

**CITY OF LA VISTA**  
**PLANNING COMMISSION MINUTES**  
**OCTOBER 16, 2008**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, October 16, 2008, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Alexander, Circo, Horihan, Nielsen, Hewitt, Malmquist, and Gahan. Carcich and Andsager were absent. Also in attendance was John Kottman, City Engineer; Marcus Baker, City Planner; and Ann Birch, Community Development Director. Malmquist arrived at 7:10 p.m.

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 7:00 p.m. Copies of the agenda and staff report were made available to the public. Due to the absence of Carcich, alternate Nielsen is a voting member tonight.

**2. Approval of Meeting Minutes – September 18, 2008**

Hewitt motioned to approve the minutes of September 18, 2008, as corrected. Circo seconded the motion. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Hewitt and Gahan. Nays: None. Motion carried.

**3. Old Business**

**A. Revisions to City of La Vista Zoning Ordinance – Section 2.02 Definitions**

i. Staff Report: Revisions have been made to the definitions section of the Zoning Ordinance to eliminate words or phrases that appear nowhere else in the code; to add definitions to uses that are elsewhere in the code; and to revise content for definitions that are in need of clarity, rewriting, and/or updating.

The American Planning Association's Planning Advisory Service has been utilized to help determine appropriate wording for definitions.

Most of the revisions have been made by City staff, requested revisions from Planning Commission have been made, and a final draft is ready for Planning Commission's review.

Staff recommends continuance of the proposed revisions as a final draft is not quite ready.

- ii. Public Hearing is herein continued from the previous meeting.

Krzywicki asked if there had been a resolution to the comment made at the last meeting regarding adult day care. Baker said it had been decided that it was a definition they would add if the use were added in the future.

Gahan motioned to continue the public hearing. Horihan seconded. Ayes: Hewitt, Krzywicki, Alexander, Circo, Nielsen, Horihan, and Gahan. Nays: None.

**B. Nebraska Indoor Karting Conditional Use Permit (CUP)**

- i. Staff Report: Once again, no word had been received from the applicant regarding their project. Therefore, no requested revisions had been received either.

Staff recommends closing the public hearing for the Nebraska Indoor Karting Conditional Use Permit, as Planning Staff recommends their application be withdrawn from consideration.

- ii. Public Hearing: Hewitt motioned to close the public hearing previously continued at the September 2008 meeting. Alexander seconded. Ayes: Hewitt, Krzywicki, Alexander, Circo, Nielsen, Horihan and Gahan. Nays: None. Public hearing closed at 7:08 p.m.

**4. New Business**

**A. Revision to Section 5.12.06.01 C-3 Zoning District – Height Restriction**

- i. Staff Report: Staff has had several requests, regarding development projects in the C-3 zone, to exceed the 45-foot maximum height requirement in that zone. Some have been granted by creating, a Planned Unit Development (i.e. Courtyard by Marriott and Embassy Suites), while others may need to go through a Variance process. It seems reasonable to staff that the maximum height should be greater in our Highway Commercial/Office Park Zoning District. Therefore, staff is proposing an increase from 45' to 75'. This would accommodate a six story building with a pitched roof. It is possible that the FAA may not always allow a height up to 75', so in those cases the height would be lower. Also, parking requirements or fire code requirements may limit the height of a building.

The Chief Building Official, City Planner and City Engineer researched existing building heights in Southport and appropriate setbacks for taller buildings. Existing buildings above the 45' maximum in Southport include the Embassy Suites (>98'), Courtyard by Marriott (>78'), and Hampton Inn (>53').

City Staff would like to allow for taller buildings such as these as long as residential properties are not impacted.

Staff recommends approval of the revision to Section 5.12.06.01 to the City Council. Baker commented that an asterisk to a note that any building within 100 ft. of a residential property shall not exceed 45 ft. in height.

ii. Public Hearing: Hewitt motioned to open public hearing. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing opened at 7:11 p.m.

Circo felt that the asterisk inserted took care of the concerns expressed in last month's Planning Commission meeting.

Krzywicki clarified that changes are in bold, italics or in strikethrough.

Gahan asked how many stories would be 90 feet. Baker said seven stories with a pitched roof would be 90 feet, or eight to nine stories with a flat roof. Gahan wondered if Harrison Hills subdivision would be the only residential area where there could be a tall building going up against a residential area. Baker said there are right-of-ways that have zoning districts associated with them and Harrison Hills would be one without a substantial right-of-way in between zoning districts.

Krzywicki said a tear down could be a possibility in an existing C-3 and a rebuild. Baker further explained another residential zoning district (R-3) where C-3 adjoins while crossing the interstate: Bella Vista subdivision, which is currently undeveloped.

Krzywicki asked if 100 feet is an arbitrary number, or is it calculated. Kottman said it is similar to what other jurisdictions have done, but could be somewhat arbitrary.

Krzywicki requested that the 100 feet buffer be assessed from the building to the residentially zoned district instead of residential property line.

Krzywicki asked if there was a reason why the existing maximum height is 45 feet in both the permitted conditional uses and permitted uses. Baker explained the original code was set up this way and now 90 feet is being proposed for both types of uses in this revision.

Circo motioned to close public hearing. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing closed at 7:17 p.m.

iii. Recommendation: Gahan motioned to recommend approval of the revision to Section 5.12.06.01 to the City Council with the language referring to the 100-foot buffer changing from "residential zoned property" to "residential zoned district". Hewitt seconded. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Hewitt, Malmquist and Gahan. Nays: None. Motion carried.

B. Revision to the Subdivision Regulations, Article 3.03.20 and Chapter 154 of the Municipal Code.

i. Staff Report: State law is requiring local governments to manage stormwater runoff beginning in 2009. The City Engineer has recommended changes to the subdivision regulations and municipal code to reflect these needed changes.

Staff recommends approval of the revisions to the City Council.

ii. Public Hearing: Malmquist motioned to open public hearing. Circo seconded. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing opened at 7:19 p.m.

Krzywicki clarified that anything double underlined were the recommended changes.

Krzywicki asked when an existing development would need to be brought in-line with these stormwater regulations.

Kottman said it would be the composite run-off from the property in its current state at the time the ordinance is adopted. Any new development would have to address that.

Krzywicki asked if retention ponds are part of the allowable mitigation strategies for stormwater run-off.

Kottman acknowledged anything done to the property that would decrease the peak run-off, including retaining the water on-site, would be recognized as satisfying this requirement.

Hewitt inquired about a reference on the last page of the post construction stormwater management plan that references the Omaha Regional Storm Water Design Manual. She wondered if that manual is referenced somewhere, so a citizen would know it is part of the public record and know how to access the document.

Kottman said it was written by the City of Omaha and has been adopted by the Papillion Creek Watershed as the tool for stormwater design for the watershed. Kottman said it is found in Chapter 154 of the La Vista Municipal Code, which is what is proposed for amendment tonight.

Birch suggested that the city attorney be involved in the proposed amendment considerations and staff would suggest that a close look be given to this issue.

Malmquist motioned to close public hearing. Hewitt seconded. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing closed at 7:31 p.m.

iii. Recommendation: Hewitt motioned to recommend approval of the revision to the Subdivision Regulations, Article 3.03.20; and Chapter 154 of the Municipal Code to the City Council. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Nielsen, Horihan, Hewitt, Malmquist and Gahan. Nays: None. Motion carried.

5. Comments from the Floor

None

6. Comments from the Planning Commission

Malmquist described a very interesting trip to Europe she had just returned from.

7. Adjournment

Horihan motioned to adjourn. Hewitt seconded. Ayes: Hewitt, Krzywicki, Alexander, Circo, Nielsen, Horihan, Malmquist and Gahan. Nay: None. Motioned carried. Nays: None. Meeting was adjourned at 7:43 p.m.

Reviewed by Planning Commission: John Gahan

*John Gahan*

*Sharon Dennis*  
Recorder

*Michael J. Krzywicki*  
Planning Commission Chair

*11-20-2008*  
Approval Date