



MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, OCTOBER 19 AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, October 19, 2023, in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

PRESENT: Gayle Malmquist, Harold Sargus, John Gahan, Kathleen Alexander, Josh Frey, Mike Circo, and Deborah Dogba

ABSENT: Patrick Coghlan, Mike Krzywicki, and Jason Dale

STAFF PRESENT: Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Cale Brodersen, Associate City Planner, Lydia McCasland, Permit Technician; and Pat Dowse, City Engineer

Call to Order

The meeting was called to order by Chair Sargus at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

1. Approval of Meeting Minutes from September, 7, 2023

Motion: Frey moved, seconded by Malmquist, to **approve** the September 7, 2023, minutes.

RESULT:	Motion carried 4-0-3
MOTION BY:	Frey
SECONDED BY:	Malmquist
AYES:	Sargus, Malmquist, Circo, Gahan
NAYS:	None
ABSTAINED:	Alexander, Frey, Dogba
ABSENT:	Coghlan, Krzywicki, Dale

2. Old Business

None.

3. New Business

- A. **Replat – B&T Addition – Lots 880, 881, and 1301 La Vista - Wyatt & Liz Buls, and Terry & Mary Frecks**
- i. **Staff Report – Cale Brodersen, Associate City Planner;** Brodersen introduced the request for a replatting of lots 880, 881, and 1301 La Vista to incorporate a portion of vacated S. 78th Street right-of-way that the adjacent property owners have been maintaining. City Council approved of the right-of-way conveyance, contingent upon the replatting of the properties. Staff recommended approval of the replat for Lots 880, 881, and 1301 La Vista, to be replatted as Lots 1 and 2 B&T Addition, as the replat is consistent with La Vista's Subdivision Regulations.
- ii. **Recommendation:** Frey moved, seconded by Malmquist to recommend **approval** of the replat for Lots 880, 881, and 1301 La Vista, to be replatted as Lots 1 and 2 B&T Addition, as the replat is consistent with La Vista's Subdivision Regulations.

RESULT:	Motion carried 7-0-0
MOTION BY:	Frey
SECONDED BY:	Malmquist
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, and Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale,

- B. **Zoning Ordinance Amendments – CBD Stores - Section 2.20 – Definitions: S; Section 5.10 C-1 Shopping Center Commercial**
- i. **Staff Report – Cale Brodersen, Associate City Planner;** Brodersen explained that amendments to the zoning ordinance were adopted in 2021 that restricted the grouping of age sensitive uses such as liquor stores, smoke shops, and tobacco stores by requiring that they be 1,000 feet from one another in the same zoning district, or at least 300 feet from any place where children regularly gather, such as a school or child care facility. Brodersen stated that recently a business owner attempted to open a wellness-oriented CBD shop in a shopping center in La Vista, but they were unable to open due to the fact that they are considered a “smoke shop” due to the zoning ordinance definition, and that they are located on the same property as a child care facility. Brodersen further explained that the intention of the 2021 amendments were not to limit businesses of this type that are wellness-oriented and don't sell smokable or vapable products or paraphernalia, but that sell items such as oils and lotions. These proposed amendments specify a use for CBD stores, and further provide that CBD

stores that don't sell smokable or vappable products or paraphernalia are exempt from the buffer requirements.

Staff recommended approval of the zoning text amendments to section 2.20 and 5.10 of the La Vista Zoning Ordinance.

ii. **Public Hearing:**

Chair Sargus opened the Public Hearing.

As no members of the public came forward, Gahan moved, seconded by Frey to close the public hearing.

RESULT:	Motion carried 7-0-0
MOTION BY:	Gahan
SECONDED BY:	Frey
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale

Chair Sargus stated that the motion to close the Public Hearing was approved.

iii. **Recommendation:** Gahan moved, seconded by Malmquist to recommend **approval** of the proposed zoning text amendments

RESULT:	Motion carried 7-0-0
MOTION BY:	Gahan
SECONDED BY:	Malmquist
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale

C. **Amendments to the City of La Vista Extraterritorial Jurisdiction Map**

- i. **Staff Report – Chris Solberg, Deputy Community Development Director;** Solberg offered some background and history for the Commission and audience members on the City's extraterritorial planning jurisdiction and statutory authority to extend it. He explained that in 2012 the City decided to expand the ETJ to encompass the properties immediately west of 144th Street in order to have control of the

development of the corridor. There is one parcel, located in the vicinity of 144th and Chandler, that runs approximately one mile east-west that our ETJ line divides. The eastern portion of the parcel is currently in the City's ETJ but the western portion is in Sarpy County's zoning jurisdiction. Therefore, any potential development applications on that parcel would need to be approved by both Sarpy County and the City of La Vista. This agenda item proposes to extend the ETJ line to encompass the entire property, as to reduce complexity in the development review process and to allow the City to better control the development.

Once the ETJ is extended, the future land use map in the La Vista Comprehensive Plan needs to be amended to establish a land use designation on the additional property, and subsequently, the zoning map needs to be amended to establish a zoning district on the additional property, which are the next two items on the agenda.

Solberg described the additional property in more detail, including that much of the property is in the floodplain, and therefore subject to additional requirements through the Natural Resources District. For example, no development can occur in the floodway, and development in the floodplain is limited to 25% of the area, and only if the property in that 25% is raised to one foot above the base flood elevation.

Circo asked where the access would be if the property were to be developed. Solberg explained they would be required to obtain permission from BNSF Railway to construct railroad crossings to the north, or they would need to build a bridge over the creek onto the property to the south.

Staff recommended the expansion of the City of La Vista's Extraterritorial Jurisdiction as delineated by the attached map and legal description.

ii. **Public Hearing:**

Chair Sargus opened the Public Hearing.

Benard Olson, a resident of the Chalco Pointe 1st Addition subdivision, adjacent to the property in question to the south of the abutting creek, asked if industrial development is appropriate for this property. He voiced his concerns about the wildlife that live in and use the area, in addition to concerns about development in the floodplain.

Scott Owen, a resident in the Chalco area nearby, mentioned that he also would like to see the property preserved for wildlife, and that he is concerned about the area being overdeveloped.

As no additional members of the public came forward to speak, Malmquist moved, to close the public hearing. The motion was seconded by Frey.

RESULT:	Motion carried 7-0-0
MOTION BY:	Malmquist

SECONDED BY:	Frey
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale

Chair Sargus stated that the motion to close the Public Hearing was approved.

- iii. **Recommendation:** Malmquist moved, seconded by Frey to recommend **approval** of the expansion of the City of La Vista's Extraterritorial Jurisdiction as delineated by the attached map and legal description.

RESULT:	Motion carried 7-0-0
MOTION BY:	Malmquist
SECONDED BY:	Frey
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale,

D. Comprehensive Plan Future Land Use Map Amendment – ETJ Extension

- i. **Staff Report – Chris Solberg, Deputy Community Development Director;** Solberg explained the proposal to extend the industrial future land use designation onto the additional property proposed to be brought within the City of La Vista's ETJ, as this designation is consistent with the existing land use, and with Sarpy County's existing future land use designation.

Chair Sargus opened the Public Hearing.

- ii. **Public Hearing:**

Natalia Batchenkova, a resident of La Vista in the Parkview Heights subdivision, expressed concerns about additional development in the floodplain and the potential for flooding.

As no additional members of the public came forward to speak, Malmquist moved, to close the public hearing. The motion was seconded by Dogba.

RESULT:	Motion carried 7-0-0
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MOTION BY:	Malmquist
SECONDED BY:	Dogba
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale

Chair Sargus stated that the motion to close the Public Hearing was approved.

Malmquist addressed the members of the public and said that they had valid concerns and that they were appreciated, but that any company or developer looking to build on the lots would have to comply with La Vista's regulations and those of the NRD.

Sargus asked staff why this proposal was being brought to them now.

Solberg mentioned there has been developer interest expressed in the properties over the last year, but that an actual development application had not yet been submitted.

Fountain explained that staff felt it was in the City's best interest to bring the entire parcel under the City's jurisdiction. He also stated that any developer would have to get a flood plain development permit to build on the property and their proposal would be reviewed to ensure conformance with all regulations prior to construction.

Circo asked staff to explain the difference between an I-1 Light Industrial and I-2 Heavy Industrial.

Solberg said he would have to pull up the regulations to note all of the specific differences, but they are generally very similar. He indicated there are a few additional heavier industrial type uses that are permitted in I-2 that aren't allowed in I-1.

Frey pointed out that the properties up against 144th Street are already zoned I-1 and asked staff if it would make more sense to extend the I-1 zoning onto the additional property to the west, as opposed to the I-2 zoning.

Fountain indicated that could be considered but staff had made the suggested zoning of I-2 as that is the current equivalent of the County's zoning on the property to the west. Solberg suggested that the Planning Commission table agenda items 4D and 4E until the next meeting so that staff could conduct additional research and provide additional information on the differences between I-1 and I-2 and possibly revise the recommendation.

Recommendation: Gahan moved, seconded by Frey to recommend tabling agenda items 4D and 4E until the November 2, 2023 Planning Commission meeting.

RESULT:	Motion carried 7-0-0
MOTION BY:	Gahan
SECONDED BY:	Frey
AYES:	Gahan, Alexander, Sargus, Circo, Malmquist, Frey, Dogba
NAYS:	None
ABSTAINED:	None
ABSENT:	Coghlan, Krzywicki, Dale

E. Zoning Map Amendment – ETJ Extension – Tabled by motion above

4. Comments from the Floor

None.

5. Comments from the Planning Commission

6. Comments from the Staff

7. Adjournment

Chairman Sargus adjourned the meeting at 7:20 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Harold Sargus
Planning Commission Chair

11/2/23
Date