



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
SEPTEMBER 15, 2011

The City of La Vista Planning Commission held a regular meeting on Thursday, September 18, 2011, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:00 p.m. with the following members present: Krzywicki, Malmquist, Gahan, Andsager, Nielsen, Miller and Alexander. Members absent were: Kramolisch, Hewitt, and Circo. Also in attendance were Christopher Solberg, City Planner and John Kottmann, Assistant Public Works Director/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

- a. The meeting was called to order by Chairman Krzywicki at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – August 18, 2011

- a. Gahan moved, seconded by Malmquist to approve the August 18, 2011 minutes as submitted. **Ayes:** Nielsen, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Miller. **Nays:** None. **Abstain:** None. **Absent:** Circo, Kramolisch and Hewitt
Motion Carried. (7-0)

3. Old Business

A. Continued Public Hearing from August 18, 2011 regarding 2011-CUP-03 for a Conditional Use Permit for a Home Occupation, Gunsmith, located on Lot 24, Millard Highlands South II, Sarpy County, Nebraska

- i. **Staff Report:** Solberg stated the applicant has applied for a Conditional Use Permit to allow the use of the business within his home. The business would include the cleaning of firearms and transfer of sales of firearms out of his home. Based on review comments the specific conditions of the permit related to the proposed use include:

Permitted use will utilize approximately 120 square feet in the basement. Hours of operation will generally be from 8:00 a.m. to 8:00 p.m. Monday through Saturday by appointment only. There will be no employees. Activities will include the cleaning of firearms and the transfer of firearms sales as regulated by the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF). Owner will

maintain a Federal Firearms License (FFL) at all times and adhere to the rules and regulations of the ATF. There will be no stocking or sales of ammunition. There will be no stocking of firearms available for sale. There will be no test firing or discharge of firearms on the premises. Only ten firearms, other than those owned by the property owner, will be on site at any one time. All firearms shall be secured in an acceptable gun safe whenever the operator is not actively working with the firearms. Fire escape routes shall be properly designated. There shall be no storage, placement or display of goods or supplies outside described areas relating to the conditional use. Client parking will consist of owner's driveway.

It is staff recommendation pending comments received during the public hearing regarding any further safeguards which may need to be evaluated, to approve of the Condition Use Permit for Home Occupation – Gunsmith.

The public hearing remained open from the August 18, 2011 meeting.

Chairman Krzywicki asked if anyone would like to speak on the item.

The applicant came forward.

Chairman Krzywicki asked if he had read all of the conditions and was okay with them.

Mr. McMurray stated he had read the conditions and approved of them.

Chairman Krzywicki stated the conditions stated no storing or sales of the ammunition. If Mr. McMurray hunts on his own does he keep his own personal ammunition in the home.

Mr. McMurray stated he does keep his own personal firearms and ammunition in his home, but there will not be ammunition for sale. He stated that there will be no ammunition for sale and nothing stocked for sale. Anything that comes through to be sold, will have been purchased from somewhere else and he would be doing the transfer for them.

Chairman Krzywicki questioned the amount of safe storage that was available.

Mr. McMurray stated he has a twenty-eight gun safe that is fire rated.

Chairman Krzywicki questioned, for Commissioner Hewitt, if the process used to clean the guns release any metals into the air, metals left by ammunition such as lead and other environmentally challenging alloys.

Mr. McMurray stated as far as he knows it is totally environmentally friendly as far as after the breakdown. He stated he hasn't gotten into yet but it is supposed to be all safe with no hazards to the environment.

Solberg stated, in response to Commissioner Hewitt's questions, it was based

off of her brothers operation that does not use this sonic cleaning and so he needed to have a hood for air contaminants to insure that there was no contamination into the air.

Chairman Krzywicki, questioned, for Commission Hewitt, if the City does any testing to confirm that there is not contamination and upon the annual inspection does the City inspector check the soil for contamination.

Solberg stated that is not something the City typically does.

Chairman Krzywicki questioned how the contaminants are disposed of.

Mr. McMurray stated he would dispose of it down the drain.

Chairman Krzywicki if the City did any research about disposing these contaminants down the drain.

Solberg stated he has not, but he can and can provide comment to City Council.

Commissioner Miller questioned if it had a filtration device.

Mr. McMurray stated it does.

Commissioner Miller questioned how he will advertise his business.

Mr. McMurray stated there will not be a sign and he will not be open to the public. He will be advertising through word of mouth and probably through gun developer and have his name on there as an FFL.

- ii. **Public Hearing Closed:** Gahan moved, seconded by Malmquist to close the public hearing. **Ayes:** *Nielsen, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Miller.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo, Kramolisch and Hewitt* **Motion Carried.** (7-0)

- iii. **Recommendation:** Malmquist moved, seconded by Nielsen to recommend to approval of the Conditional Use Permit for Home Occupation – Gunsmith with the conditions outlined in addition of item F that there will be no stocking, or sale of ammunition for sale other than his own. Prior to City Council applicant must ascertain the make-up of what will be disposed of and where and in what manner it will be disposed. **Ayes:** *Nielsen, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Miller.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo, Kramolisch and Hewitt* **Motion Carried.** (7-0)

4. New Business

A. Civic Center Park Plan Update.

- i. **Staff Report:** Solberg stated the Civic Center Park Plan process will begin by meeting with RDG the consultant as well as the sub-consultants out at the site

to do a walk through and look at all the aspects of the current site, as well as, looking at the pool property and all the way down Thompson Creek to 72nd Street.

5. Comments from the Floor

None.

6. Comments from the Planning Commission.

None.

7. Adjournment

Miller moved, seconded by Alexander, to adjourn. **Ayes:** Nielsen, Krzywicki, Malmquist, Gahan, Andsager, Alexander and Miller. **Nays:** None. **Abstain:** None. **Absent:** Circo, Kramolisch and Hewitt **Motion Carried.** (7-0)

Reviewed by Planning Commission:

Recorder

Planning Commission Chair

Approval Date