

**CITY OF LA VISTA**  
**PLANNING COMMISSION MINUTES**  
**SEPTEMBER 17, 2009**

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, September 17, 2009, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Andsager, Kramolisch, Horihan, Circo, Gahan and Hewitt. Absent: Alexander and Nielsen. Also in attendance was Marcus Baker, City Planner and John Kottmann, City Engineer, and Ann Birch, Community Development Director (arrived at 7:36 pm).

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 Chairman Krzywicki at 7 p.m. Copies of the agenda and staff report were made available to the public.

**2. Approval of Meeting Minutes – August 20, 2009**

Circo motioned to approve the minutes of August 20, 2009. Hewitt seconded the motion. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Horihan, Circo, and Hewitt. Nays: None. Gahan abstained. Motion carried.

**3. Old Business**

None

**4. New Business**

**A. Public Hearing regarding a Conditional Use Permit for Bow Wow Boutique**

i. Staff Report: Terry & Dorothy Grindstaff, 7005 Michelle Avenue appeared with a proposal to provide a dog grooming business at their residence, which is zoned R-1.

In 2003, the property owners had several complaints filed against them regarding a grooming business operating without a permit and having too many dogs / pets at the residence. Code enforcement did many follow-ups to check for compliance at that time.

Bow Wow Boutique is looking to downsize and move their business from a leased commercial space to the owner's residence. The pet grooming shop would be operated out of an existing accessory building behind the house.

No additional construction is proposed at this time.

Chief Building Official, Jeff Sinnett asked the following questions:

- Plumbing drain needs to be tied into sanitary sewer for the installation of the bathtub
- What type of heating are they using for the building?
- Need a hard-surfaced sidewalk from the accessory building to the driveway or house

Public Works Director, Joe Soucie, would like to see plumbing and HVAC issues addressed.

The planning staff recommends approval of the conditional use permit to allow animal specialty services as a home occupation at this proposed location, provided they can address the concerns of the Chief Building Official and the Public Works Director.

ii. Public Hearing: Gahan motioned to open public hearing. Andsager seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Horihan, Gahan, Circo and Hewitt. Nays: None. Hearing opened at 7:04 pm.

Terry and Dorothy Grindstaff appeared as the owners of the proposed dog grooming home-based business. Mr. Grindstaff said the sidewalk would not be a problem to make it accessible to the building where the grooming would take place. It is a 16 x 16 x 16 foot shed with two levels. Mr. Grindstaff is an electrical contractor himself and plans to satisfy building codes.

Kramolisch asked if the heating/cooling and electrical would all be metered alone or from the house. Mr. Grindstaff said it would not be separately metered unless building codes require that.

Kramolisch asked if complaints had been filed against them in 2003 regarding too many dogs/pets at the residence and operating a grooming business without a permit.

Mrs. Grindstaff contended that when family members were staying for the holidays she may have had more than allowed and the Human Society was involved. She said when she became aware that a dog grooming business was not allowed in her home, she stopped.

Kramolisch asked if the Grindstaffs were downsizing the business. Mrs. Grindstaff said she is semi-retired but working part-time.

Gahan asked if the residence has a fence. Ms. Grindstaff responded it has a six foot privacy fence.

Gahan asked if there would be water running out to the shed. Mr. Grindstaff said yes because of the tubs. He has preliminary plans drawn up but awaiting approval of the business before commencing with building plans.

Gahan inquired if most customers drop the dogs off or do they wait.

Mrs. Grindstaff replied that the business would be by appointment and the dogs are dropped off and picked up when finished. Gahan asked if the two car driveway to the home was open during the day for usage by the customers. Mrs. Grindstaff indicated it was and she would ask her customers to park in the driveway.

Krzywicki asked if the accessory building they will use was on a slab or a foundation. Mr. Grindstaff said it is on a slab with the four corners dug deeper for extra strength. Krzywicki asked about the plumbing hooking into the sanitary sewer and whether he would be connecting to the street or house. Mr. Grindstaff is proposing to connect to the house if approved by the building department.

Horihan inquired as to whether the dogs would be boarded inside or outside while waiting to be picked up. Mrs. Grindstaff said each dog is kept in separate kennels inside. Her hours of operation are Monday through Friday from 8 a.m. to 5 p.m. and Saturday 8 a.m. to noon.

Kramolisch asked if the neighbors had been informed of the proposed business. Mrs. Grindstaff said the city provided a list of all the addresses within a 200 foot radius for her to poll the neighbors. To a question by Circo, she had received approvals from 26 of the 32 that were polled. No one was opposed; some neighbors could not be reached. 75% approval is required by the city, which has been satisfied.

Krzywicki wondered if she would be doing any product sales. Mrs. Grindstaff said retail sales would be limited.

Krzywicki inquired if there was any additional noise control. Mrs. Grindstaff said if she had a problem with a barking dog, she could keep that dog in the basement at the house. Mr. Grindstaff said the building would be fully insulated and soundproof.

Malmquist motioned to close public hearing. Horihan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing closed at 7:20 pm.

Circo asked who inspects plumbing and electrical. Baker replied that the State does these inspections, which would be a condition of approval.

Malmquist asked how the waste would be disposed of. Baker said daily yard waste clean-up also would be a condition of approval. Malmquist suggested that item "J" be modified to say yard, as opposed to just "front yard." The Grindstaffs indicated that they use Monarch K-9 Waste disposal, so there should not be any issues.

iii. Recommendation: Circo motioned to recommend approval of the conditional use permit to allow animal specialty services as a home occupation at this proposed location from the hours of 8 a.m. – 5 p.m., M-F and Saturday 8 a.m. - noon, provided they can address the concerns of the Chief building Official, Public Works Director and City Engineer. Horihan seconded. Ayes: Krzywicki, Gahan, Andsager, Horihan, and Circo. Nays: Malmquist and Kramolisch. Hewitt abstained due to a conflict of interest. Motion carried 5-2.

This item is tentatively scheduled to appear on the City Council agenda of October 20, 2009.

**B. Replat to consolidate part of Lot 1243, together with Lot 1244 and part of Lot 1245, Lot 1280, part of Lot 1281, together with part of sublots "M", "N", and "R" of commercial Lot 1282 and all of sublots "P" and "Q" of commercial Lot 1282, all in La Vista Subdivision to create Lot 1, La Vista Civic Center**

i. Staff Report: The purpose of the consolidation is to dissolve internal lot lines so that future buildings and improvements within proposed Lot 1 are not unnecessarily impeded by setbacks. The proposed lot would be under one ownership and the expansion of City Hall, the Community Center, and the new Fire Station District 1 would be constructed within proposed Lot 1 in a campus type build-out.

Staff recommends approval of the replat to create Lot 1, La Vista Civic Center.

ii. Public Hearing: Hewitt motioned to open public hearing. Malmquist seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing opened at 7:25 pm.

Malmquist asked if the proposed new fire station, if funded, would replace the old fire station on site and what would happen with the old building. Kottman thought the plan is to turn the old fire station into Parks & Recreation offices.

Hewitt motioned to close the public hearing. Malmquist seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing closed at 7:27 pm.

iii. Recommendation: Malmquist motioned to recommend approval of the replat to create Lot 1, La Vista Civic Center as presented. Kramolisch seconded. Aye: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Motion carried.

This will appear on the City Council agenda of October 20, 2009.

**C. Zoning map amendment for a portion of proposed Lot 1, La Vista Civic Center from R-3, High Density Residential to C-2, General Commercial**

i. Staff Report: The attached vicinity map shows the La Vista Civic Center highlighted in yellow. Currently City Hall, Fire Station District 1, and the Community Center are zoned R-3, High Density Residential (as shown in the light orange color). Since lots are being consolidated for the La Vista Civic Center, city staff would like to amend the zoning map so that the entirety of Lot 1, La Vista Civic Center is in the C-2, General Commercial zoning district. Both zoning districts support public buildings as a permitted use; however, it is preferred that the zoning be commercial instead of residential.

Staff recommends approval of the zoning map amendment to have the entirety of Lot 1, La Vista Civic Center be C-2, General Commercial.

ii. Public Hearing: Hewitt motioned to open public hearing. Horihan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing opened at 7:33 pm.

Red Emmons, citizen, came forward to suggest that while this area is being rezoned maybe the city should consider putting the Harrison Heights 3-story apartments on this subject lot instead of where it is currently proposed and leave the fire station where it is at since it has been there for the past 25-30 years.

Horihan motioned to close public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing closed at 7:37 pm.

iii. Recommendation: Horihan motioned to recommend approval of the zoning map amendment to have the entirety of Lot 1, La Vista Civic Center be C-2, General Commercial. Malmquist seconded. Ayes: Krzywicki, Andsager, Kramolisch, Horihan, Circo, Malmquist, Gahan and Hewitt. Nays: None. Motion carried.

This item is tentatively scheduled to appear on the City Council agenda of October 20, 2009.

**D. Zoning map amendment for Lot 1 and Lot 2 of Brook Valley Business Park Replat 2 together with Lot 12 and Lot 13B of Brook Valley Business Park from I-2, Heavy Industrial to I-1, Light Industrial**

i. Staff Report: The attached vicinity map shows the subject Parcels highlighted in yellow. All of these parcels are currently zoned I-2, Heavy Industrial; however, all other parcels in Brook Valley Business Park that have frontage to Harrison Street are zoned I-1, Light Industrial. City staff would like the zoning along Harrison Street to be consistent within this subdivision; it is also preferred that I-1, Light Industrial zoning be the prevailing zoning district along Harrison Street.

The zoning map amendment to the subject parcels would still support the existing uses and businesses, so no non-conforming uses or structures would be created by this change from I-2, Heavy Industrial to I-1, Light Industrial.

Staff recommends approval of the zoning map amendment for Lot 1 and Lot 2 of Brook Valley Business Park Replat 2 together with Lot 12 and Lot 13B of Brook Valley Business Park from I-2, Heavy Industrial to I-1, Light Industrial.

ii. Public Hearing: Malmquist motioned to open public hearing. Gahan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing opened at 7:39 pm.

Gahan asked if there was construction on the property currently. Baker said all of the buildings have been constructed and are trying to lease space, preferably light industrial use.

Gahan asked if there had been prior setback issues at this property. Baker indicated there had been about a year or two ago, but the new building satisfied all setback requirements. Malmquist asked if the I-1 and I-2 setbacks were the same. Baker said that they were the same

Krzywicki asked if this proposed action would make the property more restrictive. Baker said no, it would not be more restrictive.

Malmquist asked what the difference was between a zoning map amendment and rezoning. Baker said the notification process is the only difference, property owner notification is not required for a zoning map amendment.

Krzywicki said it was his concern that the current owners were not given an opportunity to speak on their own behalf. Baker said the item had been published in the newspaper.

Horihan motioned to close public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing closed at 7:43 pm.

iii. Recommendation: Gahan motioned to recommend approval of the zoning map amendment for Lot 1 and Lot 2 of Brook Valley Business Park Replat 2 together with Lot 12 and Lot 13B of Brook Valley Business Park from I-2, Heavy Industrial to I-1, Light Industrial. Malmquist seconded. Ayes: Krzywicki, Andsager, Kramolisch, Horihan, Circo, Gahan, Malmquist and Hewitt. Nays: None. Motion carried.

**E. Public Hearing regarding the Harrison Heights Final PUD, Final Plat and conditional Use Permit for proposed senior apartments within Lot 12 and Lot 14 of Crestview Heights Subdivision**

i. Staff Report: The applicant and owner, Empire Group, LLC is proposing to subdivide Lots 13 & 14 in Crestview Heights into five lots for the development of elderly/senior housing and three commercial uses as a Planned Unit Development (PUD).

On September 4, 2008, these lots were sold by the Metropolitan Utilities District to the Empire Group. Prior to this sale the land had been undeveloped and used for farming. The Future Land Use Map in the Comprehensive Plan reflects this former land use as a Public/Civic use, and the Zoning Map supported the agricultural use.

On August 4, 2009 the subject properties were rezoned by City Council from TA, Transitional Agriculture to R-3, High Density Residential and C-2, General Commercial with an overlay of PUD, Planned Unit Development District.

On April 6, 2009, the City of La Vista received a new application for the development

of apartments for senior living, an assisted living facility, and commercial flex buildings. The developer proposes to subdivide the two lots into five with each use to be built out in phases.

At the August City Council hearing, the preliminary PUD plan was approved for 112 elderly apartment units at market rate with 55 garages; and 48 affordable, senior apartments with no garages. These are age restricted for seniors 55 years old and up. Also, three commercial buildings were approved in the preliminary PUD that would total 20,500 square feet of flex commercial space.

The site is currently being graded for building pads. Mature pine trees and deciduous trees exist on the perimeter of the properties. These trees have been preserved through the grading permit.

The Comprehensive Plan and Future Land Use Map – The Comprehensive Plan supports the development of residential options for all income levels and actively access affordable housing programs available from local, state and federal agencies/departments.

City Engineer, John Kottmann, reviewed and made the following comments:

#### FINAL PLAT

1. The necessary mylar copies should be provided after City Council approval in order to include any revisions found necessary during the Planning Commission and City Council reviews.
2. A staking bond or letter certifying that lot corners have been pinned should be provided prior to the Mayor signing the final plat mylars. The staking bond should be \$150.00 per lot if a staking bond is provided.
3. An acceptable subdivision/development agreement will be needed prior to City Council consideration of the final plat. This agreement will need to address financing, installation, operation, and maintenance of proposed public and private improvements that are necessary to serve the property in this plat. The allocation of installation and maintenance costs needs to be addressed in this agreement, as well as the creation of a property owners' association for maintenance of private common area improvements.
4. A storm sewer easement needs to be added to the final plat across Lots 1 and 2 in favor of Lot
5. A cross easement over Lots 1, 2, and 3 is needed for sanitary sewer and other utility lines for these lots to reach adjacent public facilities.
6. In the Notary Block on the plat the County of "Douglas" needs to be changed to "Sarpy".

#### FINAL PUD

##### General

7. The Final PUD site plan with latest revision date of July 8, 2009 is generally consistent with the Preliminary PUD plan and incorporates

changes requested by staff concerning sidewalks and reductions in impervious areas. Since the Final PUD plan is consistent with the Preliminary PUD plan, I will not repeat my previous review comments. I will focus on items that were identified for additional review.

### Parking

8. The proposed quantity of parking on Lots 1, 2 and 3 is 102 stalls which is right at the minimum requirement for general retail space. However, the proposed ADA stalls do not have the required access aisles shown. The plan needs to be revised to show the access aisles and how the stall count can be maintained. Further, if portions of the retail space are used for restaurant-type uses, then the required parking for those spaces will be at least twice the requirement for general retail space. A limitation on the portion of the facility than can be used for such uses or some other method proposed by the applicant is needed to ensure that an appropriate mix of uses occurs in order to avoid a situation with inadequate on-site parking.
9. The total parking count on Lot 4 needs to be checked. The plan data shows 55 garage stalls and 71 surface stalls for a total of 126, however, I count 51 garage stalls and 72 surface stalls for a total of 123 stalls. Due to the senior housing nature of the project, the PUD process is allowing 1 stall per unit. There needs to be enough parking on site for the residents and visitor parking. I recommend adding 10 parking spaces for a total of at least 133 spaces.
10. In regards to Lot 5, the plan data shows 55 proposed surface parking spaces. I agree with that quantity, however, 2 of the proposed ADA stalls do not have the required access aisles shown. The plan needs to be revised to show these aisles. Due to the senior housing nature of the project, the PUD process is allowing 1 stall per unit. There needs to be enough parking on site for the residents and visitor parking. I recommend adding 5 parking spaces for a total of at least 60.

### Utilities

11. The final PUD plan needs to have information added to it showing proposed lighting locations and types of fixtures proposed (sharp cutoff style).
12. The locations of existing and proposed fire hydrants need to be added to the final PUD plan for review by the Fire Department and for conformance with the La Vista Municipal Code.

### Grading & Drainage

13. The site drains to a storm sewer system in Harrison Street. A drainage study was prepared in September of 2008 as part of the grading permit application process. This study indicated that the runoff from the site will be reduced to below existing conditions for 2, 10, 50 and 100-year events. This study was based upon a different development configuration than is currently being proposed. The drainage study needs to be updated to be consistent with the current layout and grading to demonstrate that the required detention volumes are able to be provided to reduce storm water peak flows to existing conditions for 2, 10, 50 and 100-year events.

14. A grading and erosion control permit through the Papillion Creek Watershed Partnership website has been obtained for this site. It will need to be modified to match the revised configuration of site development prior to obtaining a building permit or revising the grading of the site.
15. The applicant needs to submit Post Construction Storm Water Management Plans containing the minimum information listed in the City's present guidance document dated March 3, 2009 which is posted on the City's web site. These plans need to be part of the final plat and/or PUD submittal reviewed by the Planning Commission and City Council. This plan needs to be separate from the PUD site plan. The applicant also needs to review the first flush volumes shown on the site plan since they seem to be less than 0.5 inches of runoff based on the lot areas. A signed Maintenance Agreement for the post construction storm water management plan following the sample form posted on the City's web site needs to be provided prior to granting building permits for this project.

#### Miscellaneous

16. The applicant needs to identify how many feet will remain from back of curb of the proposed right-turn deceleration lane to the existing right of way line.
17. The text of the PUD plan needs to be updated and submitted.
18. The type of proposed screening of trash dumpsters needs to be shown on the final PUD plans.
19. Note No. 3 on the Final PUD Plan needs to be revised or deleted.
20. The PUD plan or the PUD text needs to have a statement as to the number of one-bedroom and two-bedroom units proposed on Lots 4 and 5.

#### CONDITIONAL USE PERMIT

21. I have considered the Standards for a conditional use permit set forth in Section 6.05 of the Zoning Regulations. If visitor parking is provided as recommended above and provisions are made to ensure a mix of retail uses not exceeding the available parking on the commercial lots and other revisions to the PUD plan are made as identified in this letter, then I do not object to the issuance of a Conditional Use Permit.

Police Chief, Bob Lausten, reviewed the provided documents relating to the Harrison Heights project. An obvious concern would be how the development effects traffic at Gertrude/Harrison and the other intersections in the area.

City Planning Staff supports the use of Lots 13 & 14 for senior apartments. Currently, La Vista only has one such facility at this time in Granville, which has just over 40 units. Elderly members of La Vista who are unable to get an available room at Granville are forced to leave La Vista to find accommodations. Therefore, Planning Staff has been targeting Lots 13 & 14 in Crestview Heights for more elderly living opportunities because it is a large enough acreage and compatible with surrounding land uses.

Revised, detailed color elevation drawings have been submitted with review of the Final PUD Plan. It is important that the multiple buildings within this development are compatible and coordinated in their architectural design. Building materials should be similar and coordinated so that all buildings in the PUD appear cohesive in their design. The City's design review architect has been working with the developers to achieve this.

The Final PUD shall limit Lots 1, 2 and 3 of Harrison Heights to no more than 25% of the combined gross floor area of the three commercial buildings for use as an A-2 occupancy (i.e. restaurant, nightclubs, bars.)

Vehicles and pedestrians will be able to circulate internally through the proposed five lots. All five lots are proposed to be connected by ADA accessible sidewalks. Entrances to buildings connect with these internal sidewalks.

Many of the existing mature trees on the perimeter of the development will be preserved. The developer has graded the property to create level building pad sites at a significantly lower elevation as compared to Gertrude Street. Even though the developer proposes a three story apartment building, this grading should keep the rooflines about even with the single family residential homes to the south of Gertrude Street.

The PUD plan attempts to minimize the number of trees lost to preserve a buffer between the single family land uses and the proposed development. Also, these trees would provide a nice amenity to the proposed Planned Unit Development. Additional landscaping is required on the perimeter of the proposed lots by code, so new trees have been proposed to meet the minimum landscaping requirements.

Stormwater detention ponds are proposed on each individual lot. The use of landscaped drainage swales, permeable pavement, rain gardens or other Low Impact Development Best Management Practices could reduce the size or the need for detention ponds. Stormwater runoff would infiltrate the ground sooner, thus the detention areas would not need to be as large.

Motions are needed for recommendations on the Conditional Use Permit (multi-family development on Lot 4), Final Plat and Final PUD Plan need.

Planning staff recommends continuance until the Final PUD plan and supporting documents have been revised and updated to reflect all City Staff's suggested revisions.

ii. Public Hearing: Malmquist motioned to open public hearing. Horihan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing opened at 7:48 pm.

Vic Pelster was present to say that they were trying to get all the final details worked out and agreed with the continuance recommendation.

Red Emmons, citizen, contends that the proposed Harrison Heights 3-story senior citizen buildings are getting rammed down the neighbors' throats. Mr. Emmons questions the entrance on 74<sup>th</sup> Street. He also wondered where tenants would go during a tornado warning since there is no lower level. There is no reason why the retirement home cannot conform with the neighborhood and have basements. He does not like the 3-story buildings. Also the evaluation of the property, he is told, will go up. He feels if he were to sell, prospective buyers would not want to look at these apartments.

Quinn Abraham, citizen of the area, appeared to ask that if that in the final plat the city could require more than minimum landscaping be added to screen them from the commercial. He suggested also that wider sidewalks than standard be put in the hopes that those who walk in the streets would be encouraged to walk on the wider sidewalk.

iii. Recommendation: Malmquist motioned to recommend continuance until the Final PUD plan and supporting documents have been revised and updated to reflect all City Staff's suggested revisions. Circo seconded. Ayes: Krzywicki, Andsager, Kramolisch, Horihan, Circo, Malmquist, Gahan and Hewitt. Nays: None. Motion carried.

**F. Public Hearing regarding text amendments to the City of La Vista's Comprehensive Plan to include language regarding an annexation plan**

i. Staff Report: The proposed chapter and map that are attached Show the annexation plan for the next 10+ years. City staff would like to amend the Comprehensive Plan to include these documents.

Staff recommends approval of the text amendments to the City of La Vista's Comprehensive Plan to include language regarding an annexation plan and an associated map.

ii. Public Hearing: Gahan motioned to open public hearing. Circo seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing opened at 8:02 pm.

Malmquist thought the materials and maps were very helpful.

Krzywicki asked if there is a suggested debt evaluation that the city looks at for annexation to be considered. Birch said it is 3.5% or less.

Krzywicki also inquired about SIDs with cash on hand – what happens to cash on hand after annexation? Birch said it becomes cash on hand of the city. To explain the debt ratio further, she said auditors feel the cities ideal debt to value ratio should be. However, that is not necessarily what is looked at when considering annexation. The debt to value ratio could be higher and a city would still consider it.

Krzywicki wondered how much control a city has over its SIDs in incurring additional debt. Kottmann responded that most of the city's SIDs are newer and the subdivision agreements put in limitations that they cannot undertake capital improvement projects without the approval of the city. Most fiscal agents will not issue the debt unless they see that the city has approved the expenditure.

Gahan wondered if west of 168<sup>th</sup> can become part of La Vista. Baker said that is outside of La Vista's future growth area.

Krzywicki asked how the southern boundary line was determined at 144<sup>th</sup> Street. Baker said by section line. There is potential growth from 144<sup>th</sup> to 168<sup>th</sup> Street.

Circo asked if the southeast corner of 108<sup>th</sup> and Giles Road, at the Kum & Go, is located in Papillion. Baker said it was, but we do have joint design review.

Gahan wondered then if it is the sheriff that responds there to emergencies west of 132<sup>nd</sup> Street. Kottmann said it is the Sarpy County Sheriffs Department that responds.

Gahan further asked about fire response. Papillion Rural Fire District serves that area as well as the Millard Fire District.

Hewitt motioned to close public hearing. Horihan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nays: None. Hearing closed at 8:11 pm.

iii. Recommendation: Hewitt motioned to recommend approval of the text amendments to the City of La Vista's Comprehensive Plan to include language regarding an annexation plan and an associated map. Malmquist seconded. Ayes: Krzywicki, Andsager, Kramolisch, Horihan, Circo, Hewitt, Malmquist, and Gahan. Nays: None. Motion carried.

This item is tentatively scheduled to appear on the City Council agenda of October 6, 2009.

## **5. Comments from the Floor**

None

## **6. Comments from the Planning Commission**

Baker announced that he had received enough responses to hold a quorum for a special Planning Commission meeting on October 22, 2009, in addition to the regularly scheduled meeting on October 15, 2009.

Malmquist asked the purpose of the special meeting and why it was necessary. Birch indicated that depending on the results of a City Council meeting agenda item on October 6, 2009, it may be to discuss an annexation. There are statutory changes to how annexations occur and additional notification requirements have been added that would require critical timing of notices to the property owners in the annexation area.

Baker announced that a future work session may be held with City Council on Comprehensive Plan revisions.

Krzywicki asked if it were around the time period where they would be looking at a total revision. Baker said it would be in-house revisions and more can be expected when the 2010 census is accomplished.

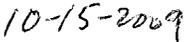
**7. Adjournment**

Circo motioned to adjourn. Gahan seconded. Ayes: Krzywicki, Malmquist, Andsager, Kramolisch, Gahan, Horihan, Circo and Hewitt. Nay: None. Motioned carried. Meeting was adjourned at 8:14 p.m.

Reviewed by Planning Commission: John Gahan

  
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Recorder

  
\_\_\_\_\_  
Planning Commission Chair

  
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Approval Date