

**CITY OF LA VISTA
PLANNING COMMISSION MINUTES
SEPTEMBER 7, 2006**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, September 7, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Rizzo, Gahan, Andsager, Horihan, Carcich, Roarty, and Hewitt. Also in attendance was David Potter, Planner, Ann Birch, Community Development Director, Eric Englund, Planning Intern, 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 7:03 p.m. A copy of the agenda and staff report was made available to the public.

2. Approval of Meeting Minutes of August 17, 2006

Carcich motioned to approve the minutes of August 17, 2006. Gahan seconded. Ayes: Carcich, Malmquist, Horihan, Gahan, Rizzo, Andsager, Roarty, Hewitt, and Krzywicki. Nays: None. Motion carried.

3. Old Business

None.

4. New Business

4A. A preliminary and final PUD Plan (Ordinance) for Lot 3, Southport East Replat Two located in part of the SE ¼ of Section 18, T-14-N, R-12-F, of the 6th P.M., Sarpy County, Nebraska, generally located at Eastport Parkway and Giles Road.

i. Staff Report: A public hearing has been continued from the August 17, 2006, meeting to consider preliminary and final P.U.D application for approximately 21 acres zoned C-3 and known as Lot 3, Southport East Replat Two, generally located in the northwest corner of Eastport Parkway and Giles Road. The application has been submitted by John Hoich on behalf of Joe McDermott Associates, Inc.

The proposed PUD Plan is designed to compensate for project demands concerning height, setback, 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.

Rezoning to a PUD-1 will allow for reduced setbacks, use restrictions, etc, and will promote an interesting campus design. The application is consistent with the comprehensive plan and compatible with surrounding developments. The proposed PUD Plan has identified the following allowances: Overall maximum height of 55 feet instead of 45 feet and the required side yard and rear yard setbacks (those not abutting a street right-of-way) are ten feet instead of 15 feet.

City engineer John Kottmann and staff have reviewed the application for the proposed preliminary and final PUD plan and have the following comments:

1. The PUD plans need to show exterior sidewalks along public streets with connections to the shown interior sidewalk system. Sidewalks are not required along Giles Road. The sidewalks along public streets need to be curvilinear in conformance with the Southport East design guidelines and constructed according La Vista standards, including thickness.

2. The PUD plans should designate the primary shared access roadways. These roadways should be paved with not less than 7-inch thick Portland cement concrete pavement to a width of at least 25 feet.
3. The PUD plan should show the existing pavement geometry in Eastport and Southport Parkways, particularly the median break locations.
4. Proposed height and setback requirements shall be verified prior to city council consideration.

Staff recommends approval of the preliminary and final P.U.D. Plan to City Council to compensate for project demands concerning height, setback, etc. subject to the resolution of items identified by the city engineer and staff as the proposed PUD is in general conformity with the provisions of the La Vista Comprehensive Plan, does not have an adverse effect on the development of neighboring areas, and meets the requirements of the La Vista Zoning Ordinance.

ii. **Public Hearing:** Carcich motioned to open the public hearing on Items 4A and 4B and conduct the hearings together. Malmquist seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Horihan, Gahan, Hewitt, Andsager, and Krzywicki. Nays: None. Hearing was opened at 7:10 p.m.

4B. A replat application for Lots 1-10, Southport East Replat Six located in part of the SE ¼ of Section 18, T-14-N, R-12-F, of the 6th P.M., Sarpy County, Nebraska, generally located at Eastport Parkway and Giles Road.

i. **Staff Report:** A public hearing has been continued from the August 17, 2006, meeting to consider a replat application of Lot 3, Southport East Replat Two consisting of approximately 21 acres zoned C-3, generally located in the northwest corner of Eastport Parkway and Giles Road. The application has been submitted by John Hoich on behalf of Joe McDermott Associates, Inc.

City engineer John Kottmann and staff have reviewed the application for the proposed P.U.D. and replat and have the following comments:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to execution of the plat.
2. Financial data for all public improvement modifications, including itemized estimates of construction and soft costs, should be provided before consideration by the City Council. This information should identify that the funding source will be private.
3. The applicant should demonstrate that there will be at least 12 feet of right-of-way back of curb after the proposed widening of Eastport Parkway adjacent to proposed Lot 9. If there is not, then additional right-of-way should be dedicated with the plat.
4. An amendment to the subdivision agreement will be required prior to City Council consideration. This amendment will need to identify the scope of common area improvements and provide for an acceptable method and schedule for constructing the improvements and will need to include provisions for the maintenance of these improvements. Tract sewer connection fees will need to be revised and restated in the amendment.
5. FAA approval is required before issuance of any building permit.
6. The applicant will need to apply for an erosion control permit for the entire replat under the Papillion Creek Watershed Partnership grading permit requirements recently adopted by the City before any grading on the property.
7. A revised traffic impact study has been submitted and is currently under review. Any recommendations based upon said review shall be added to the conditions of approval by City Council.

Staff recommends approval of the proposed replat to City Council subject to the resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations.

Jeff Elliott, an engineer with E & A Consulting, was present to answer any questions. Mr. Elliott explained the updated plat and PUD plan on the desks have to do with a reconfiguration of Lots 1-5. The property owners plan is to go forward with two retail buildings, however they found a need for more parking so the parking has been reconfigured. The sweeping curve on the internal street has been flattened out to allow for this. With regard to the

comment about the right-of-way abutting Eastport Parkway, Mr. Elliott explained that a traffic study showed there were enough vehicles leaving the site that it was necessary to add a lane to the northwest side of Eastport Parkway. Kottmann is requiring that there is at least 12 feet of right-of-way from the new curb line and Mr. Elliott stated the applicant is willing to do that.

Roarty asked about a traffic signal at this location. Mr. Elliott explained that a traffic signal is currently being installed and they were able to modify the signal base to accommodate the future widening.

Carcich asked about the status of the FAA approval. Kottmann explained that is something they will have to have before they can get a building permit. More specific information will be needed with regard to coordinates on the building corners, and detailed information on the height and elevations. Potter explained the proposed PUD amends the height limit to 55 feet which is consistent with the approved PUD plan for the Hampton Inn.

Horihan asked about the other buildings shown on the PUD plan and whether they are also office buildings. Mr. Elliott explained the location of the two proposed office buildings and identified other lots which will be pad sites for restaurants, and others which are proposed to be retail buildings. Horihan asked whether this was taken into account when the traffic study was conducted and how we ensure it is taking into account the total build-up of an area. Kottmann explained that this was part of the traffic impact study conducted by Elliott & Associates. They took an estimation of the traffic generated by this project and imposed that on top of the estimated traffic that will occur already on Giles Road and Eastport Parkway. They also looked at the levels of service at the intersection of Eastport Parkway and Southport Parkway, and also at Southport and Giles Road. They looked at how those intersections would work both with and without this project. The City then hired Kyle Anderson, a traffic engineering specialist, to review the study and after some revisions, he found it to be acceptable. Horihan asked if in the future anything additional is proposed will it be looked at again. Kottmann explained if we have any replats which substantially change or increase traffic generation or modify access locations, both of which occurred in this case, the traffic study will be re-evaluated. As long as the development on other lots is done in the same manner as the traffic generation originally estimated, we would not ask for new traffic studies. If not we will have to ask for additional traffic studies.

Malmquist asked how Lots 6, 7, 8, 9 and 10 have access. Elliott explained from Southport Parkway there will be a private road built to city standards which will loop through all the way over to Eastport Parkway. There will also be another connection by the Hampton Inn which will be built to city standards.

There was no one else in the audience to speak on either of these items.

Carcich motioned to close the public hearing on both items 4A and 4B. Malmquist seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Horihan, Gahan, Hewitt, Andsager, and Krzywicki. Nays: None. Hearing was closed at 7:35 p.m.

iii. Recommendation: Carcich motioned to recommend approval of the preliminary and final P.U.D. Plan to City Council to compensate for project demands concerning height, setback, etc. subject to the resolution of items identified by the city engineer and staff as the proposed PUD is in general conformity with the provisions of the La Vista Comprehensive Plan, does not have an adverse effect on the development of neighboring areas, and meets the requirements of the La Vista Zoning Ordinance. Rizzo seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

iii. Recommendation: Carcich motioned to recommend approval of the proposed replat to City Council subject to the resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations. Malmquist seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Horihan, Gahan, Hewitt, Andsager, and Krzywicki. Nays: None. Motion carried.

4C: **A replat application for Lots 1-3, Southport East Replat Seven located in parts of the SE ¼ of Section 18 and the SW ¼ of Section 17, T-14-N, R-12-F, of the 6th P.M., Sarpy County, Nebraska, generally located a Eastport Parkway and Giles Road.**

i. Staff Report: A public hearing has been continued from the August 17, 2006, meeting to consider a replat application of Lot 1, Southport East zoned C-3 consisting of approximately 5.5 acres, generally located in the northeast corner of Eastport Parkway and Giles Road.

The application has been submitted by Ron Smith with RS Land, Inc.

The applicant has received comments from the city engineer and staff regarding the proposed replat and has asked for a continuance so that the issues may be adequately addressed. Staff recommends continuing the public hearing to the next meeting or until the required items are addressed. A complete application and plat will be provided to you prior to such meeting.

Staff recommends continuation of the hearing until the next meeting.

Rizzo motioned to continue the public hearing until the next meeting. Hewitt seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

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

i. Staff Report: A public hearing was held to consider an application for a conditional use permit to locate and operate a hotel and conference center on Lot 1, Southport West Replat Two. The property is zoned C-3 Highway Commercial/Office Park with a P.U.D. Overlay. The lot is owned by JQH La Vista CY Development, LLC. The application was submitted by Carl James of Pellham Phillips Architects and Engineers on behalf of John Q. Hammons Industries and the proposed Embassy Suites and conference center.

The applicant is proposing to construct a full-service hotel with 257 rooms connected to a convention center covering a total footprint of 131,197 square feet. There will be approximately 250 employees to work full or part time.

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

1. Southport West Replat Two must be filed and recorded prior to City Council approval of the conditional use permit.
2. The applicant will need to complete the FAA permit process and obtain approval prior to obtaining building permits.
3. All requirements of the Southport West PUD Plan and Design Guidelines shall be met prior to approval of the conditional use permit by the City Council
4. All signage shall comply with the La Vista sign regulations and the adopted Southport West PUD Plan and Design Guidelines.
5. Prior to the issuance of a building permit, the applicant shall pay the tract sewer connection fee.
6. Prior to the issuance of a building permit, the Fire Department should review the fire hydrant location(s) for adequacy to serve the facility.

Staff recommends approval of the conditional use permit 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.

ii. Public Hearing: Carcich motioned to open the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:40 p.m.

Tony Moody, general manager for the Embassy Suites in downtown Omaha, was present to answer any questions. Hewitt asked a question regarding the orientation of the site and Mr. Moody explained how the hotel and convention center will be located. Horihan questioned the note on the plan "proposed future development." Mr. Moody explained the proposal will be to add a Marriott Courtyard in the future, so there will be a 257-room Embassy Suites, a 220-room Marriott Courtyard, and the meeting space containing 50,000 square feet. Mr. Moody also stated that Mr. Hammons has asked him to be the general manager for both the hotel and convention center here. Hewitt

asked about the relationship between John Q. Hammons Industries and Marriott Industries. Mr. Moody explained that Mr. Hammons is a franchise owner and owns hotels all across the country.

There was no one else in the audience to speak on this issue.

Carcich motioned to close the public hearing. Roarty seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing was closed at 7:45 p.m.

iii. Recommendation: Malmquist motioned to recommend approval of the conditional use permit 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. Carcich seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

4E. A replat application for Lots 1 and 2, Mayfair 2nd Addition Replat Three in the SE ¼ of Section 16, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located 96th Street and Giles Road.

i. Staff Report: A public hearing was held to consider an application for a replat for Lots 1 and 2, Mayfair 2nd Addition Replat Three, generally located northwest of 96th Street and Giles Road. The application was submitted by Larry Buland of the Buland Group on behalf of the owner L&B Properties, LLC. The property is zoned C-1 and falls within the Giles Road Sub-Area of the Gateway Corridor Overlay District.

City engineer, John Kottmann, and staff have reviewed the application for the proposed replat and does not have any issues.

Staff recommends approval of the proposed replat to City Council subject to the resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations.

ii. Public Hearing: Hewitt motioned to open the public hearing. Roarty seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:50 p.m.

Krzywicki asked about the original lot layout and the change being proposed. Potter explained the Mayfair plat as it exists currently and identified the proposed new lot. Potter also explained that new design guidelines for this area are in progress and that the proposal is for a Lazlo's restaurant. There was general discussion about the location of other Lazlo's in the Omaha and Lincoln area.

Roarty asked about the impact of this proposal and traffic on Brentwood and whether there were plans for a traffic signal. Potter explained this area was platted and zoned for commercial development. Kottmann stated there are a number of locations under suspicion of needing a traffic signal and they are being monitored and traffic counts are being taken. Signals will be installed when warranted.

Krzywicki asked about the internal road system. Potter explained there are no plans to change the road system as it is currently installed.

Hewitt motioned to close the public hearing. Carcich seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing was closed at 7:55 p.m.

iii. Recommendation: Malmquist motioned to recommend approval of the proposed replat to City Council subject to the resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations. Carcich seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

4F. A conditional use permit application to locate and operate an indoor recreational facility (BounceU) on Lot 29, Centech Business Park at 13211 Chandler Road.

i. **Staff Report:** A public hearing was held to consider an application submitted by Victor Pelster on behalf of Walnut Acres, LLC for a conditional use permit to locate and operate an indoor recreational facility (BounceU and its related uses) at 13211 Chandler Road on Lot 29, Centech Business Park, generally located south of 132nd Street and Chandler Road. The property is zoned I-1 Light Industrial and will include a building with six bays, three of which will be dedicated to the proposed use.

The proposed facility is an indoor, climate-controlled stadium filled with giant inflatable play structures, accompanied by additional play equipment and video arcade games. BounceU's staff will coordinate, set up, supervise, facilitate and clean, so that hosting parents can enjoy the event without the work. The facility will have two to four employees working at a time with events taking place primarily after 5:00 p.m. and on weekends.

City Engineer John Kottmann and staff have reviewed the application for the conditional use permit. There will be no more than two parties taking place in the facility at one time. Based on the application, that would allow for up to 50 kids at one time. There is adequate parking for this level of activity which is light enough to not warrant any traffic studies. There is some portion of the building left for other uses, but given the hours of operation of this use, as compared to typical uses, that would be expected for the remaining space, there is a low probability of parking conflicts.

Staff recommends approval of the conditional use permit to City Council subject to all components of the proposed conditional use permit as it complies with the zoning regulations.

ii. **Public Hearing:** Hewitt motioned to open the public hearing. Horihan seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Hearing opened at 7:56 p.m.

Victor Pelster was present representing the applicant. Carcich asked about the nature of the business. Mr. Pelster explained that they will have inflatables such as those rented for a birthday party but instead of taking them out they will all be indoors. Hewitt asked if this is an existing building. Mr. Pelster stated it is a brand new building they will be leasing. Malmquist asked if this building was built as a spec warehouse. Mr. Pelster stated yes they built 18,000 square feet, this project will take one-half of the space, with one of the other bays leased to someone who sells touch-pads for restaurants, and they are also working with a specialty furniture distributor who will take the balance of the building. They will have three tenants in the building.

Carcich motioned to close the public hearing. Roarty seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing was closed at 8:00 p.m.

iii. **Recommendation:** Carcich motioned to recommend approval of the conditional use permit to City Council subject to all components of the proposed conditional use permit as it complies with the zoning regulations. Roarty seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried.

4G. An amendment to Section 7.12 of the La Vista Zoning Ordinance pertaining to perimeter fencing.

i. **Staff Report:** A public hearing was held to consider a proposed zoning text amendment to Section 7.12 – Fencing. The proposed amendment will require perimeter fencing of a subdivision to be consistent in style, type, size and color along an arterial or other arterial street. The amendment proposed by staff is consistent with current subdivision agreements and the La Vista Comprehensive Plan.

Section 7.12 FENCES:

No fence shall be constructed within the zoning jurisdiction of the City of La Vista unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements:

- 7.12.01 The height limitation for fences shall be six feet (6') above ground level except as provided herein.

- 7.12.01.01 A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall not exceed forty-two (42) inches in height.
- 7.12.01.02 A fence constructed within the portion of a side yard of a residential lot that lies in front of a line extending perpendicularly from the side lot line to the front corner of the structure that is closest to such side lot line, shall not exceed four feet (4') in height, except that if the lot is located on a corner, as defined in Article 2 of this Ordinance, a fence constructed within a side yard along the side lot line which is adjacent to a street shall not exceed six feet (6') in height.
- 7.12.01.03 Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet (6') in height may be approved through a Conditional Use Permit
- 7.12.01.04 Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet (8') in height.
- 7.12.01.05 Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet (8') in height.
- 7.12.02 Fences located within a front or side yard of a residential lot must qualify within the definition of an open fence, except that solid fences may be constructed along a side lot line parallel and adjacent to the lot line that is adjacent to a Commercial District or an Industrial District. A solid fence may be constructed in a side yard parallel and adjacent to the lot line that is adjacent to a street.
- 7.12.03 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.
- 7.12.04 The use of barbed wire in the construction of any fence is prohibited except:
- 7.12.04.01 Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.
- 7.12.04.02 Farm fencing constructed for agricultural purposes on parcels of land twenty (20) acres or more in the Transitional Agricultural District.
- 7.12.05 All supporting posts for fence construction shall be set in concrete except for agricultural fencing.
- 7.12.06 All fences shall be maintained in good repair.
- 7.12.07 All fences shall be located inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the City agree to build one (1) fence on the common lot line of adjacent side yards or back yards.
- 7.12.08 Electric Fences. No electric fence shall be constructed or maintained within the City of La Vista or within its extraterritorial zoning jurisdiction except in TA-Transitional Agriculture District as hereinafter provided. An owner or lessee of such property may, upon application to the City and approval by the Building Inspector, maintain electrified fencing provided same shall not be energized to the extent that it is capable of causing bodily harm to persons, be they children or adults, or to animals. Before the Building Inspector shall approve any electrified fencing, he shall determine that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.
- 7.12.09 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 7.12.10 Perimeter Fencing. **All fencing along an arterial or other arterial road or street in a subdivision shall be consistent in style, type, height and color. Such fence shall be approved by the City based upon existing subdivision and adjacent subdivisions. If not prescribed within the subdivision agreement to be installed all at once, each fence shall**

obtain a fence permit and be consistent with the first fence on the perimeter, or in the case of an established subdivision, replacement fences shall be consistent with the dominant fence style, type, height and color. Such requirements shall also pertain to street side yard fencing of lots on the corner of the subdivision entrance(s).

7.12.11 Any existing fence constructed pursuant to a permit issued and approved by the City of La Vista which was in conformity with the prior to the provisions of this Ordinance may remain without change in accordance with this section notwithstanding same may be in conflict with one (1) or more provisions of this section as amended; provided, however, and replacement or change of said existing fence or addition of a new fence, must hereby meet the requirements of this section as amended hereby.

Staff recommends approval of the proposed amendment to City Council as the regulations are consistent with current subdivision agreements and conforms to the Comprehensive Plan.

ii. Public Hearing: Hewitt motioned to open the public hearing. Rizzo seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Hearing opened at 8:05 p.m.

There was no one in the audience to speak on this issue.

Hewitt motioned to close the public hearing. Rizzo seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Horihan, Andsager, and Krzywicki. Nays: None. Motion carried. Public hearing was closed at 8:15 p.m.

Potter explained this proposal is intended to address issues associated with fencing along the perimeter of existing or proposed subdivisions and this has been an issue particularly within the Gateway Corridor District because the design guidelines do not specifically address residential structures or fences. Some subdivision agreements do not have language regarding perimeter fencing and this will address that problem. Hewitt asked how this proposal will affect existing perimeter fences. Potter explained in subdivisions with different fencing where a portion of it was destroyed, the new fence must be replaced with a fence which conforms to the majority of the existing fencing.

Horihan asked about a fence being allowed to be 8 feet high according to Section 7.12.01.04 and 05. Potter explained fences in residential areas are restricted to 6 feet high and the only exception being in commercial and industrial areas it can be up to 8 feet with a conditional use permit, and he pointed out Section 7.12.01.03. There was further discussion regarding Section 7.12.01 which restricts the height limit to 6 feet with exceptions provided in the subsequent sections.

Krzywicki asked if there were any regulations on a time limit for repairing a fence. There was general discussion about the process for requiring a fence to be repaired or installed.

Malmquist questioned the language regarding the wording "All fencing along an arterial or other arterial road or street..." There was general discussion regarding the intent of this language. Birch suggested the wording be changed to "All fencing along an arterial or other perimeter road or street..." There was agreement to make this change. Krzywicki also suggested the word "material" be added to the requirement that fences shall be consistent in style, type, height and color. This statement is made in two places in the regulation. The new wording would be "...shall be consistent in style, type, material, height and color."

Hewitt also questioned the phrase "...each fence shall obtain a fence permit..." Birch suggested the word "obtain" be changed to "require" so the new wording would be "...each fence shall require a fence permit..."

iii. Recommendation: Malmquist motioned to recommend approval of the proposed amendment, with the changes as discussed, to City Council as the regulations are consistent with current subdivision agreements and conforms to the Comprehensive Plan.. Roarty seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Hewitt, Roarty, Andsager, and Krzywicki. Nays: None. Horihan abstained. Motion carried.

5. Comments from the Floor

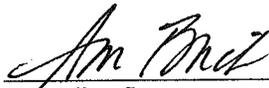
Potter introduced Eric Englund, Planning Intern, to the Commission. Englund gave the Commission a brief summary of his background.

6. Comments from the Planning Commission

Potter stated that the next meeting of the Planning Commission is scheduled for October 19th.

7. Adjournment: Hewitt motioned to adjourn. Roarty seconded. Ayes: Carcich, Malmquist, Rizzo, Gahan, Horihan, Roarty, Hewitt, Andsager, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 8:20 p.m.

Reviewed by Planning Commission: John Gahan



Recording Secretary



Planning Commission Chair

10-19-2006

Approval Date