



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
SEPTEMBER 19, 2019 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, September 19, 2019 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Kevin Wetuski called the meeting to order at 6:30 p.m. with the following members present: Gayle Malmquist, John Gahan, Mike Circo, Harold Sargus, Kathleen Alexander, and Kevin Wetuski. Members absent were: Jason Dale and Mike Krzywicki. Also in attendance were Chris Solberg, Senior Planner; Meghan Engberg, Permit Technician; Cale Brodersen, Assistant Planner; Pat Dowse, City Engineer; 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 Vice Chairman Wetuski at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – August 15, 2019

Malmquist moved, seconded by Alexander, to approve the August 15th minutes. **Ayes: Sargus, Gahan, Wetuski, and Malmquist. Nays: None. Abstain: Circo and Alexander. Absent: Dale and Krzywicki. Motion Carried, (4-0-2)**

3. Old Business

None.

4. New Business

Malmquist moved, seconded by Circo to move election of officers to the last agenda item. **Ayes: Sargus, Gahan, Wetuski, Circo, Alexander, and Malmquist. Nays: None. Abstain: None. Absent: Dale and Krzywicki. Motion Carried, (6-0)**

A. Zoning Ordinance Amendment – Sections 5.06-5.09 (Setbacks for Public Facilities in Zones R1-R4, and MU-CC)

- i. **Staff Report – Chris Solberg:** Solberg stated that, upon review, staff has concluded that an update to the Zoning Ordinance – Sections 5.06-5.09 and 5.19 (R1-R4, and MU-CC Districts) relating to the building setbacks for publicly owned and operated facilities is warranted. La Vista’s current Zoning Ordinance does not directly address the building setbacks for publicly owned and operated facilities in all residential and mixed-use districts. The proposed changes will provide the City with more flexibility in the placement of its public facilities in these districts. Staff recommends approval of the attached amendments.

- ii. **Public Hearing: Wetuski opened the public hearing.**

Wetuski closed the public hearing as no members of the public came forward.

- iii. **Recommendation:** Circo moved, seconded by Malmquist to recommend approval for an update to the Zoning Ordinance – Sections 5.06-5.09, and 5.19 (R1-R4, and MU-CC Districts) relating to the building setbacks for publicly owned and operated facilities. **Ayes: Sargus, Gahan, Wetuski, Circo, Alexander, and Malmquist. Nays: None. Abstain: None. Absent: Dale and Krzywicki. Motion Carried, (6-0)**

B. Zoning Ordinance Amendment – Sections 2.17, 5.10-5.12, and 5.19 (Definitions and Permitted Uses in Zones C1-C3, and MU-CC)

- i. **Staff Report – Cale Brodersen:** Brodersen stated that staff recently received a building permit application for “Float District”, a float spa or sensory deprivation tank spa in Southport West that provides equipment-based therapies. During the zoning review it was found that this use is not addressed in the La Vista Zoning Ordinance, though it does fit the character and intent of the C-1, C-3, C-3, and MU-CC Districts. Additionally, the La Vista Zoning Ordinance does not clearly address similar issues such as day spas or massage therapy spas. Surrounding communities account for these wellness-oriented uses in a category called “Personal Services”. The proposed changes to the Zoning Ordinance provide for a definition for “Personal Services” and allow for its permitted use in the C-1, C-2, C-3, and MU-CC Districts. Staff recommends approval of the proposed amendments.

- ii. **Public Hearing: Wetuski opened the public hearing.**

Wetuski closed the public hearing as no members of the public came forward.

Circo asked where hair salons fit in La Vista’s Zoning Ordinance.

Brodersen said that they are currently accounted for in categories called Barber & Beauty Shops in the Zoning Ordinance.

- iii. Gahan moved, seconded by Sargus to approve the proposed amendments to the Zoning Ordinance to provide a definition for “Personal Services” and allow for it as a permitted use in the C-1, C-2, C-3, and MU-CC Districts. **Ayes: Sargus, Gahan, Wetuski, Circo, Alexander, and Malmquist. Nays: None. Abstain: None. Absent: Dale and Krzywicki. Motion Carried, (6-0)**

C. Planned Unit Development – Brixmor Property Group, LLC

- i. **Staff Report – Chris Solberg:** Solberg stated the applicant, Heritage West La Vista LLC, is requesting a Planned Unit Development (PUD) Site Plan amendment to allow for the development of three commercial strip centers and one stand-alone restaurant, including two fast food establishments with drive-thrus. The proposed development is generally located Northwest of the intersection of Giles Road and Southport Parkway. Staff recommends approval of the PUD Site Plan for a commercial development contingent on satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.
- ii. **Applicant Presentation:** Larry Jobeun and Patrick Morgan came up and spoke on behalf of the applicant. Both voiced concerns over having to meet all of the design guideline elements required by guidelines adopted within Southport West PUD ordinance and were hoping to see an amendment to the staff report to reflect some leniency.

Solberg explained that the Planning Commission deals specifically with land use concerns of the PUD, and that the implementation of the building design guidelines are handled administratively by staff.

Larry Jouben asked if City Council has the authority to alter the amendment to the Planned Unit Development to remove some of the aesthetic requirements.

Solberg explained that they do have that ability through the adopting ordinance for the PUD, but that the applicant should first communicate with staff to discuss strategies in meeting the guidelines as previously adopted by City Council.

- iii. **Public Hearing: Wetuski opened the Public Hearing.**

Wetuski closed the public hearing as no members of the public came forward.

iv. Recommendation: Sargus moved, seconded by Malmquist for approval of the PUD Site Plan for a commercial development contingent on satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

Ayes: *Sargus, Gahan, Wetuski, Circo, Alexander, and Malmquist. Nays: None.*

Abstain: *None. Absent: Dale and Krzywicki. Motion Carried, (6-0)*

D. Election of Officers: Malmquist moved, seconded by Circo to elect Wetuski as Chair, Sargus as Vice-Chair, and Alexander as Secretary. **Ayes:** *Sargus, Gahan, Wetuski, Circo, Alexander, and Malmquist. Nays: None. Abstain: None. Absent: Dale and Krzywicki. Motion Carried, (6-0)*

5. Comments from the Floor:

No members of the public came forward.

6. Comments from the Planning Commission:

None.

7. Comments from Staff:

None.

8. Adjournment

Wetuski adjourned the meeting at 6:57 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date