

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JANUARY 4, 2011 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REZONING — LOTS 1 & 2, GARY & DEBBIE PINK No. 2 (SW GILES RD. & W. GILES RD.)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance has been prepared to approve the rezoning of approximately 6.32 acres of land from C-3, Highway Commercial / Office Park District, to C-2, General Commercial District for Lots 1 and 2, Gary & Debbie Pink No. 2, located west of Giles Road, on the south side of West Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and an ordinance has been prepared to approve the rezoning of approximately 6.32 acres of land from C-3. (Highway Commercial / Office Park District) to C-2 (General Commercial District) for Lots 1 and 2, Gary & Debbie Pink No. 2. The subject area is located west of Giles Road, on the south side of West Giles Road. The application has been submitted by Jeremy Fritz on behalf of the property owner, Gary L. and Deborah A. Pink.

The application was submitted for the purpose of developing an indoor farmer's market. The current zoning, C-3, is intended for large scale commercial and office park development, and does not allow for the proposed use which would be defined as "food sales (general)" in the Zoning Ordinance. A rezoning to C-2 would allow for the proposed use, and would continue to be consistent with the Future Land Use Map of the Comprehensive Plan which identifies this property for commercial uses. A detail staff report is attached.

The Planning Commission held a public hearing on November 18, 2010, and recommended approval of the rezoning as it is consistent with the Comprehensive Plan.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. Approval of Rezoning. On November 18, 2010, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "C-3" Highway Commercial / Office Park District to "C-2" General Commercial District. On December 21, 2010, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the property, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed change in zoning as set forth in Sections 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "C-3" Highway Commercial / Office Park District to "C-2" General Commercial District, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "C-3" Highway Commercial / Office Park District to "C-2" General Commercial District:

"C-3" Highway Commercial / Office Park District to "C-2" General Commercial District

GARY & DEBBIE PINK NO. 2, LOTS 1 AND 2, BEING A PLATTING OF TAX LOT 6B AND TAX LOT 13 LYING WITHIN THE NORTH ½ OF THE NE ¼ OF SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS, COMMENCING AT THE NW CORNER OF SAID NORTH ½;

THENCE S02°13'20"E (ASSUMED BEARING) 65.00 FEET ON THE WEST LINE OF SAID NORTH ½ TO THE NW CORNER OF SAID TAX LOT 6B AND THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF WEST GILES ROAD;

THENCE S85°45'13"E 57.77 FEET ON THE NORTH LINE OF SAID TAX LOT 6B AND ON THE SOUTH LINE OF WEST GILES ROAD TO THE WEST CORNER OF SAID TAX LOT 13;

THENCE N87°17'05"E 404.30 FEET ON THE NORTH LINE OF TAX LOT 13 AND ON THE SOUTH LINE OF WEST GILES ROAD TO THE EAST CORNER OF SAID TAX LOT 13 SAID CORNER BEING ON THE NORTH LINE OF SAID TAX LOT 6B AND ON THE SOUTH LINE OF WEST GILES ROAD;

THENCE N78°11'40"E 75.96 FEET ON THE NORTH LINE OF SAID TAX LOT 6B AND ON THE SOUTH LINE OF WEST GILES ROAD;

THENCE 87°17'05"E 769.51 FEET ON THE NORTH LINE OF TAX LOT 6B AND ON THE SOUTH LINE OF WEST GILES ROAD;

THENCE N70°27'48"E 93.30 FEET ON THE NORTH LINE OF SAID TAX LOT 6B AND ON THE SOUTH LINE OF WEST GILES ROAD TO THE SW CORNER OF TAX LOT 14 LYING WITHIN SAID NORTH ½;

THENCE N87°17'05"E 287.56 FEET ON THE SOUTH LINE OF SAID TAX LOT 14 TO THE SE CORNER THEREOF SAID CORNER BEING ON THE NORTH LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY RIGHT-OF-WAY;

THENCE SOUTHWESTERLY ON THE NORTH LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY RIGHT-OF-WAY ON A 4659.46 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S78°08'52"W, CHORD DISTANCE 1706.74 FEET, AN ARC DISTANCE OF 1716.43 FEET TO THE WEST LINE OF SAID NORTH ½ AND THE WEST LINE OF SAID TAX LOT 6B;

THENCE N02°13'20"W 239.03 FEET ON THE WEST LINE OF SAID NORTH ½ AND THE WEST LINE OF SAID TAX LOT 6B TO THE POINT OF BEGINNING, AN AREA CONTAINING 6.33 ACRES MORE OR LESS.

The amended version of the Official Zoning Map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF JANUARY 2011.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

K:\APPS\City Hall\ORDINANCES\Amend Zoning Map Garden Fresh Veg Rezone.doc



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER:

FOR HEARING OF: January 4, 2011  
Report Prepared on: December 28, 2010

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Jeremy Fritz, Garden Fresh Vegetables

**B. PROPERTY OWNER:**

Gary L. and Deborah A. Pink

**C. LOCATION:**

South side of West Giles Road, west of Giles Road

**D. LEGAL DESCRIPTION:**

Lots 1 and 2, Gary & Debbie Pink No. 2, Sarpy County, Nebraska.

**E. REQUESTED ACTION(S):**

Rezone property to C-2, General Commercial District

**F. EXISTING ZONING AND LAND USE:**

C-3, Highway Commercial / Office Park District, Vacant

**G. PURPOSE OF REQUEST:**

Development of an indoor farmer's market.

**H. SIZE OF SITE:**

6.32 acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

Generally flat although gradually slopes up to the crest of a hill on the west end of the property; grass covered. Equipment and other items associated with Ping Grading are stored on the site.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

1. **North:** Vacant – C-3
2. **East:** Vacant – C-3
3. **South:** Agricultural/Industrial – I-1/I-2
4. **West:** Vacant – I-1

C. **RELEVANT CASE HISTORY:** This property was rezoned from I-1 to C-3 on January 17, 2006.

D. **APPLICABLE REGULATIONS:**

1. Section 5.11 – C-2, General Commercial District

III. **ANALYSIS**

A. **COMPREHENSIVE PLAN:**

The Future Land Use Map designates this property as commercial.

B. **OTHER PLANS:** N/A

C. **TRAFFIC AND ACCESS:**

1. The property has access to West Giles Road through two access points along the northern edge of the property.
2. Additional traffic improvements may be required upon development of the lots.

D. **UTILITIES:**

All utilities are available to the site.

IV. **REVIEW COMMENTS:**

1. The property under consideration was previously known as Tax Lots 6B and 13 in the NE ¼ of Section 19, Township 14N, Range 12E, Sarpy County, Nebraska. An administrative plat has been approved by staff which has re-platted the property into two lots, Lots 1 and 2, Gary & Debbie Pink No. 2.
2. There will be no significant change in impact on existing infrastructure, such as utilities and roads, as a result of this rezoning.

V. **STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning as it is consistent with the Comprehensive Plan.

VI. **RECOMMENDATION OF PLANNING COMMISSION:**

At their meeting on November 18, 2010, the Planning Commission unanimously recommended to approve the rezoning of Tax Lots 6B and 13 in the NE ¼ of Section 19, Township 14N, Range 12E from C-3, Highway Commercial and Office Park to C-2, General Commercial as it is consistent with the Comprehensive Plan.

VII. **ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Rezoning Drawing – TD2
3. City Engineer's Report

**VII. COPIES OF REPORT SENT TO:**

1. Jeremy Fritz, Garden Fresh Vegetables
2. Gary and Deborah Pink
3. Dennis Hoth, CB Richard Ellis/MEGA
4. Public Upon Request

  
Prepared by: \_\_\_\_\_

 12-28-10  
Community Development Director Date



November 19, 2010

Mr. Christopher Solberg  
City Planner  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

RE: Application for Administrative Plat-Initial Review  
Gary & Debbie Pink No. 2

Chris:

I have reviewed the copy of the plat you provided from application you provided from Gary Pink, etal proposing to replat Tax Lots 6B and 13 in the NE ¼ of Section 19, T14N, R12E. The plat qualifies for an administrative subdivision per Section 3.09 of the Subdivision Regulations. I offer the following comments:

1. The signature block for City Approval should show the "Chief Building Official" not the "City Planner".
2. The location of existing controlled access breaks onto West Giles Road needs to be shown on the final plat.
3. Add Note No. 3 to the final plat stating: "There shall be no direct vehicular access onto West Giles Road except at the shown breaks in controlled access."
4. The street name Giles Road needs to be changed to West Giles Road.
5. In the "Anchor and Down Guy" easement description change "Omah" to "Omaha".

Subject to these comments being addressed, I recommend approval of the administrative plat.

John M. Kottmann, P.E.  
City Engineer

City Hall  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

Community Development  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

Fire  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

Golf Course  
8305 Park View Blvd.  
p: 402-339-9147

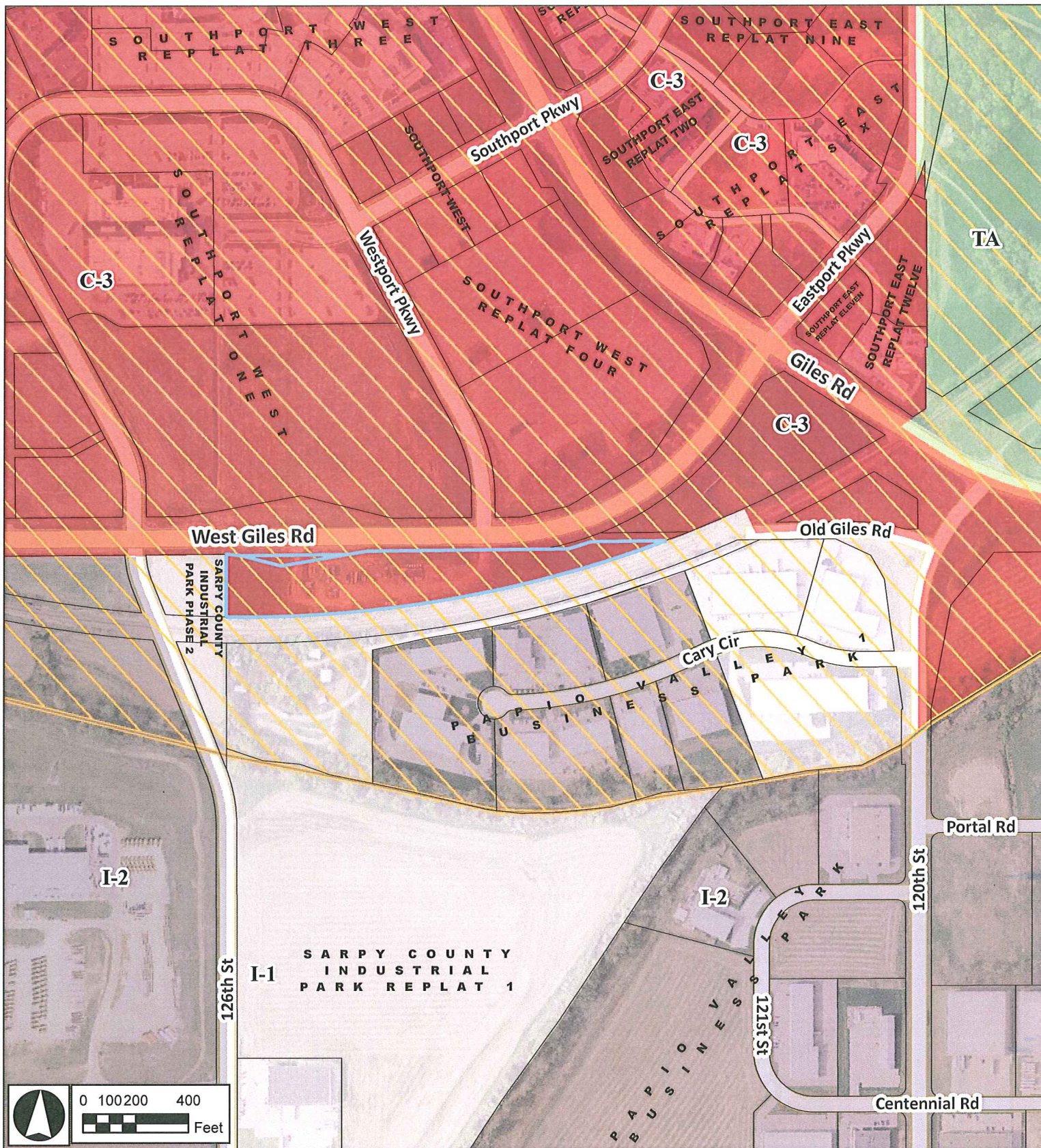
Library  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

Police  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210












Public Works  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

Recreation  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299





## Vicinity Map

	TA		I-2		Gateway Corridor
	C-1		R-1		
	C-2		R-2		
	C-3		R-3		
	I-1		R-4		

**Rezoning: Tax Lot 6B and 13**  
**NE ¼ of Section 19, T14N R12E**

November 11, 2010  
 CAS





LEGAL DESCRIPTION

TAX LOTS 6B AND 13 IN THE NE 1/4 OF SECTION 19, T14N  
R12E OF THE 6th PM, SARPY COUNTY, NEBRASKA.

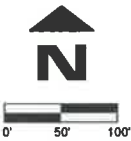


thompson, dressen & dörner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p 402 330 8860 f 402 330 5866  
td2co.com

Survey Type  
REZONING DRAWING

Client Name  
CITY OF LAVISTA

Description  
TAX LOTS 6B AND 13  
IN THE NE 1/4 OF  
SECTION 19-14-12,  
SARPY COUNTY



Revision Dates		
No.	Description	MM-DD-YY

Job No.: 1042-117  
Drawn By: MRS  
Reviewed By: CED  
Date: 11/8/2010  
Book:  
Page:

Sheet Number  
SHEET 1 OF 1

