

**CITY OF LA VISTA**  
**PLANNING COMMISSION MINUTES**  
**AUGUST 16, 2007**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, August 16, 2007 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Andsager, Horihan, Carcich, Hewitt, Malmquist, Krzywicki, and Gahan. Also in attendance were City Engineer John Kottman, Community Development Director Ann Birch, City Planner Marcus Baker, Assistant City Administrator Rita Ramirez, and Public Works Director Joe Soucie.

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 and staff report was made available to the public.

**2. Approval of Meeting Minutes – July 19, 2007**

Carcich motioned to approve the minutes of July 19, 2007. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, and Krzywicki. Nays: None. Abstain: Hewitt and Horihan. Motion carried.

**3. Old Business**

**4. New Business**

**A. Conditional Use Permit to locate and operate a childcare center in Southport Plaza, generally located at the northwest corner of Eastport Plaza and Port Grace Blvd.**

i. **Staff Report:** Southport Investors LLC requests a conditional use permit to build a childcare center inside of a newly constructed office/retail building. Twenty-one parking spaces are proposed in front of the 6500 sq. ft. childcare center. The property is surrounded by C-3 commercial zoning.

Access is proposed from Eastport Parkway, and an access easement on Replat Ten of Southport East would provide ingress / egress across Lot 2 to get to Lot 1. Pedestrian and vehicular access would also be allowed to Southport East Replat Four – to the west. Additional pedestrian access,

separate from vehicular traffic, will be provided to the perimeter sidewalk along Eastport Parkway. Utilities are available to the site. A five-foot aluminum fence, with a gate, is proposed to enclose the outside play area.

Staff has concerns about the number of parking spaces required of the childcare center. The proposed use would impact on the parking needs of future neighboring tenants. According to their license, the childcare center is set up for a maximum of 140 children with 17 care providers which would warrant 31 parking spaces.

The facility is proposed to operate 6:30 a.m. to 6 p.m. Monday through Friday, with catered lunches. They will not operate on weekends.

There are two proposed gates on the fence according to the request. In Planning Staffs opinion, the gate on the north side of the building raises potential security and safety concerns for the children.

Staff recommends approval of the Conditional Use Permit to allow a childcare center in the C-3 Zoning District with the following conditions: the applicant can demonstrate they can provide parking without negatively impacting the parking of future tenants on the lot, and Southport East Replat Ten shall be recorded prior to City Council's approval of the Conditional Use Permit.

**ii. Public Hearing:**

Malmquist motioned to open the public hearing. Hewitt seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried. Public hearing opened at 7:10 p.m.

Brad Underwood appeared as the representative for Southport Investors, LLC. Leslie and David Brown, the operators of the proposed childcare were also present for questions.

Horihan voiced concern with the amount of parking required at the childcare center, saying that it could negatively impact future tenants in the building and asked how the operators would address the issue.

Leslie Brown said at another facility, where they currently operate, the employees take up nine parking spaces and the parents use three spaces at a time with 70-100 children at the daycare. Parents take approximately two minutes for drop-offs suggesting thirteen parking spaces should be more than enough.

Gahan offered that the most congestion would probably occur between 7-8 a.m. and 4:30-5:30 p.m. and inquired if the remainder of the hours there would be normal expectancy with parking.

Horihan asked the city engineer how 31 parking spaces were calculated for the day care, and how he would evaluate the spaces required for a neighboring tenant. Kottmann said you need to factor in the applicant's operating experience and the zoning regulations with parking requirements in the city code. In the daycare situation, it is one stall per 10 students plus the number of employees. Ms. Brown has now indicated that there will be a maximum of nine employees at one time as opposed to the 17 originally projected and this will reduce the need for parking. The conditional use permit application should be modified to reflect the change to nine employees, and if the operators desire to lower the capacity from 140. Ms. Brown said the maximum number of employees likely would not exceed 12, and they would not all be there at one time.

Gahan asked if there was a formula that regulates number of employees to children. Ms. Brown said there is and offered to provide that if needed. Generally, more care takers are required for smaller children, and this is the formula she had used to figure how many employees she would need.

Hewitt asked if they would have children bussed to school from the daycare. Ms. Brown said they have a van by which they provide this service, if necessary.

Malmquist asked if the parking would now comply with the needs of the other tenants as a result in the change to 12 employees from 17 at the childcare center. Kottmann said his current site plan has 55 stalls and based upon the changes in employee numbers, this would work with the requirements within the ordinance. Kottman suggested that if recommended for approval to City Council, a parking plan be shown that provides adequate parking for the applicant's stated number of employees, occupancy, and the future and proposed retail space (at five parking spaces per thousand occupants).

Krzywicki asked what type of tenant could go into the remaining space that would potentially require more parking spaces than the daycare.

Kottman said he did not see anything more stringent than five stalls per thousand.

Malmquist commented on the ash trees proposed. She would strongly suggest not planting ash trees. According to the Extension Service, there is a warning that an ash borer beetle could kill the trees. Baker stated that there is a current requirement for purple ash trees along Eastport Parkway. Malmquist said there is no cure for this ash borer and an alternate tree should be considered. Krzywicki suggested that the Southport Design Regulations be considered for a change, as a result of this information.

Carcich motioned to close the public hearing. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried. Public hearing was closed at 7:19 p.m.

iii. **Recommendation:** Hewitt motioned to recommend approval of the Conditional Use Permit to City Council to allow a childcare center in the C-3 Zoning District with the following conditions: an amendment to the application shall clarify the number of employees on-site at one time, and the applicant shall meet the recommendations stated by staff. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried.

This item is tentatively scheduled to be on the agenda for the City Council meeting, September 18, 2007.

**B. Annexation of SID #198 (Val Verde), SID#200 (Southwind, Villas at Southwind, Southwind Two & Windstone), Tax Lot 6B NW ¼ 15-14-12, and part of the Harrison Street right-of-way.**

i. **Staff Report:** Ann Birch, Community Development Director introduced the annexation plan prepared for SID#198, Sid #200, Tax Lot 6B NW ¼ 15-14-12, and part of the Harrison Street right-of-way that was adopted by resolution of City Council on August 7, 2007. An annexation plan, and schedule, provided a detailed analysis of the areas proposed for annexation and the plan for services. Services are proposed October 1, 2007.

Krzywicki asked what the city's plan would be for the cash on hand within the Val Verde area. He asked if it would be used to retire some of the debt or be used to funnel into the general fund.

Birch was not able to answer this question. Generally speaking, she thought that if there is a bond issue that can be refinanced, they would look at doing that. If it is within a five year period, then they are stuck with the bond issue and interest payments. This would be more the responsibility of the Finance Director and the City Council to consider such items.

Hewitt commented that within both Val Verde and Southwind areas, the net debt reduction is exactly the same. Birch said that it is exactly the same. Hewitt further commented that Southwind is bringing in more debt than its revenue. Birch suggested that the Planning Commission's concern should be with orderly growth issues, the ability to provide maintenance and services, annexing in a timely manner, and other types of planning related issues. Birch invited these questions to be directed to staff.

Hewitt said that, especially with Southwind, once their large commercial area was developed, that the debt service would be much better. Birch said that adding commercial value into Southwind definitely would improve the area.

Horihan asked if the tax rate would increase for the general population of the city as a result of the annexation. Birch said the city is proposing a tax increase in the next budget; however, she is not certain that this annexation is the reason behind that. Horihan asked if it was known where the 0.08 debt service comes from. Birch strongly suggested that financial questions be addressed to the Finance Director. Birch advised that statutorily the city's financial well-being and budget are not the Planning Commissions area of review and should not be a part of the commissioner's decision making on this agenda. Hewitt suggested looking at the footnotes provided in the material to help explain the .08 debt service.

Gahan asked if an audit is performed on the SIDs. Birch replied that they do have a yearly independent audit.

Krzywicki asked if there were any long term contracts that would prohibit the city from taking over services. Birch said that is a factor. An analysis is done on any pending contracts or contracts already committed to. It is known that both SIDs are considering some street improvements and other public improvements and the city would be taking over the engineering work that has been done on these.

Staff recommends approval of the annexation of SID #198 (Val Verde), SID#200 (Southwind, Villas at Southwind, Southwind Two & Windstone), Tax Lot 6B NW ¼ 15-14-12, and part of the Harrison Street right-of-way.

ii. **Public Hearing:** Hewitt motioned to open the public hearing. Carcich seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried. Public hearing opened at 7:38 p.m.

No public comments were offered.

Malmquist motioned to close the public hearing. Andsager seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried. Public hearing was closed at 7:39 p.m.

iii. **Recommendation:** Malmquist motioned to recommend approval of the annexation of SID #198 (Val Verde), SID#200 (Southwind, Villas at Southwind, Southwind Two &

Windstone), Tax Lot 6B NW ¼ 15-14-12, and part of the Harrison Street right-of-way to City Council for adoption. Hewitt seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried.

This item is scheduled to be on the agenda for City Council the days of August 21, 28 and September 4, 2007.

**C. Capital Improvement Plan**

i. **Staff Report:** Rita Ramirez, Assistant City Administrator introduced the Capital Improvement Program (CIP) and provided background information and review of the document to the commissioners. The CIP is a plan and does not authorize or fund projects. The City Council will ultimately decide which projects to authorize and fund.

Krzywicki asked how much of the CIP documentation and information was being made available to the public and if access to the ranking sheets were available. He also asked how the City benefits from having a CIP, possibly with bond ratings. Ramirez said ranking sheets were used only as an internal work sheet. The city benefits from having a CIP in providing long range planning and revenue projections, usually 5 years out. But, she had not heard that it affects bond ratings.

Kottmann said there are some federal and state grant programs, where if a city does have such a program in place, it does help in terms of meeting grant criteria if a local government can demonstrate there is a plan in place.

ii. **Public Hearing:** Carcich motioned to open the public hearing. Andsager seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan . Nays: None. Motion carried. Public hearing opened at 7:55 p.m.

No public comments were offered.

Andsager motioned to close the public hearing. Malmquist seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan . Nays: None. Motion carried. Public hearing was closed at 7:56 p.m.

Malmquist congratulated city staff on the efforts and product of the CIP.

iii. **Recommendation:** Malmquist motioned to recommend adoption of the CIP to City Council as presented. Horihan seconded. Ayes: Andsager, Gahan, Carcich, Hewitt, Malmquist, Krzywicki, and Horihan. Nays: None. Motion carried.

**5. Comments from the Floor.**

None

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

Carcich inquired about the bus tour for the Planning Commission. Baker suggested either Saturday, September 8 or September 29 and asked for input on preferred dates.

Baker referred to the Zoning and Future Land Use Maps which had been recommended for approval to City Council by the Planning Commission. The hearing on these maps will be delayed for City Council until the annexation study has gone through the appropriate hearings and has been considered for approval and adoption. This action could change the jurisdictional boundaries on these maps. The annexation is to be reviewed by City Council October 2, 2007, and this would give Sarpy County a chance to adjust the jurisdictional boundaries on the GIS.

The following items, previously recommended to City Council, had the following results:

The replat for Southport East Replat Nine was approved with the associated PUD plan.

Southport East Replat Six and the amendment to that plan were also approved.

Krzywicki asked Joe Soucie, Public Works Director, what the chances were of a right turn lane being installed at the Bank of the West as part of the One and Six Year Road Plan. Soucie said it could get looked at, but right now the traffic count does not show that it is needed at this time. To do this type of thing also necessitates increasing the pedestrian crossing times which could result in more of a traffic delay. Soucie said these get monitored frequently.

**7. Adjournment**

Hewitt motioned to adjourn. Carcich seconded. Ayes: Andsager, Gahan, Carcich, Malmquist, Hewitt, and Horihan. Nays: None. Meeting adjourned at 8:06 p.m.

Reviewed by Planning Commission: John Gahan

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Recording Secretary

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Planning Commission Chair

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Approval Date