the property. If the application meets the parameters of the conditional use permit and the applicant is willing to comply, then the permit may be granted.

Horihan asked about parking on Harvest Hills. Kottman said parking is allowed on the west side of Harvest Hills Drive.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Public hearing closed at 7:28 p.m..

iii. Recommendation: Carcich motioned to recommend approval with the condition that parking will not be allowed in the cul-de-sac and would be monitored by code enforcement and that the hours of operation be restricted to those stated, Tue-Fri 1-8, Sat. 9-5. Malmquist seconded. Ayes: Andsager, Carcich, Krzywicki, Malmquist, Hewitt, and Horihan. Nays: Gahan. Motion approved.

This item is tentatively scheduled to be on the agenda for the City Council meeting of July 17, 2007.

B. Replat Lot 10b of Southport East to Lots 1 and 2 of Southport East Replat X, located in Sec 18, T-14-N, R-12-E, of the 6th P.M., Sapy County, Nebraska, generally located at Eastport Parkway and Harrison Street.

i. **Staff Report:** The applicant, Real Estate Brokerage Company is requesting replat of Lot 10b to Lots 1 and 2 of Southport East Replat X. The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

Vehicular access is proposed from Eastport Parkway. Access to Lot 1 shall be served by an access easement (see Plat note #5). A waiver is needed to Section 4.15 to allow access by easement only. A condition of this waiver will be that both Port Grace and Eastport Parkway shall be utilized for vehicular access points. No direct vehicular access will be allowed from either lot to Harrison Street. Direct vehicular and pedestrian access to Southport East Replat IV shall be provided for in the design of any future development.

Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.

"Corner streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

A second request herein is to propose a zoning text amendment to allow childcare centers to be added to the C-3 Zoning District as a permitted use. If this use is added, then staff recommends it should be added as a conditional use.

No plans have been submitted for the proposed development of these two lots.

Staff recommends approval of Southport East Replat X subject to addressing the items noted above and the items noted in the City Engineer's report.

ii. Public Hearing

Carcich motioned to open the public hearing. Malmquist seconded. Ayes: All. Nays: None. Public hearing opened at 7:35 p.m.

The applicant was represented by Brad Underwood. A division is being requested as they have a locally owned daycare interested in serving Southport Business Park.

Hewitt asked if there were going to be any problems with the streetscapes requested. Underwood replied there were none.

Horihan asked what the capacity of the childcare is expected to be. Underwood replied it is 6000 sq. ft. and it is anticipated to be between 130-150 children.

Krzywicki asked what type of fencing and/or buffering was planned to prevent anyone from accessing the property, or children leaving. Underwood stated plans are not that advanced yet for the facility.

Krzywicki suggested that a change in zoning and a replat should not be considered together. Even though they feed into one another perhaps they should stand alone. The applicant is not ready to present anything which hampers the decision process of the replat.

Planner Baker felt that two different motions needed to be considered on these. Malmquist felt they need to look at the replat first and then a separate discussion as to modifying the text could be done. The applicant is asking that the zoning ordinance be changed to allow daycares as a permitted use and staff is recommending that it be a conditional use.

Gahan asked if it would not be the responsibility of the daycare center itself to ask for permitted use in C-3 Zoning? Baker said currently there is no process for an applicant to request a daycare in C-3 Zoning as it is not permitted. This is the reason for the proposed zoning text amendment along with the replat. City staff suggests instead that daycares should be considered as a conditional use in C-3 zoning. If changed to allow daycares as a conditional use then anyone in the future could request a conditional use for this purpose in any C-3 zoning district within the jurisdiction, not just this one area.

Underwood said it was not his intent for the city to change all C-3 Zoning within the jurisdiction, if there is an easier way to consider his request for his area he is open to the recommendation. Krzywicki stated a zoning text amendment would be the best way.

Hewitt motioned to close the public hearing. Horihan seconded. Ayes: All. Nays: None. Public hearing opened at 7:42 p.m.

iii. **Recommendation:** Hewitt motioned to recommend approval of Southport East Replat X subject to addressing the items noted above Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Krzywicki, Hewitt, and Horihan. Nays: None. Motion approved.

Hewitt motioned to recommend that the zoning text amendment, requested for childcare centers, be added to the C-3 Zoning District as a conditional use but not as a permitted use Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Krzywicki, Hewitt, and Horihan. Nays: None. Motion approved.

This item is tentatively scheduled to be on the agenda for the City Council meeting of July 17, 2007.

C. Replat Lots 1-3 of Southport East Replat VII to Lots 1-3 and Outlot A of Southport East Replat XI, located in Sec 18, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located at Eastport Parkway and Giles Road.

i. **Staff Report** Applicant, RS Land, Inc. is requesting a replat and zoning map amendments for Lots 1-3 Southport East Replat VII to Lots 1-3 and Outlot A of Southport East Replat XI. The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by a vehicular access. No direct vehicular access will be allowed to Giles Road.

Pedestrian accesses to each lot in the subdivision should be integrated into the design of the PUD plan. Pedestrian access can also be obtained from sidewalk that will be required along the frontage of Eastport Pkwy.

The Replat adds approximately 6 feet of land along the east side of Southport East Replat VII and creates and outlot of equal area (0.08 acres). "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this. The proposed zoning map amendment is simply a housekeeping situation to adjust the zoning boundary a few feet to the East. This will insure that the properties are completely within the C-3 zone.

Staff recommends approval of Southport East Replat XI subject to addressing the items noted above and the items noted in the City Engineer's report.

ii. Public Hearing

Malmquist motioned to open the public hearing. Carcich seconded. Ayes: All. Nays: None. Public hearing opened at 7:48 p.m.

Ron Smith, president of RS Land Management, was present. Smith asked Engineer Kottman if the landscape easement would correspond to what is illustrated on the plat. Kottman said the easement just needed to be enlarged a little bit to encompass the entire corner streetscape.

Hewitt asked if they had any problems with the enlargement of the easement. Smith said they did not.

Horihan motioned to close the public hearing. Carcich seconded. Ayes: All. Nays: None. Public hearing closed at 7:52 p.m.

iii. Recommendation: Hewitt motioned for approval of Southport East Replat XI replat subject to addressing the items noted above and the items noted in the City Engineer's report. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Motion approved.

Hewitt made a second motion for approval of the proposed amendment to the zoning map to adjust the zoning boundary to match up to the replatted boundaries. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Motion approved.

This item is tentatively scheduled to be on the agenda for the City Council meeting of July 17, 2007.

5. Comments from the Floor.

None.

6. Comments from the Planning Commission.

Planner Baker announced a special meeting of the Planning Commission at 7 p.m. on August 2, 2007 to address the annexation schedule. Members present were polled with all agreeing with the exception of Horihan who was a possible no.

Krzywicki asked if there had been any interested parties to fill the vacancies on the Planning Commission. It was not known if there had been any.

7. Adjournment

Hewitt motioned to adjourn. Carcich seconded. Ayes: All. Nays: None. Meeting adjourned at 7:58 p.m.

Reviewed by Planning Commission: John Gahan

John Gahan

Recording Secretary

Planning Commission Chair

Approval Date

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