

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 21, 2017 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REZONING – LOT 4, LAKEVIEW SOUTH II; LOT 1, LAKEVIEW SOUTH II REPLAT 4; LOTS 1 & 2, LAKEVIEW SOUTH II REPLAT 6; LOT 2, LAKEVIEW SOUTH II REPLAT 2; AND S 1551.37 FT TAX LOT 4, 23-14-11 (NW OF 145 TH & MEADOWS BLVD.)	RESOLUTION ORDINANCES (2) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled to consider a rezoning for approximately 31.45 acres located northwest of 145th Street and Meadows Blvd.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider a rezoning application by J & H Investments, LLC, on behalf of the property owners, TC Accomodator 115, LLC; R & D Development; Doris M. Klingemann; and Maguire Properties, on approximately 31.45 acres currently described as Lot 4, Lakeview South II; Lot 1, Lakeview South II Replat 4; Lots 1 & 2, Lakeview South II Replat 6; Lot 2, Lakeview South II Replat 2; and S 1551.37 FT Tax Lot 4, 23-14-11. The property is generally located northwest of 145th Street and Meadows Blvd.

The purpose of the request is to allow for the zoning to more closely match the existing land uses. A detailed staff report is attached.

The Planning Commission held a public hearing on February 16, 2017, and unanimously recommended approval of the rezoning.

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 February 16, 2017, 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 "I-1" Light Industrial, Gateway Corridor District (Overlay District) to "I-2" Heavy Industrial, Gateway Corridor District (Overlay District). On March 21, 2017, 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 properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 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 "I-1" Light Industrial, Gateway Corridor District (Overlay District) to "I-2" Heavy Industrial, Gateway Corridor District (Overlay 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 "I-1" Light Industrial, Gateway Corridor District (Overlay District) to "I-2" Heavy Industrial, Gateway Corridor District (Overlay District):

Lot 1, Lakeview South II; Lot 1, Lakeview South II Replat 4; Lot 1, Lakeview South II Replat 6; Lot 2, Lakeview South II Replat 6; Lot 2, Lakeview South II Replat 2; all in Section 23, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska.

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 21ST DAY OF MARCH 2017.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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S 1551.37 FT of Tax Lot 4, in Section 23, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska.

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CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2016-ZMA-05

For Hearing of: March 21, 2017
Report Prepared on: March 13, 2017

I. **GENERAL INFORMATION**

A. **APPLICANT:**

J & H Investments LLC
9144 S. 147th St.
Omaha, NE 68138

B. **PROPERTY OWNER:**

TC Accomodator 115, LLC
9140 West Dodge Road, Ste 380
Omaha, NE 68154

R & D Development
9004 S. 145th St
Omaha, NE 68138

Doris M. Klingemann
Hotsy Equipment Co.
8902 S. 145h St.
Omaha, NE 68138

Maguire Properties
17649 Douglas Cir.
Omaha, NE 68118

C. **LOCATION:** Northwest of the intersection of Meadows Blvd. and 145th Street.

D. **LEGAL DESCRIPTION:** S 1551.37 FT of Tax Lot 4 (23-14-11), Lot 1 Lakeview South II, Lot 1 Lakeview South II Replat 4, Lot 1 Lakeview South II Replat 6, Lot 2 Lakeview South II Replat 6, Lot 2 Lakeview South II Replat 2

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

1. Zoning Map Amendment (Rezoning);
 - S 1551.37 FT of Tax Lot 4 (23-14-11) - From C-3 Highway Commercial / Office Park with a Gateway Corridor Overlay (Overlay District) and a Planned Unit Development (PUD) Overlay District to I -2 Heavy Industrial
 - Lakeview South II Lots - From I-1 Light Industrial with a Gateway Corridor Overlay (Overlay District) to I -2 Heavy Industrial with a Gateway Corridor District (Overlay District).

F. EXISTING ZONING AND LAND USE:

- S 1551.37 FT of Tax Lot 4 (23-14-11), C-3 Highway Commercial / Office Park with a Gateway Corridor Overlay (Overlay District) and a Planned Unit Development (PUD) Overlay District*; Vacant
- Lot 1 Lakeview South II, I-1 Light Industrial with a Gateway Corridor District (Overlay District); Sale of Recreational Vehicles
- Lot 1 Lakeview South II Replat 4, I-1 Light Industrial with a Gateway Corridor District (Overlay District); Building Materials Dealer
- Lot 1 Lakeview South II Replat 6, I-1 Light Industrial with a Gateway Corridor District (Overlay District); Vacant
- Lot 2 Lakeview South II Replat 6, I-1 Light Industrial with a Gateway Corridor District (Overlay District); Vacant
- Lot 2 Lakeview South II Replat 2 I-1 Light Industrial with a Gateway Corridor District (Overlay District); Contractor Office

* On October 18, 2016 S 1551.37 FT of Tax Lot 4 (23-14-11) was inadvertently rezoned from I-1 to C-3 Highway Commercial / Office Park with a Gateway Corridor Overlay (Overlay District) and a Planned Unit Development (PUD) Overlay District as a rezoning action for the property to the north of it mistakenly designated the rezoning action for "Tax Lot 4", rather than the portion that was split off in a 2015 deed split.

G. PURPOSE OF REQUEST: Zoning Map Amendment to allow for the rezoning of the aforementioned parcels.

H. SIZE OF SITE: 31.45 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Three of the parcels are currently vacant, the other three parcels are developed as industrial uses. The land is relatively flat near 145th and Meadows Blvd., with an increasing downward slope towards the north.

B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:

1. **North:** C-3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District) and a Planned Unit Development (PUD) Overlay District; Vacant
2. **East:** The Meadows Subdivision; R-1 Single Family Residential; Single Family Houses
3. **South:** Lakeview South; IL Light Industrial (Sarpy County); Various Industrial uses.
4. **West:** Chalco Hills Recreation Area; AG Agricultural (Sarpy County); Dam site

C. RELEVANT CASE HISTORY:

1. N/A

D. APPLICABLE REGULATIONS:

1. Chapter 4 of the La Vista Comprehensive Plan 2007 – Future Land Use Plan
2. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial District
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan currently shows industrial land uses.

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. Access to all lots included in the rezoning is provided through frontages along 145th Street or Meadows Blvd.

The rezoning itself will not require a traffic study. However, a traffic study has be required in relation to the platting request following this rezoning on the agenda.

D. UTILITIES:

1. The properties have access to water, gas, power and communication utilities. Development of the lot described as “South 1551.37 FT” of Tax Lot 4 will require a sanitary sewer connection to an existing sanitary sewer in 145th Street that drains to an existing lift station.

IV. REVIEW COMMENTS:

1. The proposed rezoning to I-2 Heavy Industrial matches up favorably with the IL Light Industrial (Sarpy County) zoning to the south of the subject property as the Sarpy County zoning regulations are more comparable to La Vista’s Heavy Industrial district than the Light Industrial district.

V. STAFF RECOMMENDATION – Amendment to the Zoning Map (Rezoning):

Staff recommends approval of the amendment to the Zoning Map (Rezoning) from C-3 Highway Commercial / Office Park with a Gateway Corridor Overlay (Overlay District) and a Planned Unit Development (PUD) Overlay District, and I-1 Light Industrial with a Gateway Corridor District (Overlay District) to I-2 Heavy Industrial and I-2 Heavy Industrial with a Gateway Corridor District (Overlay District), as depicted in the Zoning Map Amendment Exhibit, as the request is consistent with the Zoning Ordinance and the Comprehensive Plan.

VI. PLANNING COMMISSION RECOMMENDATION – Amendment to the Zoning Map (Rezoning):

The Planning Commission held a public hearing on February 16, 2017 and unanimously voted to recommend approval of the amendment to the Zoning Map (Rezoning) from C-3 Highway Commercial / Office Park with a Gateway Corridor Overlay (Overlay District) and a Planned Unit Development (PUD) Overlay District, and I-1 Light Industrial with a Gateway Corridor District (Overlay District) to I-2 Heavy Industrial and I-2 Heavy Industrial with a Gateway Corridor District (Overlay District), as depicted in the Zoning Map Amendment Exhibit, as the request is consistent with the Zoning Ordinance and the Comprehensive Plan.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Staff Review Letters
3. Applicant Response Letter
4. Zoning Map Amendment Exhibit

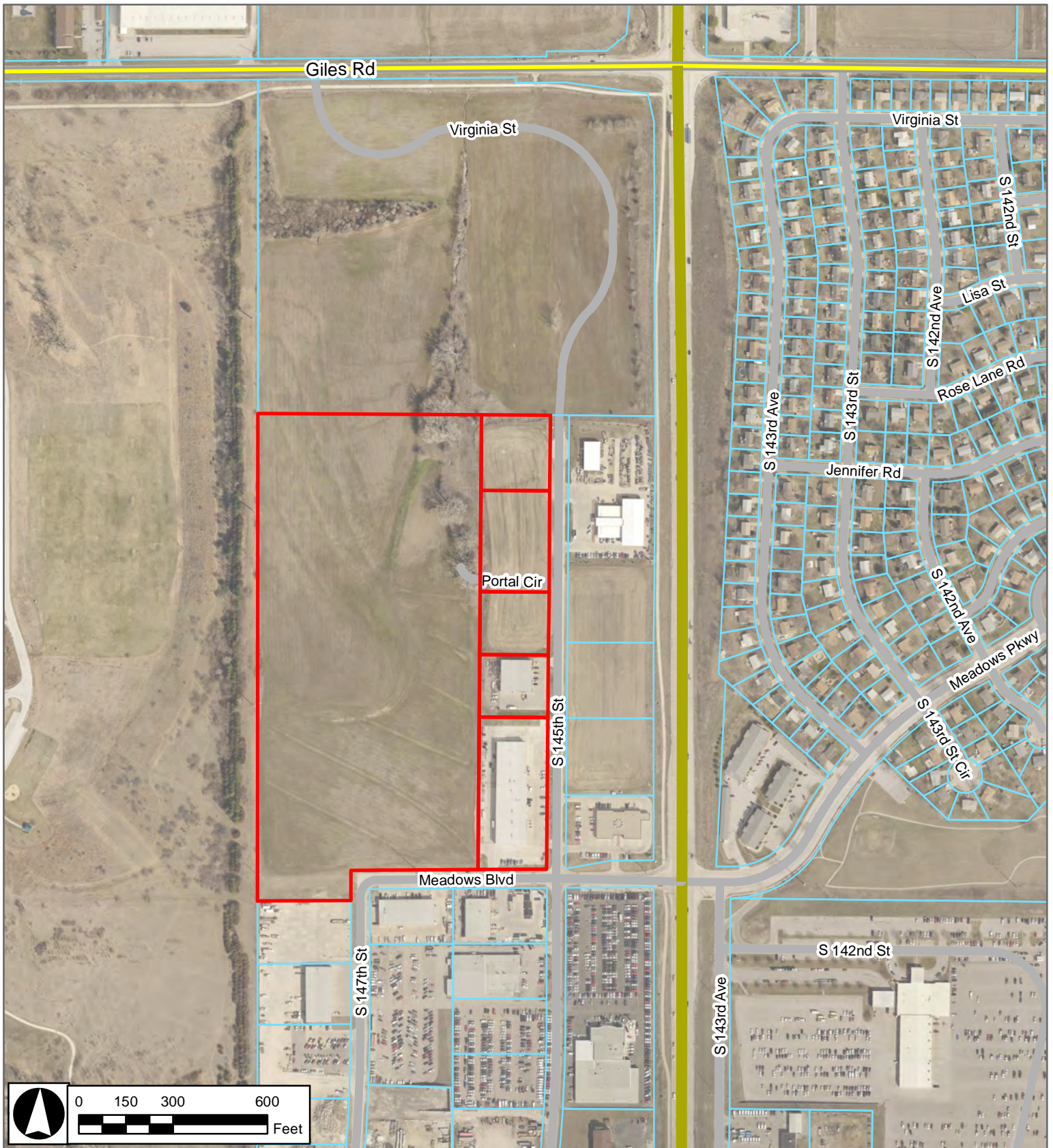
VIII. COPIES OF REPORT SENT TO:

1. Tom Heimes, J & H Investments, LLC
2. Beth Bucklin, TC Accommodator 115, LLC
3. R & D Development
4. Doris M. Klingemann, Hotsy Equipment Co.
5. Maguire Properties
6. Douglas Kellner, P.E., Thompson, Dreessen, & Dorner, Inc.
7. Public Upon Request

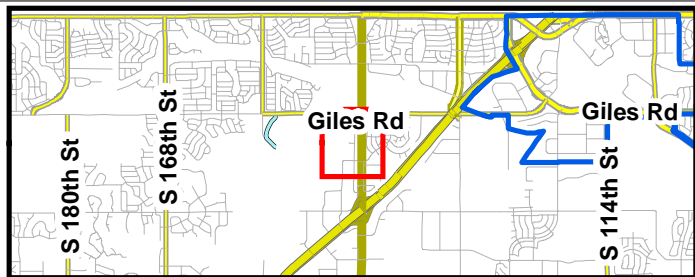
Prepared by:

Community Development Director

Date



Project Vicinity Map



Zoning Map Amendment

2-9-2017
JMC





January 13, 2017

Tom Heimes
J & H Investments, LLC
9144 S 147th Street
Omaha, NE 68138

RE: Revised Preliminary Plat & Rezoning Application
Heimes
City Engineer Second Review

Mr. Heimes,

City staff have reviewed the application that was received for with a revised preliminary plat called Heimes and associated request for rezoning in a transmittal dated December 29, 2016. Based on the requirements for a preliminary plat in the City of La Vista Subdivision Regulations and considerations for rezoning, City staff have provided following comments:

General:

1. The preliminary plat and rezoning documents have been sent to the Papio-Missouri River Natural Resources District for review and comment as the subject property abuts the Wehrspann Lake Dam Site which is maintained by the PMNRD. Additional commentary may be provided based on the results of their review.

Preliminary Plat:

2. In regards to the proposed cul-de-sac, please label the street name as Portal Circle.
3. The water to serve this development needs to come from the Metropolitan Utilities District and a notation to that effect has been added to the plat.
4. In accordance with Article 3.03.15 of the Subdivision Regulations itemized cost estimates for public improvements need to be submitted including proposed sources of funding. The proposed cul-de-sac lies largely within property situated in SID 48. Is it proposed that SID 48 will build and maintain the road? The proposed sanitary sewer connects to an existing sanitary sewer in 145th Street that drains to an existing lift station. The preliminary needs to indicate if the intent is to remove the lift station which is implied by Note 8 on the revised preliminary plat. Tract sewer connection fees will be collected on this

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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 Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

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

www.cityoflavista.org
info@cityoflavista.org

property and remitted to Sarpy County. This will include \$5,500 at time of platting which will be remitted entirely to Sarpy County. Then, at building permit time, the tract connection fee of \$6,690 per acre will be collected from which \$5,500 will be sent to Sarpy County and the remainder will be retained by the City. The fee collected at time of building permit is subject to change on January 1st of each year.

5. Existing culverts under Giles Road may have capacity limitations in regards to storm water runoff that require detention in addition to the City's standard requirements. The City has requested information from Sarpy County on the culvert capacities under Giles Road and will pass that information along to the applicant to address this limitation. In addition, water quality from proposed public streets will need to be addressed in the drainage study.
6. The boundary of the drainage area and the design flow to Impact Pt. 5 will need to be clarified at the time the public improvement plans are prepared and submitted for review.
7. The existing grading permit will need to be modified to include the proposed cul-de-sac when installation of the improvements is undertaken.

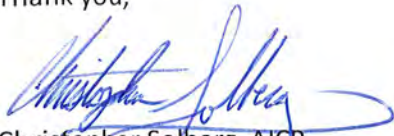
Rezoning:

8. In regards to Article 3.03.19 and relative to the rezoning request, the applicant needs to provide a statement as to the maximum expected peak hour traffic from proposed Lots 1, 2 3, and 4 using trip generation rates for industrial development consistent with the proposed I-2 Heavy Industrial zoning based on the Trip Generation manual published by the Institute of Transportation Engineers. The results of that peak hour estimation will determine whether any additional traffic impact study is required.
9. Lots abutting the west side of S. 145th Street should retain the Gateway Corridor Overlay that currently exists over these lots. The exhibits that note the change in the zoning should be amended to include the Gateway Corridor Overlay in addition to the proposed I-2 Heavy Industrial zoning.

In order for the Preliminary Plat and Rezoning to be considered for review at the February 16, 2017 Planning Commission meeting, revised plat documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by January 23, 2017 to ensure that the application stays on track for the review by Planning Commission.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink, appearing to read "Christopher Solberg", with a large, stylized flourish extending from the end.

Christopher Solberg, AICP
City Planner

cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Douglas Kellner, Thompson, Dreessen, & Dorner, Inc.

December 27, 2016

Chris Solberg
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

RE: Preliminary Plat Application – Initial Review
Heimes
TD2 File No. 1642-108.2

Mr. Solberg:

The attached documents have been created in response to the initial review dated October 27, 2016. From the comments:

- 1) The Scale has been corrected.
- 2) The plans have been sent to Amanda Grint with the Papio NRD for review and comment.
- 3) The note has been removed.
- 4) Paving thickness has been added on the legend, and the radii have been added as well.
- 5) A note has been added that MUD water will be serving the subdivision.
- 6) The easement information has been updated.
- 7) A cost sheet has been prepared and is attached.
- 8) A note stating that each lot will be required to get its own grading permit.
- 9) A trip generation report was generated by FHU and is attached.
- 10) The drainage study was updated to show impact points for both the 10 and 100 year storms. The calculations showing that 145th Street can handle the flows have also been attached. A note was included to list the requirements for stormwater requirements.
- 11) Before improvements are planned, a grading permit modification will be submitted.
- 12) The new proposed zoning is I2 per the sheet.

I have included 4 copies, along with electronic copies for your review.

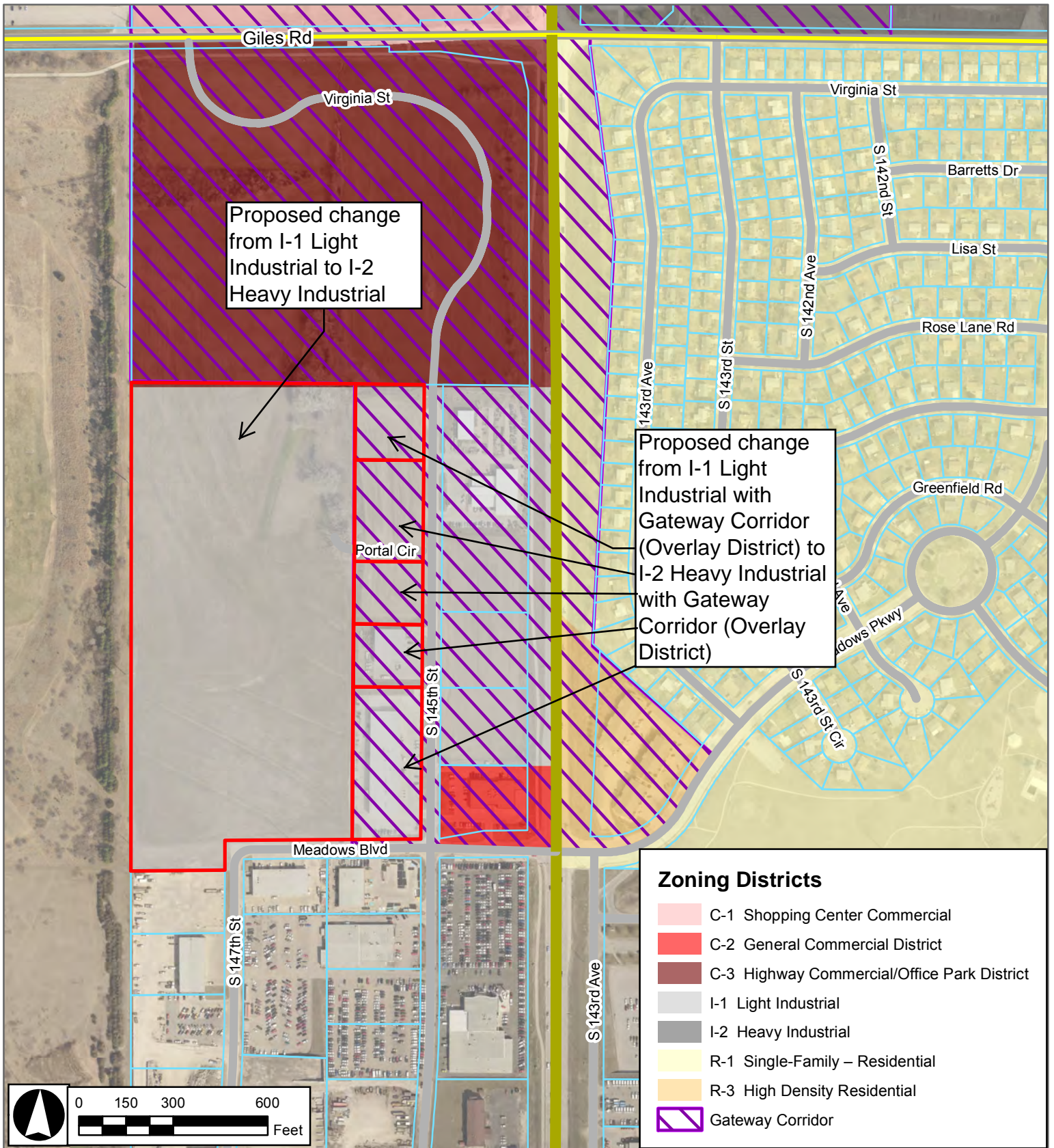
Respectfully Submitted,



Benjamin Drews, EI
THOMPSON, DREESSEN, & DORNER, INC.

BSD/tjp

Attachments



Project Vicinity Map



Zoning Map Amendment Exhibit

2-7-2017
JMC

