

**CITY OF LA VISTA  
PLANNING COMMISSION MINUTES  
NOVEMBER 20, 2008**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, November 20, 2008, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Alexander, Circo, Horihan, Hewitt, Andsager, Malmquist, and Gahan. Nielson and Carcich were absent. Also in attendance was 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 – October 16, 2008**

Circo motioned to approve the minutes of October 16, 2008. Malmquist seconded the motion. Ayes: Krzywicki, Alexander, Circo, Horihan, Gahan, Hewitt and Gahan. Nays: None. Motion carried. Andsager abstained.

**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.

Revisions are still on-going to this section.

Staff recommends continuance of the proposed revisions with any added changes, if applicable.

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

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

**4. New Business**

**A. Public Hearing for a Conditional Use Permit for Extreme Bodyshaping as a Health Club in the C-3 Zoning District**

i. Staff Report: Brent Nickel is requesting approval of a Conditional Use Permit to allow for a health club to be located at 7428 Eastport Parkway in Southport Plaza, which was constructed in 2007. The health club would be named Farrell's Extreme Bodyshaping and would be located in the C-3 Zoning District and Gateway Corridor Overlay District. Southport Plaza has been constructed at this location with a portion of the building being used as a childcare center. The proposal is to allow a tenant finish for a health club in the Southport Plaza building.

Approx. 4,000 square feet of the building is proposed for the health club. The lot is approximately two acres located in Southport East Replat 10. The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

Access is from Eastport Parkway. Pedestrian and vehicular cross-lot access is constructed to the adjoining property to the west (Southport Professional Buildings). Pedestrian access is provided to

the perimeter sidewalk, which follows Eastport Parkway. This access point is separate from the vehicular access drive to Eastport Parkway.

Twenty-two parking spaces are required for the health club. The site layout plan shows a total of 58 stalls for this building which meets the needs for both the health club and the existing childcare center. Approximately 1,400 sq. feet will remain as leasable space.

The health club is proposing two 45 minute classes per day to begin with. The first class would start at 6:30 a.m. and the second at 5:30 p.m. The evening start time would likely conflict with parents picking up their kids from the childcare center, which could create traffic congestion and safety concerns for pedestrians. Tenant management of the on-site circulation may be necessary. The class size is not expected to exceed 30 students at a time.

Both the Fire Chief and the Police Chief have reviewed the proposal and have no concerns at this time.

Staff recommends **approval** of the Conditional Use Permit to allow a health club in the C-3 zoning district

ii. Public Hearing: Hewitt motioned to open public hearing. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing opened at 7:07 p.m.

Brad Underwood with Southport Plaza LLC, represented the requested tenant Brent Nickel who is also present.

Hewitt asked what the photo lab was on their drawings. Nickels said it was for taking Polaroid or digital photos, no chemicals would be used.

Alexander referenced page one of the staff report. She noted that the staff report stated two employees are proposed, but the back of the Planning & Zoning application (#11G) shows two employees plus the owner and asked which figure would be correct. Nickels indicated that the owner would not always be present, but two employees would be present.

Gahan asked if there would be people coming in and out throughout the day. Nickels said it would be a class structure with occasional foot-traffic outside of scheduled classes.

Circo asked if their West Dodge location traffic had increased. Nickels confirmed it has increased.

Horihan inquired about the additional 1,300-1,600 square feet. Would there be adequate parking for that renter? Baker said it would depend on the use. If it were a conditionally permitted use the Planning Commission and the City Council would have some discretion – depending on if the parking would work for all of the uses at that time. Depending on the peak times with a proposed business, the child care or the health club's high traffic times may not coincide.

Horihan then questioned if the required parking spaces for the day care and Farrell's would use up all of the existing parking stalls available at this center. Baker said it would be unlikely that parking spaces would be used up completely, even at peak times.

Kottmann did not have any concerns about the additional 1,300-1,600 square feet of leasable area not being accommodated.

Hewitt motioned to close the public hearing. Alexander seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing closed at 7:12 p.m.

Baker noted there is a draft of the conditional use permit for the commission's consideration.

iii. Recommendation: Hewitt motioned to recommend approval of the Conditional Use Permit to allow a health club in the C-3 Zoning District to the City Council. Circo

seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Hewitt, Malmquist and Gahan. Nays: None. Motion carried.

This item will tentatively appear on the December 2, 2008 City Council Agenda.

**B. Public Hearing for a Conditional Use Permit for Beyond Golf as a Tavern in the C-3 Zoning District**

i. Staff Report: The applicant, Josh Galvin, has requested approval of a Conditional Use Permit to allow a tavern/bar at 12040 McDermott Plaza to be named Beyond Golf in the C-3 Zoning District. The 3,693 sq.ft. tavern would be constructed in a new commercial flex building (Southport Center) and is proposing additional patio space (375 sq.ft.) as an outside beer garden.

The site plan for Southport Center shows 188 total parking spaces to be divided among all the commercial retail tenants. The original PUD dedicated 16.6 parking spaces for this tenant bay. However, the zoning code requires 46 parking spaces for this proposed use. The proposed use will therefore go over the budgeted number of parking spaces, which may cause overflow parking affecting other businesses. Both the Fire Chief and the Police Chief have reviewed the proposal and have no concerns at this time.

Staff recommends approval of the Conditional Use Permit to allow Beyond Golf as a Tavern in the C-3 Zoning district with the following conditions:

1. The applicant shall demonstrate they can provide the necessary number of parking spaces for the tavern without negatively impacting the parking required for future tenants on this lot.
2. Additional on-site parking spaces may be required by the City if additional bars, taverns, or restaurants are planned in the same building as Beyond Golf. In which case, the owner shall be responsible for constructing additional parking spaces.
3. The outdoor patio must have a perimeter fence constructed to a height and style approved by the City of La Vista.
4. The outdoor patio shall not obstruct the pedestrian commons area in a way that would impede pedestrian traffic.

ii. Public Hearing: Malmquist motioned to open public hearing. Alexander seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing opened at 7:20 p.m.

Josh Galvin, appeared as the applicant.

Malmquist asked where the outdoor patio would be located and asked for the exact dimensions. Galvin answered the patio would be in the back and it would be 12 ft. deep x 24 ft. wide.

Krzywicki wondered if the patio would be fenced and would pedestrians be able to walk through the patio area. Galvin said there would be gates on each side of the fenced patio area.

Horihan asked if the pedestrians would have a clear path to walk around the patio. Galvin said the path would be clear. Horihan asked if a plan was submitted to address future parking needs. Baker said there is language in the draft conditional use permit that says the owner must construct additional off-street parking if additional bars/taverns or restaurants are planned in this same building as the permitted use.

Horihan asked if the owner can demonstrate now that there is a place for future parking. Baker said no such plans have been received to date.

John Hoich, the land owner, interjected that the proposed use is not a bar/tavern as is listed. It is a video golf tenant, and existing parking stalls would adequately meet their use. He also said there is additional land to the southeast (in the front of the building) that could be used for some future additional parking, if needed.

Krzywicki asked what the total capacity would be of the bar/tavern, including the patio area. Hoich commented that the patio is for the customers who smoke, so it was not intended to add more customers.

Gahan asked for their explanation of the business. Galvin said this is an indoor golf facility with three hi-definition golf simulators that are projected onto giant screens. Once the ball hits the screen it shows the virtual display of where the golf ball hit. It has the ability to display 14 different live golf courses. The proposed use would be more like a training facility and golf complex.

Gahan asked for the break-down of square footage for the simulator and food/bar areas. Galvin said the simulators use 1500 sq. ft. and the bar approximately 800 sq. ft., the remainder is seating, etc. Galvin said people may move about the facility and the capacity is approximately 100 people.

Baker clarified the review has considered the use as a bar/tavern because the zoning code does not have a classification for entertainment/ bar/ restaurant. The city engineer's report on parking evaluated a recreation facility vs. a tavern. The recreation use would require 31 stalls and the tavern use would be 46 parking spaces. Using the worst case scenario, the determination was to require 46 parking spaces for the facility at its ultimate capacity.

Meng-Frecker passed out copies of two new, alternative site plans to accommodate additional parking needs.

Horihan inquired about the additional parking spaces shown on the new lay-out that he handed out. One plan shows 208 parking stalls versus the original information which showed 188 stalls.

Meng-Frecker, with E & A Consulting, said extra parking was added to the southeast of Lot 4 as an overflow. They too are looking for a good balance of parking.

Hoich, the developer, stated no more bars, or recreational uses, were planned in this same building (except Houston's Lounge), only operations such as dentists, beauty shops, and office types.

Horihan said her concerns with parking include both Beyond Golf and the next agenda item, Houston's Lounge located in the same building.

Baker said Southport Center and its parking lay-out was approved in 2007. The parking lay-out being reviewed tonight is different than what had originally been approved last year. This new lay-out has more parking which helps accommodate this proposed use. Meng-Frecker said this hand-out he provided tonight was to address the additional parking needs. Baker pointed out that the uses that are going in now are exceeding the 2007 plan's capacity for parking. The issue tonight is to see if the owner can accommodate all of the proposed uses yet remain within the planned parking capacity.

Birch added that the ordinance that goes with the P.U.D. plan parking is calculated at 4.5 stalls per 1000 sq. feet, which is used for flex space buildings. The difficulty appears when the proposed uses become conditional uses, not permitted uses. It is necessary to consider the individual uses and their particular parking requirements.

Gahan asked if Galvin saw his business as a destination for people who are not interested in golfing but just going out for drinks. Galvin said the theme is definitely golfing and 90 % would be golf enthusiasts.

Krzywicki said it made more sense to him to use 46 parking stalls as a realistic number with an occupancy as high as 100.

Hoich said there would be a 30,000 sq ft. office building built behind the proposed facility that would provide an additional 200 parking spaces.

Baker asked if the plans that Meng-Frecker handed out would meet the open space requirements for the city. Meng-Frecker had not calculated that requirement. Baker said staff could take a look at both alternative plans and determine if all requirements would be met.

Circo pointed out that the problem seems to be with the 60/40 split as entertainment versus a bar. The commission is looking at it as a possibility that Beyond Golf would become more profitable as a tavern than entertainment establishment (golf simulator). Malmquist clarified parking is based on the use as a tavern which would be a higher requirement of parking than that as a recreation use.

Birch commented that it is a conditional use permit and is subject to review should there be any operating problems in the future.

Circo motioned to close public hearing. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing closed at 7:52 p.m.

iii. Recommendation: Malmquist motioned to recommend approval of the Conditional Use Permit to allow a tavern in the C-3 Zoning District provided that the conditions proposed by staff can be satisfactorily met. Andsager seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Hewitt, Malmquist and Gahan. Nays: None. Motion carried.

This will tentatively appear on the City Council Agenda of December 2, 2008.

**C. Public Hearing for a Conditional Use Permit for Houston's Lounge as a Tavern in the C-3 Zoning District**

i. Staff Report: John Houston of The Rendezvous Company is requesting an approval of a Conditional Use Permit to allow a tavern/bar, to be named Houston's Lounge at 12040 McDermott Plaza, Suite 100, in C-3 Zoning and the Gateway Corridor Districts. This 3,660 square foot tavern would be located in a commercial flex building with a 1,000 square foot patio as an outside beer garden.

This lot was re-platted as a part of Southport East Replat 6; architectural design review approval was previously completed for Southport Center.

The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor. Ingress / egress will be provided via McDermott Plaza. The applicant did not provide the number of proposed parking spaces; however, the City Engineer has calculated that 50 parking spaces would be required by code for the proposed tavern. Sufficient parking exists for this proposed use at this time. However, a request has been made to the owners to provide a plan for additional parking spaces if additional bars and restaurants are demanding parking at Southport Center.

Pedestrian sidewalks are provided at the perimeter of this site. Interior walking paths are also provided to the tenant bays. The outdoor patio area / beer garden is proposed on the west side of the building in a pedestrian commons area.

The site plan for Southport Center shows 188 parking spaces total to be divided among all the commercial retail tenants. The original Planned Unit Development dedicated 16.5 parking spaces for this tenant bay. However, the zoning code requires 50 parking spaces for this use. The proposed use will therefore go over the budgeted number of parking spaces, which may cause overflow parking affecting other businesses.

Both the Fire Chief and the Police Chief have reviewed the proposal and have no concerns at this time.

The outdoor patio area is planned to be located on the side of the building facing the planned commons area.

The Planning Staff recommends **approval** of the Conditional Use Permit to allow Houston's Tavern in the C-3 zoning district with the following conditions:

1. The applicant shall demonstrate they can provide the necessary number of parking spaces for the tavern without negatively impacting the parking required for future tenants on this lot.
2. Additional on-site parking spaces may be required by the City if additional bars, taverns, or restaurants are planned in the same building as Houston's Lounge. In

which case, the owner shall be responsible for constructing additional parking spaces.

3. The outdoor patio must have a perimeter fence constructed to a height and style approved by the City of La Vista.
4. The outdoor patio shall not obstruct the pedestrian commons area in a way that would impede pedestrian traffic.

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 7:58 p.m.

John Houston, the proposed business owner / tenant, appeared to answer questions.

Hewitt asked if this were similar to "On the Rocks" also owned by the company. Houston indicated it was; however, it is a different company.

Hewitt asked whether they sell food. Houston said they will not.

Alexander asked for the proposed hours of operation. Houston said they would be opened from 3 p.m. to 1:00 a.m. with the exception of Saturdays for football games.

Krzywicki asked the occupancy of the business. Houston said it had not yet been graded but should be rated similar to his other facility, and that would be approximately 100 occupants.

Malmquist asked how wide and long would the outside patio be. Houston said it would be about 20 feet wide and 50 ft. long. He added that it would blend into the same style as the building.

Gahan asked if there was to be live music. Houston confirmed.

Krzywicki asked if they would have outdoor televisions. Houston confirmed, but there would be a sound system designed so that the noise from the televisions would not be too loud for people on the patio. Also, they have no intention of disturbing the neighbors.

Houston ensured the commission that there would be adequate space for pedestrian traffic to get by the fenced in patio area.

Hewitt motioned to close the public hearing. Circo seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist, Hewitt and Gahan. Nays: None. Public hearing closed at 8:10 p.m.

iii. Recommendation: Hewitt motioned to recommend approval of the Conditional Use Permit for Houston's Lounge to the City Council providing all conditions of staff can be met satisfactorily. Malmquist seconded. Ayes: Krzywicki, Alexander, Circo, Andsager, Horihan, Hewitt, Malmquist and Gahan. Nays: None. Motion carried.

This will tentatively appear on the City Council Agenda of December 2, 2008.

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

Houston commented that Planner Baker did a very good job. Baker was very attentive, courteous and had been responsive to Houston's questions and concerns.

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

Baker updated the commission with information regarding the proposed storm water regulations that had been reviewed at the last meeting. Those regulations have been postponed. The Papio NRD has requested that it be held for now as they are looking at some of the rules for revising. When revisions are finished, the proposal may be returning to the Planning Commission for another review.

Baker also informed that the 84<sup>th</sup> Street Vision Project interviews were in progress and a decision should soon be made regarding contracting a consultant for this project. It is hoped that a selection would go forward for City Council consideration on December 16, 2008. It is hoped to get the consultation started in January or February. The city has applied for approval to use some of the

Community Development Block Grant re-use money. The re-use block grant money is \$200,000, so the consultant would be budgeted through that fund. There is also a phase two implementation study being considered. The Planning Commission will be involved in these processes.

Krzywicki asked if the city prompted the owner to do some repairs in the vacated Wal-Mart area recently.

Birch replied that the city provides a list each month to the property owner regarding property maintenance concerns.

Baker notified the commissioners that the December 2008 Planning Commission will meet one week earlier on December 11, 2008, due to the holidays.

**7. Adjournment**

Hewitt motioned to adjourn. Horihan seconded. Ayes: Hewitt, Krzywicki, Alexander, Circo, Andsager, Horihan, Malmquist and Gahan. Nay: None. Motioned carried. Nays: None. Meeting was adjourned at 8:15 p.m.

Reviewed by Planning Commission: John Gahan

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Recorder

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Planning Commission Chair

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Approval Date