

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

The Planning Commission meeting of the City of La Vista was convened at 7:02 p.m. on Thursday, February 16, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Carcich, Malmquist, Gahan, Andsager, Hewitt, Horihan, Roarty, and Krzywicki. Members absent: Dumont and Rizzo. Also in attendance were: Ann Birch, Community Development Director, John Kottmann, City Engineer, and David Potter, 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 Chairperson Krzywicki at 7:02 p.m. A copy of the agenda was made available to the audience.

2. Approval of Meeting Minutes of January 19, 2006

Carcich motioned to approve the minutes of January 19, 2006. Gahan seconded. Ayes: Carcich, Malmquist, Krzywicki, Andsager, Gahan, and Hewitt. Nays: None. Horihan and Roarty abstained. Motion carried.

3. Old Business

None.

4. New Business

4A & C: A final P.U.D. application for approximately 90 acres in the N1/2, Section 21, T-14-N, R-12-E, Sarpy County, NE; and a revised preliminary plat and final plat application for Lots 1-242 and Outlots A-E, Portal Ridge and waivers to the subdivision regulations, generally located south of 101st and Giles Road.

i. Staff Report: A public hearing was continued for items 4A and C from the January 19th meeting to consider final P.U.D. and final plat applications for approximately 90 acres referred to as Portal Ridge, generally located southwest of 101st and Giles Road. A public hearing was also scheduled to consider a revised preliminary plat application for the same development. The applications had been submitted by Boyer-Young Development. The property is currently zoned R-1 Single Family Residential.

According to the City's 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. As such, the proposed final P.U.D. application is consistent with the preliminary P.U.D. and has established the following lot width, setback requirements and open space designation for the said 90 acres:

- Minimum Lot Width of 60 feet instead of the required 70 feet.
- Front Yard Setback (including street side yard) of 25 feet instead of the required 30 feet.
- Side Yard Setback of 7 feet instead of the required 10 feet.

- Rear Yard Setback of 25 feet instead of the required 30 feet.
- Open Space – approximately 69.8% (as defined in Section 5.15.04.16 of the Zoning Ordinance)

Rezoning to a PUD-1 will allow for smaller sized lots and reduced setbacks, but will provide added open space within the development and take advantage of some of the existing natural features of the land. The development will consist of 241 single family lots, one lot designated for public facilities and five outlots consisting of open space. Waivers have been requested to Article 4, Section 4.24 of the La Vista Subdivision Regulations regarding a waiver of street centerline minimum radii. The owner and developer is requesting the waiver for curves of 200 ft. radii on the collector streets of Centennial Road and 101st Street, and for two curves of 100 ft. radii on Virginia Street designated as a local street. The request has been made to provide for a more usable lot configuration for residential lots located on the inside of the curve, and to tie into existing Centennial Road.

The applications are consistent with the Comprehensive Plan and compatible with surrounding developments. A revised preliminary plat has been submitted due to the reconfiguration of lots since City Council approval. The proposed development will connect with the existing Val Verde subdivision to the east. The proposed mixed use development to the west and southwest will be screened by buffer strips. Trails, open space and landscaped outlots along and adjacent to Giles Road contribute to the overall aesthetics and compatibility of the development.

City engineer John Kottmann and staff have reviewed the applications for the proposed final P.U.D., revised preliminary plat and final plat and have the following comments regarding the plats:

1. The preliminary plat has been revised to show the revised number and configuration of lots to match the latest version of the final plat. The overall street layout, grading and infrastructure remains consistent with the previously approved preliminary plat. The proposed street names shall be reviewed by the Chief Building Official, the Public Works Director and public safety personnel.
2. The applicant has submitted itemized cost estimates for the public improvements. The cost figures do not match the cost figures shown on the application forms for the preliminary and final plats. There are differences in the general obligation costs. This discrepancy will be resolved as the subdivision agreement is negotiated and final cost allocations are agreed upon prior to final approval by the City Council.
3. Outlot C along 103rd Street abutting Lots 161-163 shall be increased to 25 feet in width to line up with the front yard setbacks of the lots facing 103rd Street further south. This Outlot shall be landscaped to provide a buffer to the rear yards of lots on Virginia Circle. Such area shall not have any fencing permitted. Perimeter fencing shall be addressed in the subdivision agreement. An outlot designation or re-configuration of these lots is required in order to avoid through lots as per the La Vista Subdivision Regulations.
4. Proposed buffer spaces along Giles Road and Cornhusker Road will need to be analyzed prior to consideration of the plat by City Council.
5. Proposed covenants must be provided to the City prior to plat approval as required by Article 3.05.23 of the Subdivision Regulations.
6. A staking bond must be provided at the rate of \$100.00 per lot prior to affixing the Mayor and City Clerks' signatures to the mylars.
7. The applicant has submitted a drawing that shows proposed curves on both sides of 107th Street to achieve alignment of the proposed pavement in Virginia Street with the proposed commercial driveway to Portal Plaza. The through-lanes must be aligned without curvature. This will require moving the proposed Virginia Street right of way to the north approximately 9 feet or moving the proposed commercial driveway on the west side of

107th Street. Said 107th Street is currently closed and will remain closed and unimproved until an interlocal agreement is approved by the developers of Portal Plaza and the City of La Vista. Until such time, the segment of Virginia Street shall remain unimproved east of 107th Street.

8. The itemized cost data shows a contribution of \$128,115 towards the widening of Cornhusker Road and a contribution of 50%, or \$105,000 to the construction of 107th Street. Such cost participation is subject to negotiation of interlocal agreements prior to City Council approval of the final plat and subdivision agreement. Any review or approval of the final plat by the Planning Commission shall not be construed as any approval of the cost participation in these improvements.
9. The amount of required park area, the amount of useable park area, and the amount of park area that can be considered for acquisition will need to be evaluated in more detail prior to City Council approval of a subdivision agreement and final plat.
10. A detailed analysis of the 100-year storm path through Outlot B has been provided, however, as of the time of this staff report city staff has not had sufficient time to review this study in detail. A waterway exhibit has been submitted that shows limits of a 100-year storm event, however, a topographic survey of the channel area that shows how the spread limits were determined must be submitted. Satisfactory information needs to be provided to staff and the city engineer prior to City Council approval of the final plat.
11. More detailed topography needs to be provided to demonstrate that no drainage easement or further modification of the shape of Lots 94 and 95 is required relative to the passage of the 100-year storm event. This must be resolved prior to City Council approval. Such analysis is not expected to affect the number of lots.
12. The sewer connection agreement between the City of La Vista and the City of Omaha, currently pending renewal, will need to include the proposed connections to serve this subdivision. The city engineer will send a request to the City of Omaha to include this in the agreement.
13. An acceptable subdivision agreement will be needed prior to City Council consideration of the final plat. This will include the necessary interlocal agreements for surrounding infrastructure improvements and exhibits. A grading and erosion control plan exhibit will be required. In regards to the sanitary sewer, storm sewer and paving exhibits that were submitted, the following items need to be addressed:
 - a. On Exhibit C-1 the wording of the existing sanitary sewer easement north of Lot 94 needs to be verified. It may be a storm sewer easement.
 - b. On Exhibit C-2 the existing storm sewers in Giles Road and Cornhusker Road need to be shown.
 - c. On Exhibit C-2 the proposed sidewalk along Giles Road needs to be shown.
 - d. On Exhibit C-2 the construction of left-turn bays in Giles Road needs to be shown.
 - e. A detail of the proposed traffic circle pavement geometry needs to be added to Exhibit C-2. A detail is also needed for the chicayne islands.
 - f. If islands are proposed in the pavement at the entrances onto Giles and Cornhusker Roads, these should be shown on Exhibit C-2

Staff recommends approval of agenda item 4A to City Council of the final P.U.D. Plan to compensate for project demands concerning setback, lot width, 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.

Staff recommends approval of agenda item 4B to City Council for the revised preliminary plat and requested waivers 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.

Staff recommends approval of agenda item 4C to City Council for the proposed final plat and requested waivers to City Council subject to the development of an acceptable subdivision agreement prior to consideration of City Council and resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations

ii. **Public Hearing:** Public hearing on Items 4A and 4C were continued from January 19, 2006. A motion was made by Hewitt to open the public hearing for agenda item 4B. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, Gahan, Roarty, and Krzywicki. Motion carried. Public hearing on Item 4B was opened at 7:08 p.m.

Mark Westergard was present from E & A Consulting Group who are the engineers for the Portal Ridge project. Item B is on the agenda as a formality so that the preliminary plat will be consistent with the final plat. They acknowledge the 13 item staff report and comment that Item #3 has been resolved with staff for a 25 ft. outlot at that location and they will abide by the parameters on fencing.

Westergard further stated that improvements to 107th Street and Cornhusker Road, which E & A had laid aside monies to participate in will be further discussed at City Council as staff prefers that the SID not participate in these improvements.

With Item #7 the applicant has some difficulty in moving that street to the north because they would lose a lot and will look at the plat across 107th Street to the west and see if that can be better adjusted.

Item #8, if tonight's preliminary and final plat applications are approved, this doesn't have anything to do with their participation in the Cornhusker Road improvements.

Potter explained to the audience that Portal Ridge is approximately a 90 acre development that is going to occur west of the Val Verde subdivision.

Krzywicki asked about the comment in the staff report that discusses the location of the sidewalk on Giles Road. How far from the residential property lines will the sidewalks be located? Potter said it will be very similar to what is being done on the Val Vista side. Kottman said it is normally six feet from the back of the curb to the closest edge of the sidewalk and 4 feet wide.

Hewitt asked where Portal Ridge butts up to Val Verde there is a big drop off in the grading. What are their plans for that area?

Westergard said they are not done grading at the site, but the slope is a 3 to 1 which is maintainable and not a hazard. The builder will have to ensure that the top of the slope stays in tact by keeping the swale between the individual houses.

Gahan asked why Shannon Ridge and Quail Ridge Drive which wrap around are not one name. Potter said the Building Inspector, 911, and Public Works will review all the street names before going to City Council. Kottman said there would be a tendency to duplicate house numbers when streets loop around in this manner and changing the street names at the loop prevents this from occurring.

Horihan asked if there was a way to ensure from the developer that the builder constructs the swales between the homes to avoid situations such as those that occurred in Val Vista.

Westergard said the situation is different from Val Vista. In Portal Ridge the streets are below the house, where in Val Vista there were houses at the end of the swale.

Ron McClellan, a resident of Val Verde, approached to say that on January 16th he had a family gathering where the children were nearly tumbling down the slope beyond his backyard which adjoins this new Portal Ridge subdivision. He had reported this to the City of La Vista and also asked Boyer-Young if there were plans to put up a fence. He said that Boyer-Young does not consider this a safety issue and they did not get back to him regarding the fence question. He says the slope drops 15 feet down from his property to grade level.

Hewitt asked Kottman if they check on this type of safety issue. Kottman said normally engineers don't go out on private property to look for hazards. Kottman said he has visited this location and it does visually appear to be a 3 to 1 slope which is customary. He said erosion is his primary concern at this location.

Westergard said that the 15 foot drop is probably a correct estimate for this 3 to 1 slope grade design. He indicated that generally the developers do not put up fences between subdivisions of the same use as this is left up to the property owners.

Westergard said that the slope would be seeded right after grading, even before construction of housing begins.

Carcich motioned to close the public hearing on Items 4A, B, and C. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing was closed at 7:27 p.m.

Hewitt asked if item #7 was going to be a problem for the applicant. Westergard said they would work with the developer on this to see if the street could be moved slightly.

iii. **Recommendation:** Malmquist moved to recommend approval to City Council of Item 4A, the final P.U.D. Plan, to compensate for project demands concerning setback, lot width, 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. Roarty seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, Gahan, Roarty, and Krzywicki. Motion carried.

Carcich motioned to recommend approval of Item 4B to City Council for the revised preliminary plat and requested waivers 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. Gahan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, Gahan, Roarty, and Krzywicki. Motion carried.

Hewitt moved to recommend approval of Item 4C to City Council for the proposed final plat and requested waivers to City Council subject to the development of an acceptable subdivision agreement prior to consideration of City Council and resolution of items identified by the city engineer and staff as it complies with the zoning and subdivision regulations. Horihan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, Roarty, Gahan, and Krzywicki. Motion carried.

Potter said that these items would be considered at City Council subject to the development of the subdivision agreement. Potter advised the audience and Mr. McClellan that the city would continue to monitor the slope situation.

4D. A conditional use permit application to locate and operate an indoor recreational facility on Lot 5, I-80 Industrial Park, generally located south of 137th Circle and Giles Road.

i. **Staff Report:** A public hearing was continued from the January 5, 2006 meeting to consider an application submitted by The Courts LLC for a conditional use permit to locate and operate an indoor recreational facility (volleyball courts and related uses) at 8930 South 137th Circle on Lot 5, I-80 Industrial Park, generally located south of 137th Circle and Giles Road. The property is zoned I-1 Light Industrial and includes an existing building with three bays. The proposed use is planned for the north bay of the building.

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

1. The applicant has provided a site plan showing the existing and proposed parking. The total parking count is 165 stalls. The existing building has a total square footage of 80,000 square feet. For the typical type of uses that would occur in this type of facility in the I-1 zoning district, parking needs to be two stalls per 1,000 square feet. This would result in the need for 160 parking stalls. The proposed use permit will result in 24,000 square feet being used for indoor recreation and the remaining 56,000 square feet still available for the typical industrial uses. By applying the two stalls per 1,000 square feet factor to the remaining 56,000 square foot space, leaves 53 stalls available for the indoor recreation portion during the periods when the hours of operation overlap. It seems likely that peak hour operation of the facility will not overlap with the normal hours of operation of the adjacent industrial bays. With regard to peak hour operations of the proposed indoor recreation facility, the adequacy of the 165 stalls will depend on a variety of factors such as the number of persons per team, the number of car-poolers versus individual drivers, and the time period between games. The applicant expects up to 80 teams per day and having 12 teams on the floor (six courts) plus teams waiting to play. This could result in a large parking demand, but the 165 stalls should be sufficient. There is remaining space on the site that could be striped for some additional stalls if the demand warrants additional parking. Therefore, the conditional use permit should contain a condition limiting the facility to the use of two courts during the normal business hours of the adjacent bays in the building and a condition specifying no parking on 137th Circle.
2. Based on the potential for 24 teams on site at one time and assuming that each team may have ten members and assuming that 50% arrive individually and 50% arrive in pairs, then 180 vehicles per hour (two-way traffic) could result from this use. The intersection of 137th Circle and Giles Road does not have any left-turn or right-turn bays. As required the applicant has provided a traffic impact study that is sufficient to address the criteria of Sections 6.05.05 and 6.05.10 of the standards listed in Article 6 of the Zoning Ordinance. The intersection of 137th Circle and Giles is expected to continue to operate satisfactorily without geometric improvements and a traffic signal is not warranted.
3. The proposed hours of operation are until midnight every night of the week. The applicant has identified a mature vegetation buffer between this site and the single-family residences adjacent to the west side of the property that will help minimize the potential noise impact. The conditional use permit should prescribe additional coniferous plantings to increase said buffer if warranted by the city.
4. The application states that no alcoholic beverages will be served in this operation.

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.

Krzywicki stated that the public hearing had been continued and is now open.

Potter disclosed that he had a conversation with Mr. Stazzoni of Ayars and Ayars, who is representing the applicant, regarding some confusion with the proposed business plan. An addition has been enclosed with the original application and given to the Planning Commission this evening. The business plan calls for youth only at the facility and with that there was an issue with the parking requirements and the restriction on the use of courts during normal business hours on the adjacent industrial. It is the applicant's request that we put some language into the document that would prohibit use of play by adults prior to 6 p.m. and eliminate the use of two courts restriction. The concern is parking which staff feels will be created by adults that will be using the facility. If there is a potential problem, there should be language to state that additional provisions will be taken, such as designating certain areas within the parking lot be used only for the recreational facility.

Bill Stazzoni said they are proposing a multi-purpose athletic facility for junior club training, primarily in volleyball. It will be used as a practice facility primarily from 6 p.m. to 10 p.m. during the week and a combination of practice and tournament on weekends generally from 8 a.m. to 10 p.m. The facility will also be available in the summer for training camps and clinics.

Horihan asked about the traffic study that looked at 120 cars coming in and out and wondered if this was comparable to what they thought the tournaments would duplicate. Stazzoni said the traffic study was done for peak load at night. They did not feel the weekend would be a significant impact on normal traffic and the tournaments would only be on the weekend and would not affect the work day traffic.

Roarty asked if there were bleachers for spectators and if this would have an impact on traffic for tournaments. Stazzoni said there will not be permanent bleachers and they could put seats between the courts if necessary. Kottmann said he had reviewed the traffic study and felt they did a good job in looking at the worst case scenario. The traffic study was reasonably done and demonstrated there would be no traffic issue there with this facility.

Gahan asked if there would be an issue with not enough parking that would cause a spill into areas down to Giles and if there would be a problem of noise with the homes to the west. Stazzoni said the only conflict would be during the day if the other two businesses were day businesses, but this would only be run at night. There are 165 parking spaces and room for more. Stazzoni said there are the trees for buffers and they would have no problem if more trees were necessary.

ii. Public Hearing: Carcich motioned to close the public hearing. Hewitt seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 7:35 p.m.

iii. Recommendation: Carcich 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 and to change the conditional use permit and staff report to reflect the addition of restricting play to adults prior to 6 p.m. on week-days and to identify separate parking areas if necessary. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried.

This will tentatively appear on the City Council agenda of March 21, 2006.

4E. Conditional use permit application to locate and operate a hotel on Lot 1, Southport East Replat Two, generally located southeast of 126th Street and Southport Parkway.

i. **Staff Report:** A public hearing was held to consider an application for a conditional use permit to locate and operate a hotel on Lot 1, Southport East Replat Two. The property is zoned C-3 Highway Commercial/Office Park with a P.U.D. Overlay. The lot is currently owned by Joe McDermott Associates Inc. and John L. Hoich. The application was submitted by Jeff Lenz of The North Central Group on behalf of the proposed Hampton Inn & Suites.

The applicant is proposing to construct a 69,776 square ft. hotel with 116 rooms. The hotel will provide a complimentary continental breakfast served exclusively to hotel guests. There is no restaurant or lounge/bar serving the guests or general public. An enhanced indoor pool and whirlpool are available solely for guest use. In addition, the hotel includes a small kitchen for the preparation of the complimentary breakfast. There will be approximately 30 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 East Replat Two must be filed and recorded prior to City Council approval of the conditional use permit.
2. The traffic impact studies done in 2000 and 2001 anticipated 322,000 square feet of retail activity on this portion of Southport East. The proposed use will generate significantly fewer trips per day for the nearly three acres of land on which it is to be located as compared to the traffic from retail use on the same size parcel of land. Therefore, further traffic studies are not warranted at this time.
3. The applicant will need to complete the FAA permit process prior to obtaining building permits.
4. The site plans and exhibits to the conditional use permit need to be made consistent with the P.U.D. site plans and the approved right-in/right-out access plan prior to execution of the conditional use permit.
5. All requirements of the Southport East Design Guidelines shall be met prior to approval of the conditional use permit by the City Council
6. All signage shall comply with the La Vista Sign Regulations and the adopted Southport East Design Guidelines.
7. Prior to the issuance of a building permit, the applicant shall pay the tract sewer connection fee.
8. 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:** Hewitt motioned to open the public hearing. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:36 p.m.

Potter informed that he and the owner had a discussion prior to the meeting regarding rooftop units and believes that the applicant will ask for a review of roof-top screening and that the conditional use permit and staff report would reflect their compliance with La Vista's design guidelines and conditions.

Mr. Jeff Lenz representing the North Central Group was present to propose a 116 room Hampton Inn & Suites with an adjacent restaurant to be determined. Lenz also requested changes to be made to reflect proposed roof-top screening upon their plan submittal.

Potter said Item 4E in the conditional use permit, Section 3, which references the design guidelines of the Gateway Corridor Overlay District, dealing with Item 3b, mentions there will not be any roof-top units was incorrect. There may be some roof-top units but they will be properly screened and approved by the city prior to approval of any conditional use permit.

Hewitt asked if the permit process had already been started with the Federal Aviation Administration. Lenz said they had not with the exception of some preliminary discussion.

Potter said the PUD has allowed a height extension to no more than 55 feet in this C-3 Zoning district. These roof-top units will probably be hidden behind the parapets on this building.

Carcich asked how the roof-top units are muffled from those guests on the top floor of the building. Lenz said they have not designed the system yet, but it would be insulated and they will be sensitive to the placement of the units.

Krzywicki asked about Mr. Lenz's reference to a restaurant and that the staff report indicates that there will be no restaurant in this facility. Lenz explained that there will be no restaurant within the hotel facility but that he was alluding to an adjacent restaurant project.

Potter reminded the Commission that Lot 2 of Southport East was divided into 3 lots and a PUD was placed on Lots 1 and 2. Lot 1 is the hotel and Lot 2 would be a proposed restaurant.

Hewitt asked if the proposed restaurant would be developed by the North Central Group. Lenz said this had not yet been determined.

Gahan asked what type of restaurant was being considered. Lenz said it would be a full service mid-scale restaurant.

Carcich asked about the terminology 'enhanced indoor pool'. Lenz replied that it was an experiment that they hope to meet the needs of the changing dynamic of indoor pools. There is a proliferation of indoor water parks, which this is not to be, but some of those elements may make this project more attractive to a weekend leisure traveler and still be attractive to more corporate clients for swimming laps and exercise.

Carcich motioned to close the public hearing. Gahan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 7:50 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 and to modify Item 3B to incorporate the appropriate screening of rooftop units as consistent with city guidelines. Roarty seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried.

Lenz asked about the duration of the annual review of the conditional use permit and actual construction of the building. Potter said there is leeway between the construction start date and the anniversary of the approval of the conditional use permit. This is simply an annual review to ensure that all items are being met in the conditional use permit.

This will tentatively appear on the City Council agenda of March 21, 2006.

4F. Conditional use permit application to locate and operate a church and its related uses on Lot 133, Mayfair Replat One, located southwest of 96th and Melissa Streets.

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 Beautiful Savior Lutheran Church. The application was submitted by Alley Poyner Architecture on behalf of Beautiful Savior Lutheran Church.

The applicant is proposing to construct a 49,000 square foot religious facility that will provide a primary use of a sanctuary space with seating for 750 people and secondary uses of classrooms for Sunday school, social halls for receptions and dinners, meeting rooms, administrative areas, outdoor basketball court for church members and a licensed daycare facility.

The intended hours of operation will be from 8:00 a.m. to 9:00 p.m. Monday through Sunday. The busiest day will be Sunday with church services. Wednesday evening is the primary night for adult education and evening programs. The preschool and daycare will be open to the public and be the primary activity on weekdays along with the regular activities of the administrative staff. In addition to the classrooms used for the preschool and daycare, there will be an outside play area for children. This play area will be fenced in and only used by those attending the school and daycare.

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 will be needed on both sides of Melissa Street from approximately 150 feet west of 97th Avenue to 96th Street, if not already in place. This will provide for visibility of traffic turning into the proposed church entrance.
3. The subject property falls within Giles Road SubArea of La Vista's Gateway Corridor Overlay District and as such must comply with the adopted design guidelines and conditions prescribed by the City prior to conditional use permit approval by the City Council. The proposed site lighting will need to use fixtures of an appropriate type and height to limit light levels affecting the adjacent single family homes to acceptable levels.
4. A revised landscaping plan shall be submitted showing shade trees along the south property line to buffer the residential property and understory trees placed between the parking lot and the streets.
5. All signage shall comply with the La Vista Sign Regulations and the adopted Southport East Design Guidelines.
6. Prior to the issuance of a building permit, the applicant shall pay the tract sewer connection fee.
7. Prior to the issuance of a building permit, the Fire Department should review the fire hydrant location(s) for adequacy to serve the facility.
8. Prior to use of the daycare, the operators shall obtain the required state permits.

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.

ii. **Public Hearing:** Carcich motioned to open the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:54 p.m.

Jed Moulton representing Beautiful Savior Lutheran Church explained the site is at 96th and Melissa; has 49,000 square feet in the first phase; is a 2-story building; and the sanctuary will seat 750. He further explained they will have offices and a future family life center.

Potter explained that this project was started several years ago, is over 5 acres and subject to the sub-area of the Gateway Corridor District so there is a majority of brick required on the structure. Parking lot lighting was a question but has been resolved. There was an issue about a detention basin on the southwest corner of the property to aide surface water runoff into the storm sewer and how that would affect the site plan, lighting and landscaping plan.

Moulton explained the capacity to the north is okay, but the capacity to the south is small so they will provide a retention pond. This won't impact the parking or lighting but will change the landscaping. The retention pond is not designed to hold water and will drain slowly during a storm.

Malmquist asked how far it was to the nearest storm inlet. Moulton said there is an existing swale to the south of the parking lot, collecting from the parking lot, and goes right into the inlet.

Horihan asked about exits for traffic, one on 98th and one on Melissa Street and how many church services there would be on the weekend.

Moulton said there would be four services on Sunday. They have a 2000 member congregation.

Roarty asked if the daycare services were just on Sunday or also during the week, is it licensed and a money maker to the church, and how it affects the other existing daycares in the Val Verde Place center. Potter said in the R-1 zoning district the church is allowed as a conditional use. A child care, or day care center, is also permitted as a conditional use in the R-1 zoning district. It is common to have other services in this application and combine the two conditional use permits into one.

Moulton said the daycare is open to the public and the congregation sees it as an opportunity to provide a service to the neighborhood.

Moulton asked about the reference of shade trees requested by staff. Potter said these were to buffer the parking lot from adjacent uses. Also, additional understory trees should be added along 96th Street.

Roarty asked if a traffic problem would be created at 96th Street when church dismisses and if it would necessitate a traffic signal. Potter said this is an issue the city would continue to look at. Kottman said there are no existing agreements for installing a traffic signal, but is something that does need to be monitored.

Horihan asked if street signs on Melissa Street would help. Kottman said that it would be looked at.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 8:14 p.m.

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

This will tentatively appear on the City Council agenda of March 21, 2006.

4G. An amendment to Chapter Three (Population and Economic Characteristics) and Chapter Six (Housing Profile and Plan) of the Comprehensive Plan.

i. Staff Report: A public hearing was held to consider amendments to the population and economic characteristics in Chapter Three and to the housing profile and plan in Chapter Six of the Comprehensive Plan. The proposed Demographic Profile Update will be incorporated into the Comprehensive Plan and will replace the corresponding sections with Chapters Three and Six.

Staff recommends approval to City Council the 2006 Demographic Profile Update as drafted as it reflects current population statistics and trends for La Vista.

ii. Public Hearing: Carcich motioned to open the public hearing. Gahan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 8:15 p.m.

Potter indicated that JEO Consulting Group was not available tonight to give an explanation for the update and that the Comprehensive Plan is nearing 10 years of age. Part of the pool study called out for certain demographics. This data proved helpful that project. The Demographic Profile Update will be incorporated into the Comprehensive Plan into Chapter Three and Chapter Six will be modified.

Carcich questioned if the ETJ can be extended westward. Potter explained the annexation out to approximately 132nd Street and the interstate which will allow the city to jump the ETJ out to about 156th Street.

Krzywicki asked about the charts on pages 6 and 7 that are similar and asked if they are negative numbers. Potter said it is incorrect. Krzywicki suggested that they move the keys at the bottom and flip flop them.

Hewitt motioned to close the public hearing. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 8:19 p.m.

iii. Recommendation: Hewitt motioned to recommend approval of the 2006 Demographic Profile Update as drafted to City Council as it reflects current population statistics and trends for La Vista with correction to the bar charts as described. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried.

This will tentatively appear on the City Council agenda of March 21, 2006.

4H. La Vista's One- and Six-Year Road Plan.

i. Staff Report: A public hearing was held to consider the La Vista's One and Six-Year Road Plan. The Public Works Department presented an overview of the One and Six Year Road Plan.

ii. Public Hearing: Malmquist motioned to open the public hearing. Hewitt seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 8:20 p.m.

Greg Goldman, Streets Foreman and Joe Soucie, Public Works Director presented a Power Point presentation of the proposed streets projects.

Krzywicki asked about right turn lanes at busy intersections within the city, especially at 72nd and 84th and Giles. Kottman said as part of the resurfacing project that might be a good time to incorporate them.

Hewitt motioned to close the public hearing. Andsager seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 8: 40 p.m.

iii. **Recommendation:** Carcich motioned to recommend approval of the One and Six Year Road Plan to the City Council. Horihan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried.

This will tentatively appear on the City Council agenda of February 21, 2006.

5. Comments from the Floor

None.

6. Comments from the Planning Commission

Potter apologized for the lateness of packet delivery which was due to delayed information from an applicant. And, due to the heavy schedule of items tonight, the annual election of Planning Commission officers will be held at the next meeting on March 16, 2006.

A City Directory of Officials was handed out to each member. Please notify Sharon Dennis if any corrections need to be made. Award nomination applications for the NPZA Annual Awards have been given to each member.

Last call for anyone interested in attending the Annual APA-NPZA in Kearney in March as these registrations and reservations must be made quickly. Along those lines, NPZA District 5 may present a local Workshop in 2006 which may be of interest.

An updated copy of the Park & Recreation Master Plan's Action Plan has been dispensed to everyone.

7. **Adjournment:** Carcich motioned to adjourn. Gahan seconded. Ayes: Carcich, Malmquist, Gahan, Hewitt, Horihan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 9:00 p.m.

Reviewed by Planning Commission Secretary: John Gahan



Recording Secretary



Planning Commission Chair

3-16-2006

Approval Date