

**CITY OF LA VISTA
PLANNING COMMISSION MINUTES
November 16, 2006**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, November 16, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Gahan, Carcich, Andsager, Rizzo, and Roarty. Members excused: Horihan and Hewitt.

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 7:00p.m. A copy of the agenda and staff report was made available to the public.

2. Approval of Meeting Minutes of October 19, 2006

Carcich motioned to approve the minutes of October 19, 2006. Malmquist seconded. Ayes: Carcich, Malmquist, Gahan, Roarty, and Krzywicki. Nays: None. Abstained: Andsager and Rizzo. Motion carried.

3. Old Business

None.

4. New Business

4A. 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 had been continued from the October 19, 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 received comments from the city engineer and staff regarding the proposed replat and has since altered the plat to include a proposed fourth lot and outlot and/or a Planned Unit Development (PUD) application. Based upon these changes, staff recommends closing the public hearing and tabling the application until a revised plat may be submitted without outstanding conditions and at which such time another public hearing shall be held. A complete application and plat will be provided to you prior to such meeting/hearing.

Staff recommends closing the public hearing and tabling the application until a revised plat is submitted without outstanding conditions and at which time another public hearing shall be held.

ii. **Public Hearing:** Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Public hearing closed at 7:04 p.m.

iii. **Recommendation:** Malmquist moved to table the application until a revised plat is submitted without outstanding conditions and at which time another public hearing shall be held. Rizzo seconded. Ayes: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None.

4B. A Conditional Use Permit application to locate & operate a convenience store with limited fuel sales, commercial strip shopping center, coffee kiosk and automated teller machine (Fantasy's Food-N-Fuel) on Lot 2, Southport East Replat Three – NW Corner of Southport Parkway 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 convenience store with limited fuel sales, commercial strip shopping center, coffee kiosk and automated teller machine on Lot 2, Southport East Replat Three at 7828 123rd Plaza, generally located in the NW corner of Giles Road and Southport Parkway. The property is zoned C-3 Highway Commercial / Office Park with the Gateway Corridor Overlay. The application was submitted by John Spaustat on behalf of Fantasy's Food N Fuel.

The proposed building and landscaping designs meet the Southport East Design Guidelines and shall be approved prior to the execution of the conditional use permit and issuance of a building permit. The proposed convenience store will operate 24 hours a day, seven days a week to meet the needs of retail and office uses in the area. Individual uses within the strip center are yet to be determined but will operate under normal working hours of the area (8:30 a.m. to 9:00 p.m.). The coffee kiosk will generally operate between 6:00 a.m and 3:00 p.m. daily. There will be at least two employees at all times at the convenience store and employees in the strip shopping center will depend upon individual uses.

Staff has reviewed the application for the conditional use permit and has the following comments:

1. All requirements of the Southport East Design Guidelines shall be met.
2. Development on this site will need to complete the common area ingress/egress drive across Lot 3 providing access from both Port Grace Blvd. and Southport Parkway. This drive will need to be a minimum of 7-inch Portland cement concrete pavement. This shall be shown on the conditional use site plan.
3. Development on this site will need to install a storm sewer across Lot 3 to reach the existing storm sewer system. This shall be shown on the conditional use site plan.
4. The existing left-turn bay in eastbound Southport Parkway serving the common area drive into the site will need to be lengthened as identified in the traffic impact study previously prepared by the applicant. This shall be made a condition of the conditional use permit.
5. The site lighting plan and photometrics that were submitted appear to address the normal parking lot lighting but do not address the lighting associated with the fuel island canopy which can often be quite bright and produce glare. The exhibits to the conditional use permit shall include information on the canopy lighting and should identify that sharply cutback, downcast fixtures will be used. The applicant may also need to consider lighting along the common area drive across Lot 3 since this may be relatively dark until development occurs on Lot 3.
6. The review criteria in Section 6.05 include an evaluation of whether the use will include malodorous gas or matter discernable on adjoining property. Gas odors are typical when tanks are being filled in this use. Such circumstances are unavoidable for this type of use.

7. Parking on the site would need to be re-evaluated at the time of any further proposed uses, including such tenant uses as a tavern/lounge, restaurant, etc.
8. The applicant shall comply with the requirements of Articles 91.32 and 91.33 of the La Vista Municipal Code pertaining to the location of fire hydrants and fire-lane access prior to the issuance of a building permit. Also, the applicant shall comply with FAA requirements due to the location of the site with respect to regulated airspace for the Millard Airport.

Staff recommends approval of the proposed conditional use permit application subject to the resolution of items and conditions of the proposed permit as it complies with the Zoning Ordinance.

ii. Public Hearing: Gahan motioned to open the public hearing. Andsager seconded. Ayes: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Hearing was opened at 7:11 p.m.

Ed Krause appeared as a representative of the proposed Fantasy's to answer any questions and to communicate their excitement about the location of this facility.

Roarty asked for a definition of 'limited fuel sales'. Potter replied it simply meant there would be no over-size truck fueling pumps.

Gahan asked what the odors might be. Krause said there really are no strong odors with the exception possibly when the underground tanks are first opened for re-fueling. Potter added that the requirements are more for bulk petroleum sales.

A student asked from the audience if there were an airport nearby referencing the comments regarding the FAA. Potter replied the Millard Airport was near and the area is located in the fly zone. As part of these types of uses, it is required that FAA approval is granted before building permits may be issued.

Gahan motioned to close the public hearing. Carcich seconded. Ayes: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Hearing was closed at 7:14 p.m.

Malmquist inquired about adequate parking and stacking at the coffee kiosk. Potter said parking requirements depend upon how many bays are taken up in the strip center and on the types of uses. Currently the parking stalls include stackable parking for the kiosk and gas pumps.

iii. Recommendation: Carcich motioned to recommend approval of the proposed conditional use permit application subject to the resolution of items and conditions of the proposed permit as it complies with the Zoning Ordinance. Roarty seconded. Aye: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried.

Potter advised this item will tentatively be on the City Council agenda of December 19, 2006.

5. Comments from the Floor

No comments from the floor. Three students from a Creighton Business Law class were recognized for their attendance.

6. Comments from the Planning Commission

Carcich brought up the subject of the tentative Planning Commission bus tour of the La Vista jurisdiction. Potter suggested that perhaps the upcoming December 21 meeting be held in conjunction with a bus tour.

Because this date is so close to Christmas, Planning Commission members were not open to that date. Malmquist suggested that the bus tour idea be opened again for discussion after the first of the year. It was the consensus of the members to wait then until after the holidays.

Potter announced that there is a brochure available for the NPZA Conference which will be held in Grand Island in the Spring. The budget has the funds for attendance if anyone is interested. Please contact David Potter.

A local NPZA Workshop is under discussion for the District 5 area of which La Vista is part of.

Congratulations to Chairperson Mike Krzywicki who was honored with an NPZA award that he was awarded at the 2006 NPZA Conference last March.

Rizzo asked what was going on with the Long's station at 72nd Street and Harrison. Potter said he knew only that the city had closed the station and that the owner was on a restraining order not to conduct business on the premises.

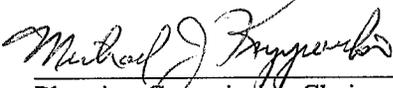
Roarty wondered if there was any information that could be shared about the convention center. Potter stated the city refers to the facility as a conference center which is scheduled for construction in 2007 and is hoped to open around the same time as the seven-story Embassy Suites.

Krzywicki asked if the city was marketing the vacated Wal-Mart space. Potter said that Ann Birch, Community Development Director, and Brenda Gunn, the city administrator, are working on these vacated spaces. According to Potter the space has not been leased yet.

7. **Adjournment:** Rizzo motioned to adjourn. Roarty seconded. Ayes: Carcich, Malmquist, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 7:32 p.m.

Reviewed by Planning Commission: John Gahan


Recording Secretary


Planning Commission Chair

12-21-2006
Approval Date

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