

CITY OF LA VISTA
PLANNING COMMISSION MINUTES
APRIL 16, 2009

DRAFT

The Planning Commission meeting of the City of La Vista was convened at 7 p.m. on Thursday, April 16, 2009, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Krzywicki, Malmquist, Nielsen, Hewitt, Andsager, Kramolisch and Gahan. Absent: Alexander, Circo and Horihan. Malmquist arrived at 7:12 pm. Also in attendance was Marcus Baker, City Planner.

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 7:07 p.m. Copies of the agenda and staff report were made available to the public.

2. Approval of Meeting Minutes – February 19, 2009

Hewitt motioned to approve the minutes of February 19, 2009. Kramolisch seconded the motion. Ayes: Hewitt, Krzywicki, Andsager, Kramolisch, Nielsen and Gahan. Nays: None. Motion carried.

3. Old Business

None.

4. New Business

A. Public Hearing for revising Section 2.02.155, Section 2.02.156, and Section 7.10 all relating to Home Occupations

i. Staff Report: Home occupations have become increasingly popular as technology enables more and more people to work from computers and mobile devices in remote locations. Planning staff believes the zoning code needs to be modernized to reflect these advances in technology and provide an effective and efficient planning process to accommodate the trend.

In summary, the revisions seek to clarify the definition of "Home Occupation" and enhance existing code requirements related to home occupations and licensing. For example, Home Occupation II (Minor) permits would no longer require a resident to gather signatures of approval from neighbors within 200 feet. Also, the lists of uses defining specific home occupations have been replaced with generic performance standards or categories. According to the Home Based Business Council, over 200 potential home occupations have been identified. It is not possible to list them all in the code. Therefore, instead of regulating based on the type of business, the City could instead regulate based on necessary parking, number of employees, and other mitigating factors.

Recommend approval of the proposed revisions with any added changes, if applicable.

ii. Public Hearing: Hewitt motioned to open public hearing. Andsager seconded. Ayes: Hewitt, Krzywicki, Andsager, Horihan, Malmquist, Kramolisch and Gahan. Nays: None. Public hearing opened at 7:10 p.m.

Baker explained that these definitions need updating, as there seems to be an increase in home occupation applications. The major changes were to make it a more generalized definition with a performance based review. There are many different types of home occupations and staff would like to open the door for those businesses which would create minimal impact on a neighborhood.

Baker further explained that in Section 2.02.156.02, (all) Home Occupation Licenses require a minimum of seventy-five percent of the households within two hundred feet of the proposed home occupation shall indicate no objections to the operation of a particular proposed home occupation. The attempt is to have this 200 foot poll be required only of the Home Occupation I (major), who are required to have a conditional use permit.

Sec 7.10 review criteria for Home Occupations has added 7.10.01, stating "Home Occupations shall not alter the residential character of the neighborhood."

Krzywicki questioned this statement feeling it was arbitrary as to whose opinion it would be that a particular home occupation was altering the character of any particular neighborhood. Baker said it would come down to a judgment call of the Planning Commission and City Council. Further definition may be required.

Gahan questioned whether parking a commercial delivery truck, in Sec 7.10.09 meant a temporary delivery truck such as UPS, or a delivery truck that belonged to the home occupation business. Baker suggested that further clarification may need to be added.

Gahan suggested that in 2.02.155.01, the word 'any' be inserted to the phrase "off-site street or on-street site part of (any) commercial delivery vehicles". Krzywicki countered that argument by suggesting, "used in day to day operations of the home occupation business" after commercial delivery vehicles.

Kramolisch suggested that the determination could be as to whether a home occupation business uses their residential address within the processes of the business: advertising, billing, etc.

Baker offered to clarify the reference to "commercial delivery vehicle" in this section.

Hewitt motioned to continue the public hearing until clarification can be made on these definitions as requested. Malmquist seconded. Ayes: Hewitt, Krzywicki, Andsager, Nielsen, Kramolisch, Malmquist and Gahan. Nays: None. Public hearing closed at 7:40 p.m.

B. City of La Vista Code of Conduct Statement

i. Staff Report: The Council Policy Statement regarding the City of La Vista Code of Conduct was issued January 20, 2004. The statement requires a signed statement from City Council, boards and commissions. Newly elected and appointed officials entering office affirm and understand that they understand the city code of conduct and in order to provide an opportunity for review and update this policy will become a re-occurring agenda item following each general election.

Commissioners are asked to sign these statements provided to them which will be given to the City Clerk.

5. Comments from the Floor

Eileen Williamson, resident of Cimarron Woods, came forward with comments on Lot 380, Cimarron Woods (Cimarron Terrace Apartments) regarding planning documents that were submitted to the city on April 9, 2009. She states that this was beyond the city's deadline for document submittal of April 7, 2009; the next deadline being May 5, 2009. If these documents were accepted as submittals for the April 7, it goes before public hearing on May 21 or later if accepted for May 5th deadline. Williamson contends that if the documents were accepted after the April 7 deadline this delays the city's time for review of documents before City Council and public hearing, and in turn, delays the time of neighbor's to review the documents. She asks that since the documents arrived after the April 7 deadline that it go to the June Planning Commission meeting, or the neighbors be given the same extension of time.

She also requests that the 300 foot radius of notifications for the Cimarron Terrace project be extended to include more of the Cimarron Woods residential neighborhood.

Baker responded that it is correct that April 7th was the deadline for the May 21, 2009 Planning Commission meeting. The applicant submitted a revised application for Cimarron Terrace Apartments, and they were granted an extension by the Community Development Director to submit the complete application in by April 9th. The reason this was granted was due to the fact that the project had been reviewed once before and a two day delay would not significantly reduce the opportunity to review the revisions.

Baker further stated that what was accepted yesterday was the architectural design review and this is reviewed by Planning Commission at the same time as other material; however, it is a separate process that is done by the city's contracted architect, which does not have a submittal deadline. April 29th is the deadline for the developer to submit any further revisions.

The documents are tentatively scheduled to be on the May 21 agenda for the Planning Commission which makes a recommendation for approval or denial for consideration by the City Council. If continued by the Planning Commission it would stay there for further consideration the following month.

6. Comments from the Planning Commission

Baker informed the commissioners that the Vision 84 consultants had met this week with the stakeholder groups, etc. for info gathering and feedback. There will be a Walking Tour of 84th Street on May 8 (3-5 pm) and May 9th (Sat. 9:30-11:30). Anyone from the public is invited to this walking tour.

7. Adjournment

Malmquist motioned to adjourn. Gahan seconded. Ayes: Hewitt, Krzywicki, Andsager, Horihan, Malmquist, Kramolisch and Gahan. Nay: None. Motioned carried. Nays: None. Meeting was adjourned at 7:55 p.m.

Reviewed by Planning Commission: John Gahan

Recorder

Planning Commission Chair

Approval Date