



CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
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PLANNING COMMISSION MINUTES
JANUARY 21, 2016-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, January 21st, 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, Tom Miller, Kevin Wetuski, Harold Sargus, Mike Circo and Jackie Hill. Members absent were: Kathleen Alexander and Jason Dale. 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 – November 19, 2015

Malmquist moved, seconded by *Krzywicki* to approve the November 19th minutes with corrections. **Ayes: Krzywicki, Circo, Sargus, Gahan, Wetuski, Malmquist, and Hill. Nays: None. Abstain: Miller. Absent: Alexander and Dale. Motion Carried. (7-0)**

3. 2016 Election of Officers

Hill mentioned that according to the bylaws, elections are not to take place until the February meeting.

Solberg mentioned that he had seen that as well and told the commission that they can table it to the February meeting if they wanted to.

Krzywicki mentioned that he had thought there was supposed to be a nominating committee.

Gahan said that he had discussed that with Chris in October that a committee would be formed in December, but there was no meeting in December. He brought up having Malmquist and Krzywicki as the chairs for the nominating committee.

Sargus agreed that there should be a nominating committee and to table elections to the February meeting.

Krzywicki suggested that he and Malmquist could send out an email to see if anyone would be interested in any of the positions and if there is no interest, then phone calls could be made.

Gahan said that Malmquist and Krzywicki will be members of the committee and will send out emails to see if there is any interest in any of the positions. They will bring back the information to the February meeting and elections will then be held.

Recommendation: *Hill* moved, seconded by *Circo* to table the 2016 Election of Officers to the February meeting. **Ayes:** *Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Alexander and Dale*. **Motion Carried. (8-0)**

4. Old Business

5. New Business

A. Public Hearing for Final PUD Amendment – Brook Valley Corporate Park

- i. **Staff Report:** Solberg states the applicant, BV 44, LLC, is requesting the approval of the Final PUD and the Final Plat for Brook Valley Corporate Park located North of Harry Watanabe Drive and West of 108th St. The original plat was never recorded with the Sarpy County Register of Deeds and after a certain time it become null and void and has to be reissued for approval. PUDs have a one year time limit and if no construction has occurred, it too becomes null and void. The applicant has also requested some minor changes to the PUD site plan. Staff recommends approval of Final PUD Plan for Lots 42, 43A, 43B, 44B, and 45 Brook Valley Business Park. Staff also recommends approval of Brook Valley Corporate Park Final Plat.
- ii. **Public Hearing Opened:** *Malmquist* moved, seconded by *Krzywicki* to open the public hearing. **Ayes:** *Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Alexander and Dale*. **Motion Carried. (8-0)**

There was no one present to speak on this item.

Public Hearing Closed: *Hill* moved, seconded by *Miller* to close the public hearing. **Ayes:** *Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski*. **Nays:** *None*. **Abstain:** *None*. **Absent:** *Alexander and Dale*. **Motion Carried. (8-0)**

Hill asked about the letter that was sent. She referenced page 2, under the City Planner section, item 2, which states; 'The front yard setback listed needs a footnote about the increase to 50 feet when parking is located in the front yard.' She mentioned that it stated in the ordinance, under I-2 zoning, that the setback needs to be 60 feet.

Solberg said that is correct and will make the requested change.

Hill asked why this was never recorded with Sarpy County and why there was never any construction started within those 12 months.

Solberg said that there was no specific reason given.

Hill asked again why it was never recorded.

Solberg said that as part of the Subdivision Agreement the bond for the common area improvements has to be submitted to the city prior to the release of the Subdivision Agreement and the Final Plat for recording at the county.

- iii. **Recommendation – Final PUD:** Krzywicki moved, seconded by Miller to approve the final PUD Amendment for Brook Valley Park with corrections to the setbacks being changed from 50 feet to 60 feet. **Ayes: Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski. Nays: None. Abstain: None. Absent: Alexander and Dale. Motion Carried. (8-0)**
- iv. **Recommendation – Final Plat:** Krzywicki moved, seconded by Malmquist to approve the Final Plat for Brook Valley Corporate Park. **Ayes: Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski. Nays: None. Abstain: None. Absent: Alexander and Dale. Motion Carried. (8-0)**

B. Public Hearing for PUD Ordinance Amendment – Southport West

- i. **Staff Report:** Solberg states that our current signage regulations in Southport West for canopy signs in gas stations was somewhat limiting as the current zoning regulations allow only one sign. Staff believes that changing the current regulations would be appropriate for any future gas stations that may go in. Staff recommends approval of the amendment to the Southport West PUD Ordinance.
- ii. **Public Hearing Opened:** Hill moved, seconded by Circo to open the public hearing. **Ayes: Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski. Nays: None. Abstain: None. Absent: Alexander and Dale. Motion Carried. (8-0)**

There was no one present to speak on this item.

Public Hearing Closed: Sargus moved, seconded by Circo to close the public hearing. **Ayes: Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski. Nays: None. Abstain: None. Absent: Alexander and Dale. Motion Carried. (8-0)**

Krzywicki mentioned that on page 9, that the change states that the sign shall not exceed 25% of the overall canopy area. He asked if there is a maximum size the canopy can be.

Solberg said there are no regulations, but would somewhat limited through the design process.

Krzywicki asked if it's 25% of the canopy or the face area.

Solberg said that their interpretation is the face of the canopy.

Sargus asked if when it was a single sign if the size was 12 ½% and asked if it is now 25% per canopy sign.

Solberg said that it does match what is in the zoning regulations and all of that information would be limited by the design review process. The interpretation of the canopy would be different depending on how it is constructed.

Miller asked since there are maximum sizes on other signs, if there could be a maximum size for canopy signs as well.

Solberg said yes.

Krzywicki said that it needs to be more specific on what the 25% is based on.

Solberg said that this is based on typical interpretation, that if we were ever taken to court over this it would be based on how the city has interpreted the ordinance. He mentioned that other canopy and wall signs that have been approved were based off the face that it was on.

Sargus asked where the existing language is.

Solberg said that there is no existing language in the Southport West PUD, but there is existing language within the zoning ordinance with that same language.

- iii. **Recommendation:** *Malmquist* moved, seconded by *Sargus* to approve the amendment to the Southport West PUD Ordinance. **Ayes:** *Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski*. **Nays:** None. **Abstain:** None. **Absent:** *Alexander and Dale*. **Motion Carried. (8-0)**

C. Public Hearing for Zoning Ordinance Text Amendment – Sections 5.15 (Planned Unit Development District), 7.07 (Off Street Parking: Shared Parking), and 7.17 (Landscaping Requirements).

- i. Staff Report: Solberg states that La Vista’s Planned Unit Development application process currently has two parts – a preliminary application and a final application. This separation causes an undue extension of the process without any discernable benefit. In order to increase efficiency in this process, staff has made changes to sections 7.07, 7.17 and 5.15 in regards to PUD regulations overall. Redline copies of the aforementioned sections show the changes and staff recommends approval of the proposed amendments.
- ii. **Public Hearing Opened:** *Sargus* moved, seconded by *Malmquist* to open the public hearing. **Ayes:** *Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski*. **Nays:** None. **Abstain:** None. **Absent:** *Alexander and Dale*. **Motion Carried. (8-0)**

There was no one present to speak on this item.

Public Hearing Closed: *Malmquist* moved, seconded by *Miller* to close the public hearing. **Ayes:** *Sargus, Hill, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski*. **Nays:** None. **Abstain:** None. **Absent:** *Alexander and Dale*. **Motion Carried. (8-0)**

Sargus asked about historical context pertaining to why it was originally set up this way.

Solberg said that he wasn’t completely sure, but that this was the default language that was originally used when this was being set up. This was originally set up for properties that had never been platted before deeming it necessary to go through a preliminary and final plat process, however, almost all the properties in La Vista have been platted before and can go through the replat process which is the preliminary and final plat process at the same time.

Malmquist asked if there happened to be property that had not previously been platted if it would be possible to revert back to the original process.

Solberg said that the preliminary plat and PUD would go through at the same time with the Planning Commission. City Council would approve of the preliminary plat, but the final PUD would not get approved until the final plat.

Sargus asked why there was a preliminary and final plat process.

Kottmann said that the preliminary plat has a different set of requirements than the final plat and are two different things in terms of function.

- iii. **Recommendation:** *Sargus* moved, seconded by *Malmquist* to approve changes to the proposed amendments. **Ayes:** *Sargus, Malmquist, Miller, Krzywicki, Gahan, Circo, and Wetuski.* **Nays:** *Hill.* **Abstain:** *None.* **Absent:** *Alexander and Dale.* **Motion Carried. (7-1)**

6. Comments from the Floor

None.

7. Comments from Planning Commission

8. Comments from Staff

Solberg talked about NPZA coming up and that there should be a registration form in their packets. He said that if anyone is interested to let Meghan know to get them signed up and what they would like to do.

8. Adjournment

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chairperson

Approval Date