



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

THURSDAY, JANUARY 4 AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, January 4, 2024, 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, Kathleen Alexander, John Gahan, Josh Frey, Mike Circo, Patrick Coghlan, Michael Kryzwicky, and Jason Dale

ABSENT: Harold Sargus & Debra Dogba

STAFF PRESENT: Bruce Fountain 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 Alexander at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

1. Approval of Meeting Minutes from November, 2, 2023

Motion: Malmquist moved, seconded by Kryzwicky, to **approve** the November 2, 2023, minutes.

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| RESULT: | Motion carried 7-0-1 |
| MOTION BY: | Malmquist |
| SECONDED BY: | Kryzwicky |
| AYES: | Alexander, Malmquist, Circo, Gahan, Frey, Coghlan, Kryzwicky |
| NAYS: | None |
| ABSTAINED: | Dale |
| ABSENT: | Sargus, Dogba |

2. Old Business

3. New Business

A. Zoning Ordinance Amendments – Short-Term Rentals - Sections 2.05, 2.09, 2.19, 2.20, 2.21, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, and 7.19.

- i. **Staff Report – Cale Brodersen, Associate City Planner;** Brodersen introduced the request for Zoning Ordinance Amendments relating to Short term rentals. Brodersen stated that the legislature passed a bill that bans municipalities from prohibiting the use of residential properties for short-term rentals. The amendments include various requirements related to occupancy numbers, off-street parking, and that rental properties become registered under La Vista's existing rental registration program. Brodersen stated that an occupation tax will also be created to tax short term rental properties in a manner similar to hotels and motels.

Chair Alexander opened the Public Hearing.

ii. **Public Hearing:**

Kryzwicki asked if there was anything in the state law that would prohibit cities from requiring the property owner to live at the property. Broderson said it is unclear, but that the statute is specific about the items that cities are able to regulate. Kryzwicki asked if there are model ordinance other cities are basing their regulations off of. Brodersen said yes, that most of the cities in Nebraska who have updated their regulations use language direction from the state statute. He said that the proposed changes for La Vista were primarily based on the statute and ordinances passed in Lincoln and Norfolk.

Circo asked if there are guidelines for the inspector is looking for when inspecting rental properties. Brodersen stated that there is a checklist that we send to the property owner before the inspection takes place so the owners are aware of what codes and items the inspector will be looking for. Coghlan asked how often the inspections are done. Brodersen stated that the ordinance calls for inspections every 2 years unless they fail then it is every year.

Kryzwicki asked if a new development would be prohibited from introducing anything in their private covenants to prohibit short-term rentals. Brodersen replied that the ordinance only prohibits municipalities from enforcing such requirements, it does not address covenants.

Kryzwicki asked how complaints would be addressed. Brodersen responded that one benefit of the rental inspection program is that we would have the owners contact information and there is a process for remediating violations. The requirements being enacted that limit occupancy for the short-term rentals, in addition to requiring a certain amount of off-street parking based on the occupancy, should help reduce the likelihood of nuisance properties.

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

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| RESULT: | Motion carried 8-0-0 |
| MOTION BY: | Gahan |
| SECONDED BY: | Circo |
| AYES: | Alexander, Malmquist, Circo, Gahan, Frey, Coghlan, Dale, Krzywicki, |
| NAYS: | None |
| ABSTAINED: | None |
| ABSENT: | Sargus, Dogba |

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

- iii. **Recommendation:** Kryzwicki moved, seconded by Coghlan to recommend **approval** of the Zoning Ordinance Amendments – Short-Term Rentals - Sections 2.05, 2.09, 2.19, 2.20, 2.21, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, and 7.19.

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| RESULT: | Motion carried 8-0-0 |
| MOTION BY: | Kryzwicki |
| SECONDED BY: | Coghlan |
| AYES: | Alexander, Malmquist, Circo, Gahan, Frey, Coghlan, Dale, Krzywicki |
| NAYS: | None |
| ABSTAINED: | None |
| ABSENT: | Sargus, Dogba |

B. Conditional Use Permit - Indoor Recreational Facility – 7769 S. 133rd Street – Hope Court Hoops, LLC d.b.a. Shoot 360

- i. **Staff Report — Cale Brodersen, Associate City Planner** introduced the CUP for an indoor basketball training facility. Parking will not be a problem however if it becomes a problem later the owner has agreed to have the paved lot behind his building striped for additional parking stalls. Brodersen introduced the representatives for Shoot 360 along with the owner Victor Pelster.

ii. Public Hearing

Alex Bahe, a representative of Shoot 360, presented their request and explained the operations of their planned basketball training facility. He mentioned it is a membership-

based program where members are allowed 1 hour per day and must have an appointment. Typically they would expect up to 16 members using the facility at any given time, in addition to 3 to 5 employees.

Kryzwicki asked if high school members would be allowed to go there if their coach is not there. Alex said yes if the coach is not there it would not be considered personal training.

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

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| RESULT: | Motion carried 8-0-0 |
| MOTION BY: | Malmquist |
| SECONDED BY: | Gahan |
| AYES: | Alexander, Malmquist, Circo, Gahan, Frey, Coghlan, Krzywicki, Dale |
| NAYS: | None |
| ABSTAINED: | None |
| ABSENT: | Sargus, Dogba |

iii. **Recommendation:** Malmquist moved, seconded by Frey to recommend **approval** of the Conditional Use Permit - Indoor Recreational Facility – 7769 S. 133rd Street – Hope Court Hoops, LLC d.b.a. Shoot 360.

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| RESULT: | Motion carried 8-0-0 |
| MOTION BY: | Malmquist |
| SECONDED BY: | Frey |
| AYES: | Alexander, Malmquist, Circo, Gahan, Frey, Coghlan, Dale, Krzywicki |
| NAYS: | None |
| ABSTAINED: | None |
| ABSENT: | Sargus, Dogba |

5. Adoption of the 2024 Schedule of Planning Commission Hearings / City of La Vista Review Schedule

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| RESULT: | Motion carried 8-0-0 |
| MOTION BY: | Malmquist |
| SECONDED BY: | Circo |

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

6. *Nominating Committee Formation*

Malmquist, Gahan & Kryzwicki agreed to serve on the committee.

7. *Comments from the Floor*

Natalia asked what the committee was for. Fountain stated the committee nominates members for the elections to serve as the Chair, Vice Chair, and Secretary.

8. *Comments from the Planning Commission*

9. *Comments from the Staff*

10. *Adjournment*

Chairman Alexander adjourned the meeting at 7:00 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date