

**CITY OF LA VISTA
PLANNING COMMISSION MINUTES
JUNE 15, 2006**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, June 15, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Hewitt, Andsager, Horihan, and Carcich. Excused: Roarty, Gahan, and Rizzo. Also in attendance was Ann Birch, Community Development Director and John Kottmann, City Engineer.

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 was made available to the audience.

2. Approval of Meeting Minutes of May 18, 2006

Carcich motioned to approve the minutes of May 18, 2006. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

3. Old Business

None.

4. New Business

4A. An amendment to a Final P.U.D. Plan (Ordinance) for Southport West (Lots 1-4, 15-27, and Outlots A&B) and Southport West Replat One (Lots 1-3) located in parts of the SE1/4 and SW1/4 of Section 18, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located at 126th and Giles Road.

i. Staff Report: A public hearing was continued from the May 18, 2006 meeting to consider amendments to the final P.U.D. plan for approximately 150 acres zoned C-3 PUD-1 and I-2 PUD-1 and known as Southport West, generally located at 126th Street and Giles Road. The application is consistent with the comprehensive plan and compatible with surrounding developments.

An application was made to amend the current Planned Unit Development (P.U.D.) Plan which was approved by the City Council on December 21, 2004. The most recent proposed Final P.U.D. Plan is designed to compensate for project demands concerning height, setback, use limitations, parking requirements, etc. According to the La Vista Zoning Ordinance, the intent of the PUD-1 District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety and general welfare of existing and future residents of surrounding neighborhoods.

Staff is in the process of reviewing the application for an amendment to the Final P.U.D. Plan and will need additional time to provide a recommendation based upon rezoning and replat applications. A copy of the proposed P.U.D. Plan will be distributed for your review prior to action being taken.

Staff recommends continuation of the hearing until the next meeting.

ii. **Public Hearing:** Malmquist motioned to further continue the public hearing. Horihan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

4B. A conditional use permit application to locate and operate a hotel on Lot 1, Southport West Replat Two, located southeast of I-80 and Giles Road.

i. **Staff Report:** Public hearing was held to consider an application for a conditional use permit to locate and operate a hotel on Lot 1, Southport West Replat Two. The property is zoned C-3 Highway Commercial/Office Park with a P.U.D. Overlay. The application was submitted by Steve Minton on behalf of John Q. Hammons Industries.

The applicant is proposing to construct a 7-story Embassy Suites hotel with 257 rooms. The hotel will be a full-service hotel and will be constructed to be part of a future conference center.

Staff is in the process of working with the developer regarding design review based upon the Southport West P.U.D. Plan and design guidelines. The City is waiting for re-submittals for the hotel from the applicant. Staff feels that a second public hearing is necessary for the conditional use permit after receiving the re-submittals and after final design approval.

Staff recommends closing of the hearing with the condition that a second public hearing be advertised and held prior to any formal recommendation or action on the conditional use permit for the hotel proposed on Lot 1, Southport West Replat Two.

ii. **Public Hearing:** Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

4C. An amendment to Sections 5.10.05, 5.11.04, and 5.12.04 of the La Vista Zoning Ordinance pertaining to permitted temporary uses.

i. **Staff Report:** Public hearing was continued from the May 18, 2006 meeting to consider proposed zoning text amendments to Sections 5.10.05, 5.11.04 and 5.12.04 of the Zoning Ordinance pertaining to permitted temporary uses. Such proposed changes will establish limitations for permitted temporary uses and are consistent with existing and allowable commercial and temporary uses, including the limit of four garage sales per lot per year. The specific zoning text amendments proposed by staff are as follows:

- 5.10.05 Permitted Temporary Uses**
 Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. **All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year lasting no more than two (2) weeks per use.**
- 5.10.05.01 Temporary greenhouses.
 - 5.10.05.02 Temporary structures as needed for sidewalk and other outdoor sales events.
 - 5.10.05.03 Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.

- 5.10.05.04 Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- 5.10.05.05 Temporary structure for festivals or commercial events.

5.11.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. **All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year lasting no more than two (2) weeks per use.**

- 5.11.04.01 Temporary greenhouses.
- 5.11.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.11.04.03 Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
- 5.11.04.04 Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- 5.11.04.05 Temporary structure for festivals or commercial events.

5.12.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. **All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year lasting no more than two (2) weeks per use.**

- 5.12.04.01 Temporary greenhouses.
- 5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.12.04.03 Fireworks stands, provided the criteria is met as established by the City through separate Ordinances.
- 5.12.04.04 Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
- 5.12.04.05 Temporary structure for festivals or commercial events.

Staff recommends approval of the proposed amendments to City Council as they are consistent with existing commercial and industrial developments and uses and with the Comprehensive Plan.

ii. **Public Hearing:** Birch explained that this amendment would refer to temporary uses only in the commercial zones, so nothing suggested would apply to any residential zones. In regard to temporary green houses which were a concern from the last meeting, these types of things are provided for in the conditional use permit section of the zoning ordinance and would not apply herein. Such an example would be roadside vegetable stands, farmers market, etc. Although each temporary use is for a two week timeframe, if the business desired, it would be permissible to take out all four permits at once, but that would complete that company's allotment of four temporary uses for the duration of the year. Another issue of the prior meeting was the fireworks stands which are provided for in the City code and would give specific dates as to their operation. Birch suggested the following text change to the three places herein (5.10.04.04, 5.11.04.04 and 5.12.04.04) which reference the construction trailers, to say "... are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed." instead of the current text as shown.

Malmquist asked if construction companies would have to get a temporary use permit for their trailers on site. Birch said it is not currently being enforced. Malmquist clarified that buildings and uses incidental to construction sites would require a permit but may not be limited to the temporary uses as established but would be limited to the timeframe of the construction.

Hewitt commented that the proposed text makes things much clearer and asked if this applies to plotted lots or tracks. Birch stated this only applies to areas zoned commercially.

Carcich motioned to close the public hearing for Item 4C. Hewitt seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:14 p.m.

ii. **Recommendation:** Hewitt motioned to recommend approval of the proposed amendments to City Council to include the text proposed for 5.10.04.04, 5.11.04.04 and 5.12.04.04 so that after the words 'which shall be' will be deleted to the end of the sentence and shall instead read "are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed." as this is consistent with existing commercial and industrial developments and uses and with the Comprehensive Plan. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

4D. Aconditional use permit application to locate and operate a church and its related uses on Lot 619, Park View Heights, located at 8517 Park View Blvd.

i. **Staff Report:** A public hearing was held to consider an application for a conditional use permit to locate and operate a church and its related uses. The property is zoned R-1 Single Family Residential and is owned by Judson Baptist Church. The application was submitted by Avant Architects, Inc. on behalf of Judson Baptist Church.

The applicant is proposing to construct a 16,000 square foot religious facility that will provide a primary use of a sanctuary space with seating for 250 people and secondary uses of classrooms for Sunday school, social halls for receptions and dinners, meeting rooms, and administrative areas.

Religious worship services will be primarily on Sundays. Other uses proposed at the church include, senior citizen club meeting on Monday mornings; Christian Motorcycle Club Bible study on Tuesday evenings; and youth group activities on Wednesday evenings. The administrative offices are open 9:00 a.m. to 1:00 p.m. Monday through Friday, except for holidays. There will be occasional banquets and pot luck dinners held throughout the year as well as various meetings. There are no associated daycare or parochial school programs at this location.

City engineer John Kottmann and staff have reviewed the application for the conditional use permit and have the following comments:

1. The storm sewer capacity will need to be verified at the time of building permit review and the on-site storm sewer system designed to match the capacity of the existing public storm sewer.
2. Parking restrictions may be needed along Park View Blvd. Such restrictions will need to be determined prior to consideration of City Council. This may be warranted to provide for visibility of traffic turning into the church entrance.
3. A detailed landscaping plan shall be submitted prior to City Council consideration to assure proper screening and buffering to single family residential uses.
4. All signage shall comply with the La Vista sign regulations.
5. A parking lots shall be hard surfaced.

Staff recommends approval of the conditional use permit for the church and its related uses to City Council subject to the resolution of items identified by the city engineer and staff and all components of the proposed conditional use permit as it complies with the zoning regulations.

John Kottmann, city engineer, has had discussions with the applicants' engineer who is currently studying the proposal to relocate the entrance and relocation of the parking stalls.

I. Public Hearing: Hewitt motioned to open the public hearing. Andsager seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:17 p.m.

Al Todd with Judson Baptist Church, member and Chairperson of the Expansion Committee, was present to ask for expansion to 16,000 sf of their fellowship hall which is currently about 4000 sf. They would like to break ground yet this year.

Larry Smith, Architect on the project, presented a rendering of Phase II. Phase I was the original plan. Hewitt asked about the parking issue. Smith noted a new parking lot, based on the 4-1 ratio, which will be paved. The challenge is the drainage from the lot as there is no storm sewer in the area. The driveway may be aligned with 86th Street but a grade issue exists that would need to be addressed.

Kottmann said if the driveway cannot be worked out with Phase I because of where the door is at, it may be possible to address in Phase II as the door would go away. Kottmann asked Smith what the seating capacity is in Phase I.

Smith said the capacity is based on the worship space at 120 people and does not change from Phase I to Phase II. It is not the worship space, but the fellowship space, that is being expanded.

Krzywicki asked what the capacity was in the reception hall? Smith said it would be approximately 120-150 persons.

Krzywicki asked if the conditional use of the church be under the setback requirements as residential. He was concerned about the size of this proposed building in the midst of the surrounding residential and a short setback. Kottman said this has been checked and does comply with the limitations and the conditional uses within the residential zoning.

Malmquist asked if this were recommended would the recommendation go forward with Phase II also. Kottmann said passing would not be granted for Phase II at this time.

Horihan asked if the conditional use permit would need to be changed, as it talks about 250 people and 16,000 sf. Todd interjected that the city had suggested that both Phase I and Phase II be presented together so that they could obtain a conditional use for both and not have to come back. Kottmann was not presented with exhibits for both phases and therefore not aware that both were to be considered.

Horihan suggested that because the city engineer was not given the exhibits of both phases that this be submitted.

Krzywicki asked how many trees are existing vs. proposed. Smith said a great number actually and are fairly good sized trees being 12-15 inch trunk sizes.

Hewitt asked about the garage in the corner of the property. Smith said that this shed which already exists will be phased out.

Krzywicki asked if any functions in the fellowship space could go on all night, as this would be allowed in the current conditional use. Birch said it was not specifically stated and would be allowable. Todd said the church does not intend to do any more than what functions they already hold. They just want to accommodate more people. Todd said due to the rise in the lot, the new expansion would hardly be seen. The church recognizes that the entrance needs to be changed and will be on the final plans. The drainage issue will be addressed.

Horihan asked if there was to be a daycare or other school programs as the conditional use permit references 'including a licensed daycare'. Todd said they do not intend to have any daycare or school programs. Birch said those references in the staff notes and 2C of the draft would be removed from the conditional use permit.

Todd said the property has 30 foot sideyards.

Carcich motioned to close the public hearing for Item 4C. Horihan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:38 p.m.

Krzywicki asked if there would be further modification of the conditional use permits. Kottmann suggested that it be approved subject to addressing the comments and addressing the language and modifying the exhibits and use permit to show the Phase II parking lot, if the commission were of a mind to approve Phase I and Phase II both.

Malmquist felt it would be favorable to consider both phases to make sure the access and drainage issues are resolved allowing that if it doesn't get done in Phase I, it will be in Phase II.

iii. Recommendation: Malmquist motioned to recommend approval of the conditional use permit for the church and its related uses to City Council subject to the resolution of the items identified by the city engineer and staff including the revisions to the lay-out showing ultimate build out with the parking and completion of adjustments to ensure the drainage is properly provided for and the proposed driveway can be worked out, and to include the language changes suggested. Horihan seconded. Ayes: Carcich, Malmquist, Horihan, Andsager, and Krzywicki. Nays: Hewitt. Motion carried.

This item is tentatively scheduled to appear on City Council agenda of July 18, 2006.

5. Comments from the Floor

None.

6. Comments from the Planning Commission

Birch said there is to be a tentative special meeting on July 13.

7. **Adjournment:** Carcich motioned to adjourn. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 8:47 p.m.

Reviewed by Planning Commission: Mike Krzywicki

Sharon L Dennis
Recording Secretary

Michael J Krzywicki
Planning Commission Chair

7-20-2006

Approval Date

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