



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
MAY 28, 2015-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, May 28th, 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, Kevin Wetuski, Tom Miller, Jason Dale, Harold Sargus and Jackie Hill. Members absent were: Mike Circo and Kathleen Alexander. Also in attendance were Christopher Solberg, City Planner; Meghan Engberg, Permit Technician; Court Barber, Intern; 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. Chamber Updates Training

Solberg explained that there have been updates to the Council Chambers. He explained that that there are no more voice votes and that there cannot be more than 4 microphones on at a time.

Solberg mentioned at this time the commission has a new alternate member, Jason Dale, and that Jackie Hill is now a full time member of the Planning Commission.

3. Approval of Meeting Minutes – March 19, 2015

Malmquist moved, seconded by Wetuski to approve the March 19th minutes as submitted.

Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. **Nays:** None.

Abstain: None. **Absent:** Circo and Alexander. **Motion Carried.** (8-0)

4. Old Business

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

- i. **Staff Report:** Solberg explains that this needs to be held over because changes have not been completed. Stated that due to the size of the change of the ordinance more work needs to be done, staff recommends a continuation of the public hearing.

- ii. **Public Hearing:** Continued from March 18th meeting.
- iii. **Recommendation:** Krzywicki moved, seconded by Hill to recommend continue the public hearing to the next meeting. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**

B. Public Hearing for Amendments to Sections 2.02, 5.05, 5.10, and 5.11 of the Zoning Ordinance – Animal Specialty Services and Kennels

- i. **Staff Report:** Solberg states that City Council has requested additional changes and sent it back to the Planning Commission for further review. The current changes as proposed changes the use of *animal specialty services*, whether with or without runs as a conditional use in the C-1 and C-2 districts. It also moves pet shops as a conditional use in the C-1 and C-2 districts. There are also definition changes and removing kennels from the TA district. Staff recommends approval.
- ii. **Public Hearing Opened:** Krzywicki moved, seconded by Malmquist to open the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**
- iii. **Public Hearing Closed:** Krzywicki moved, seconded by Miller to close the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**
- iv. **Recommendation:** Hill moved, seconded by Miller, to recommend changes to the definition of animal specialty services to add cats, dogs, and household pets and to remove exotic animals, and to change the definition of kennel. Also to make changes to the text changes as recommended. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**

Hill mentioned that in the March meeting they were looking defining what animal specialty services were and what kind of animals were going to be allowed. The amended definition does not say whether this is to be kept to domesticated animals.

Solberg said that was not a change that came into staff's discussion, but if the commission thinks that it's warranted, then it needs to be made part of the recommendation.

Hill said that the definition of kennel in the TA is nonfarm and nondomestic. Recommended possibly deleting it.

Solberg said that that item can be a part of the motion if the commission wants it removed.

5. New Business

A. Public Hearing for Zoning Map Amendment – Mobility Motoring

- i. **Staff Report:** Solberg stated that Mobility Motoring has requested a zoning map change in Lot 1 Stonybrook South replat 2 to change zoning from C-1 to C-2. The change is requested to allow for the use of the facility to do minor auto repair. Staff recommended approval of zoning map amendment request.
- ii. **Public Hearing Opened:** Malmquist moved, seconded by Krzywicki to open the public hearing. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**

Kent Sullivan from Mobility Motoring LLC spoke about his company, stating that it provides motor vehicles to people with disabilities and physical handicaps. They are looking for a facility that will allow them to have people come inside to have their vehicles looked at to see if they can have adaptive devices installed and to have the installation done as well.

Sargus asked if they would be in the space where the old flooring company used to be and to verify if they would be fueling vehicles as well.

Sullivan confirmed the location and stated there would not be any fueling done there.

Malmquist asked if there were any other mobility motoring locations in the Omaha area.

Sullivan said that they are the only one.

- iii. **Public Hearing Closed:** Hill moved, seconded by Krzywicki to close the public hearing. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**
- iv. **Recommendation:** Malmquist moved, seconded by Miller to recommend approving zoning map amendment as presented. **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**
- v. Krzywicki asked if there was any thought given to adding conditional use for this location to C-1 instead of changing the zoning due to the proximity of residential.

Solberg said that the C-1 district is labeled shopping center district and that corner doesn't exude a shopping center style of development. They feel that general commercial is more appreciate for this location.

Krzywicki asked if the residents were notified of the zoning change recommendation.

Solberg said that they were notified by mailing, posting at the property and it was posted in the newspaper.

B. Public Hearing for Zoning Map Amendment – Good Neighbor Senior Living

- i. **Staff Report:** Solberg stated that Nelson Construction Development is requesting a zoning map amendment for the property owner, L & B Properties LLC, to rezone Lot 2, Mayfair Addition Replat Five from C-1 to R-3 PUD High Density Residential Planned Unit Development with the Gateway Corridor District. The developer requested an amendment to construct a senior living facility. Staff recommended approval of amendment to the Future Land Use Map of the Comprehensive Plan from Commercial to High Density Residential and Zoning Map Amendment from C-1 to R-3 PUD High Density Residential Planned Unit Development with the Gateway Corridor District.
- ii. **Public Hearing Opened:** Hill moved, seconded by Miller, to open the public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**

Ryan Young from Nelson Development introduced himself as well as Eric Galley from Olsson Associates, and Larry Jobeun, land use attorney to answer any questions the commission may have.

Hill asked how many beds were in the facility.

Young said that there are 99 total beds.

Gahan asked how the rooms were broken down.

Young said that there are 25 memory care units, 49 assisted living units and 25 independent units.

Gahan asked if the memory care patients would require the most care.

Young said yes and that those units are access controlled.

Gahan asked if the unit numbers can be adjusted or if the layout will always stay the same.

Young said that the management that will be taking over has had a lot of say as to how the layout is going to be, but that remodeling can always happen in the future if need be.

Solberg reminded everyone that this is just a recommendation to change the zoning and that more details will come once the Conditional Use Permit has been applied for.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Krzywicki to close public hearing. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**
- iv. **Recommendation:** Malmquist moved, seconded by Miller to recommend amendment to the Future Land Use Map of the Comprehensive Plan from Commercial for High Density Residential. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**
- v. **Recommendation:** Krzywicki moved, seconded by Hill to recommend the zoning map amendment from C-1 to R-3 PUD High Density Residential Planned Unit Development with the Gateway Corridor District. **Ayes: Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale. Nays: None. Abstain: None. Absent: Circo and Alexander. Motion Carried. (8-0)**

C. Public Hearing for Conditional Use Permit – Omaha Motoring Club

- i. **Staff Report:** Solberg stated the applicant, Omaha Motoring Club, is requesting a Conditional Use Permit that would allow for an Industrial Condominium consisting of 6 buildings with 88 units on 7.37 acres on Lots 8 and 16, Harrison Hills, which would be consolidated to a single lot for this development. Staff is recommending approval of the Conditional Use Permit, contingent on legal review and approval of proposed changes to the CUP prior to City Council review and on the approval and recording of the Administrative Plat prior to the signing of the conditional use permit.

- ii. **Open Public Hearing:** Miller moved, seconded by Krzywicki to open the public hearing. . **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**

Matt Dinsdale from Omaha Motoring Club talked about how this will be a condominium storage complex for enthusiasts of cars. It is a perimeter gated complex that will have a secure entrance and each unit will be sold as a condominium with agreements and covenants that will need to be followed.

Gahan asked if there would be a 24 hour access to the facility.

Dinsdale said yes.

Gahan asked if there will be security.

Dinsdale said yes.

Hill mentioned that the condos are being sold to a third party and asked who is responsible if they default on that.

Larry Jobeun spoke and said that the condominium association will have the power and authority to enforce the covenants and assess that unit owner for any costs. They also have the power to foreclose the property and resell it if the owner refuses to pay.

Krzywicki asked what would happen if an owner wanted to use their unit for something that does not require a conditional use permit.

Dinsdale said that would not be allowed, that there would be restricted uses on what can and cannot be done.

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

- iv. **Recommendation:** Malmquist moved, seconded by Sargus to recommend approval of the Conditional Use Permit, contingent on legal review and approval of proposed changes to the CUP prior to City Council review and on the approval and recording of the administrative plat prior to the signing of the approved conditional use permit. . **Ayes:** *Krzywicki, Malmquist, Gahan, Wetuski, Sargus, Miller, Hill, Dale.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo and Alexander.* **Motion Carried. (8-0)**

6. Comments from the Floor

None.

7. Comments from Planning Commission

None.

8. Comments from Staff

Solberg mentioned that Jason Dale is the new alternate.

Solberg mentioned that long time planning commissioner Marv Carcich has passed away and offered condolences to the family.

Solberg talked about the Comprehensive Plan and all of the events that have taken place so far. Mentioned that the next item is a visioning event that will be taking place in late June. It is a pizza and beer event that will highlight those places that are in La Vista. No new meeting dates have been set for the advisory committee, but everyone will be updated when that does get scheduled.

9. Adjournment

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

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date

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