



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
JANUARY 16, 2020 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, April 18, 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: Mike Krzywicki, Gayle Malmquist, Kevin Wetuski, Kathleen Alexander, John Gahan, Harold Sargus, Josh Frey, Patrick Coghlan and Mike Circo. Members absent were: Jason. Also, in attendance were Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Bruce Fountain, Community Development Director; Meghan Engberg, Permit Technician; and Pat Dowse, 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 Wetuski 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – December 12, 2019

Krzywicki moved, seconded by *Malmquist*, to approve the December 12th minutes. **Ayes:** *Krzywicki, Gahan, Wetuski, Frey, Coghlan and Malmquist*. **Nays:** *None*. **Abstain:** *Sargus, Circo, and Alexander*. **Absent:** *Dale*. **Motion Carried, (6-0-3)**

3. Old Business

None.

4. New Business

A. Zoning Ordinance Amendment – Sections 2.03, 2.08, 2.20, 5.05, 5.10-5.16, 5.19, and 7.15 (Solar Energy Conversion)

- i. **Staff Report – Cale Brodersen:** Brodersen stated that we are looking at the update to the section on solar panels in the Zoning Ordinance. He mentioned that the last time that this was updated was in 2001 and in the last 20 years, there has been a lot of changes to the landscape of solar energy conversion systems as far as technological advances and their costs and availability, as well as they way they look. Brodersen said that this has been on staff’s radar for a long time to do an update to this section and have finally been able to do it. He mentioned that the major differences now are

that the solar panels were only allowed in residential districts and are now would be allowed in all La Vista's districts in varying degrees. He said that they did make sure that is was consistent with La Vista's design principles and guidelines. Brodersen then said that they will only be allowed as an accessory use, not a primary use. He then reminded the commission that there were copies on their desk that had a few minor changes that were made due to a legal recommendation, so that they would be interpreted as intended.

ii. Public Hearing: Wetuski opened the public hearing.

Krzywicki said that he had seen something in the ordinance about how far above the height of the building they could be put and asked if there was any reasoning why that height limit was chosen.

Brodersen said that when they were putting those together, they were looking at the different ordinances from different cities in Nebraska and other states. He mentioned that on sloped roofs, they don't want them to go above the top of the roof. This protects the panel and the roof, and for maintenance reasons, you don't want it to go above the roof. Brodersen said that's also in the Building Codes that it can't go above the height of the roof and that there must be 2 feet on the edge, so people can walk around them for maintenance. He said that was not specifically put into the ordinance since it is already in the code.

Gahan asked if staff could explain what a ground-mounted solar energy conversion system is.

Brodersen said that most solar panels are mounted on the roof, but there are some areas where that isn't fitting, so they will mount solar panels onto a rack and are then cemented to the ground. He said that it keeps the panels sturdy and in place, but it allows them to have solar panels somewhere where there isn't a building.

Gahan said that since it's in the rear yard it's not unsightly.

Brodersen agreed and said that rear yard is allowed as an accessory use. He said that there are instances where you can have it on a side yard with a conditional use permit, if it's not in front of the house. He said that the reason for that is that there might be some lots where they're on a corner and have large side yards and it wouldn't be that obtrusive visually, so they would allow a conditional use permit process to allow the neighbors to provide input on how it would look.

Krzywicki asked if the rules, as far as setbacks and other regulations, would still need to be abided by for the solar panels.

Brodersen said yes and mentioned accessory structures were referenced in the current zoning.

Krzywicki mentioned that he believed that accessory structures could only take up 30% of the rear yard.

Brodersen confirmed that was correct.

Alexander said that she had a small correction that needed to be made. She said that on 7.15.01, there were actually two 7.15.01.06's and the last one should be changed to 7.15.01.07.

Brodersen said that he will correct that.

Gerald McNerney came up and spoke on behalf of this agenda item. He said that he is glad that the city made these changes and that he hopes that everyone agrees that these are good changes. He then invited the commission to ask him any questions about solar panels.

Wetuski closed the Public Hearing.

- iii. **Recommendation:** Gahan moved, seconded by Malmquist, to recommend to City Council, Item 4a, the Zoning Ordinance Amendment- Sections 2.03, 2.08, 2.20, 5.05, 5.10-5.16, 5.19, and 7.15 (Solar Energy Conversion Systems), with the correction given by commissioner Alexander. *Ayes: Krzywicki, Frey, Coghlan, Sargus, Circo, Alexander, Gahan, Wetuski, and Malmquist. Nays: None. Abstain: None. Absent: Dale. Motion Carried, (9-0)*

B. Zoning Ordinance Amendment – Sections 7.01 and 7.03 (Signs)

- i. **Staff Report – Cale Brodersen:** Brodersen stated that due to some new information that just surfaced, staff is recommending that the public hearing be opened, and the agenda item be continued until the next planning commission meeting on February 6th.
- ii. **Public Hearing: Wetuski opened the Public Hearing.**
- iii. **Recommendation:** Krzywicki moved, seconded by Sargus to continue the public hearing until the February 6th meeting. *Ayes: Krzywicki, Frey, Coghlan, Sargus, Circo, Alexander, Gahan, Wetuski, and Malmquist. Nays: None. Abstain: None. Absent: Dale. Motion Carried, (9-0)*

C. Future Meeting Time

Discussion was had among the commission members on whether to keep the meeting start time at 6:30 p.m. or to move it to 6:00 p.m.

Recommendation: Krzywicki moved, seconded by Sargus to keep the meeting start time at 6:30 p.m. **Ayes:** Krzywicki, Frey, Coghlan, Sargus, Circo, Alexander, Gahan, Wetuski, and Malmquist. **Nays:** None. **Abstain:** None. **Absent:** Dale. **Motion Carried, (9-0)**

D. Nomination Committee

A nomination committee was formed with Gahan, Krzywicki, and Malmquist as the members. Elections for new officers will take place at the February 6th meeting.

5. Comments from the Floor:

No members of the public were present.

6. Comments from the Planning Commission:

Patrick Coghlan introduced himself to the commission.

7. Comments from Staff:

Solberg mentioned that the NPZA conference is scheduled for March 4th-6th and that cost will be covered by the city if any commissioners wished to attend. He told the commission to get in contact with Engberg if interested in going.

Solberg reminded the commission of the Employee Recognition Banquet scheduled for January 24th at 6 p.m.

8. Adjournment

Wetuski adjourned the meeting at 6:50 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date