



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
MARCH 19, 2015-7:00 P.M.

A-5
COPY

The City of La Vista Planning Commission held a meeting on Thursday, March 19th, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman John Gahan called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Mike Circo, Kevin Wetuski, Tom Miller, Kathleen Alexander, and Jackie Hill. Members absent were: Harold Sargus. Also in attendance were Christopher Solberg, City Planner; Meghan Engberg, Permit Technician; and John Kottmann, City Engineer.

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.

1. Call to Order

The meeting was called to order by Chairman Gahan at 7:00 p.m. Copies of the agenda and staff reports were made available to the public. Gahan mentioned that due to the absence of a regular member, the alternate will be a voting member for the meeting.

2. Approval of Meeting Minutes – February 19th, 2015

Hill moved, seconded by Malmquist to approve the February 19th minutes as submitted.
Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. **Nays:** None.
Abstain: None. **Absent:** Sargus. **Motion Carried. (8-0)**

3. Old Business

A. Public Hearing for Amendment to Section 7.11 of the Zoning Ordinance-Wireless Communication Towers

- i. **Staff Report:** Solberg states that staff has been working on this amendment for a while and have a draft ready that they are vetting up the changes. Stated that the changes have been pretty significant and is recommending a continuation of the public hearing to the April 16th
- ii. **Public Hearing:** Continued from February 19th meeting.
- iii. **Recommendation:** Circo moved, seconded by Wetuski to recommend continue the public hearing to the next meeting. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. **Nays:** None. **Abstain:** None. **Absent:** Sargus. **Motion Carried. (8-0)**

B. Public Hearing for a Conditional Use Permit for Self-service Storage Facility-126th & West Giles Storage Facility

- i. **Staff Report:** Solberg states that applicant, SGTS LLC, is requesting a conditional use, a replat, and has withdrawn the request for the rezoning of the property. Proposed use is for a self-storage facility with one office. Staff is recommending approval of the replat, as well as the conditional use permit, with the condition of satisfactory landscaping plans submitted and reviewed prior to City Council approval.
- ii. **Public Hearing Opened:** Miller moved, seconded by Malmquist to open the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetusi, Circo, Miller, Hill, Alexander. **Nays:** None. **Abstain:** None. **Absent:** Sargus. **Motion Carried. (8-0)**

Matt Hubel from Schemmer, representing the applicant, talked about how property was originally platted in La Vista, but had accidentally platted a portion of Papillion as well. Client realized he had two lots instead of one and would have to develop over a jurisdictional boundary. They will be working closely with each jurisdiction, as they will be keeping it as one development, but over both jurisdictions.

Krzywicki asked about outdoor storage still being shown on the map.

Solberg stated that plans have not been rewritten since applicant removed rezoning request. Plans will be updated prior to going to City Council.

Hill asked about perimeter fencing around the property since it does butt up against the creek.

Hubel said that there will be a 6' or 8' fence. Owner will be responsible for cleanup. Stated there will be dumpsters and that placement and upkeep will be to responsibility of the owner to maintain.

Krzywicki asked if there has been any action on the environmental statements regarding the wetlands.

Hubel said that there will be a wetland study in the spring and will wait to apply for the building permit until after it has been conducted and okayed.

Krzywicki asked about there being adequate radiuses for emergency vehicles to get in.

Kottmann said that fire marshal has looked at plans.

Hill asked about how many parking spots there were going to be.

Hubel mentioned that there would only be 2 spots needed for the office, but will be installing eight.

- iii. **Public Hearing Closed:** Hill moved, seconded by Alexander to close the public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetusi, Circo, Miller, Hill, Alexander. **Nays:** None. **Abstain:** None. **Absent:** Sargus. **Motion Carried. (8-0).**
- iv. **Recommendation:** Krzywicki moved, seconded by Miller, to recommend council approve replat of location at 126th and West Giles. **Ayes:** Krzywicki, Malmquist,

Gahan, Wetuski, Circo, Miller, Hill, Alexander. Nays: None. Abstain: None. Absent: Sargus. Motion Carried. (8-0).

- v. **Recommendation:** *Krzywicki* moved, seconded by *Circo* to approve CUP with condition that satisfactory landscaping plan is approved prior to City Council review. *Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. Nays: None. Abstain: None. Absent: Sargus. Motion Carried. (8-0).*

4. New Business

A. Public Hearing for Amendments to Section 2.02, 5.13, and 5.14 of the Zoning Ordinance- Industrial Condominiums

- i. **Staff Report:** Solberg explained that staff has received a number of inquiries on the possibility of Industrial Condominiums, a use that is not currently in our ordinance. Staff feels that this does need to be added to the zoning ordinance and addressed efficiently. Staff has prepared revisions to the I-1 light industrial and I-2 heavy industrial zoning districts to provide for the use to be allowed through a conditional use permit. Staff recommends planning commission review the proposed changes and recommend approval to City Council.
- ii. **Public Hearing Opened:** *Malmquist* moved, seconded by *Hill* to open the public hearing. *Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. Nays: None. Abstain: None. Absent: Sargus. Motion Carried. (8-0).*

Hill said that she looked up statutes from Omaha and Nebraska in regards to condominiums. Asked if this has been looked at Council and staff to make sure that nothing was missed. Also mentioned looking into multi-use condos as part of the Comprehensive Plan.

Solberg stated that they removed the specific relation to the statute because the old aspect that referred to the statute was wrong. The statutes have changed since so much from 2001 that they decided to remove that specific aspect. Staff felt that leaning too much on the statutes was not a good idea because of how much they change over the years. Solberg stated that they are looking into additional changes to the zoning ordinance for mix uses. He stated that they don't feel that they are set up for that. They want to address it through a specific district that allows for mixed uses and the related impact.

Hill asked if City Attorney has looked at the new definition.

Solberg stated that attorney looks at the definition before it goes to council. He will propose changes at that time if need be.

- iii. **Public Hearing Closed:** *Malmquist* moved, seconded by *Circo* to close the public hearing. *Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. Nays: None. Abstain: None. Absent: Sargus. Motion Carried. (8-0).*
- iv. **Recommendation:** *Malmquist* moved, seconded by *Circo* to recommend approval to City Council. *Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, and Hill. Nays: Hill. Abstain: None. Absent: Sargus. Motion Carried. (7-1).*

B. Public Hearing for Amendments to Sections 5.05, 5.10, and 5.11 of the Zoning Ordinance – Animal Specialty Services and Kennels

- i. **Staff Report:** Solberg stated that through regular staff review of the Zoning Ordinance, it was concluded that amendments to the regulations were warranted. In consideration of the Animal Specialty Services, this use was commonly allowed within select commercial uses in communities nearby. Staff's review has concluded that the C-1 shopping center commercial and C-2 general commercial districts should allow for this use. Proposed amendments would allow for Animal Specialty Services, without dog runs, to be permitted within these two commercial districts. Animal Specialty Services with dog runs would be allowed in these districts with a conditional use permit. Staff is recommending an approval of the Kennels as an allowed use in the TA district to be removed and the overall package to City Council for approval.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Hill, to open the public hearing. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Sargus.* **Motion Carried. (8-0).**

Kevin Irish, owner of the Paw Spa Pet Resort, is looking at opening up another facility in La Vista. The facility has pet grooming, daycare and boarding. Said that they came down to Solberg to find out what the best laid out plan would be and he recommended some changes to the verbology in order to allow them to open a facility in La Vista.

Malmquist asked if they had just recently been at the Sarpy County Planning Commission.

Irish said that they have been in Sarpy County for a little over 2 years. Said they are located between a child daycare and a Runza and have had no complaints in regards to the noise.

Malmquist asked if they were going to keep that operation there as well.

Irish said that they are, but wanting to open one here to cater to the Bellevue, Papillion and La Vista market.

Hill asked how many animals are there overnight.

Irish said that they currently have 107 dogs there overnight. He said that the building is 12,000 square feet with 6x9 rooms. There is an indoor pool for the dogs, as well as other amenities.

Hill asked about the security system.

Irish said that American Electronics Systems does there security. They have cameras everywhere and are notified if the temperature drops 5 degrees. They also have contact detectors on the glass. Mentioned that they have no overnight staff because it disturbs the dogs, but that they do have cameras set up.

Irish mentioned that the length of stay is anywhere from 1 hour up to 2 months, with the average being 2-3 days. They change the air about every 4 hours to prevent "Kennel Cough" and dog odors. They have won several awards.

Krzywicki asked if the owner felt if there was any reason for them to look at doing anything else other than boarding.

Irish said that they do grooming, daycare and boarding, but that the boarding is the key element to their business.

Krzywicki said that when looking at the permitted uses, the only difference is the boarding and the outdoor exercise. Said that to him the boarding part isn't any different than a pet shop since they are also boarded overnight. Asked why specialty services are restricted on having pets overnight, but pet stores aren't.

Solberg stated that since there are different uses for pet shops and pet hospitals, the regulations are applied differently than an animal specialty services because of the need for a dog run.

Krzywicki mentioned having pet shops moved to a conditional use permit because they will have a need to let the dogs outside to exercise as well.

Hill asked if the facility was exclusive to canines.

Irish said yes.

Hill mentions that animal specialties services are not defined as to what animals are allowed. Said that she would like to see definition more detailed.

Solberg said that definition does not limit type of pet, but can be amended to domesticated pets. Also need to change definition to clean up the overnight boarding verbiage.

Krzywicki asked if changes to recommendation should be done at once, or if they should have staff review it first.

Solberg stated that it was the commission's decision on how they wanted to proceed.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Alexander to close public hearing. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. **Nays:** None. **Abstain:** None. **Absent:** Sargus. **Motion Carried. (8-0).**

Solberg mentioned that he would have to meet with the City Attorney to see how to proceed with changing the definitions, since they were not on the agenda, but were discussed during the public hearing.

Krzywicki mentioned voting on the recommendation that was originally presented and reviewing other items at a different time. Commission agreed.

- iv. **Recommendation:** Malmquist moved, seconded by Krzywicki to recommend the proposed changes removing kennels and stables from conditional use, adding animal specialty services without runs as a permitted use in both districts, and adding animal specialty services, including the boarding of animals and exercise and a permitted conditional use. **Ayes:** Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, and Alexander. **Nays:** Hill. **Abstain:** None. **Absent:** Sargus. **Motion Carried. (7-1).**

5. Comments from the Floor

None.

6. Comments from Planning Commission

Wetuski mentioned that there was an article in the paper that the Bellevue Planning Commission has had complaints about the instructions for people coming up to talk and being instructed to refrain from rude and hostile remarks. They have had residents get the ALCU involved about freedom of speech and being able to voice their opinion however they want. Asked if it was something that needed to be looked at and addressed.

Solberg said that staff can look at the article and see what effects it has had, as well as talking to Bellevue staff to see what changes they have made. Said that he will update commission on that.

Gahan mentioned having a uniformed police officer at the meetings.

Solberg said that policy is for officers to be at meetings when it is requested, normally when it was felt that meetings were going to be contentious.

Solberg mentioned possibly simplifying the opening remarks.

Hill asked Solberg how the NPZA conference went.

Solberg mentioned that the conference went well. Said that he will have Sargus talk about his experience at the next meeting.

Engberg mentioned that conference was good and was able to get a basic understanding of what goes into planning and a comprehensive plan.

8. Comments from Staff

Solberg mentioned that the kickoff event for the comprehensive plan is March 30th. They have a speaker by the name of Peter Kageyama coming into to talk about getting citizens involved with their city. There is also a half day event on March 31st with Peter on getting people involved and that towards the end of the conference, he will award \$500 to the group that comes up with the best idea to make La Vista better.

Solberg mentioned the Photo Voice contest that is going on as well. Allows citizens to show what they love about La Vista. The winner will be announced at Salute to Summer.

Solberg said that stakeholders will be contacted in a week or two in regards to meetings. They will be taking place the second week of April. These allow them to come in and discuss what they would like to see in the comprehensive plan.

Solberg mentioned that consultants will be at Salute to Summer and that there will be a visioning event in June. Consultants will also be at the stakeholder meetings to dive into working with the staff and citizens on the comprehensive plan.

9. Adjournment

Circo moved, seconded by Wetuski to adjourn. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Circo, Miller, Hill, Alexander. Nays: None. Abstain: None. Absent: Sargus. Motion Carried. (8-0).**

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date

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