



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
APRIL 15, 2021 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, April 15, 2021 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Wetuski called the meeting to order at 6:30 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, Harold Sargus, John Gahan, Kathleen Alexander, Mike Circo, and Josh Frey. Members absent were: Jason Dale, Mike Circo, and Patrick Coghlan. Also, in attendance were Chris Solberg, Deputy Community Development Director; Bruce Fountain, Community Development Director; Cale Brodersen, Assistant City Planner; 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 at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – February 18, 2021

Krzywicki moved, seconded by *Malmquist*, to approve the February 18, 2021 minutes. **Ayes:** *Krzywicki, Gahan, Alexander, Frey, Sargus, Wetuski, and Malmquist*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Dale, Circo, and Coghlan*. **Motion Carried, (7-0)**

3. Old Business

None.

4. New Business

A. Conditional Use Permit – 12806 Emiline Street – American Heritage Firearms, LLC

- i. **Staff Report – Cale Brodersen:** Brodersen stated that the applicant, American Heritage Firearms, LLC, is requesting a Conditional Use Permit to operate a gunsmithing operation in the garage of a home located at 12806 Emiline St. Brodersen reminded the commission that there are two other home occupation gunsmithing businesses in the City's jurisdiction and that the same requirements will exist for this Conditional Use Permit. He then went over a couple of the requirements. Brodersen stated that the Fire Marshall and Police Department have reviewed the request and are comfortable with it due to the requirements of the ATF needed to obtain the FFL. Staff recommends approval of the Conditional Use Permit for Lot 492 Millard Highlands South Replat, with the requirements outlined in the

staff report, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

ii. **Public Hearing; Wetuski opened the public hearing.**

Pat and Brian Lichter, owners of American Heritage Firearms, LLC, came forward and offered to answer any questions. Pat Lichter said that this is not something that they are looking to make a lot of money from, that it is mostly family and friends that they will be doing business for. Brian mentioned that this is something they intend to have as a hobby, not as a career.

Sargus asked if they thought they would do more gunsmithing versus gun sales.

Pat Lichter said that they are not actually gunsmiths and that they will just be doing sales. Brian mentioned that the ATF calls this type of license a "gunsmithing license" even if it only involves sales. Pat also mentioned that they will not be loading or selling ammunition.

Sargus brought up the recommendation report by staff and asked why it was necessary to have section IV B.1 if there will not be any ammunition.

Brodersen said that it wouldn't apply to the home occupation since they are not actually dealing or stocking ammunition, but that it was included to ensure conformance with fire and life safety codes if the owners have a personal supply of ammunition in the house.

Frey mentioned that there wasn't a No Objections Form put in the packet and asked if any of the close neighbors had objections or issues, or, if the planning department had seen or heard of any issues.

Lichter said that there were three neighbors that opted not to sign, that there were no objections or concerns, they just chose not to sign. He also mentioned that had been discussion on the NextDoor App regarding this and that he provided his contact information, what they would be doing, and that one of the motivations for them doing this was to try and bring in one of the .50 caliber guns that was on his Grandfather's plane that is currently in the Netherlands.

Frey then asked if the neighbors were aware of the Planning Commission meeting or the City Council meeting.

Lichter said that it was included in the post on NextDoor.

Krzywicki asked if they would be repairing and selling guns and if they were going to be old or new guns that were being sold.

Lichter said that they would be new, manufacturer supplied guns.

Wetuski closed the Public Hearing.

- iii. **Recommendation:** Malmquist moved, seconded by Frey, to recommend approval of the Conditional Use Permit for Lot 492 Millard Highlands South Replat, with the requirements outlined in this staff report, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance. **Ayes: Krzywicki, Gahan, Alexander, Frey, Sargus, Wetuski, and Malmquist. Nays: None. Abstain: None. Absent: Dale, Circo, and Coghlan. Motion Carried, (7-0)**

B. Zoning Ordinance Amendment – Section 7.11 (Wireless Telecommunications Facilities)

- i. **Staff Report- Cale Brodersen:** Brodersen stated that staff are proposing an amendment to Section 7.11 of the Zoning Ordinance, which relates to wireless communication facilities. He said that several years ago, the FCC passed new regulations regarding eligible facilities requests. He explained that equipment modifications to existing cell towers, like upgrading individual antennas or radios, are considered eligible facilities. Currently, the City's Zoning Ordinance requires a Conditional Use Permit for such requests, which means public hearings at both Planning Commission and City Council meetings. He said that the new FCC Order made it so that local governments must process those requests within 60 days, which can be difficult to achieve with the current review process due to public hearing notice requirements. Brodersen said that this amendment will allow staff to review requests for eligible facilities administratively so they can complete the review in the timeline mandated by the FCC. Staff recommends approval of the Zoning Text Amendments to Section 7.11 of the La Vista Zoning Ordinance.
- ii. **Public Hearing: Wetuski opened the Public Hearing.**

Wetuski closed the Public Hearing as no members of the public came forward.
- iii. **Recommendation:** Malmquist moved, seconded by Sargus, to recommend approval of the Zoning Text Amendments to Section 7.11 of the La Vista Zoning Ordinance. **Ayes: Krzywicki, Gahan, Alexander, Frey, Sargus, Wetuski, and Malmquist. Nays: None. Abstain: None. Absent: Dale, Circo, and Coghlan. Motion Carried, (7-0)**

5. Comments from the Floor

None.

6. Comments from the Planning Commission

Gahan asked how many cell towers are currently in La Vista now.

Solberg said there are around 8 currently.

Brodersen said that most of those have CUP's, so they do go around and do annual inspections.

Gahan asked if they saw more towers coming to La Vista.

Brodersen said not necessarily, that with small cell and new technology, wireless providers prefer to have smaller facilities spread more throughout the city. He said that if there was request for a new tower, that would still need to go through the full review process with public hearings, and that the amendment proposed tonight does not affect those.

Gahan asked if the coverage in La Vista is sufficient.

Solberg said that it depended on what bandwidth you were talking about and as technology gets better, then we will start to see more requests for facilities upgrades.

Krzywicki brought up the last meeting and the discussion of the development of the Rocket Car Wash on West Giles Road.

Brodersen said that was for a PUD for an office building next to that.

Krzywicki said that he had brought up at the meeting that he had seen cars parking on that access road by the dental office. He said that he has always been a stickler for parking because he had always wondered if we are requiring enough parking in certain developments and that it's obvious that dental office is over capacity because the lot was full and there were 4 cars parked on the access road. He then mentioned that it was brought up that the overflow traffic would be able to park in the new development and was wondering if someone in the city could look at how it was originally platted and approved to see if our current parking requirements are sufficient.

Brodersen said that their intention is to a deep dive into the Zoning Ordinance and potentially update many of the sections in the next 2 years and that one of the things they really want to look into is the parking requirements.

Fountain said that it is tough sometimes to get them exact when there's professional office standards, which in some cases there will be way too many and in others it ends up being a very successful business and will have overflow.

Wetuski brought up the residents of the farm that were at the last meeting that were complaining about the light and said that he drove out there and saw that the light fixture is 180 degrees off and isn't facing the parking lot.

Solberg said that the architect did talk to him about that, and he did go out there and saw that it is 180 degrees from what it should be. Solberg told the architect that when they are starting to develop the new lot, to have the contractor flip the light around.

7. Comments from Staff

Fountain said that the Zoning Map Amendment and the items related to Lots 2 and 3 Gary and Debbie Pink Number 3 for TNT Holdings was approved by the City Council, as were the applications relating to the Streck Housing project. Fountain mentioned that things are really picking up this Spring; that the amphitheater will probably be starting construction in a few months and that the City will be building the interface and the second parking garage soon. He also pointed out the building in City Centre that is currently under construction that will house 4 restaurants.

8. Adjournment

Wetuski adjourned the meeting at 6:52 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date