CITY OF LA VISTA

PLANNING COMMISSION MINUTES

SEPTEMBER 18, 2008

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, September 18, 2008, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Carcich was absent. Also in attendance was John Kottman, City Engineer, Marcus Baker, City Planner and Ann Birch, Community Development Director

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.

2. Approval of Meeting Minutes – August 21, 2008

Alexander motioned to approve the minutes of August 21, 2008, as presented. Andsager seconded the motion. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, 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 definition 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.

These staff revisions have been submitted and a draft of revisions is ready for review by the planning commissioners. More revisions are forthcoming, but it is hoped that the commissioners review tonight will bring forward any changes, additions, deletions that may still be needed.

Staff recommends further continuance to assure that a final draft would include all necessary revisions.

Hewitt would like to see in 2.02.36 where it says "*school, pre*" to reference preschool to clarify this is included. Malmquist wondered if *care services, regardless of age*, (ex: senior care) would suffice. Baker said these are not addressed within the definitions as the zoning codes do not use these as permitted uses. There are indeed important words they should require definitions but are proposed to be stricken as they don't appear in the code elsewhere. These should probably be addressed at a later date.

Krzywicki asked if zoning criteria is set up where a use is listed and a determination would need to be made as to where it fits in best.

Baker said if someone were to make a text amendment to add a use to a zoning area, it would be proper that a definition be assigned at that time.

Baker pointed out that Sec. 4.05 in the zoning code addresses a use has to be expressly permitted by the zoning district.

Hewitt references the strike out of *homeowner's association.* Baker said it doesn't appear anywhere else in the code. Kottman advised that it probably appears in the subdivision regulations chapter but not in zoning regulations chapter. Perhaps this definition should be moved into the appropriate chapter of its appearance.

Horihan noted that *greenway* had been crossed out in the zoning regulations chapter, but it appears in the Park & Recreation Master Plan chapter. Baker agreed that is probably where it should appear.

Hewitt inquired about a definition of *family.* This definition needs to be more in line with federal regulations, as the current local definition is questionable.

Krzywicki suggested that the Planning Commission mull the changes over and come back with their revisions to include in a further draft before review by city council.

iii. Recommendation: Horihan recommended continuance of the public hearing to the October meeting. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Hewitt, Malmquist and Gahan. Nays: None.

B. Nebraska Indoor Karting Conditional Use Permit (CUP)

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

Staff recommends continuance of the public hearing for the Nebraska Indoor Karting Conditional Use Permit to the October 2008 meeting.

ii. Public Hearing: Hewitt motioned to continue the public hearing. Horihan seconded. Ayes: Hewitt, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None.

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.

Horihan asked the radius of the FAA zone controls. Baker passed around a map for a visual on this flight zone radius.

Staff recommends approval of the revision to Section 5.12.06.01 to the City Council.

ii. Public Hearing: Malmquist motioned to open public hearing. Hewitt seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing opened at 7:30 p.m.

There were no public comments.

Circo asked at what point the FAA gets involved. Baker said the plans are sent to the FAA first by the building office, as it does take awhile for their comments.

Krzywicki asked if there should be a concern with adding height to a structure, but not modify the side and rear yard requirements for more open space? Baker felt it was a fair question, and had not been discussed elsewhere. Baker felt some language could be added to the affect that if the height of a structure went above 45 ft. then other setback rules may apply.

Andsager asked how many stories was equal to 75 feet. Baker said this is figured as six stories with a pitched roof.

Krzywicki felt that additional setbacks would be taken care of by the additional parking requirements on the land. And, some landscaping requirements may also address some of these issues.
Baker said that setbacks are for structures only and parking lots and landscaping can be within that setback.

Kottman said they may want to re-visit the side and rear yard setbacks, particularly if a C-3 is abutting a residential area you wouldn't want the maximum height next to that category. Baker said residential areas don't really abut C-3 zoning.

Gahan felt this increased height adjustment would be more welcoming to business coming in. Malmquist agreed. She felt there are other reviews that would allow for assessments to adjacency, parking and those sorts of issues.

Gahan felt that a six story building will have to prove they can provide adequate parking.

Circo pointed out that a baseball/basketball arena would also need this height.

Horihan agreed with City Engineer Kottman that staff needs to think about the circumstances that may arise with the height of the structures and all setbacks as 15 foot setbacks don't seem to be enough for that tall of a building.

Krzywicki questioned if the fire department had sufficient access to taller buildings with smaller setbacks. Birch related information on this gained from the fire chief that no one goes above four stories with an aerial ladder unit. They rely on the interior fire suppression systems. There are requirements for a 24 ft. paved fire lane around commercial buildings over a certain size.

Malmquist said fire requirements depend on size of the building, etc. Other things are in place which require review of setbacks and other such items.

Krzywicki suggested City Engineer Kottman should look at adjacency, setbacks.

Baker said a 45 ft. height is maximum in all other zones (with the exception of single-family, R-1, which is 35 feet). This is not typical in other city's major office park / commercial zoning districts.

Krzywicki deducted that some members are okay as is and others want a review.

Nielsen agreed that time is needed to look at this. Hewitt agreed there were no pressing projects that require the changes. Baker said there may be a project appearing within a month or so, but if the Planning Commission needs time to look at it, they should take the time.

Hewitt and Circo felt other factors may come into play and should be looked at. Krzywicki wondered if any changes could be made before city council approval.

Hewitt felt if staff should review and it should come back to planning commission.

Krzywicki felt a footnote should be added that 45 ft. maximum if property is abutting a residential area. Horihan suggested that if two buildings would abut they would be only 30 feet apart.
Gahan and Krzywicki asked about the landscape requirements. The height next to a residential area could be 45 ft. next to the back door.

iii. Recommendation: Hewitt motioned to recommend approval of the revision to Section 5.12.06.01 to the City Council subject to the staff review of the front, rear and side yard setbacks and if there are no proposed changes, that the issue be sent on to city council for review. Circo seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Hewitt, Malmquist and Gahan. Nays: None.

This item will tentatively appear on the City Council of October 21, 2008.

5. Comments from the Floor

None

6. Comments from the Planning Commission

Malmquist invited everyone to the opening of the Bob Kerry pedestrian bridge to be held on September 28, 2008.

Krzywicki asked if there had been any comments or questions about parking around the conference center, Embassy Suites. Baker nor Birch had heard of any. Kottman said he and Public Works were working on a little piece of sidewalk to connect to the crosswalk, but was not aware of any other issues out there. Krzywicki asked the opening date of the Marriott. Kottman said it would be next spring.

Jason Nielsen introduced himself as the alternate on the Planning Commission. He grew up in Council Bluffs and has lived in La Vista for two years. He began work at PayPal as an agent and now runs all of the North American Operations within the company. He and his wife, Tricia, have a 22 month old son, Lance and they live in Cimarron Woods.

Alexander asked if the van tour had been worked out as yet. Baker said it had not.

7. Adjournment

Hewitt motioned to adjourn. Malmquist seconded. Ayes: Hewitt, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nay: None. Motioned carried. Nays: None. Meeting was adjourned at 8:13 p.m.

Reviewed by Planning Commission: John Gahan

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Recorder

_____ _____
Planning Commission Chair Approval Date

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