

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

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, March 16, 2006 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Carcich, Malmquist, Gahan, Andsager, Hewitt, Horihan, Rizzo, Roarty, and Krzywicki. Also in attendance were: Ann Birch, Community Development Director, 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 7:00 p.m. A copy of the agenda was made available to the audience.

2. Approval of Meeting Minutes of February 16, 2006

Carcich motioned to approve the minutes of February 16, 2006. Malmquist seconded. Ayes: Carcich, Malmquist, Krzywicki, Andsager, Roarty, Horihan, Gahan, and Hewitt. Nays: None. Rizzo abstained. Motion carried.

3. Old Business

None.

4. New Business

4A. A conditional use permit application to locate and operate a home occupation (dog grooming) on Lot 20, The Meadows Replat X, located at 8907 S. 142nd Ave. Cir.

i. Staff Report: A public hearing was held to consider an application submitted by Brad Kava for a conditional use permit to locate and operate a home occupation (dog grooming) at 8907 S. 142nd Ave. Cir. on Lot 20, The Meadows Replat X.

The property is zoned R-1 Single Family Residential. According to the La Vista Zoning Ordinance, businesses such as this are considered class one home occupations and are permitted within the R-1 zoning district as a conditional use subject to the regulations prescribed in Section 7.10. In addition, Section 7.10.12 of the Zoning Ordinance requires a home occupation license as defined in Section 2.02.137 be obtained.

The applicant is estimating 4-5 appointments per day. All appointments will be between the hours of 8:00 a.m. and 4:00 p.m., Monday through Saturday. Appointments may be staggered throughout the day with dogs staying up to 2-3 hours beyond the grooming session while waiting to be picked up. Parking will be in the private driveway which is large enough for four vehicles.

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

1. The conditional use permit shall contain a provision limiting customer parking to the applicant's driveway to avoid parking impact on neighbors.

2. The client's dogs shall not be kenneled outside.
3. There shall be no overnight kenneling on the subject site.
4. No garage doors, windows or other openings shall be open during hours of operation.
5. The hours of operation shall be limited to between 8:00 a.m. and 5:00 p.m. Monday through Saturday.
6. The home occupation (dog grooming) shall operate by appointment only.
7. The maximum number of dogs groomed per day shall be limited to six (6).
8. All dogs must have their shots, no history of biting, and no need of veterinarian attention.
9. The use shall comply with the applicable sign regulations.

Staff recommends approval to City Council subject to the resolution of items identified by the city engineer and staff and the conditions within the proposed conditional use permit as the use complies with the Zoning Ordinance.

ii. Public Hearing: Carcich motioned to open the public hearing. Gahan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:05 p.m.

Brad Kava, applicant, was present to say the business was begun in 1994 and due to medical reasons was ceased in 2001 until it was re-opened recently. Their business experienced no difficulties with neighbors during their period of operations. Stacy Kava said an average dog grooming session is 2 hours and she does not accept clients who are not able to pick up their animals right away and does not allow a dog to stay all day.

Gahan asked in reference to item #8 how it is known that the animals have had their shots, do not bite and the veterinarian information. Stacy Kava indicated she has a phone screening process that she goes through with each client and makes up an information card on each. If the dog has no shots, which is verified by a call to the veterinarian specified, they are not taken on as a client. If a dog bites, the grooming session is ended and the owner is called to pick up the animal. If the dog experiences a medical problem during the session, the owners veterinarian is phoned and, if necessary, transported to that site at the owners expense.

Hewitt asked if their neighbors were aware of the business. Mr. Kava said he had complied with the city's process in obtaining signatures of approval of at least 75% of all addresses within 200 ft. of his own.

Potter explained that the process for obtaining this home occupation permit first required notification to all property owners within a 300 ft. radius of the address that a proposed dog grooming business was under consideration for a conditional use permit for a home occupation. A second part of this process for a proposed home occupation is to obtain the actual signatures of 75% of all the residents within a 200 ft. radius which requires polling to those addresses designated by city staff.

Hewitt asked about item #4 requiring that doors, windows, etc. be kept closed during the hours of operation. Potter answered that the staff had done extensive research on this item as no precedence had been set and this item was recommended. Potter explained that this requirement is while the client's dogs are on site.

Rizzo asked if there were any questions of the applicants on any of the items of the conditional use. There were none.

Krzywicki inquired how the hair was disposed of. The Kava's said it was swept or vacuuumed, bagged and tied. Some farmers take it away for their gardens to ward off varmints.

Roarty asked what is allowed, or if there are any limitations, regarding home occupations. Potter said that staff had looked at this, but in terms of residential R-1, it does state that home occupations are allowed by conditional use. The definition of home occupations lists examples of those allowed as conditional use permits such as barber shops, beauty salons, etc. This proposed business is classified as a like business like those which have clientele come to the business. No, there are not specifics to the other zoning districts. It is lumped together as to the traffic generated or customer service and treated individually per application.

Roarty asked how many dogs, if any, the applicants had of their own. The Kava's responded they had two which are completely shut off from their clients animals. The space where the business is conducted in the home is directly off the entry of the home and clients animals are restricted to that room and are not allowed anywhere else in the home. There are kennels in the business space where clients dogs are kept before and after grooming.

Roarty asked how many pets the city allows in a home at one time. Potter said he thought that an animal to be considered as a pet would be any that stayed over a 24 hour period, but he would need to verify that. In this proposed business there would be no boarding as such. Ms. Kava added that the dogs she grooms are small dogs due to her own medical restrictions.

Roarty explained that his concern was with the number of dogs at any given time. The Kava's indicated a single client may have more than one dog brought in at a time for a grooming session, but that each one is contained when not being groomed, and they have only four containers. Short of extreme emergencies more than four dogs at a time would be unusual.

Potter said that a provision could be set to allow a certain number of dogs within the home at a time. Roarty felt a real concern for even three dogs within a home at the same time. Malmquist felt that to limit the number of animals would be over enforcement by the city and impossible.

Gahan asked if these were show dogs that do not go outside. The Kava's explained the dogs are very small 'prissy' dogs. Also, no bathroom breaks are generally necessary during the time the animals are with them. If it is necessary, they are walked out to the front and not put into the backyard. They explained that there had never been any issues with their business within the neighborhood.

James Blanker, a citizen, came forward to say that he had been their neighbor over a dozen years and the Kava's were very conscientious and caring and have always been the best of neighbors.

Rizzo motioned to close the public hearing. Gahan seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Rizzo, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 7:28 p.m.

iii. Recommendation: Carcich moved to recommend approval to City Council subject to the resolution of items identified by the city engineer and staff and the conditions within the proposed conditional use permit as the use complies with the Zoning Ordinance. Malmquist seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Andsager, Rizzo, Gahan, and Krzywicki. Nays: Roarty. Motion carried.

This will tentatively appear on the City Council agenda of April 18, 2006.

4B. An amendment to a Final P.U.D. Plan (Ordinance) for Southport West (Lots 1-4, 15-27, and Outlots A&B) and Southport West Replat One (Lots 1-3) located in parts of the SE ¼ and SW ¼ of Section 18, T-14-N, R-12-E, of the 6th P.M., Sarpy County, Nebraska, generally located at 126th and Giles Road.

i. **Staff Report:** A public hearing was held to consider amendments to the final P.U.D. plan for approximately 150 acres zoned C-3 PUD-1 and I-2 PUD-1 and known as Southport West, generally located at 126th Street and Giles Road. The application is consistent with the Comprehensive Plan and compatible with surrounding developments.

An application has been made to amend the current Planned Unit Development (P.U.D.) Plan which was approved by the City Council on December 21, 2004. The most recent proposed Final P.U.D. Plan is designed to compensate for project demands concerning height, setback, use limitations, parking requirements, etc. According to the La Vista Zoning Ordinance, the intent of the PUD-1 District is to encourage the creative design of new living and retail areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety and general welfare of existing and future residents of surrounding neighborhoods.

Staff is in the process of reviewing the application for an amendment to the Final P.U.D. Plan and will need additional time to provide a recommendation. A copy of the proposed P.U.D. Plan will be distributed for your review prior to action being taken.

Staff recommends continuation of the hearing until the next meeting.

ii. **Public Hearing:** Gahan motioned to open the public hearing. Hewitt seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Andsager, Roarty, Rizzo, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:29 p.m.

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

4C. Proposed amendment to Section 7.01 of the La Vista Zoning Ordinance, more specifically Section 7.01.05(3) – Wall Signs.

i. **Staff Report:** A public hearing was scheduled to consider proposed zoning text amendments to Section 7.01.05(3) – Wall Signs. The proposed amendments will allow wall signs to be located on a wall other than the front wall of a building, and allow wall signs at a height exceeding 45 feet if located in a Planned Unit Development Overlay District and prescribed by such a P.U.D. Plan. The changes proposed by staff are consistent with the La Vista Comprehensive Plan and are as follows:

7.01.05 Permitted Signs and Limitations

3. ***Wall Signs***

- A. All wall signs shall be mounted to the primary face of the use, *unless otherwise substituted by the Building Official.*
- B. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
TA	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
R-1			
R-2			
R-3			
R-4			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
C-3	2.5 square feet per lineal foot of building / storefront to a Max. of 600 sq. ft.	45 feet above grade	One (1) per main frontage One (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One (1) per main frontage Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
PUD	The maximum allowed within the underlying zoning district, <u>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</u>	The maximum <u>building height</u> allowed within the underlying zoning district <u>in the approved P.U.D Plan of said lot/development.</u>	The maximum allowed within the underlying zoning district, <u>or otherwise prescribed in the approved P.U.D Plan of said lot/development.</u>

Staff recommends approval of the proposed amendments to City Council as they conform to the Comprehensive Plan.

ii. **Public Hearing:** Malmquist motioned to open the public hearing. Roarty seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Rizzo, Gahan, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing opened at 7:30 p.m.

Malmquist motioned to close the public hearing. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Public hearing closed at 7:31 p.m.

Potter explained that the policy had been that if an owner had a corner lot (two frontages), the city had said that they could pick and choose which wall to mount a sign and base the square footage of the sign on the lineal footage of the wall in which the sign is to be placed.

Also, in the PUD section of the table, if you recall the application for the Hampton Inn, they have a PUD overlay district that allows a 55 ft. maximum height on their building which is 10 ft. taller than the maximum requirements of the C-3 Zoning District. So, currently, if they desired, they would not be able to put a sign to the very top of that building. These changes would allow them to do that.

Hewitt asked if there are already some PUD plans approved that don't name a maximum building height. Potter said there would be no need for them to increase the sign height. If a PUD plan does not specify any flexibility then the underlying zoning district rules.

iii. Recommendation: Malmquist motioned to recommend approval of the proposed amendments to City Council as they clearly conform to the Comprehensive Plan. Carcich seconded. Ayes: Carcich, Malmquist, Hewitt, Horihan, Gahan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried.

4D. Election of Officers

i. Staff Report: The current Planning Commission officers include: Chair – Mike Krzywicki, Vice-Chair – Marv Carcich, and Secretary – John Gahan. The term of office will be for one year.

Carcich nominated Krzywicki to retain the position of Chairperson. Andsager seconded. Ayes: All. Nays: None. Krzywicki accepted the position of Chairperson.

Gahan nominated Carcich to retain the position of Vice-Chair. Malmquist seconded. Ayes: All. Nays: None. Carcich accepted the position of Vice-Chairperson.

Malmquist nominated Gahan for position of Secretary. Roarty seconded. Ayes: All. Nays: None. Gahan accepted the position of Secretary.

These positions are for a one year duration.

5. Comments from the Floor

None.

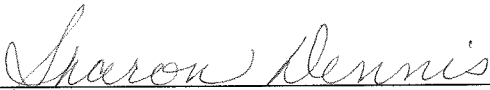
6. Comments from the Planning Commission

Malmquist asked if staff would investigate the opportunity for the Chair person to be allowed to open a public hearing, and to declare it closed without voice vote. It was felt that no one would vote against an open or closure and that a voice vote is time consuming and unnecessary. The only time to take a vote, might be for a continuance. Roarty agreed. Potter said it would be looked into. Krzywicki said if this were ultimately allowed the change should be made in the by-laws.

Likewise, Malmquist suggested that reading of the staff report is not warranted as this should be incumbent upon the members to have read it ahead of time. The staff member should only have to say here is what we have and briefly outline if there are any difficulties to pay attention to.

7. Adjournment: Carcich motioned to adjourn. Roarty seconded. Ayes: Carcich, Malmquist, Gahan, Hewitt, Horihan, Rizzo, Andsager, Roarty, and Krzywicki. Nays: None. Motion carried. Meeting adjourned at 7:38 p.m.

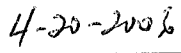
Reviewed by Planning Commission Secretary: John Gahan



Recording Secretary



Planning Commission Chair



Approval Date

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