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CITY OF LA VISTA

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PLANNING COMMISSION MINUTES
NOVEMBER 19, 2015-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, November 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, Kathleen Alexander, Harold Sargus, Mike Circo, Kevin Wetuski, and Jackie Hill. Members absent were: Jason Dale and Tom Miller. Also in attendance were Chris 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 – October 15, 2015**

   Sargus moved, seconded by *Malmquist* to approve the August 20th minutes with corrections. ***Ayes: Krzywicki, Sargus, Gahan, Wetuski, Alexander, Malmquist, and Hill. Nays: None. Abstain: Circo. Absent: Miller and Dale. Motion Carried. (7-0-1)***

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 based on comments heard at the October 15, 2015 Planning Commission meeting, staff has made two minor edits to the proposed Section 7.11. A typographical error was corrected under 7.11.07.01 and the cancellation of insurance notification period is now 10 days instead of 30 under 7.11.18.04. These changes are shown in red within the [provided document. After reviewing the issue, the Community Development Committee believed that wireless towers should not be added as an allowed conditional use within residential districts and should be left out of the possible zones under section 7.11.07.01. Staff recommends that the Planning Commission recommend approval to City Council of the amendments to the zoning ordinance.

Hill asked to have section 7.11.18.04 state that there is a 10 days' notice of nonpayment and a 60 days' notice for any other reason.

Hill also mentioned the intent statement in reference to the second sentence in regards to mentioning that the "City of La Vista finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare character, and environment of the City and its inhabitants." She asked if the city has ever conducted a study or required a study to be done in reference to wireless towers.

Solberg said no, that it has not been a requirement. It is not part of the application package and there never has been an issue. Most of the towers are high enough and have never posed an issue.

Gahan asked if this is something that is regulated under the federal government and if there have been studies done by them.

Solberg said yes and that he forwarded that information from the consultant to the members of the commission. There are regulations on the federal level that are separate from our zoning regulations. Most of our issues have never been a health issue; it has either been a placement or aesthetic issue.

Gahan recapped that a cell phone tower in a residential area would be the very last option for placement.

Solberg said that the current regulations as proposed exclude commercial and residential areas. The impact is limited to residential properties.

Hill said that she did read the study in regards to the RF factor. She mentions that since that city did not actually do the study or require the study, that the sentence should be changed to say that "federal government studies finds..." She said that removing that puts the burden more on the government and not on the city. She feels that if we leave in the city as the responsible party, it will strengthen the defense of the wireless towers company because we are stating that we knew there was the potential for something to happen.

Solberg says that if the commission wants to change it that he would recommend adding the City of La Vista recognizes the study done by the federal government.

Sargus feels that the way it reads now is the way it should stay.

Gahan also agrees that the way it reads now is also the way it should stay. The city recognizes the studies.

Gahan also asked everyone to remember that the commission is just making a recommendation to the city council and the final decision is up to them.

Krzywicki mentioned that he had made comments in regards to 7.11.07.01. He would like to add areas listed as future land uses.

Solberg said that he is trying to figure out the legality of that. He would have to check with legal before to going to council to see if they would approve it. Solberg mentioned that it can be added into the staff report.

Recommendation: *Malmquist* moved, seconded by *Krzywicki* to recommend city council approve the amendments to 7.11.01, with the addition of a 60 day cancellation notice for all other reasons to 7.11.18.04. ***Ayes: Krzywicki, Malmquist, Gahan, Alexander, Circo, Wetuski and Sargus. Nays: Hill. Abstain: None. Absent: Miller and Dale. Motion Carried. (7-1)***

4. **New Business**

   A. None

5. **Comments from the Floor**

Gayle mentioned that there were students from Creighton University at the meeting.

One of the students came up and spoke about what he learned in the meeting that night. He asked about the RF and EMF issues that were discussed in regards to the towers. He was then handed a copy of the study.

6. **Comments from Planning Commission**

Sargus mentioned that the new tree carving looks great.

Solberg mentioned that public works is making ornaments out of some of the limbs that were cut off from the tree.

Hill explained to the students what had happened to the tree.

Wetuski said that he saw that city council approved Costco.

Solberg said that the final PUD and subdivision agreement did get approved. They just need to have final design review approved.

Krzywicki asked how much additional road work will need to be done by the city before Costco can go in.

Solberg said that Costco will be doing all of the grading and the city will be doing road work at the same time that the building is being done.

Malmquist asked what the status of the Multisport Complex is.

Solberg said that they have purchased the ground a couple of weeks ago. They are in the process of working on the fund raising for the project.

7. **Comments from Staff**

A. Comprehensive Plan Update

Solberg said that they are still working on the Comprehensive Plan Update. They have been working with the consultants on some significant changes to the document and are hoping to resume meetings soon so they can go over those changes.

Solberg also talked about a few of them attending the Comprehensive Plan Update meeting for Sarpy County and said that they seem to be moving forward with that as well.

8. **Adjournment**

Reviewed by Planning Commission:

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Planning Commission Secretary

_____ _____

Planning Commission Chairperson Approval Date

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