

LA VISTA CITY COUNCIL MEETING AGENDA

February 4, 2020

6:00 P.M.

Harold “Andy” Anderson Council Chamber
La Vista City Hall
8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Appointment**
- Park and Recreation Advisory Committee – Appoint Brenda Mechels-Struby – 2 year term

All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. CONSENT AGENDA

1. **Approval of the Agenda as Presented**
2. **Approval of the Minutes of the January 21, 2020 City Council Meeting**
3. **Approval of the Minutes of the January 16, 2020 Planning Commission Meeting**
4. **Request for Payment – Crouch Recreation – Construction Services – Playground Structure – \$47,932.00**
5. **Request for Payment – HDR Engineering Inc. – Professional Services – Project Management for Public Improvements and Other Works – \$1,125.75**
6. **Request for Payment – Olsson – Professional Services – City Centre Lot 17 Parking Garage – \$9,190.91**
7. **Request for Payment – Olsson – Professional Services – City Centre Phase 1 Public Infrastructure – \$3,198.75**
8. **Request for Payment – RDG Planning & Design – Professional Services – Placemaking & LA Services – \$16,813.29**
9. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Prepare ALTA/NSPS Land Title Survey – \$2,500.00**
10. **Request for Payment – Thompson, Dreessen & Dorner, Inc. – Professional Services – Civil Engineering Services – \$1,162.50**
11. **Approval of Claims**

- **Reports from City Administrator and Department Heads**

B. Applications – West Management, LLC – Lot 3, Echo Hills

1. **Comprehensive Plan Amendment – Future Land Use Map**
 - a. **Public Hearing**
 - b. **Ordinance**
2. **Zoning Ordinance Amendment – Rezoning**
 - a. **Public Hearing**
 - b. **Ordinance**
3. **Planned Unit Development Site Plan**
 - a. **Public Hearing**
 - b. **Resolution**
4. **Preliminary Plat**
 - a. **Resolution**

C. Ordinance – Zoning Text Amendment – Solar Energy Conversion Systems

D. Resolution – Authorize Agreement – Classification, Compensation and Benefit Study

E. Resolution – Professional Services Agreement – Geotechnical Exploration, Soil Borings, and Recommendations – 84th Street Bridge

F. Resolution – Off-Street Parking Facilities – 84th Street Redevelopment Area

G. Resolution – Acknowledgement of Grant Funding

H. Resolution – Authorize Purchase – Ventrac Tractor

- **Comments from the Floor**
- **Comments from Mayor and Council**
- **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.

MINUTE RECORD

A-2

No. 729 --- REDFIELD & COMPANY, INC. OMAHA E1310556LD

LA VISTA CITY COUNCIL MEETING JANUARY 21, 2020

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on January 21, 2020. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, Director of Public Works Soucie, City Engineer Dowse, Human Resources Director Trail, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on January 15, 2020. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

APPOINTMENTS: LIBRARY ADVISORY BOARD – REAPPOINT VALERIE RUSSELL – 2 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Valerie Russell to the Library Advisory Board for a 2-year term.

Councilmember Sheehan made a motion to approve the re-appointments. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2020 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JANUARY 11, 2020 CITY COUNCIL STRATEGIC PLANNING RETREAT
4. APPROVAL OF THE MINUTES OF THE DECEMBER 12, 2019 PLANNING COMMISSION MINUTES
5. MONTHLY FINANCIAL REPORT – NOVEMBER 2019
6. REQUEST FOR PAYMENT – HUNDEN STRATEGIC PARTNERS – PROFESSIONAL SERVICES – ECONOMIC WORK – \$4,500.00
7. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – 120TH & GILES TOTAL ACQUISITION – \$427.50
8. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – PHASE 2 GOLF COURSE TRANSFORMATION – PROPOSED LAKE IMPROVEMENTS – \$632.65
9. REQUEST FOR PAYMENT – WATER'S EDGE AQUATIC DESIGN, LLC – PROFESSIONAL SERVICES – CONCEPT PLANNING – \$9,437.50
10. APPROVAL OF CLAIMS

ACTION BATTERIES, supplies	192.77
AMAZON CAPITAL SERVICES, INC, supplies	305.99
ASP ENTERPRISES INC, maint.	87.04
AWARDS & MORE CO, services	52.78
BABER, B., travel	274.50
BERRY DUNN, services	2,800.00
BISHOP BUSINESS EQUIPMENT CO, services	1,643.12
BKD LLP, services	4,140.00
BLUE 360 MEDIA, LLC, services	2,425.90
BODY BASICS INC, services	202.80

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BOOT BARN, apparel	118.99
CAPSTONE, books	768.01
CENTER POINT, INC, books	44.34
CENTURY LINK, phones	664.81
CINTAS CORP, services	277.95
CITY OF OMAHA, services	204,130.76
COLE, JOE, services	400.00
CORNHUSKER INTL TRUCKS, maint.	31.41
COX COMMUNICATIONS, INC, services	277.40
CULLIGAN OF OMAHA, services	96.00
DATASHIELD CORP, services	80.00
DLR GROUP, services	1,349.28
DOUGLAS COUNTY SHERIFF'S OFC, services	200.00
EDGEWEAR SCREEN PRINTING, apparel	269.60
FBG SERVICE CORP, bld7grnds	5,965.00
FIRST NATIONAL BANK FREMONT, bonds	5,000.00
FIRST WIRELESS INC, services	277.40
GALE, books	164.18
GENERAL FIRE & SAFETY EQUIP CO, services	870.50
GRAINGER, bld&grnds	143.20
GREATAMERICA FINANCIAL, services	1,352.40
HALLETT AUTO BODY INC, maint.	2,803.60
INGRAM LIBRARY SERVICES, books	1,477.23
KANOPI, INC, services	84.00
LEAGUE OF NE MUNICIPALITIES, services	377.00
LIBRA INDUSTRIES INC, services	270.00
MARK A KLINKER, services	200.00
MENARDS-RALSTON, bld&grnds	177.61
METRO AREA TRANSIT, services	739.00
MIDWEST TAPE, media	119.97
MIDWEST TURF & IRRIGATION, services	11,400.00
NEWSBANK, services	370.00
NMC EXCHANGE LLC, maint.	110.64
NORTH STAR DESTINATION STRATEGIES, services	662.77
OFFICE DEPOT INC, supplies	591.86
OLSSON, INC, services	42,545.50
OPPD, utilities	41,547.78
OMAHA SLINGS INC, maint.	60.39
OMAHA WORLD-HERALD, services	364.00
OMNI ENGINEERING, maint.	365.85
ONE CALL CONCEPTS INC, services	153.05
O'REILLY AUTO PARTS, maint.	663.43
PAPILLION LA VISTA PUBLIC SCHOOLS, services	1,537.50
PAPILLION SANITATION, bld&grnds	2,633.77
PAPILLION TIRE INC, maint.	346.55
PLAINS EQUIPMENT GROUP, maint.	114.11
RED WING BUSINESS ACCT, apparel	150.00
ROURKE EDUCATIONAL MEDIA, books	910.55
SARPY COUNTY FISCAL ADMINSTRTN, services	28,315.60
SARPY DOUGLAS LAW ACADEMY, services	20,000.00
SHI INTERNATIONAL CORP, services	24,149.71
SIGN IT, services	385.00
SINNETT, J., travel	274.50
SOUTHERN UNIFORM & EQUIPMENT, apparel	338.46
SUBURBAN NEWSPAPERS INC. services	400.12
THOMPSON DREESSEN & DORNER, INC, services	2,618.50
TOSHIBA FINANCIAL, services	138.00
TRANS UNION RISK, services	50.00
U.S. CELLULAR, phones	1,605.59
UNIVERSITY OF LOUISVILLE, services	1,190.00

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VIERREGGER ELECTRIC CO, services	343.00
WALMART, supplies	1,819.81
WESTLAKE HARDWARE INC, bld&grnds	1,199.44
WHITE CAP CONSTR, supplies	77.88
WINTER EQUIPMENT CO, services	3,572.80
WORLD TRADE PRESS, books	781.10

Councilmember Crawford made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Recreation Director Stopak reported the renovations at Eberle-Walden Park are complete and there will be a dedication later in the spring.

PRESENTATION – EMPLOYEE INFORMATION DISPLAYS

The Employee Innovation Team presented information on their first innovation project, Employee Information Displays.

B. CONDITIONAL USE PERMIT – CASEY'S RETAIL COMPANY – LOT 3, HARRISON HILLS

1. PUBLIC HEARING

At 6:14 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the conditional use permit. Matt Sutton from Schemmer, representing the applicant, was present to answer Council questions.

At 6:16 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No.20-006 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR CASEY'S RETAIL COMPANY TO OPERATE A CONVENIENCE STORE WITH LIMITED FUEL SALES ON LOT 3, HARRISON HILLS.

WHEREAS, Casey's Retail Company has applied for approval of a conditional use permit for a convenience store with limited fuel sales on Lot 3, Harrison Hills, located southeast of the intersection of 118th Street and Harrison Street; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Casey's Retail Company to allow for a convenience store with limited fuel sales on Lot 3, Harrison Hills.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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C. RESOLUTION – INTERLOCAL AGREEMENT – SARPY COUNTY TRAFFIC TASK FORCE

Councilmember Thomas introduced and moved for the adoption of Resolution No.20-007 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT FOR THE SARPY COUNTY TRAFFIC TASK FORCE.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in the best interest of the City to renew an interlocal cooperation agreement for the purpose of providing forensic and crime scene investigation services in an efficient and effective manner; and

WHEREAS, reducing the number of traffic law violations and traffic crashes through high visibility enforcement efforts in Sarpy County is the goal. The formation of the Sarpy County Traffic Safety Task Force (herein "Task Force") will form a confederation of law enforcement Agencies working collaboratively to create omnipresence of law enforcement in Sarpy County. Through this agreement, it is hoped that the Agencies will reduce the number of serious injury and fatality crashes in Sarpy County; and

WHEREAS, the La Vista, Bellevue, Papillion Police Departments and the Sarpy County Sheriff's Office seek to increase the targeted enforcement of traffic law violations through sustained enforcement by limiting the impact of each Cooperating Agency's resources. Task Force operations may include multi-agency saturation patrols, checkpoints, and community outreach; and

WHEREAS, the Cooperating Agencies entered into an Interlocal Cooperation Agreement with Other Entities Regarding Law Enforcement Assistance on the 22nd day of April, 1997 which authorized the law enforcement Agencies of the City of Bellevue, City of La Vista, City of Papillion in Sarpy County and the Sarpy County Sheriff to request assistance in non-emergency situations when done so by an Agency Head;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with the City of Bellevue, the City of Papillion, and Sarpy County for the Sarpy County Traffic Safety Task Force.

Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

D. RESOLUTION – COMMUNITY EVENT GUIDE – PRINTING AND MAILING SERVICES

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 20-008 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COLONIAL PRESS, LA VISTA, NEBRASKA, FOR COMMUNITY EVENT GUIDE PRINTING AND MAILING SERVICES.

WHEREAS, the Mayor and City Council have determined that printing and mailing services for the Community Event Guide are necessary; and

WHEREAS, proposals were solicited, and nine proposals were received and reviewed; and

WHEREAS, it is determined that Colonial Press is the lowest, most responsible bidder meeting all specifications outlined in the request for proposals; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed services;

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NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that an agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Colonial Press, La Vista, Nebraska, for Community Event Guide printing and mailing services.

Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

E. RESOLUTION – AUTHORIZE PURCHASE – UTILITY DUMP TRAILER

Councilmember Quick introduced and moved for the adoption of Resolution No. 20-009 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) RICE UTILITY DUMP TRAILER FROM NEELS TRAILER OUTLET, ELMWOOD, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$9,200.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Rice Utility Dump Trailer is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of one (1) Rice Utility Dump Trailer from Neels Trailer Outlet, Elmwood, Nebraska in an amount not to exceed \$9,200.00.

Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

F. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – ENGINEERING SERVICES

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-010 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR CONSULTING ENGINEERING SERVICES FOR A CONCEPTUAL DESIGN FOR THE GILES ROAD WIDENING PROJECT.

WHEREAS, the Mayor and Council have determined that consulting engineering services are necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for the proposed services; and

WHEREAS, proposals will be due February 21, 2020 with the approval of selected firm by the City Council on March 17, 2020, subject to the discretion of the City;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for consulting engineering services for a conceptual design for the Giles Road Widening Project.

Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Crawford motioned to move Comments from the Floor up on the agenda ahead of item G. Executive Session. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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COMMENTS FROM THE FLOOR

There were no comments from the floor.

G. EXECUTIVE SESSION: LAND ACQUISITION

At 6:25 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for negotiating guidance regarding land acquisition. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 6:46 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reported the Revenue Committee would be reviewing property tax reform legislation tomorrow.

At 6:47 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
LA VISTA, NE 68128
P: (402) 331-4343

PLANNING COMMISSION MINUTES
JANUARY 16, 2020 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, April 18, 2019 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Kevin Wetuski called the meeting to order at 6:30 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, Kevin Wetuski, Kathleen Alexander, John Gahan, Harold Sargus, Josh Frey, Patrick Coghlan and Mike Circo. Members absent were: Jason. Also, in attendance were Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Bruce Fountain, Community Development Director; 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 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – December 12, 2019

Krzywicki moved, seconded by Malmquist, to approve the December 12th minutes. Ayes: Krzywicki, Gahan, Wetuski, Frey, Coghlan and Malmquist. Nays: None. Abstain: Sargus, Circo, and Alexander Absent: Dale. Motion Carried, (6-0-3)

3. Old Business

None.

4. New Business

A. Zoning Ordinance Amendment – Sections 2.03, 2.08, 2.20, 5.05, 5.10-5.16, 5.19, and 7.15 (Solar Energy Conversion)

i. **Staff Report – Cale Brodersen:** Brodersen stated that we are looking at the update to the section on solar panels in the Zoning Ordinance. He mentioned that the last time that this was updated was in 2001 and in the last 20 years, there has been a lot of changes to the landscape of solar energy conversion systems as far as technological advances and their costs and availability, as well as they way they look. Brodersen said that this has been on staff's radar for a long time to do an update to this section and have finally been able to do it. He mentioned that the major differences now are

that the solar panels were only allowed in residential districts and are now would be allowed in all La Vista's districts in varying degrees. He said that they did make sure that is was consistent with La Vista's design principles and guidelines. Brodersen then said that they will only be allowed as an accessory use, not a primary use. He then reminded the commission that there were copies on their desk that had a few minor changes that were made due to a legal recommendation, so that they would be interpreted at intended.

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

Krzywicki said that he had seen something in the ordinance about how far above the height of the building they could be put and asked if there was any reasoning why that height limit was chosen.

Brodersen said that when they were putting those together, they were looking at the different ordinances from different cities in Nebraska and other states. He mentioned that on sloped roofs, they don't want them to go above the top of the roof. This protects the panel and the roof, and for maintenance reasons, you don't want it to go above the roof. Brodersen said that's also in the Building Codes that it can't go above the height of the roof and that there must be 2 feet on the edge, so people can walk around them for maintenance. He said that was not specifically put into the ordinance since it is already in the code.

Gahan asked if staff could explain what a ground-mounted solar energy conversion system is.

Brodersen said that most solar panels are mounted on the roof, but there are some areas where that isn't fitting, so they will mount solar panels onto a rack and are then cemented to the ground. He said that it keeps the panels sturdy and in place, but it allows them to have solar panels somewhere where there isn't a building.

Gahan said that since it's in the rear yard it's not unsightly.

Brodersen agreed and said that rear yard is allowed as an accessory use. He said that there are instances where you can have it on a side yard with a conditional use permit, if it's not in front of the house. He said that the reason for that is that there might be some lots where they're on a corner and have large side yards and it wouldn't be that obtrusive visually, so they would allow a conditional use permit process to allow the neighbors to provide input on how it would look.

Krzywicki asked if the rules, as far as setbacks and other regulations, would still need to be abided by for the solar panels.

Brodersen said yes and mentioned accessory structures were referenced in the current zoning.

Krzywicki mentioned that he believed that accessory structures could only take up 30% of the rear yard.

Brodersen confirmed that was correct.

Alexander said that she had a small correction that needed to be made. She said that on 7.15.01, there were actually two 7.15.01.06's and the last one should be changed to 7.15.01.07.

Brodersen said that he will correct that.

Gerald McNerney came up and spoke on behalf of this agenda item. He said that he is glad that the city made these changes and that he hopes that everyone agrees that these are good changes. He then invited the commission to ask him any questions about solar panels.

Wetuski closed the Public Hearing.

- iii. **Recommendation:** Gahan moved, seconded by Malmquist, to recommend to City Council, Item 4a, the Zoning Ordinance Amendment- Sections 2.03, 2.08, 2.20, 5.05, 5.10-5.16, 5.19, and 7.15 (Solar Energy Conversion Systems), with the correction given by commissioner Alexander. **Ayes:** Krzywicki, Frey, Coghlan, Sargus, Circo, Alexander, Gahan, Wetuski, and Malmquist. **Nays:** None. **Abstain:** None. **Absent:** Dale. **Motion Carried, (9-0)**

B. Zoning Ordinance Amendment – Sections 7.01 and 7.03 (Signs)

- i. **Staff Report – Cale Brodersen:** Brodersen stated that due to some new information that just surfaced, staff is recommending that the public hearing be opened, and the agenda item be continued until the next planning commission meeting on February 6th.
- ii. **Public Hearing: Wetuski opened the Public Hearing.**
- iii. **Recommendation:** Krzywicki moved, seconded by Sargus to continue the public hearing until the February 6th meeting. **Ayes:** Krzywicki, Frey, Coghlan, Sargus, Circo, Alexander, Gahan, Wetuski, and Malmquist. **Nays:** None. **Abstain:** None. **Absent:** Dale. **Motion Carried, (9-0)**

C. Future Meeting Time

Discussion was had among the commission members on whether to keep the meeting start time at 6:30 p.m. or to move it to 6:00 p.m.

Recommendation: Krzywicki moved, seconded by Sargus to keep the meeting start time at 6:30 p.m. **Ayes: Krzywicki, Frey, Coghlan, Sargus, Circo, Alexander, Gahan, Wetuski, and Malmquist. **Nays:** None. **Abstain:** None. **Absent:** Dale. Motion Carried, (9-0)**

D. Nomination Committee

A nomination committee was formed with Gahan, Krzywicki, and Malmquist as the members. Elections for new officers will take place at the February 6th meeting.

5. Comments from the Floor:

No members of the public were present.

6. Comments from the Planning Commission:

Patrick Coghlan introduced himself to the commission.

7. Comments from Staff:

Solberg mentioned that the NPZA conference is scheduled for March 4th-6th and that cost will be covered by the city if any commissioners wished to attend. He told the commission to get in contact with Engberg if interested in going.

Solberg reminded the commission of the Employee Recognition Banquet scheduled for January 24th at 6 p.m.

8. Adjournment

Wetuski adjourned the meeting at 6:50 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date

A-4

Crouch Recreation, Inc.
 2435 S 156th Circle
 Omaha, NE 68130 US
 nicole@crouchrec.com
 www.crouchrec.com

Invoice



PO# 20-008280

BILL TO
 City of LaVista
 8116 Park View Blvd
 LaVista, NE 68128

A. Crouch 11/13/20

INVOICE #	DATE	TOTAL DUE	DUUE DATE	TERMS	ENCLOSED
3984	01/09/2020	\$47,932.00	01/31/2020	Upon Receipt	

P.O. NUMBER
 20-008280

SALES REP
 Julie Conradson

DESCRIPTION	QTY	RATE	AMOUNT
MDF Please Reference Quote QTE49593 440SM 440 Surface Mount Fountain Color: Textured Copper	1	3,434.00	3,434.00
MDF Template 10 NS 10" Internal Surface Mount Ring	1	250.00	250.00
Freight	1	375.00	375.00
Little Tikes Please Reference R0011198023 Custom Playground Structure	1	28,165.00	28,165.00
Freight	1	2,220.00	2,220.00
Little Tikes Discount	1	-4,000.00	-4,000.00
Installation Area 30' x 30' Dirtwork *Minimal *Haul Off Excess Sand BackFill *Bring in Good Back Fill Dirt	1	1,500.00	1,500.00
Installation 8" x 8" Ringwall	90	35.00	3,150.00
Installation Playground Installation	1	2,950.00	2,950.00
Installation Drainage	1	850.00	850.00
Installation Seeding & Restoration	1	500.00	500.00
Installation Install Water Fountain (Remove Old)	1	1,500.00	1,500.00

Consent Agenda 2/4/2020

DESCRIPTION	QTY	RATE	AMOUNT
Installation Provide Fabric	1	270.00	270.00
Installation Provide & Install 40 CY EWF	1	1,730.00	1,730.00
UPC Rocks & Ropes Please Reference Quote 329643000009495136 12304 Forked Log	1	2,582.00	2,582.00
UPC Rocks & Ropes 12403 Medium Hop Rock	1	432.00	432.00
UPC Rocks & Ropes 12402 Small Hop Rock	2	287.00	574.00
Freight	1	1,450.00	1,450.00
	BALANCE DUE		\$47,932.00

A-5



Invoice

Reference Invoice Number with Payment

HDR Engineering Inc.
Omaha, NE 68106-2973
Phone: (402) 399-1000

HDR Invoice No. 1200240138
 Invoice Date 09-JAN-2020
 Invoice Amount Due \$1,125.75
 Payment Terms 30 NET

City of La Vista
Rita Ramirez
8116 Park View Blvd
La Vista, NE 68128

Remit To PO Box 74008202
 ACH/EFT Payments Chicago, IL 60674-8202
 Bank of America ML US
 ABA# 081000032
 Account# 355004076604

Project Management for Services for Public Improvements and Other Works.

Purchase Order : 20-008348

Professional Services
 From: 24-NOV-2019 To: 28-DEC-2019

Professional Services Summarization	Hours	Billing Rate	Amount
Civil Engineer	4.00		467.40
Communications Coordinator	6.00		522.00
Graphic Designer	1.75		136.05
	11.75		\$1,125.45
		Total Professional Services	\$1,125.45

Expense Summarization	Quantity	Billing Rate	Amount
Printing/Regraphics			0.30
		Total Expenses	\$0.30

Amount Due This Invoice (USD)	\$1,125.75
-------------------------------	-------------------

Fee Amount	\$670,695.00
Fee Invoiced to Date	\$496,231.94
Fee Remaining	\$174,463.06

HDR Internal Reference Only	
Client Number	41331
Cost Center	10134
Project Number	10053040

R. Ramirez
 1-17-20

Consent Agenda 2/4/2020

Invoice

HDR Invoice No. 1200240138
Invoice Date 09-JAN-2020

Professional Services and Expense Detail

Project Number: 10053040
Task Number: 1.0

Project Description: LaVista-Project Mgmt Svcs
Task Description: Project Management

Professional Services		Hours	Billing Rate	Amount
Civil Engineer	Christiansen, Adam P.	4.00	116.85	467.40
		4.00		\$467.40
		Total Professional Services		\$467.40
				Total Task
				\$467.40

Professional Services and Expense Detail

Project Number: 10053040
Task Number: 3.0

Project Description: LaVista-Project Mgmt Svcs
Task Description: Public Outreach

Professional Services		Hours	Billing Rate	Amount
Communications Coordinator	Veldhouse, Kristen Lynn	6.00	87.00	522.00
Graphic Designer	George, Elizabeth L	1.50	74.70	112.05
Graphic Designer	Rodriguez, Christina Anne Rolfes	0.25	96.00	24.00
		7.75		\$658.05
		Total Professional Services		\$658.05
Expense		Qty	Billing Rate	Amount
Printing/Reprographics	ARC Document Solutions LLC			0.30
				Total Expense
				\$0.30
				Total Task
				\$658.35

A-6

Invoice

olsson

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

January 13, 2020
Invoice No: 348332

City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

Invoice Total **\$9,190.91**

Olsson Project # 018-1994 La Vista City Centre Lot 17 Parking Garage NE
Professional services rendered through December 28, 2019 for work completed in accordance with Agreement dated April 30, 2018.

Phase 200 Soils

Labor

		Hours	Rate	Amount
Technician		1.00	60.00	60.00
Totals		1.00		60.00
Total Labor				60.00
				Total this Phase \$60.00

Phase 300 Concrete
Labor

		Hours	Rate	Amount
Technician		27.25	60.00	1,635.00
Technician Standby		11.50	60.00	690.00
Totals		38.75		2,325.00
Total Labor				2,325.00

Unit Billing

Field Vehicle 1314	25.0 Miles @ 0.75	18.75
Field Vehicle 1145	48.0 Miles @ 0.75	36.00
Field Vehicle 1144	30.0 Miles @ 0.75	22.50
Field Vehicle 1195	26.0 Miles @ 0.75	19.50
Field Vehicle 1248	10.0 Miles @ 0.75	7.50

Compressive Strength - Concrete

6 Tests @ \$15/Test	90.00

Consent Agenda 2/4/2020

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	018-1994	La Vista City Centre Lot 17 Parking Gara	Invoice	348332
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5 Tests @ \$15/Test	75.00
4 Tests @ \$15/Test	60.00
Total Units	869.25
	869.25
	Total this Phase
	\$3,194.25

Phase 400 Post Tension

Labor

Technician	Hours	Rate	Amount
	18.75	60.00	1,125.00
Project Manager			
	8.75	115.00	1,006.25
Totals	27.50		2,131.25
			2,131.25
Total Labor			

Unit Billing

Field Vehicle 1248	21.0 Miles @ 0.75	15.75
Field Vehicle 1144	12.0 Miles @ 0.75	9.00
Field Vehicle 1257	29.0 Miles @ 0.75	21.75
Field Vehicle 1016	16.0 Miles @ 0.75	12.00
Field Vehicle 1138	23.0 Miles @ 0.75	17.25
Compressive Strength - Concrete		
9 Tests @ \$15/Test		135.00
9 Tests @ \$15/Test		135.00
9 Tests @ \$15/Test		135.00
Total Units		480.75
		480.75
	Total this Phase	\$2,612.00

Phase 500 Masonry

Labor

Technician	Hours	Rate	Amount
	19.00	60.00	1,140.00
Totals	19.00		1,140.00
Total Labor			1,140.00

Unit Billing

Field Vehicle 1248	59.0 Miles @ 0.75	44.25
Field Vehicle 1314	9.0 Miles @ 0.75	6.75
Field Vehicle 1145	27.0 Miles @ 0.75	20.25
Field Vehicle 1016	20.0 Miles @ 0.75	15.00
Compression Strength - Block		
3 Tests @ \$90/Test		270.00
Compressive Strength - Grout		
4 Tests @ \$30/Test		120.00

Project	018-1994	La Vista City Centre Lot 17 Parking Gara	Invoice	348332
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Compressive Strength - Mortar				
3 Tests @ \$20/Test			60.00	
	Total Units		536.25	536.25
		Total this Phase		\$1,676.25

Phase 700 Reporting/Project Management

Labor

	Hours	Rate	Amount
Project Manager	14.50	115.00	1,667.50
Administrative	3.25	54.00	175.50
Totals	17.75		1,843.00
Total Labor			1,843.00
		Total this Phase	\$1,843.00

Billing Limits

	Current	Prior	To-Date
Total Billings	9,385.50	53,034.09	62,419.59
Limit			62,225.00
Over Limit Adjustment			-194.59

AMOUNT DUE THIS INVOICE **\$9,190.91**

OK TO PAY 1/27/2020

PMO

15.71.0917.00-CMDV17005

Authorized By: Matthew Markham

A-7

Invoice

601 P St Suite 200
PO Box 84608
Lincoln, NE 68501-4608
Tel 402.474.6311, Fax 402.474.5063

Pat Dowse
City Engineer
City of La Vista NE
8116 Park View Blvd
La Vista, NE 68128-2198

OK TO PA-1
PMD 1127/2020
PO# 20-008346

olsson

January 16, 2020
Invoice No: 348774

Invoice Total \$3,198.75

Olsson Project # B16-0546 La Vista NE City Centre Phase 1 Public Infrastructure

Professional services rendered from December 1, 2019 through December 28, 2019 for work completed in accordance with agreement dated October 7, 2016 and Amendment #1 dated July 7, 2017, Amendment #2 dated July 21, 2017, Amendment #3 dated November 21, 2017, Amendment #4 dated May 17, 2018, and Amendment #5 dated October 24, 2018.

NTP: 12.06.16
PO: 20-008346

Phase 300 Project Management (Including Amendments 2, 3, 5 & 7)

Labor

	Hours	Rate	Amount
Team/Technical Leader			
Egelhoff, Anthony	.50	185.00	92.50
Administrative			
Chambers, Veronica	.50	73.00	36.50
Totals	1.00		129.00
Total Labor			129.00
		Total this Phase	\$129.00

Phase 400 Construction Services (Including Amendments 3, 5 & 7)

Labor

	Hours	Rate	Amount
Project Manager			
Markham, Matthew	6.00	115.00	690.00

Consent Agenda 2/4/2020
INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	348774
Team/Technical Leader				
Egelhoff, Anthony		1.00	185.00	185.00
Totals		7.00		875.00
Total Labor				875.00
			Total this Phase	\$875.00
Phase	402	SWPPP Inspections (Including Amendment 5 & 7)		
Fee				
Number of Mo Insp Fees		1.00		
Fee Each		800.00		
Subtotal		800.00		
		Subtotal		800.00
			Total this Phase	\$800.00
Phase	930	Amendment #4 84th Street Pavement & Sewers		
Labor				
Project Manager		Hours	Rate	Amount
		6.25	115.00	718.75
Totals		6.25		718.75
Total Labor				718.75
			Total this Phase	\$718.75
Phase	940	Amendment #6 Pavement Rehabilitation Construction Services		
Labor				
Project Manager		Hours	Rate	Amount
		3.00	115.00	345.00
Team/Technical Leader		1.00	185.00	185.00
Administrative		2.00	73.00	146.00
Totals		6.00		676.00
Total Labor				676.00
			Total this Phase	\$676.00
Billing Limits		Current	Prior	To-Date
Total Billings	3,198.75	1,134,304.67	1,137,503.42	
Limit			1,168,326.50	
Balance Remaining			30,823.08	
			AMOUNT DUE THIS INVOICE	\$3,198.75

Email Invoices to: pdowse@cityoflavista.org

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	B16-0546	La Vista NE City Centre Phase 1 Public	Invoice	348774
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Authorized By: Anthony Egelhoff

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

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December 31, 2019

Project No: R3003.066.00
Invoice No: 46648

Rita Ramirez
Assistant City Administrator
City of La Vista
8116 Parkview Blvd
La Vista, NE 68128

Project R3003.066.00 LaVista, City of - Placemaking & LA Svcs

Professional Services through December 31, 2019

Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee
Planning	237,167.50	62.00	147,043.86	130,442.12	16,601.74
Schematic Design	12,482.50	0.00	0.00	0.00	0.00
Total Fee	249,650.00		147,043.86	130,442.12	16,601.74
			Total Fee		16,601.74

Reimbursable Expenses

Printing	211.55
Total Reimbursables	211.55
Total this Invoice	\$16,813.29

PO Number: 20-008351 *RM*

R. Ramirez
1-27-20

Consent Agenda 2/4/2020

(KA)



A-9

INVOICE



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
PAT DOWSE
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 135337
Date 01/09/2020

Project 0171-19 CITY OF LA VISTA MISC.
SERVICES, 2019, SURVEY

Professional Services from December 11, 2019 through January 09, 2020

0171-19-003 PART OF THE SE 1/4 OF SECTION 18-14-12, SARPY COUNTY, NEBRASKA

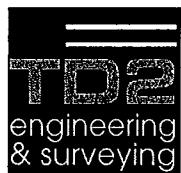
Description	Current Billed
Prepare ALTA/NSPS Land Title Survey	2,500.00
Total	2,500.00

Invoice total **2,500.00**

OK TO PAY
PND 1/27/2020
-71.0917.000 -STAT 17003

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

Consent Agenda 2/4/2020



Thompson, Dreessen & Dorner, Inc.
Consulting Engineers & Land Surveyors

Please remit to:
TD2 Nebraska Office
10836 Old Mill Road; Omaha, NE 68154
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108
Office: 605/951-0886

CITY OF LA VISTA
PAT DOWSE
9900 PORTAL ROAD
LA VISTA, NE 68128

Invoice number 135463
Date 01/16/2020

Project 0171-400 CITY OF LA VISTA -
MISCELLANEOUS SERVICES 2012-
CURRENT, CIVIL

Professional Services from December 9, 2019 through January 05, 2020

Description	Current Billed
Civil Engineering Services	1,162.50
Communications and meetings for SID 237 Phase 1 Drainage Improvements.	750.00
Communications and meeting for City Centre interface improvements and agreements.	412.50
	Total 1,162.50

Invoice total **1,162.50**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
135463	01/16/2020	1,162.50	1,162.50				
	Total	1,162.50	1,162.50	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

OK TO PAY
PMD 1/27/2020
1.19.0303.000

Consent Agenda 2/4/2020

Check #	Check Date	Vendor Name	Amount	Voided
131528	01/28/2020	LOGO LOGIX EMBROIDERY & SCREEN	3,108.00	N
131529	01/28/2020	ARTHUR J GALLAGHER RISK MGMT SV	13,624.00	N
131530	01/28/2020	BLACK HILLS ENERGY	189.05	N
131531	01/28/2020	CENTURY LINK	127.54	N
131532	01/28/2020	HUNDEN STRATEGIC PARTNERS	4,500.00	N
131533	01/28/2020	MIDWEST RIGHT OF WAY SVCS INC	427.50	N
131534	01/28/2020	THOMPSON DREESSEN & DORNER, IN	632.65	N
131535	01/28/2020	TRAIL, RANDY	130.80	N
131536	01/28/2020	WATER'S EDGE AQUATIC DESIGN	9,437.50	N
131537	02/04/2020	AA WHEEL & TRUCK SUPPLY INC	10.60	N
131538	02/04/2020	ACTION BATTERIES UNLTD INC	94.62	N
131539	02/04/2020	ALEGENT CREIGHTON HEALTH	3,082.00	N
131540	02/04/2020	AMAZON CAPITAL SERVICES, INC.	616.76	N
131541	02/04/2020	ASPHALT & CONCRETE MATERIALS	84.80	N
131542	02/04/2020	AT&T MOBILITY LLC	93.78	N
131543	02/04/2020	BARCAL, ROSE	76.19	N
131544	02/04/2020	BISHOP BUSINESS EQUIPMENT	1,229.50	N
131545	02/04/2020	BLACK HILLS ENERGY	5,778.20	N
131546	02/04/2020	BRITE IDEAS DECORATING	190.00	N
131547	02/04/2020	CENTER POINT, INC.	364.32	N
131548	02/04/2020	CENTURY LINK	146.43	N
131549	02/04/2020	CINTAS CORPORTATION	307.41	N
131550	02/04/2020	CITY OF PAPILLION	188,687.00	N
131551	02/04/2020	COMP CHOICE INC	75.00	N
131552	02/04/2020	CONTINENTAL RESEARCH CORPORATI	495.08	N
131553	02/04/2020	COX COMMUNICATIONS, INC.	143.65	N
131554	02/04/2020	CULLIGAN OF OMAHA	48.25	N
131555	02/04/2020	DATASHIELD CORPORATION	60.00	N
131556	02/04/2020	DB MARKETING TEAM, INC	322.48	N
131557	02/04/2020	DELL MARKETING L.P.	25,048.19	N
131558	02/04/2020	DEMCO INCORPORATED	383.48	N
131559	02/04/2020	DIAMOND VOGEL PAINTS	83.37	N
131560	02/04/2020	DULTMEIER SALES LLC	526.40	N
131561	02/04/2020	FAC PRINT & PROMO COMPANY	761.58	N
131562	02/04/2020	FEDEX	127.63	N
131563	02/04/2020	FERGUSON ENTERPRISES INC #226	34.69	N
131564	02/04/2020	FILTER CARE OF NEBRASKA	13.25	N
131565	02/04/2020	FIRST NATIONAL BANK OF OMAHA	6,037.50	N
131566	02/04/2020	FIRST WIRELESS INC	1,267.00	N
131567	02/04/2020	GALE	23.99	N
131568	02/04/2020	GENUINE PARTS COMPANY-OMAHA	962.66	N
131569	02/04/2020	GLOCK, INC	35.00	N
131570	02/04/2020	GRAYBAR ELECTRIC COMPANY INC	304.29	N
131571	02/04/2020	HAMPTON INN-KEARNEY	530.00	N
131572	02/04/2020	HANEY SHOE STORE	141.99	N
131573	02/04/2020	HEARTLAND TIRES AND TREADS	310.45	N
131574	02/04/2020	HY-VEE INC	204.00	N
131575	02/04/2020	INLAND TRUCK PARTS & SERVICE	360.16	N
131576	02/04/2020	JEFFREY BRAMWELL	13.96	N
131577	02/04/2020	JOHNSTONE SUPPLY CO	47.85	N
131578	02/04/2020	KIESLER POLICE SUPPLY	4,364.25	N
131579	02/04/2020	L-TRON CORPORATION	1,427.00	N
131580	02/04/2020	LARSEN SUPPLY COMPANY	1,066.21	N
131581	02/04/2020	MARCO INCORPORATED	140.14	N
131582	02/04/2020	MENARDS-RALSTON	104.06	N
131583	02/04/2020	MERRYSMAKERS ASSOCIATION	1,200.00	N
131584	02/04/2020	METRO AREA TRANSIT	698.00	N
131585	02/04/2020	METROPOLITAN COMMUNITY COLLEG	10,656.49	N
131586	02/04/2020	METROPOLITAN UTILITIES DISTRICT	2,473.82	N
131588	02/04/2020	MIDWEST TAPE	380.65	N

User: KOLSON

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
131589	02/04/2020	MMC MECHANICAL CONTRACTORS IN	724.00	N
131590	02/04/2020	MSC INDUSTRIAL SUPPLY CO	391.07	N
131591	02/04/2020	NEELS TRAILER OUTLET INC	9,199.00	N
131592	02/04/2020	NEW CENTURY PHYSICIANS OF NE LLC	802.00	N
131593	02/04/2020	NEWMAN SIGNS INC	2,537.35	N
131594	02/04/2020	O'KEEFE ELEVATOR COMPANY INC	636.00	N
131595	02/04/2020	ODEYS INCORPORATED	324.57	N
131596	02/04/2020	OFFICE DEPOT INC	1,079.94	N
131597	02/04/2020	OMAHA WINNELSON SUPPLY	954.52	N
131598	02/04/2020	OVERHEAD DOOR COMPANY OF OMA	135.00	N
131599	02/04/2020	PER MAR SECURITY SERVICES	1,602.94	N
131600	02/04/2020	PLAINS EQUIPMENT GROUP	2,006.94	N
131601	02/04/2020	POLICE CHIEFS ASSN OF NEBR	50.00	N
131602	02/04/2020	REGAL AWARDS INC.	454.55	N
131603	02/04/2020	SCHEMMER ASSOCIATES INC	147.50	N
131604	02/04/2020	SESAC INC	460.00	N
131605	02/04/2020	SOUTHERN UNIFORM & EQUIPMENT	450.96	N
131606	02/04/2020	SUCCESS FACTORS INCORPORATED	9,848.51	N
131607	02/04/2020	TEAMSIDELINE.COM	599.00	N
131608	02/04/2020	THE PENWORTHY COMPANY	547.48	N
131609	02/04/2020	TRAIL, RANDY	135.80	N
131610	02/04/2020	USI EDUCATION & GOVERNMENT SALE	299.54	N
131611	02/04/2020	VERIZON CONNECT NWF, INC.	731.25	N
131612	02/04/2020	VERIZON WIRELESS	501.08	N
131613	02/04/2020	WATKINS CONCRETE BLOCK CO INC	225.00	N
131614	02/04/2020	WHITE CAP CONSTR SUPPLY/HDS	22.18	N
131615	02/04/2020	WOODHOUSE LINCLN-MAZDA-PORSC	41.46	N

TOTAL:

328,718.81

APPROVED BY COUNCIL MEMBERS ON: 02/04/2020

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
PROPOSED COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE MAP, REZONING, PLANNED UNIT DEVELOPMENT SITE PLAN, AND PRELIMINARY PLAT; LOT 3, ECHO HILLS (144 TH ST & CHANDLER RD)	◆ RESOLUTION (2) ◆ ORDINANCE (2) RECEIVE/FILE	CHRIS SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

Public hearings have been scheduled and ordinances and resolutions prepared to consider applications for the following:

- an amendment to the Future Land Use Map of the Comprehensive Plan changing a portion of Lot 3 Echo Hills from Commercial to Residential,
- a Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 GWC to R-3 PUD GWC,
- a Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 GWC to C-1 PUD GWC,
- a Planned Unit Development Site Plan, and
- a Preliminary Plat

all to allow for the development of assisted living/memory care facilities, apartments, and commercial development located on Lot 3 Echo Hills, generally located northwest of the intersection of 144th Street and Chandler Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

These applications have been submitted by West Management, LLC for a development on approximately 12.4 acres currently described as Lot 3, Echo Hills. The proposed Preliminary Plat proposes to divide the property into 4 lots, 2 of which would be rezoned per this request from C-1 with the Gateway Corridor Overlay (GWC) to R-3 Planned Unit Development (PUD) GWC to allow for the development of apartments and an assisted living/memory care facility. The remaining 2 proposed lots on the site will be rezoned per this request from C-1 GWC to C-1 PUD GWC to be developed with commercial uses.

A detailed staff report is attached.

The Planning Commission held a public hearing on December 12, 2019, and unanimously recommended approval of the amendment to the Future Land Use Map of the Comprehensive Plan, the rezoning, the Planned Unit

Development Site Plan, and the Preliminary Plat as the requests are consistent with the Comprehensive Plan and Zoning Ordinance.

The attachments are as follows:

- Staff Report
- December 12, 2019 Planning Commission Minutes

1. Comprehensive Plan Amendment – Future Land Use Map
 - Ordinance
 - Amendment Vicinity Map – Future Land Use
 - Future Land Use Map
2. Zoning Ordinance Amendment – Rezoning
 - Ordinance
 - Amendment Vicinity Map – Zoning
 - Official Zoning Map
3. Planned Unit Development Site Plan
 - Resolution
4. Preliminary Plat
 - Resolution

K:\APPS\City Hall\CNCLRPT (Blue Letters)\20file\20 CD - Echo Hills 02.04.2020.Docx



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBERS: PCPA19-0002;
PRZ19-0002; PPUD19-0004; PSPP19-0003

For Hearing On: February 4, 2020

Report Prepared On: January 29, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Brett West
West Management LLC
3042 Sheridan Blvd
Lincoln, NE 68502

B. PROPERTY OWNER:

Omaha Community Foundation
3555 Farnam Street
Omaha, NE 68131

C. LOCATION: Northwest of the intersection of Chandler Road and 144th Street.

D. LEGAL DESCRIPTION: Lot 3 Echo Hills.

E. REQUESTED ACTION(S): Approval of an amendment to the Future Land Use Map of the Comprehensive Plan, Rezoning, PUD Site Plan, and a Preliminary Plat.

F. EXISTING ZONING AND LAND USE: C-1 – Shopping Center Commercial District, Gateway Corridor District (Overlay District); Lot 3 Echo Hills is currently vacant.

G. PURPOSE OF REQUEST: Development including an assisted living facility, memory care facility, multi-family housing, a restaurant, retail space, and drive-thru coffee shop.

H. SIZE OF SITE: Approximately 12.4 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes downward to the south and to the east; the site is currently vacant.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Tornado Car Wash, C-1 Shopping Center Commercial District, Gateway Corridor Overlay (Overlay District); Echo Hills Neighborhood, RS-72 - Single Family Residential.
2. **East:** Dino's Storage, C-1 – Shopping Center Commercial District, Gateway Corridor Overlay (Overlay District).

3. **South:** Vacant Lot, I-1 Light Industrial District, Gateway Corridor Overlay (Overlay District).
4. **West:** Echo Hills Park; Echo Hills Neighborhood, RS-72 - Single Family Residential.

C. RELEVANT CASE HISTORY:

1. N/A

D. APPLICABLE REGULATIONS:

1. Section 5.08 of the Zoning Regulations – R-3 High Density Residential
2. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial
3. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development (Overlay District)
4. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
5. Article 6 of the Zoning Regulations – CUP – Conditional Use Permit
6. Section 3.08 of the Subdivision Regulations – Replats
7. Section 4.02 of the Subdivision Regulations – Design Standards; Streets

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the Comprehensive Plan designates the area for commercial development. The proposed amendment to the Future Land Use Map would change the designation for part of the site from commercial to high density residential to allow for this portion of the property to be rezoned from C-1 Shopping Center Commercial to R-3 High Density Residential PUD (retaining the Gateway Corridor District (Overlay District)).
2. The proposed project will meet Policy Live-2.2 of the La Vista Comprehensive Plan which reads: “Promote the development of housing types and supportive programs for people of retirement age, allowing residents to age in place with access to daily services.” This policy directly promotes Goal 2 of the Live Long category of the Comprehensive Plan, which reads: “Maintain the balance of diverse, high-quality housing that appeals to people of varying backgrounds, incomes and abilities.”

B. OTHER PLANS: Traffic Impact Analysis dated December 2, 2019.

C. TRAFFIC AND ACCESS:

1. There will be two main full access points to the development; one onto 144th Street (N-50) via Echo Hills Drive, and one onto Chandler Road via 146th Street.

2. A traffic impact analysis for the development has been prepared by Felsburg, Holt & Ullevig (FHU). The City Engineer has reviewed the study and finds the analysis and recommendations reasonable.

The traffic impact analysis noted that MUTCD traffic signal warrants were not satisfied at the intersection of N-50 (144th Street) with Echo Hills Drive/Josephine Street or 146th Street with Chandler Road under 2019 existing or 2021 buildout traffic conditions. As the area surrounding the site continues to develop, these two intersections should be continually monitored to determine if signalization is warranted.

The traffic impact analysis recommends signal head improvements to the traffic signal at the intersection of N-50 (144th Street) and Chandler Road at the time of full buildout. Full recommendations are available in the attached traffic impact analysis.

The TIA has not yet been approved by the Nebraska Department of Transportation and comments have not been received by Sarpy County. These approvals must be obtained prior to City Council's consideration of the Final Plat and Subdivision Agreement.

D. UTILITIES:

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.
2. Storm water management fees will be collected at the time of building permit.

E. PARKING REQUIREMENTS: The parking stall requirements for the proposed development, per the La Vista Zoning Ordinance, are:

Lot #	Use	Required Stalls	Provided Stalls
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	83
Lot 2	Multi-Family	388	514
Lot 3	Commercial	104 + Employees	129
Lot 4	Commercial	21	25

The applicant has requested a reduction in the required parking stall count for the assisted living and memory care facilities on Lot 1 based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking. City staff approve of the revised stall count based on the anticipated demand for these uses.

IV. REVIEW COMMENTS:

1. With approval of the Comprehensive Plan Amendment, Rezoning, PUD Plan, and Preliminary Plat, the applicant will also need to have the Final Plat, Subdivision Agreement, and Conditional Use Permits approved in order to commence the development process. Conditional Use Permits will be required for the proposed assisted living and memory care facility on Lot 1, and for the multi-family housing proposed for Lot 2.
2. The design of each building will need to be approved through the City's Design Review process under the Gateway Corridor District regulations, prior to receiving building permits.
3. Any traffic signal improvements required by NDOT must be completed prior to the issuance of a Certificate of Occupancy and will be addressed through the Subdivision Agreement as part of the Replat process.
4. The applicant informed staff that they held a forum on November 14th, 2019 to discuss the proposed development with neighborhood residents and the SID Board, and to listen to their feedback. The applicant worked with City Staff and the SID Board to propose several traffic calming/off-site improvements to mitigate the potential negative impacts of increased traffic on the neighborhood. These proposed improvements include a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills park, and an improved sidewalk connection to the park from the neighborhood.

V. STAFF RECOMMENDATION – COMPREHENSIVE PLAN – FUTURE LAND USE MAP AMENDMENT:

Staff recommends approval of the Comprehensive Plan Amendment, contingent on the approval and recording of the Final Plat and related Subdivision Agreement.

VI. PLANNING COMMISSION RECOMMENDATION - COMPREHENSIVE PLAN – FUTURE LAND USE MAP AMENDMENT:

The Planning Commission held a public hearing on December 12, 2019 and voted unanimously to recommend approval of Comprehensive Plan Amendment contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council Approval.

VII. STAFF RECOMMENDATION – REZONING:

Staff recommends approval of the Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to C-1 Shopping Center Commercial, Gateway Corridor Overlay, and Planned Unit Development, and staff recommends approval of the Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to R-3 High-Density Residential, Gateway Corridor Overlay, and Planned Unit

Development, as depicted in the Zoning Map Amendment Exhibit, contingent on the approval and recording of the Final Plat and related Subdivision Agreement.

VIII. PLANNING COMMISSION RECOMMENDATION – REZONING:

The Planning Commission held a public hearing on December 12, 2019 and voted unanimously to recommend approval of Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to C-1 Shopping Center Commercial, Gateway Corridor Overlay, and Planned Unit Development, and staff recommends approval of the Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to R-3 High-Density Residential, Gateway Corridor Overlay, and Planned Unit Development, as depicted in the Zoning Map Amendment Exhibit, contingent upon the satisfactory resolution of the issues stated within this staff report prior to City Council Approval.

IX. STAFF RECOMMENDATION – PLANNED UNIT DEVELOPMENT:

Staff recommends approval of the Planned Unit Development as the PUD Site Plan request is consistent with the Comprehensive Plan (as amended) and the Zoning Ordinance, contingent on the approval and recording of the Final Plat and related Subdivision Agreement.

X. PLANNING COMMISSION RECOMMENDATION – PLANNED UNIT DEVELOPMENT:

The Planning Commission held a public hearing on December 12, 2019 and voted unanimously to recommend approval of the Planned Unit Development contingent upon the satisfactory resolution of the issues stated within this staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan (as amended) and the Zoning Ordinance.

XI. STAFF RECOMMENDATION – PRELIMINARY PLAT:

Staff recommends approval of the Preliminary Plat for Lot 3 Echo Hills, being replatted as Lots 1-4 Echo Hills Replat 4, contingent on the approval and recording of the Final Plat and related Subdivision Agreement.

XII. PLANNING COMMISSION RECOMMENDATION – PRELIMINARY PLAT:

The Planning Commission held a public hearing on December 12, 2019 and voted unanimously to recommend approval of the Preliminary Plat for Lot 3 Echo Hills, being replatted as Lots 1-4 Echo Hills Replat 4, contingent on the satisfactory resolution of the issues stated within this staff report.

XIII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Review Letters
3. Future Land Use Map Amendment Exhibit
4. Zoning Map Amendment Exhibit
5. PUD Plan Set
6. Preliminary Plat Plan Set
7. Traffic Impact Analysis (without exhibits)

XIV. COPIES OF REPORT SENT TO:

1. Brett West, West Management LLC
2. Joe Dethlefs, Thompson, Dreessen & Dorner Inc.
3. Public Upon Request



Prepared by: Assistant Planner

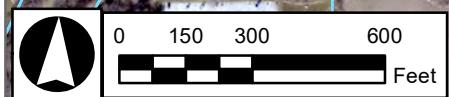
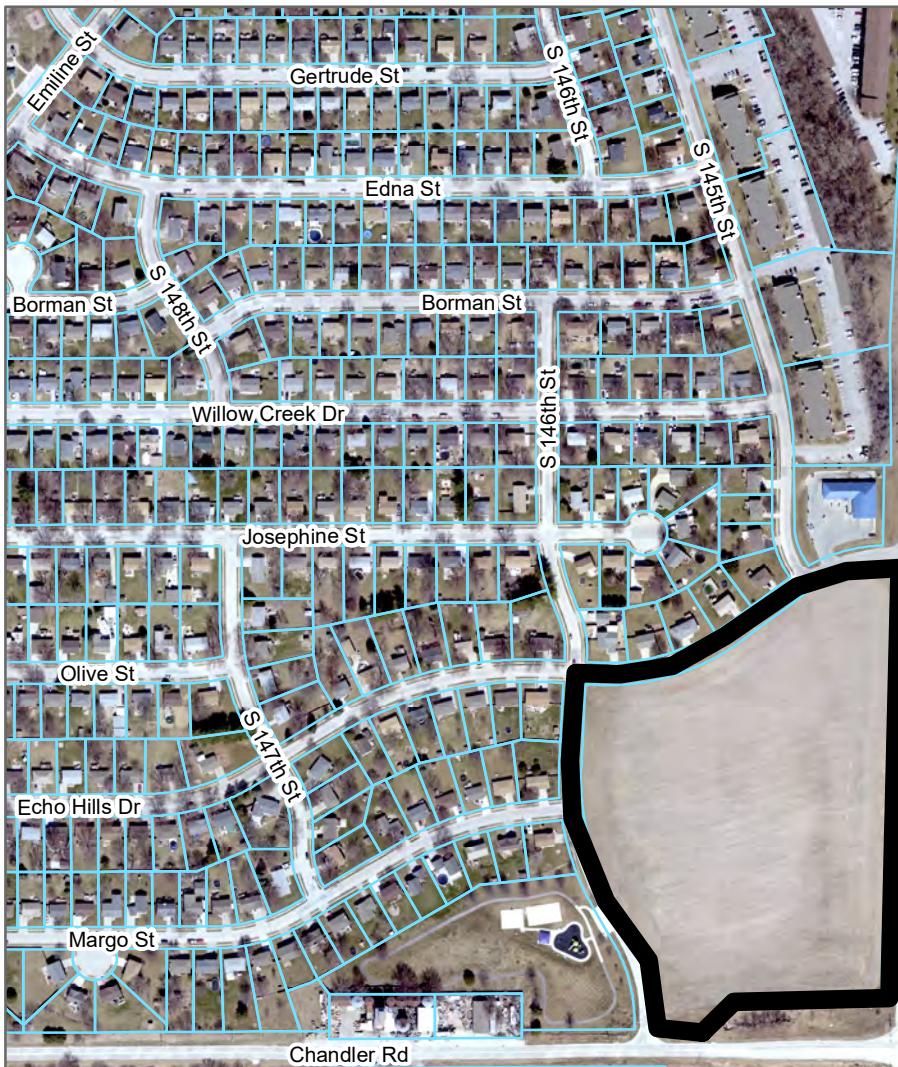


Heather C. Johnson

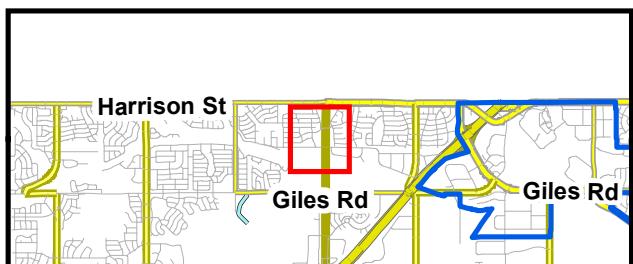
1/30/2020

Date

Deputy Community Development Director



Vicinity Map



**Lot 3 Echo Hills -
Comprehensive Plan Amendment,
Rezoning, Planned Unit Development
& Preliminary Plat**

12/6/2019



CB



November 22, 2019

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Planned Unit Development – Initial Review Letter
Lot 3 Echo Hills

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. Section 5.15.03 – The zoning listed on the PUD Site Plan needs to be corrected to include the Gateway Corridor District (Overlay District) over all parcels to reflect the actual zoning.
2. Section 5.15.04.01 - Project schedule should be resubmitted as to show the duration of tasks prior to January 2020.
3. Section 5.15.04.03 - If the traffic study or other determinations require public improvements, certain assurances may be required to ensure performance in accordance with the development plan.
4. 5.15.04.03 - It is anticipated that a traffic impact study will be completed for this development. Traffic study should identify any potential public improvements required to address adverse traffic impacts. The driveway for the drive-through coffee shop in proposed Lot 4 appears to be problematic in that traffic may stack into the public street. Internal circulation or geometry changes may be needed to address this potential issue.
5. Section 5.15.04.06 - Proposed trash enclosures locations need to be detailed and/or relocated as to ensure appropriate screening and/or location. Please confirm if the single enclosure depicted on Lot 2 is sufficient to meet the needs of the buildings of that lot. Note that enclosures must abide by Section 7.17.04.03 of the Zoning Ordinance and the Gateway Corridor District Design Guideline in regards to design and construction.

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f: 402-537-3902

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

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

6. Section 5.15.04.07 - Parking requirements appear to be adequate for lots 2, 3 and 4. Lot 1 does not meet the requirements per 7.06 of the Zoning Ordinance. Please show how assumptions were calculated, and what provisions will be taken to ensure parking will not become an issue in the future. Some stalls in Lot 2 and Lot 4 appear to be less than standard length of 18 feet, however this may be due to overhang. Applicant should confirm all stalls are standard dimension, otherwise provisions should be made for compact parking.
7. Section 5.15.04.09 – The residential structures within the PUD Site Plan do not meet the 30-foot front yard setback requirement of the proposed underlying R-3 Zoning District. However, these setbacks do meet the minimum requirement of Section 5.15.04.09 of the Zoning Ordinance when found reasonable by the Planning Commission and City Council as per that section of the Ordinance.

Applicant needs to provide the number of stories in height of Building 4 in order to assess the proposed building's conformance with the setbacks listed within Section 5.08.05 of the Zoning Ordinance.

The smaller building depicted on Lot 4 does not meet the setbacks within the underlying C-1 Zoning District as listed within Section 5.10.06 of the Zoning Ordinance.

8. Section 5.15.04.11 – The open space percentage listed for Lot 2 does not conform with the 30% requirement as set forth in this Section.
9. Section 5.15.04.14 - The proposed commercial parcel has significant access restrictions to 144th as well as Chandler Road per NDOT. However, 146th Street is in proximity of Chandler Road as well as 144th Street and would generally act a local collector. Similar roadway configurations can be found in the adjacent Stonybrook South subdivision.
10. Section 5.15.04.15 - PUD plan needs to show five foot (5') wide sidewalk dimensioning on public street frontages.
11. Section 5.15.04.17-20 - The overall site and landscape plans are currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the initial review has been completed. The design review process for these plans needs to be substantially complete prior to proceeding through City Council approval process.

Separate design review processes will be required for each building phase at the time of development for the proposed commercial properties and at the time of application for Conditional Use Permit for the residential properties proposed

in the site plan. Building and landscaping design for each phase will be reviewed in relation to each specific building/addition.

In addition to the Design Review Architect's comments, staff has noted possible site line issues with the proposed Vanderwolf Pine closest to the intersection of 146th Street and Chandler Road. Please confirm that the tree, at maturity, will remain out of site triangle requirements set forth in Section 2.20 of the Ordinance.

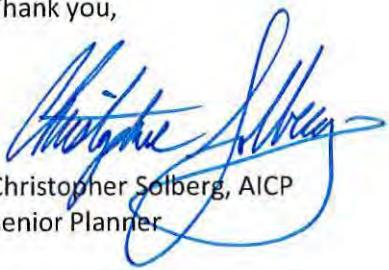
Staff has also noted the placement of an Amur Maple in the same location as a proposed dumpster enclosure on Lot 1.

12. Section 5.15.04.21- Exterior lighting needs to be shown as to ensure there are no adverse impacts to the adjacent residential homes. Please submit a detailed photometric plan to support this requirement.
13. Site lighting needs to abide by the Gateway Corridor District Design Guideline. See the Guideline for the parking lot light fixture and pole required for developments within the Gateway Corridor District.
14. Section 5.15.05.02, Subsection 2 - Height of each proposed structure needs to be addressed within the PUD plan.
15. Section 5.15.05.02 Subsection 4 - Ensure pedestrian walkways for internal circulation and connections to the perimeter sidewalk are adequate. The parking island immediately east of the 12 parking stall group south of west leg of Building 3 should be shifted west to align with the north/south sidewalk connection going through the parking lot. Additionally, a connection should be made between the east/west sidewalk along the northern end of the commercial property to the sidewalk along the west face of the south leg of Building 3.

Please submit 4 full size revised copies of the PUD plans and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

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".

Christopher Solberg, AICP
Senior Planner

cc:

Brett West, West Management LLC
Pat Dowse, City Engineer
Bruce Fountain, Community Development Director

November 25, 2019

Christopher Solberg, AICP.
City of La Vista Planning Department
8116 Park View Blvd
La Vista, NE 68128

RE: Echo Hills Planned Unit Development Review Letter
Lot 3 Echo Hills
TD2 Project No. 2142-102.2

Mr. Solberg:

Below are the responses to the comments from the Planned Unit Development – Initial Review Letter dated November 22, 2019. The City comments are listed below followed by our response in bold.

1. Section 5.15.03 - The zoning listed on the PUD Site Plan needs to be corrected to include the Gateway Corridor District (Overlay District) over all parcels to reflect the actual zoning.
Okay, Site Plan has been updated.
2. Section 5.15.04.01 - Project schedule should be resubmitted as to show the duration of tasks prior to January 2020.
Okay, schedule updated.
3. Section 5.15.04.03 - If the traffic study or other determinations require public improvements, certain assurances may be required to ensure performance in accordance with the development plan.
Acknowledged.
4. 5.15.04.03 - It is anticipated that a traffic impact study will be completed for this development. Traffic study should identify any potential public improvements required to address adverse traffic impacts. The driveway for the drive-through coffee shop in proposed Lot 4 appears to be problematic in that traffic may stack into the public street. Internal circulation or geometry changes may be needed to address this potential issue.
Okay, based on the findings of the traffic study, the layout of Lot 4 may be modified.
5. Section 5.15.04.06 - Proposed trash enclosures locations need to be detailed and/or relocated as to ensure appropriate screening and/or location. Please confirm if the single enclosure depicted on Lot 2 is sufficient to meet the needs of the buildings of that lot. Note that enclosures must abide by Section 7.17.04.03 of the Zoning Ordinance and the Gateway Corridor District Design Guideline in regard to design and construction.
Okay, trash enclosure detail has been added to this submittal. Additional trash enclosure has been added to Lot 2.

6. Section 5.15.04.07 - Parking requirements appear to be adequate for lots 2, 3 and 4. Lot 1 does not meet the requirements per 7.06 of the Zoning Ordinance. Please show how assumptions were calculated, and what provisions will be taken to ensure parking will not become an issue in the future. Some stalls in Lot 2 and Lot 4 appear to be less than standard length of 18 feet, however this may be due to overhang. Applicant should confirm all stalls are standard dimension, otherwise provisions should be made for compact parking.

Lot 1 parking calculations were based on Housing (Congregate), Assisted-living facilities, which is 1 space per dwelling unit plus 1 space per employee on the largest shift. This comes to 104 spaces total, however no one in the memory care units operate vehicles and only about 5 residents in the assisted living facility operate vehicles. Hence the 83 spaces provided will be adequate for the 24 employees and the residents.

If Commercial Uses, Nursing Home was used to calculate the required parking at 1 space per 3 beds plus 1 per employee on the largest shift, the total calculated required parking would be 51 stalls.

Some of the stalls in Lots 2 and 4 have a parking bay width of 16' with a vehicle overhang of 2' per Section 7.09.01.

7. Section 5.15.04.09 - The residential structures within the PUD Site Plan do not meet the 30-foot front yard setback requirement of the proposed underlying R- 3 Zoning District. However, these setbacks do meet the minimum requirement of Section 5.15.04.09 of the Zoning Ordinance when found reasonable by the Planning Commission and City Council as per that section of the Ordinance.

Acknowledged. Residential structures are setback 25' from the property line per 5.15.04.09.

Applicant needs to provide the number of stories in height of Building 4 in order to assess the proposed building's conformance with the setbacks listed within Section 5.08.05 of the Zoning Ordinance.

All residential buildings onsite will be 3 stories with a maximum height of 45'.

The smaller building depicted on Lot 4 does not meet the setbacks within the underlying C-1 Zoning District as listed within Section 5.10.06 of the Zoning Ordinance.

Per Section 5.15.02.04, we request the side yard setback of 10' be adjusted to what is shown on the PUD Site Plan.

8. Section 5.15.0411 - The open space percentage listed for Lot 2 does not conform with the 30% requirement as set forth in this Section.

Acknowledged. Lot 2 open space was displayed incorrectly on the Site Plan. The correct open space percentage is 34%.

9. Section 5.15.04.14 - The proposed commercial parcel has significant access restrictions to 144th as well as Chandler Road per NDOT. However, 146th Street is in proximity of Chandler Road as well as 144th Street and would generally act a local collector. Similar roadway configurations can be found in the adjacent Stonybrook South subdivision.

Acknowledged

10. Section 5.15.04.1s - PUD plan needs to show five foot (5') wide sidewalk dimensioning on public street frontages.

Acknowledged. Label has been added.

11. Section 5.15.04.17-20 - The overall site and landscape plans are currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the initial review has been completed. The design review process for these plans needs to be substantially complete prior to proceeding through City Council approval process.

Acknowledged

Separate design review processes will be required for each building phase at the time of development for the proposed commercial properties and at the time of application for Conditional Use Permit for the residential properties proposed in the site plan. Building and landscaping design for each phase will be reviewed in relation to each specific building/addition.

Acknowledged

In addition to the Design Review Architect's comments, staff has noted possible site line issues with the proposed Vanderwolf Pine closest to the intersection of 146th Street and Chandler Road. Please confirm that the tree, at maturity, will remain out of site triangle requirements set forth in Section 2.20 of the Ordinance.

The Vanderwolf Pine in the southwest corner has been moved to the northeast to ensure the proper site triangle is achieved.

Staff has also noted the placement of an Amur Maple in the same location as a proposed dumpster enclosure on Lot 1.

Amur Maple location has been updated.

12. Section 5.15.04.21 – Exterior lighting needs to be shown as to ensure there are no adverse impacts to the adjacent residential homes. Please submit a detailed photometric plan to support this requirement.

Okay, detailed photometric plan is currently being designed and will be forwarded when complete.

13. Site lighting needs to abide by the Gateway Corridor District Design Guideline. See the Guideline for the parking lot light fixture and pole required for developments within the Gateway Corridor District.

Acknowledged

City of La Vista
Lot 3 Echo Hills
November 25, 2019
Page 4

14. Section 5.15.05.02, Subsection 2 - Height of each proposed structure needs to be addressed within the PUD plan.

Building Heights have been added to the Site Statistics Table.

15. Section 5.15.05.02 Subsection 4 - Ensure pedestrian walkways for internal circulation and connections to the perimeter sidewalk are adequate. The parking island immediately east of the 12 parking stall group south of west leg of Building 3 should be shifted west to align with the north/south sidewalk connection going through the parking lot. Additionally, a connection should be made between the east/west sidewalk along the northern end of the commercial property to the sidewalk along the west face of the south leg of Building 3.

Site Plan has been updated per comments. The sidewalk connection on the west side of the south leg of Building 3 to the commercial lot is not shown due to elevation differences.

We appreciate the City's effort and assistance with the development process. Please contact me with any additional questions or comments.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Joe Dethlefs, P.E.



December 6, 2019

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Planned Unit Development – Second Review Letter
Lot 3 Echo Hills

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. Section 5.15.04.09 - The side-yard setback of 10' cannot be reduced to what is depicted on the PUD Site Plan for the smaller building located on Lot 4. While Section 5.15.02.04 does allow for reductions in the setback requirements of the underlying zoning districts, Section 5.15.04.09 sets the minimum setbacks allowed with a PUD. The minimum setback is 10'. Please adjust the site as necessary in order to meet the setback requirement for all buildings.
2. Section 5.15.04.03 - Per the draft traffic study it does appear that there will be needed modifications to the signal at HWY 50 (144th Street) and Chandler Road, to include adding a permissive/protected phase to the northbound left turn lane with a 4-section signal head to include a flashing yellow arrow, and the modification to 3-section signal heads, with a flashing yellow arrow, to all other left turning lane signal head as to be consistent with signals in the vicinity. As Chandler Road is operated by Sarpy County, and the signal is operated by the Nebraska Department of Transportation (NDOT), the traffic study needs to be reviewed both entities, and the traffic signal improvements need to be confirmed by NDOT. Certain assurances will need to be made as to guarantee performance by the developer if NDOT requires these or any additional improvements to the NDOT roadway system, and/or if Sarpy County requires any additional improvements to the Sarpy County roadway system.

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f: 402-537-3902

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f: 402-331-1051

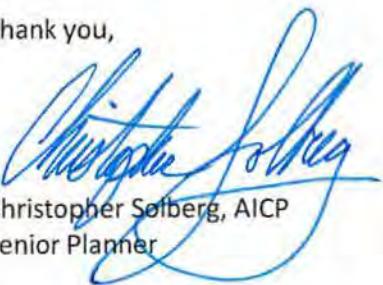
Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

3. Section 5.15.04.03 - Traffic study also indicated the need for a mid-block pedestrian crossing on 146th Street to Echo Hills Park. Improvements should be made by the applicant as indicated in the traffic study, and certain assurances should be made to the City of La Vista and to Echo Hills SID as to ensure performance.
4. Section 5.15.04.03 -Traffic study indicated stored lane queues may block traffic from turning into said stored lanes, particularly at 145th Street and Echo Hills Drive. Appropriate signage or other measures should be contemplated as to thwart queues from blocking the intersection during peak traffic times.
5. Section 5.15.04.03 -The traffic study focused on the nearby major intersections of the development but did not evaluate the local roadways of 146th Street and/or Echo Hills Drive. Traffic study should identify any potential public improvements required to address adverse traffic impacts on the local roadways. The driveway for the drive-through coffee shop in proposed Lot 4 appears to be problematic in that traffic may stack into the public street. Internal circulation or geometry changes may be needed to address this potential issue.
6. Section 5.15.04.03 - Traffic study suggests that traffic waiting on Echo Hills Drive to exit east onto HWY 50 may eventually migrate to the south and exit at 146th Street onto Chandler Road. Will anticipated change in traffic dispersion adversely impact the south intersections of 145th Street and Chandler Road, and/or Chandler Road and HWY 50? Will the increased traffic to the south have any adverse impacts on the local roadway network?
7. Section 5.15.04.21- Photometric plan does not show if there are any potential lighting impacts related to any proposed on-building lighting, and none of the modeled values extend to the existing properties to show if there are any potential impacts to existing, surrounding properties. Photometric plan should be revised.
8. General Comment: A review of the proposed PUD Landscaping Plan is currently under review by the City's third-party Design Review Architect. Once the review is complete, alterations to the Landscaping Plan may be required.

Please submit 4 full size revised copies of the PUD plans and related documents (along with electronic copies) to the City for further review. If the Planning Commission approves of the Comprehensive Plan Amendment, Rezoning, PUD, and Preliminary Plat on the 12/12/19 meeting, all of the issues noted in this letter will need to be addressed to the satisfaction of City staff before the zoning actions will be brought before the City Council. If any issues remain or are not satisfactorily addressed, deviations from the proposed timeline can and will occur.

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

Thank you,



Christopher Solberg, AICP
Senior Planner

cc:

Brett West, West Management LLC
Pat Dowse, City Engineer
Bruce Fountain, Community Development Director

January 21, 2020

Christopher Solberg, AICP.
City of La Vista Planning Department
8116 Park View Blvd
La Vista, NE 68128

RE: Planned Unit Development – Third Review Letter
Lot 3 Echo Hills
TD2 Project No. 2142-102.3

Mr. Solberg:

Below are the responses to the comments from the Planned Unit Development – Third Review Letter dated January 14, 2020. The City comments are listed below followed by our response in bold.

1. Section 5.15.04.21 – We are still waiting on the submission of a revised photometric plan that shows any potential lighting impacts related to any proposed on-building lighting. On the current photometric plan, none of the modeled values extend to the existing properties to show if there are any potential impacts to existing, surrounding properties.
Updated Photometric Plan has been attached.
2. General Comment: Please review the attached PUD Landscaping Plan from the City's third-party Design Review Architect and make any necessary changes.
Okay, Landscaping Plan has been updated per comments.
3. General Comment: If the sidewalk is to be moved north as proposed, we would like to see it run along the edge of the entire south property line, south of the detention basin. This will ensure for future connectivity west along Chandler Road. Ultimately, decisions impacting the ROW will still need to be approved by Sarpy County. Additionally, please be aware that a public access easement will need to be recorded against the property to allow for public use of the sidewalk.
Sidewalk location has been updated and proposed easement shown.
4. General Comment: Regarding several of the proposed traffic improvements, we have the following comments:
 - a. We do not recommend 4 way stop signs at Margo Street/146th Street, as studies have shown that all-way stop control is not an effective traffic calming device.
Okay.
 - b. Per the guidelines in the Omaha Traffic Calming Program, we would recommend only one speed bump per location.
Okay, one speed bump shown on 146th Street and one on Echo Hills Drive.
 - c. The City does support the provision of additional parking at the park.
Okay, parking shown.
 - d. Ultimately the decision to allow for a RIRO access along Chandler Road would fall to NDOT and Sarpy County. However, there may be unintended consequences and a U-turn issue with a RIRO access so close to the full access movement.

City of La Vista
Lot 3 Echo Hills
January 21, 2020
Page 2

Without a full evaluation, the City would not recommend an additional access on Chandler Road.

Okay, if RIRO is pursued, Traffic Study shall be completed and submitted to NDOT and Sarpy County for approval. Currently, we will proceed without the RIRO.

We appreciate the City's effort and assistance with the development process. Please contact me with any additional questions or comments.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Joe Dethlefs, P.E.



November 22, 2019

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Preliminary Plat – Initial Review Letter
Lot 3 Echo Hills

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Section 3.03.07 - The width and location of platted streets and alleys within 200 feet of the property as well any physical features of the property, including but not limited to the sizes, elevations and flowlines of existing culverts, utilities and/or other features affecting the subdivision should be shown on the plat.
2. Section 3.03.08 - Location and names of all adjoining subdivisions or undeveloped land should be shown.
3. Section 3.03.09 - Ensure all lot dimensions are shown.
4. Section 3.03.10 - Thickness, radii and other dimension of the parking lots, driveways and sidewalks should be shown.
5. Section 3.03.19 - Per the Echo Hills Trip Generation Memo dated November 6, 2019 from Felsburg, Holt and Ullevig, the anticipated trip generation numbers from the project indicate a traffic impact analysis should be completed.
6. General Comment - Drainage study should be updated to capture all drainage catchments as currently contemplated, including catchments that do not drain to the stormwater BMP. 10 year design calculations should be updated once catchment delineations are updated. Final drainage study will need to verify stormwater BMP is designed to meet the Post Construction Storm Water Management requirements as set forth within the City of La Vista Municipal Code.

City Hall
8116 Park View Blvd.
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p: 402-331-8927
f: 402-331-1051

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p: 402-331-3455
f: 402-331-0299

Please submit 4 full size revised copies of the plat and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

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

Thank you,



Christopher Solberg, AICP
Senior Planner

cc:

Brett West, West Management LLC
Pat Dowse, City Engineer
Bruce Fountain, Community Development Director

November 25, 2019

Christopher Solberg, AICP.
City of La Vista Planning Department
8116 Park View Blvd
La Vista, NE 68128

RE: Echo Hills Preliminary Plat Review Letter
Lot 3 Echo Hills
TD2 Project No. 2142-102.1

Mr. Solberg:

Below are the responses to the comments from the Preliminary Plat – Initial Review Letter dated November 22, 2019. The City comments are listed below followed by our response in bold.

1. Section 3.03.07 - The width and location of platted streets and alleys within 200 feet of the property as well any physical features of the property, including but not limited to the sizes, elevations and flowlines of existing culverts, utilities and/or other features affecting the subdivision should be shown on the plat.
Okay, aerial photo showing existing features, dimensions of right-of-way widths, and existing sewer information has been added.
2. Section 3.03.08 - Location and names of all adjoining subdivisions or undeveloped land should be shown.
Okay, adjacent subdivision names are shown on the Preliminary Plat and on the Vicinity Map.
3. Section 3.03.09 - Ensure all lot dimensions are shown.
Okay, plan has been updated.
4. Section 3.03.10 - Thickness, radii and other dimension of the parking lots, driveways and sidewalks should be shown.
Okay, plan has been updated, see Exhibit D.
5. Section 3.03.19 - Per the Echo Hills Trip Generation Memo dated November 6, 2019 from Felsburg, Holt and Ullevig, the anticipated trip generation numbers from the project indicate a traffic impact analysis should be completed.
Okay, complete traffic study is being performed for the project.

City of La Vista
Lot 3 Echo Hills
November 25, 2019
Page 2

6. General Comment - Drainage study should be updated to capture all drainage catchments as currently contemplated, including catchments that do not drain to the stormwater BMP. 10-year design calculations should be updated once catchment delineations are updated. Final drainage study will need to verify stormwater BMP is designed to meet the Post Construction Storm Water Management requirements as set forth within the City of La Vista Municipal Code.

Drainage study, Exhibit E, has been updated to include areas draining off-site. The complete drainage study will analyze each Impact Point and the site will be designed to comply with the City of La Vista's stormwater requirements.

Runoff calculations on Exhibit F were previously completed using all drainage areas, therefore the runoff calculations previously shown are current.

We appreciate the City's effort and assistance with the development process. Please contact me with any additional questions or comments.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



Joe Dethlefs, P.E.

JD/tjp



December 6th, 2019

Joe Dethlefs
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Preliminary Plat – Second Review Letter
Lot 3 Echo Hills

Mr. Dethlefs,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Section 3.03.10 - Please indicate widths of sidewalk along the perimeter of the lots, as well as distance between back of curb and sidewalk, (furniture zone) to ensure sidewalk meets the requirements of Section 4.20 of the Subdivision Regulations. Sidewalk widths are indicated on the PUD submittals, however. Certain portions of the sidewalks meander inside of the lot lines in proposed Lot 1, Lot 2 and Lot 4, which may require sidewalk easements for public use.
2. Section 3.03.10 - Please indicate the radii of the driveway access points.

Please submit 4 full size revised copies of the PUD plans and related documents (along with electronic copies) to the City for further review. If the Planning Commission approves of the Comprehensive Plan Amendment, Rezoning, PUD, and Preliminary Plat on the 12/12/19 meeting, all of the issues noted in this letter will need to be addressed to the satisfaction of City staff before the zoning actions will be brought before the City Council. If any issues remain or are not satisfactorily addressed, deviations from the proposed timeline can and will occur.

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

Thank you,

Christopher Solberg, AICP
Senior Planner

cc:

Brett West, West Management LLC
Pat Dowse, City Engineer
Bruce Fountain, Community Development Director

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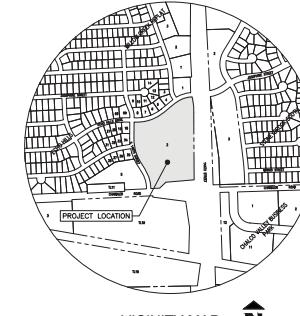
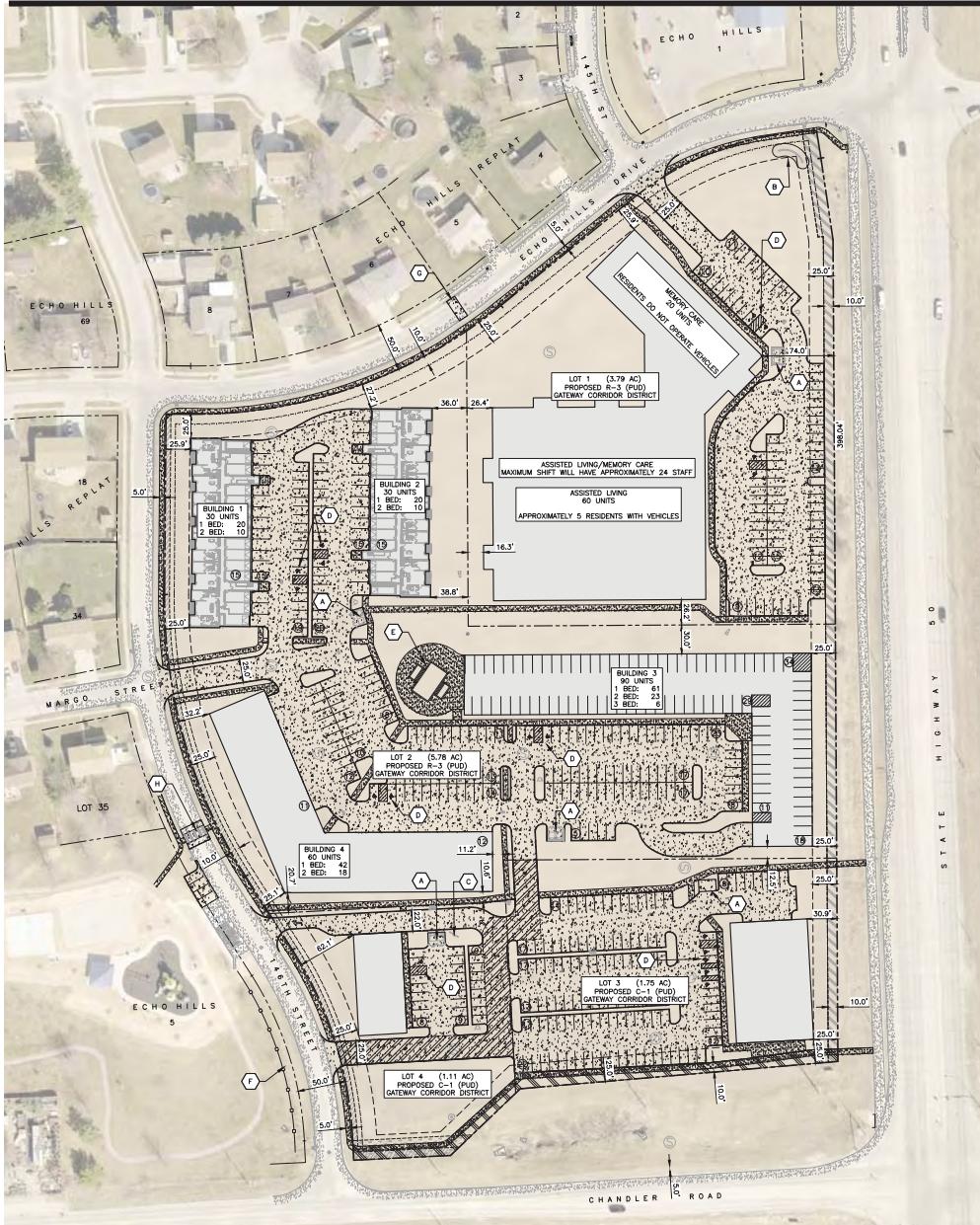
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www.cityoflavista.org
info@cityoflavista.org



TD2
engineering
& surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name

Echo Hills Replat 4 Lots 1 - 4

SITE KEY NOTES

- A. TRASH ENCLOSURE LOCATION
- B. MONUMENT SIGN LOCATION
- C. DRIVE THRU SIGN LOCATION
- D. PROPOSED ADA STALLS
- E. PROPOSED POOL LOCATION
- F. PROPOSED FENCE LOCATION
- G. PROPOSED SPEED HUMP
- H. PROPOSED SPEED TABLE / PEDESTRIAN CROSSING

LEGAL DESCRIPTION

ECHO HILLS REPLAT 4, LOTS 1-4, BEING A REPLATTING OF
LOT 3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY,
NEBRASKA.

LEGEND

	PROPOSED P.C.C. PAVEMENT
	PROPOSED P.C.C. SIDEWALK
	PROPOSED SANITARY SEWER MANHOLE
	PARCEL BOUNDARY
	PROPOSED LOT LINES
	BUILDING SETBACK
	LANDSCAPE SETBACK
	PROPOSED ACCESS EASEMENT
	PROPOSED SIDEWALK EASEMENT
	PERMANENT SANITARY SEWER EASEMENT AS SHOWN ON THE FINAL PLAT OF ECHO HILLS.
	UTILITY EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AND CONCRETE PRODUCTS COMPANY IN THE FINAL PLAT OF ECHO HILLS.
	EASEMENT AND RIGHT-OF-WAY GRANTED TO METROPOLITAN UTILITIES DISTRICT IN THE FINAL PLAT OF ECHO HILLS. INSTRUMENT NO. 98-222423 OF THE

BUILDING HEIGHT

LOT NUMBER	BUILDING NUMBER/NAME	STORIES	HEIGHT
1	ASBESTOS LIVING	2	35'
	MEMORY CARE	1	20'-24'
2	BUILDING 1	3	45' MAX
	BUILDING 2	3	45' MAX
	BUILDING 3	3	45' MAX
	BUILDING 4	3	45' MAX
	RETAIL	1	20'-24'
4	RETAIL	1	20'-24'

SITE STATISTICS

LOT NUMBER	PROPOSED ZONING	LOT SIZE (SF/AC)	BUILDING COVERAGE (SF)	GROSS FLOOR (SF)	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)	OPEN SPACE (SF)	TOTAL OPEN SPACE (%)
LOT 1	R-3 (PUD) GATEWAY CORRIDOR DISTRICT	165,264 SF / 3.79 AC	61,216	37	122,432 SF	38,500	99,716	60 %	65,548 40 %
LOT 2	R-3 (PUD) GATEWAY CORRIDOR DISTRICT	251,772 SF / 5.38 AC	81,500	32	237,900 SF	97,145	178,845	71 %	73,127 30 %
LOT 3	R-3 (PUD) GATEWAY CORRIDOR DISTRICT	76,238 SF / 1.75 AC	9,650	13	9,600 SF	46,100	55,700	72 %	20,528 27 %
LOT 4	R-3 (PUD) GATEWAY CORRIDOR DISTRICT	48,135 SF / 1.06 AC	5,240	10	5,240 SF	19,170	24,410	47 %	23,755 49 %

PARKING SUMMARY

PARKING SUMMARY				
LOT NUMBER	PARAMETERS	REQUIRED STALLS	PROVIDED STALLS	DIFFERENCE
1	60 ASSISTED CARE UNITS & 20 MEMORY CARE UNITS	84 + 24 EMPLOYEES **	83	-1
2	210 UNITS	105 COVERED	145	+40
	203 BEDROOMS	283	352	+70
3	10,400 SF (INCLUDES OUTDOOR SEATING)	104 + 1 EMPLOYEE	124	+20
4	4,200 SF	21	26	+5
	NOT APPROXIMATELY TO ASSISTED LIVING RESIDENTS OPERATE VEHICLES & MEMORY CARE RESIDENTS DO NOT OPERATE VEHICLES			

PHASING INFORMATION

PHASING INFORMATION		
PHASE NUMBER	LOT NUMBER	PROPOSED USE
PHASE 1	LOT 3	COMMERCIAL
PHASE 2	LOT 1	ASSISTED LIVING
PHASE 3	LOT 2	MULTI-FAMILY
PHASE 4	LOT 4	COMMERCIAL

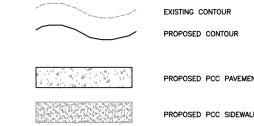
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Drawn By: TDV Reviewed By: JAD
Job No.: 2142-102 Date: 11.04.19

PUD Site Plan

C1.0

LEGEND



Client Name
**West Management
L.L.C.**

Professional Seal

Revision Dates

No.	Description	MM-DD-YY
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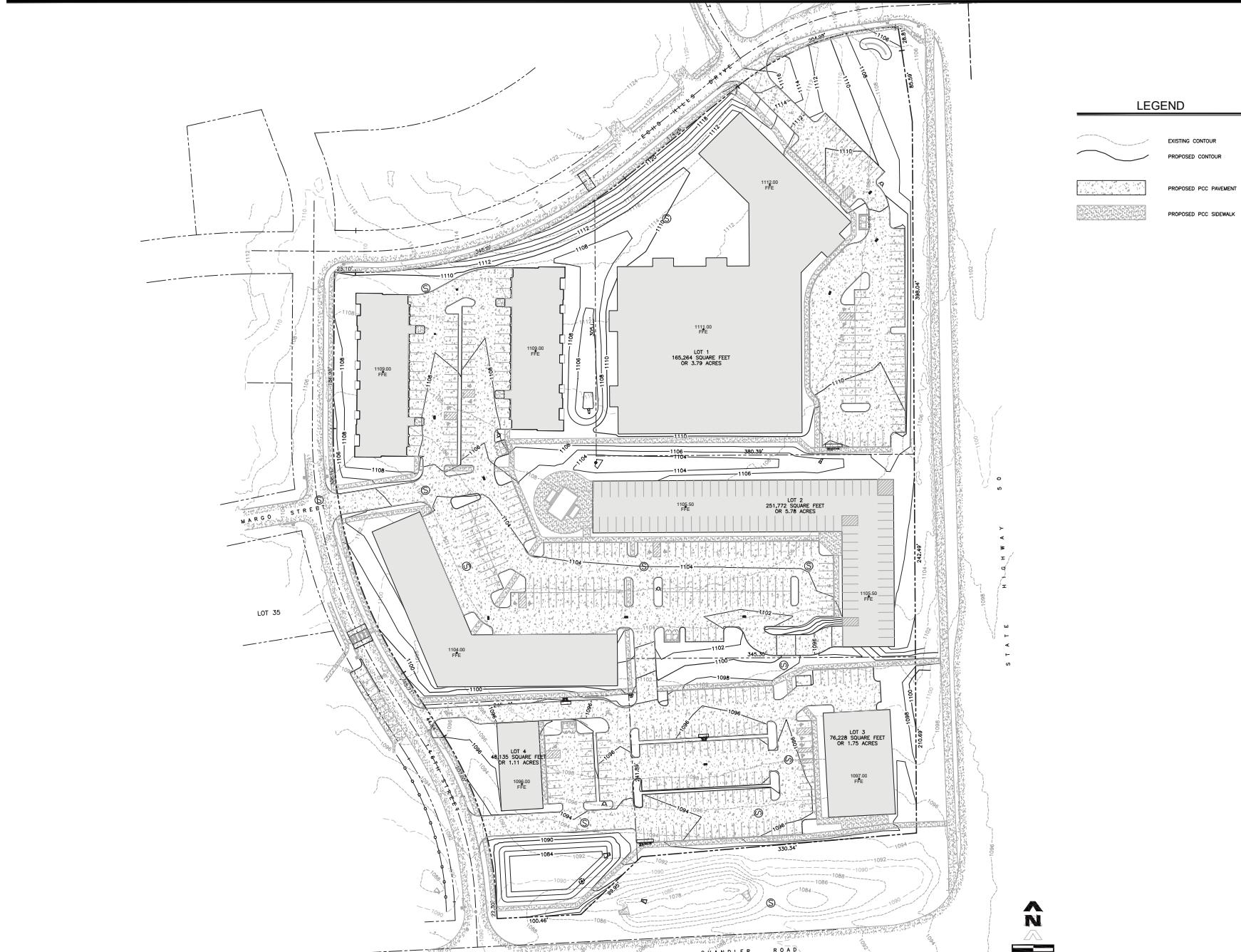
Drawn By: TDV Reviewed By: JAD
Job No.: 2142-102 Date: 11.04.19

Sheet Title

**PUD
Grading Plan**

Sheet Number

C2.0



UTILITY LEGEND

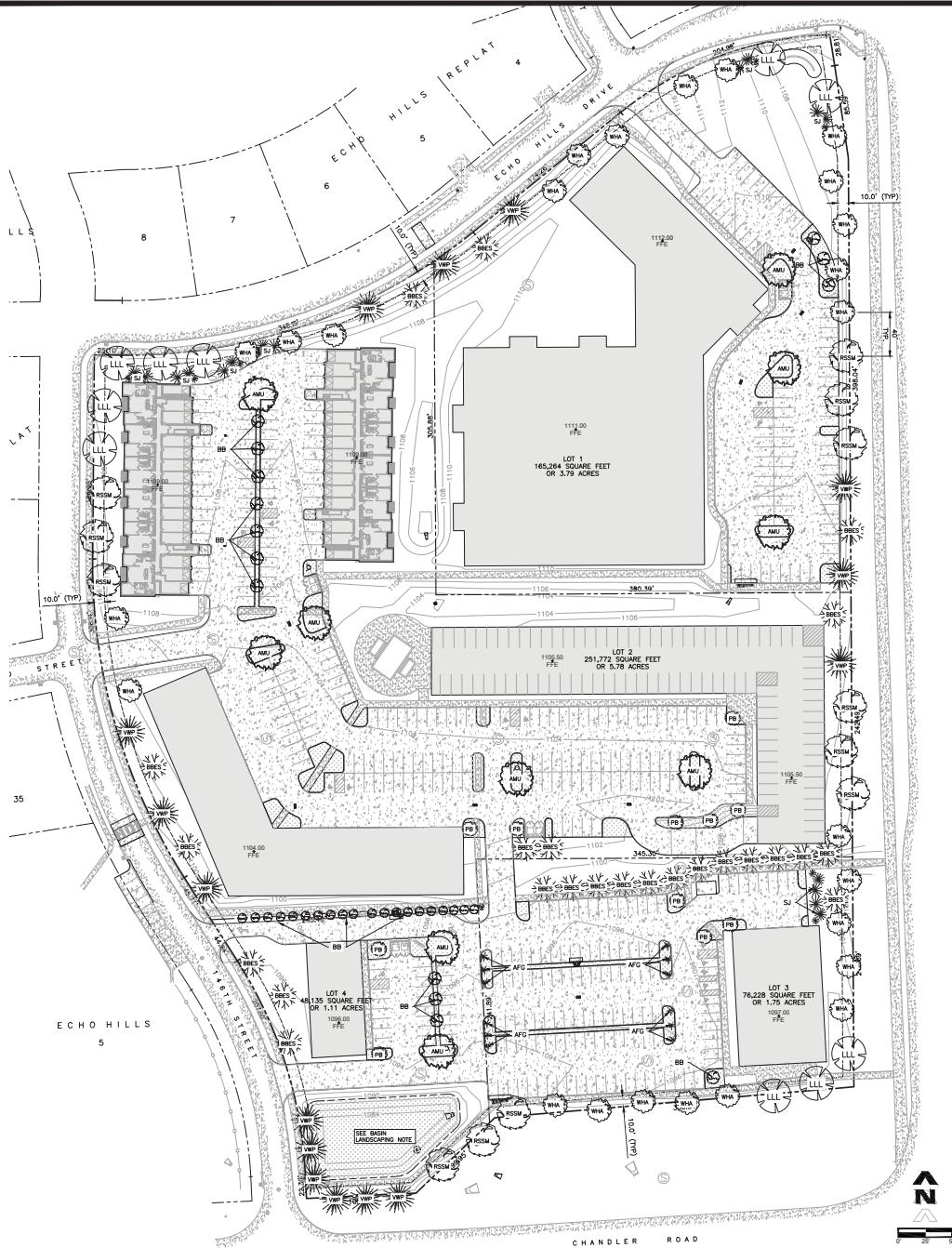
- PROPOSED SANITARY SEWER
- W— PROPOSED WATER MAIN
- S— PROPOSED STORM SEWER
- SS— EXISTING SANITARY SEWER
- WW— EXISTING WATER MAIN
- PROPOSED FIRE HYDRANT
- PROPOSED PV VALVE
- EXISTING FIRE HYDRANT

Client Name
**West Management
L.L.C.**

Professional Seal

Revision Dates

No.	Description	MM-DD-YY
1	Updates Per City Comments	01-20-20
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STREET FRONTOG LANDSCAPE REQUIREMENTS (SEC. 7.17.03.02)

REQUIREMENTS:
• MINIMUM OF 15' FROM THE PROPERTY LINE ALONG ALL STREET FRONTOG REDUCED TO 10' WITH EQUAL AMOUNT OF LANDSCAPING PROVIDED ELSEWHERE ON SITE.

STREET FRONTOG:
ADDITIONAL LANDSCAPE AREA NEEDED: $1,380 \text{ SF} \times 5' = 6,920 \text{ SF}$
ADDITIONAL LANDSCAPE PROVIDED: 9,250 SF

• ONE TREE PER EVERY 40 LF.

PARKING AREA INTERIOR LANDSCAPING (SEC. 7.17.03.06)

REQUIREMENTS:
• 10' DEPTH OF INTERIOR LANDSCAPING FOR EACH PARKING SPACE, EXCLUDING SPACES ADJACENT TO A PERIMETER FOR WHICH LANDSCAPING IS REQUIRED BY OTHER SECTIONS.

PROVIDED:

• TOTAL PARKING SPACES NOT ON STREET FRONTOG: 81
• INTERIOR LANDSCAPING AREA NEEDED: 3,280 SF
• INTERIOR LANDSCAPING AREA PROVIDED: 3,280 SF

LOT 1:
• TOTAL PARKING SPACES NOT ON STREET FRONTOG: 207
• INTERIOR LANDSCAPING AREA NEEDED: 2,070 SF
• INTERIOR LANDSCAPING AREA PROVIDED: 2,070 SF

LOT 2:
• TOTAL PARKING SPACES NOT ON STREET FRONTOG: 124
• INTERIOR LANDSCAPING AREA NEEDED: 1,240 SF
• INTERIOR LANDSCAPING AREA PROVIDED: 1,240 SF

LOT 3:
• TOTAL PARKING SPACES NOT ON STREET FRONTOG: 24
• INTERIOR LANDSCAPING AREA NEEDED: 240 SF
• INTERIOR LANDSCAPING AREA PROVIDED: 240 SF

PERIMETER LANDSCAPING (SEC. 7.17.03.07)

• ONE TREE FOR EACH FORTY LINEAL FEET OF STREET FRONTOG

• SATISFIED BY SECTION 7.17.03.02

EXTENDED DRY DETENTION BASIN, SEED, MULCH, AND PLANTINGS

1. DRY AREA: AREAS ABOVE THE BASIN'S OVER-FLOW ELEVATION
GRASSES: (SEED RATE = 1 LB/1,000 SQ. FT. FOR APPROVED EQUIPMENT)
RATE = 1 LB/1,000 SQ. FT. PLANTED
UNITED SEED "NOT TOO TALL WILDFLOWER MIX" (OR A
APPROVED EQUIVALENT)

WILDFLOWERS: RATE = 0.5 LBS/1,000 SQ. FT.

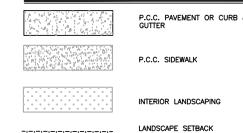
2. WET AREA: AREAS BELOW THE BASIN'S OVER-FLOW ELEVATION
GRASSES: (SEED RATE = 1 PLUG/20 SF,
FOR SEDGE (DEEP CELL PLUGS) OR PLUG = 1 PLUG/20 SF,
PLANS OVAL SEDGE (DEEP CELL PLUGS) = RATE = 1

PLUG/20 SF)

WILDFLOWERS: WILD BERGAMOT, SWAMP MILKWEED, BLACKEYED SUSAN,
MARSH BLAZING STAR, BLUE VERNON, JOE PYE WEEDSED

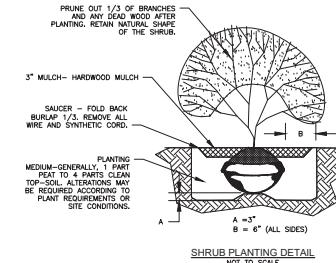
RATE 0.5 LBS/1,000 SQ. FT.

LEGEND

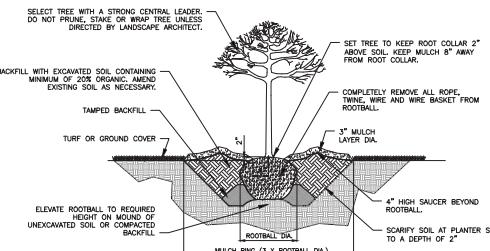


LANDSCAPE NOTES

1. ALL LANDSCAPED AREAS SHALL BE EQUIPPED WITH AN IRRIGATION SYSTEM.
2. ALL AREAS NOT SHOWN AS BUILDING, P.C. PAVEMENT, OR SIDEWALK SHALL BE TURF TYPE FESCUE.
3. ALL LANDSCAPING MATERIALS & CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LA VISTA'S LANDSCAPE ORDINANCES AND REGULATIONS.



SHRUB PLANTING DETAIL
NOT TO SCALE



NOTES: USED AS BACKFILL SHALL BE AMENDED AS NECESSARY TO CONTAIN 20% ORGANIC MATERIAL.
1) PLANT STAGES:
a) SET TREE AND PLUMB, TAMP BACKFILL TO STABILIZE.
b) COMPLETE REMOVAL OF ALL WIRE, ROPE, AND TWINE.
c) FINISH BACKFILL AND PLANT.
d) PLANTING STAGES:
a) EXCAVATION OF PLANTER AREA AND COMPACTION RELIEF TREATMENT PRIOR TO PLANTING AND PLANTING.
b) FINISH INSTALLATION AFTER PLANTING AND BACKFILLING.

TYPICAL TREE PLANTING DETAIL
NOT TO SCALE

PLANT SCHEDULE

KEY BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE HEIGHT	MATURE SPREAD	TOTAL QUANTITY
DEDUCED TREES						
LBB "LITTLE LEAF"	LITTLE LEAF LINDEN	2.5" CALMIN	B&B	65"	30"	10
AMU ACER GINNALA	AMUR MAPLE	2.5" CALMIN	B&B	20"	20"	10
WHA CRATAEGUS PHENOPHYLLA	WASHINGTON HAWTHORN	2.5" CALMIN	B&B	20"	15"	25
RSSM ACER PLATEAUM "FRANKRED"	RED SUNSET MAPLE	2.5" CALMIN	B&B	45"	35"	12
LLB L PRUNUS "JEPPARK"	PARKLAND PILLAR BIRCH	2.5" CALMIN	B&B	40"	7"	11
CONIFEROUS TREES						
BRES PICEA PUNGENS "BABY BLUE EYES"	BABY BLUE EYES SPRUCE	3" HT. MIN	B&B	20"	12"	16
VWF PINUS STROBIFOLIA "VANDERWOLF"	VANDERWOLF PINE	6-7" HT.	MIN B&B	30"	15"	15
CONFEROUS SHRUBS						
LLB L EUONYMUS ALATUS "COMPACTUS"	DAWAR BURNING BUSH	5" CALMIN	B&B	6"	5"	34
SJ JUNIPERUS CHINENSIS "SEA GREEN"	SEA GREEN JUNIPER	5" CALMIN	B&B	4"	6"	24
PERENNIALS						
AFO ZEA MAYS "AUTUMN FLAME"	AUTUMN FLAME GRASS	1" CALMIN	B&B	4"	8"	9

NOTE: ALL OTHER INTERNAL LANDSCAPING & DETAILED PLANS TO BE COMPLETED WITH EACH LOT'S BUILDING PERMIT OR DESIGN REVIEW. PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF LA VISTA'S LANDSCAPE ORDINANCES AND REGULATIONS.

Revision Dates

No.	Description	MM-DD-YY
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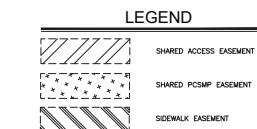
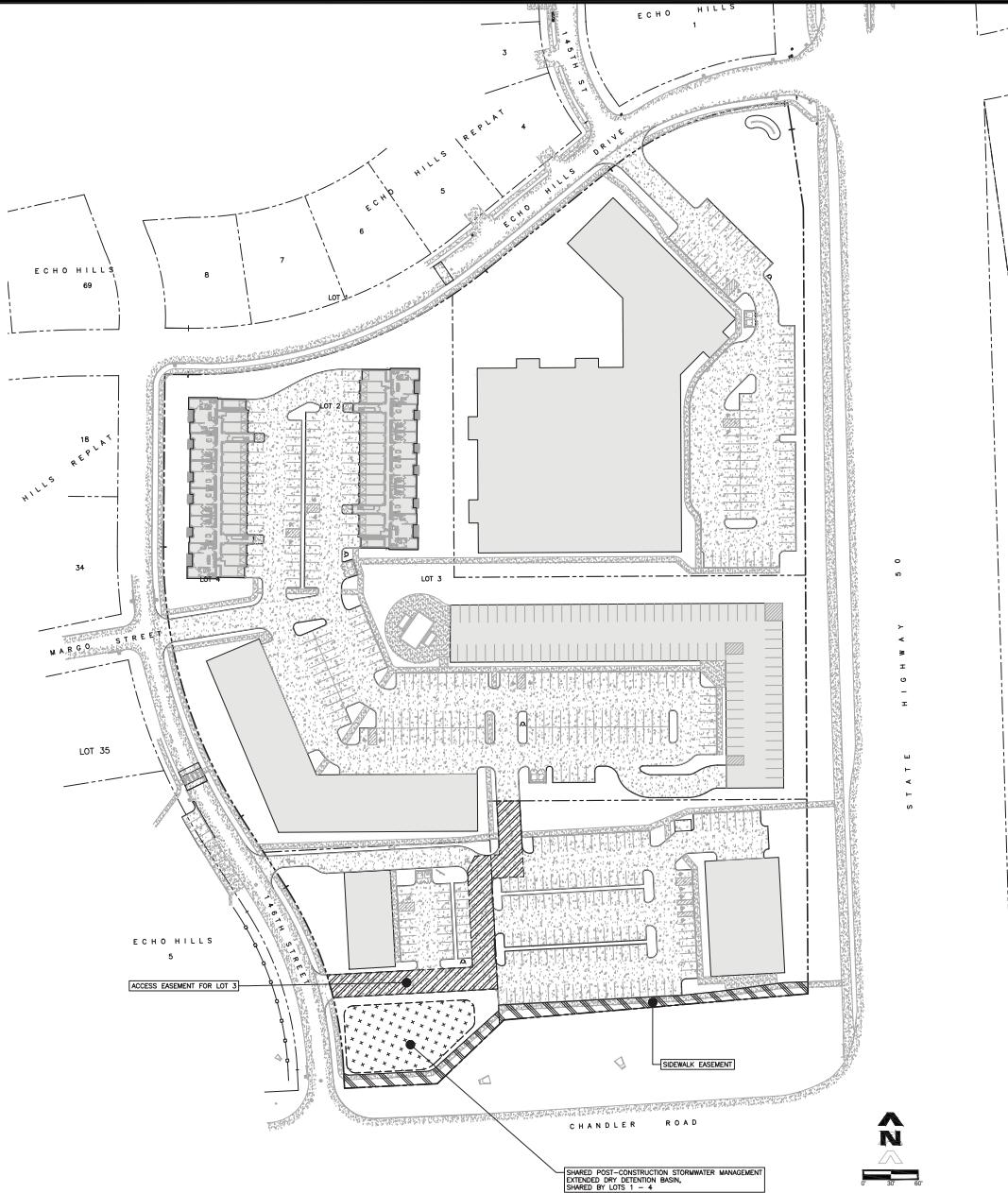
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Reviewed By: JAD
Job No.: 2142-102 Date: 11.04.19

Sheet Title

**PUD
Shared Elements
Plan**

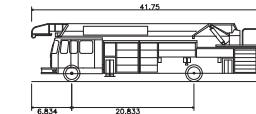
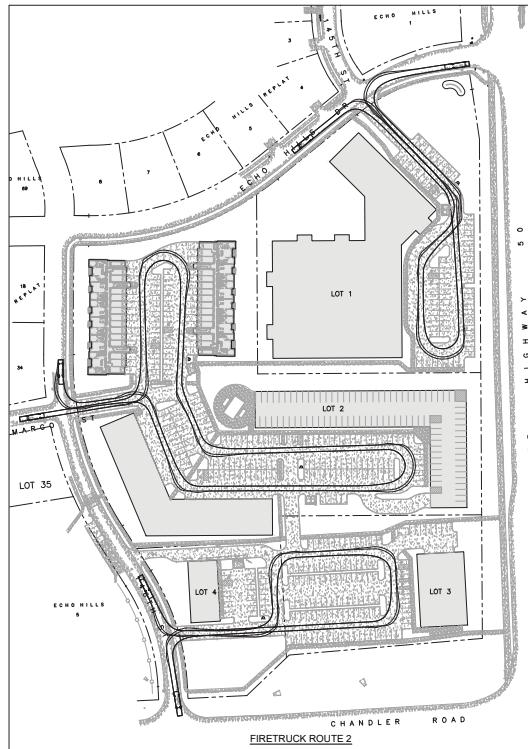
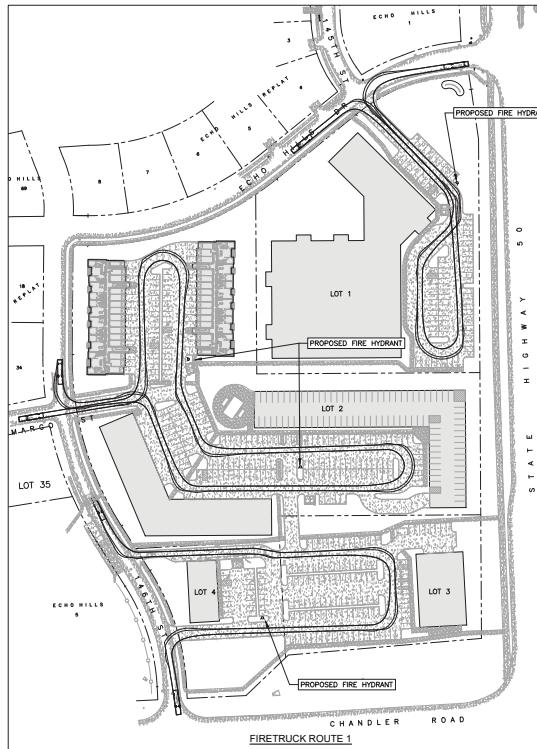
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NOTES

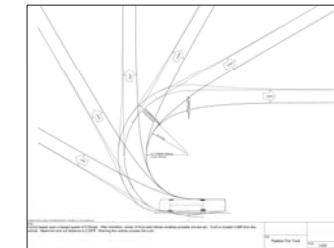
1. SHARED STORM, SANITARY, AND WATER LINES AND EASEMENTS SHALL BE SHOWN ON THE FINAL PLAT.
2. MAINTENANCE OF SHARED ELEMENTS SHALL BE ADDRESSED IN THE SUBDIVISION AGREEMENT AND COMMON USE MAINTENANCE AGREEMENT AND SHALL BE PROVIDED WITH THE FINAL PLAT.



Papillon Fire Truck
 Overall Length 41.750ft
 Overall Width 8.000ft
 Overall Body Height 9.864ft
 Min Body Ground Clearance 0.875ft
 Max Track Width 8.142ft
 Lock-to-lock time 5.00s
 Max Wheel Angle 37.00°

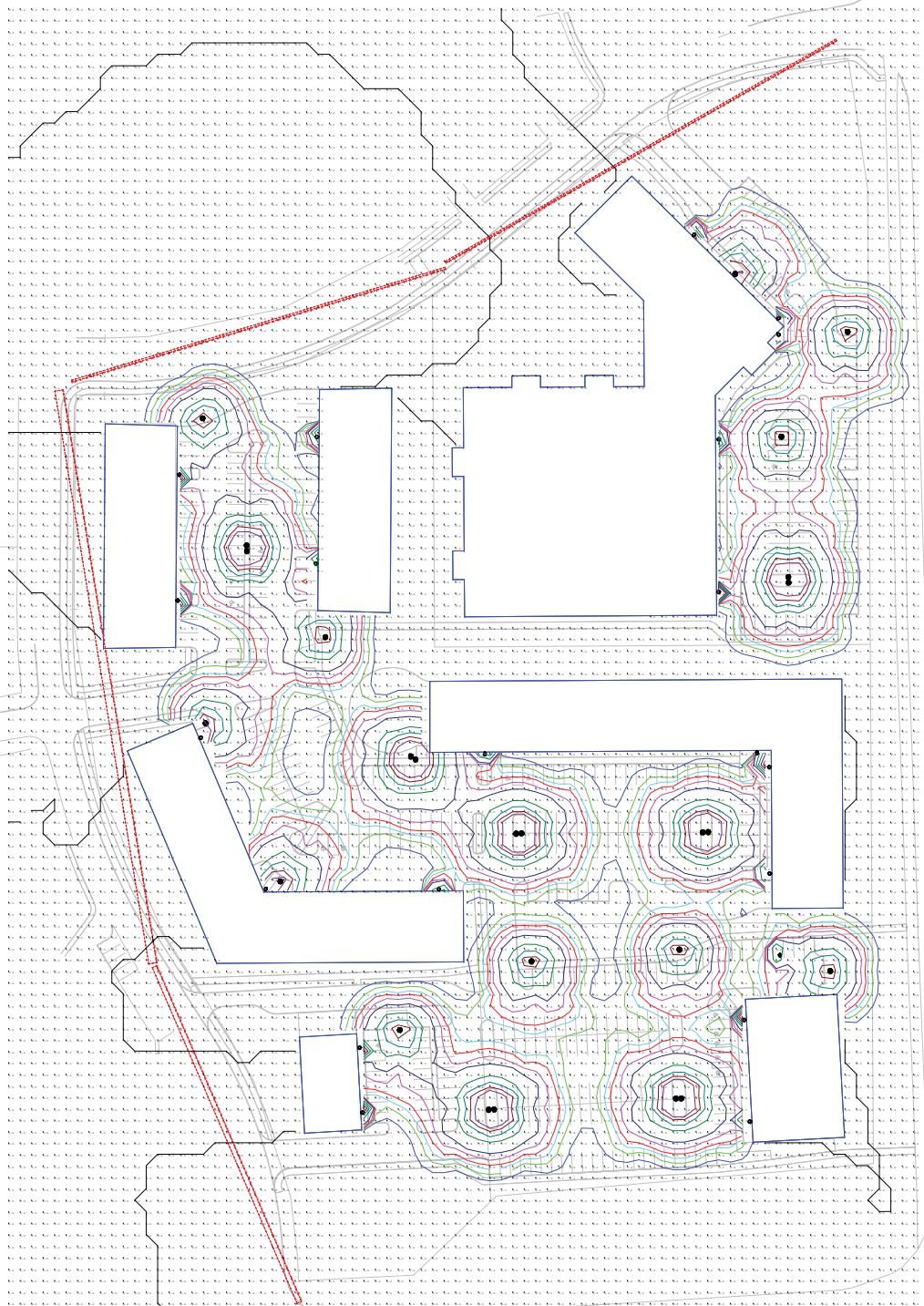
Client Name
West Management L.L.C.

Professional Seal



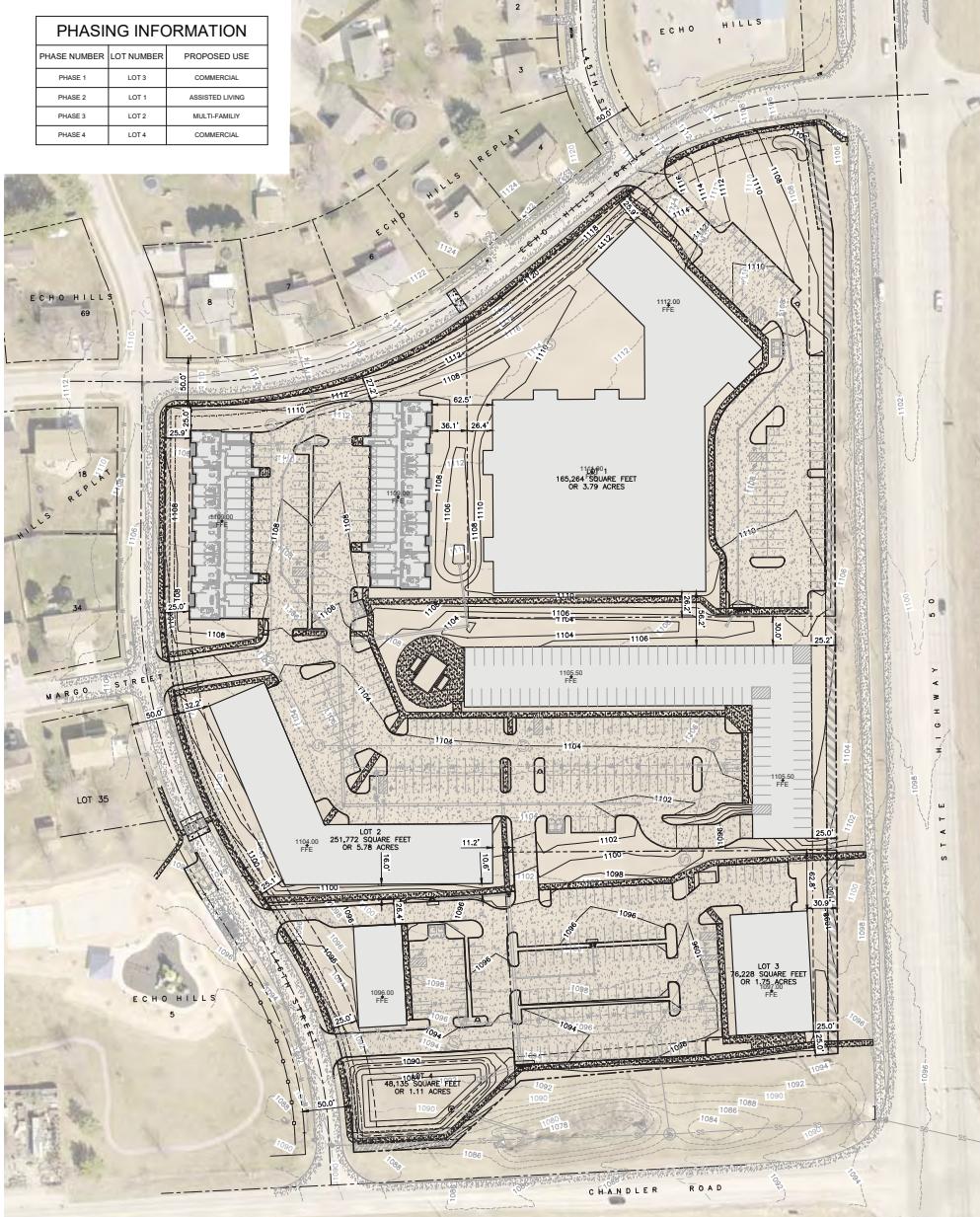
Revision Dates

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ILLUMINANCE [FC]			
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NE VERT	0.00	0.0	0.0
NW VERT	0.01	0.1	0.0
SW	0.34	0.9	0.0
SW VERT	0.00	0.0	0.0
W VERT	0.00	0.0	0.0

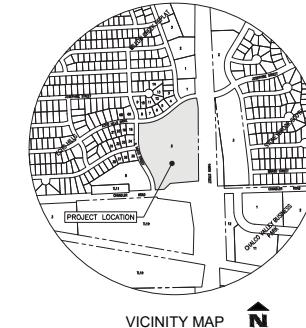
ECHO HILLS
SITE PHOTOMETRICS
SCALE: 1" = 40'-0" ON 30X42



ECHO HILLS REPLAT 4

LOTS 1 THRU 4

SARPY COUNTY, NEBRASKA



VICINITY MAP

NOTES

- EXISTING ZONING IS GENERAL COMMERCIAL (G1 - GATEWAY CORRIDOR). PROPOSED ZONING IS R-3 PLU GATEWAY CORRIDOR AND C-1 PLU GATEWAY CORRIDOR. EXISTING CONTOURS ARE SHOWN AT 2 FT. INTERVALS.
- WATER SHALL BE PROVIDED BY METROPOLITAN UTILITIES DISTRICT.
- GAS SHALL BE PROVIDED BY THE BLACK HILLS ENERGY.
- POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
- TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.

PROPERTY OWNER

MATT DREESSEN
3555 FARNHAM STREET
OMAHA, NE 68131
PHONE: 402-342-9144

SUBDIVIDER

WEST MANAGEMENT LLC
200 STATE STREET
LINCOLN, NE 68501
PHONE: 402-437-3685

ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NE 68154
PHONE: 402-330-8860

LEGAL DESCRIPTION

ECHO HILLS REPLAT 4, LOTS 1-4, BEING A REPLATING OF LOT 3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

LEGEND

EXISTING CONTOURS		PROPOSED ACCESS EASEMENT
PROPOSED CONTOURS		PROPOSED PCMP EASEMENT
PROPOSED STORM SEWER		PERMANENT SANITARY SEWER EASEMENT
PROPOSED SANITARY SEWER		AS SHOWN ON THE FINAL PLAT OF ECHO HILLS.
PROPOSED WATER MAIN		
PROPOSED 7" P.C.C. PAVEMENT		UTILITY EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AND METROPOLITAN UTILITIES DISTRICT OF OMAHA RECORDED AS INSTRUMENT NO. 98-22243 OF THE SARPY COUNTY RECORDS.
PROPOSED 4" P.C.C. SIDEWALK		
BUILDING SETBACK		
LANDSCAPE SETBACK		

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.tdco.com

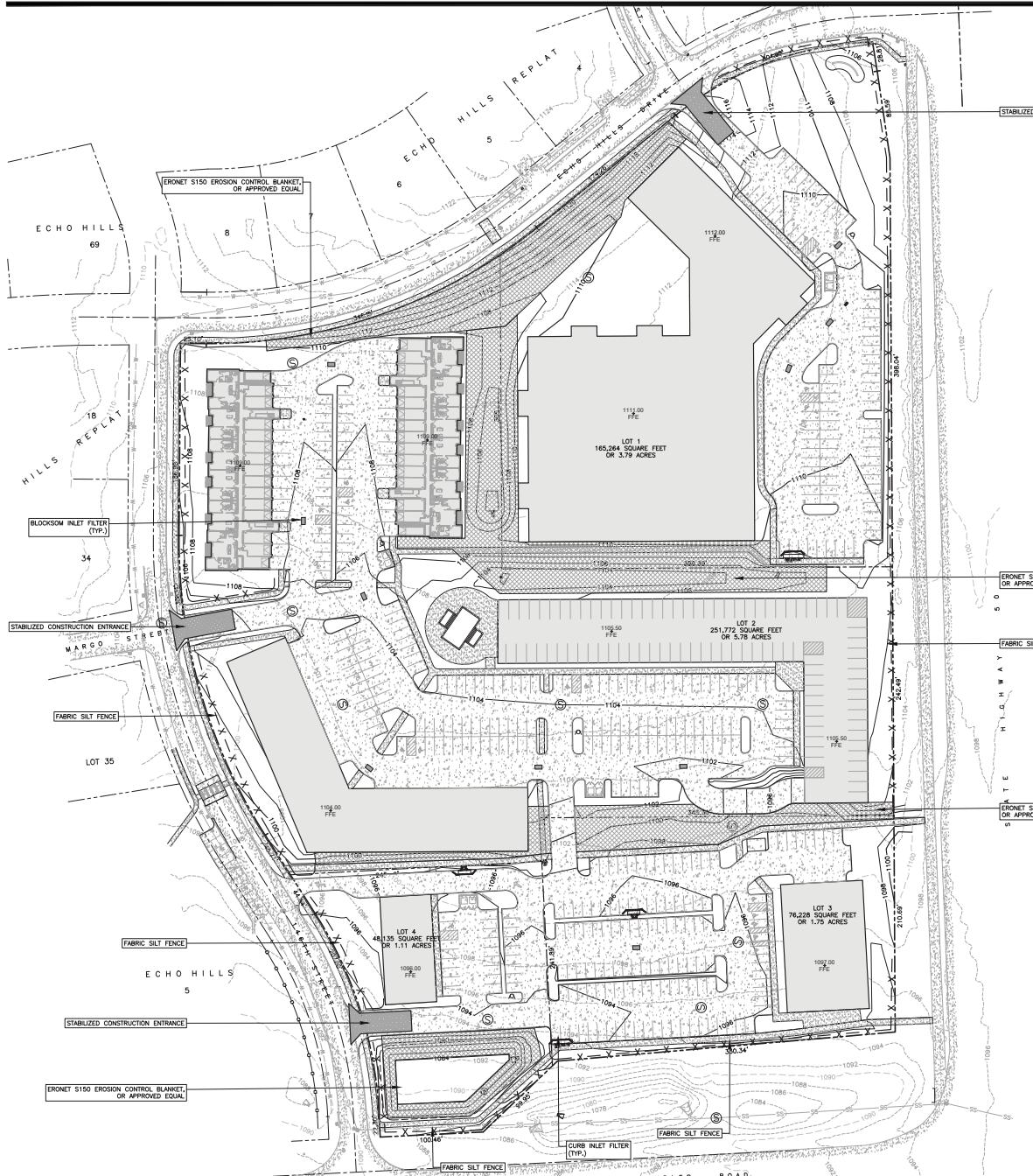
Project Name
Echo Hills Replat 4
Lots 1 - 4

Client Name
West Management
L.L.C.

Professional Seal

Notation Dates

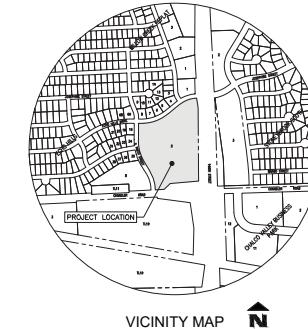
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ECHO HILLS REPLAT 4

LOTS 1 THRU 4

SARPY COUNTY, NEBRASKA



VICINITY MAP

NOTES

- EXISTING ZONING IS GENERAL COMMERCIAL (G-1 - GATEWAY CORRIDOR). PROPOSED ZONING IS R-3 PLU GATEWAY CORRIDOR AND C-1 PLU GATEWAY CORRIDOR. PROPOSED CONTOURS ARE SHOWN AT 2 FT. INTERVALS.
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- GAS SHALL BE PROVIDED BY THE BLACK HILLS ENERGY.
- POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
- Typical utility easements will be dedicated with the final plat.

PROPERTY OWNER

MATT DREESSEN
3555 FARNHAM STREET
OMAHA, NE 68131
PHONE: 402-342-9164

SUBDIVIDER

WEST MANAGEMENT LLC
2001 STATE STREET
LINCOLN, NE 68501
PHONE: 402-437-3686

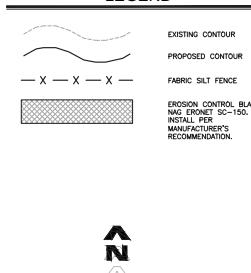
ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NE 68154
PHONE: 402-330-8860

LEGAL DESCRIPTION

ECHO HILLS REPLAT 4, LOTS 1-4, BEING A REPLATTING OF LOT 3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

LEGEND



thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name

Echo Hills Replat 4
Lots 1 - 4

Client Name
West Management
L.L.C.

Professional Seal

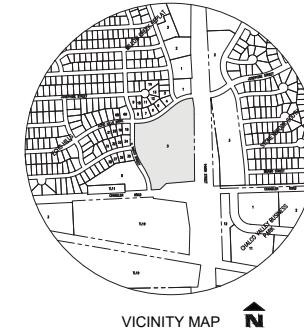
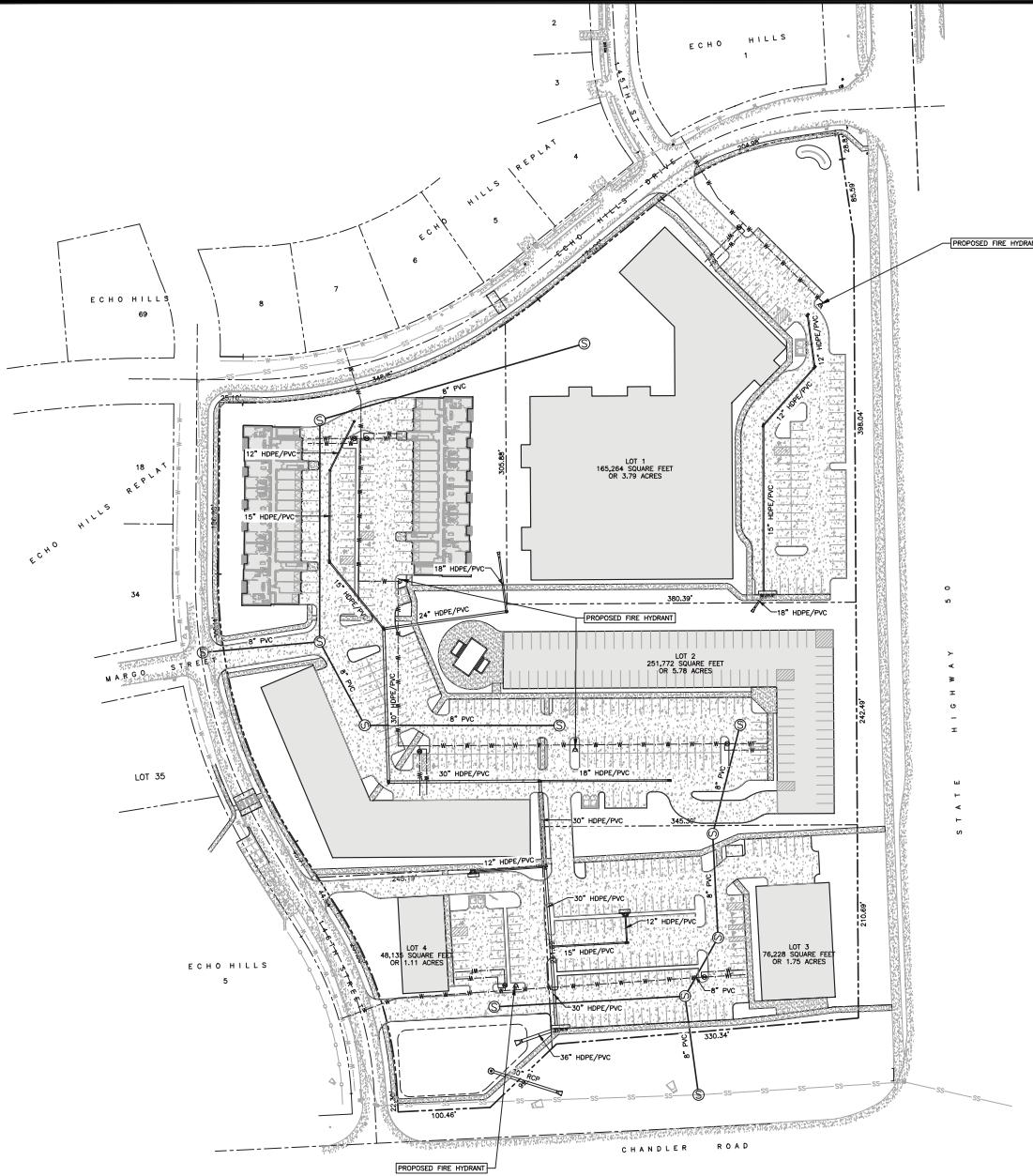
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ECHO HILLS REPLAT 4

LOTS 1 THRU 4

SARPY COUNTY, NEBRASKA



VICINITY MAP

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OMAHA, NE 68131
PHONE: 402-342-9144

SUBDIVIDER

WEST MANAGEMENT LLC
2001 STATE STREET
LINCOLN, NE 68501
PHONE: 402-437-3685

ENGINEER

THOMPSON, DREESSEN & DORNER
10836 OLD MILL ROAD
OMAHA, NE 68154
PHONE: 402-330-8860

LEGAL DESCRIPTION

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UTILITY LEGEND

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- EXISTING SANITARY SEWER
- PROPOSED WATER MAIN
- EXISTING WATER MAIN
- PROPOSED STORM SEWER
- EXISTING STORM SEWER
- PROPOSED PIV VALVE
- EXISTING FIRE HYDRANT



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Project Name

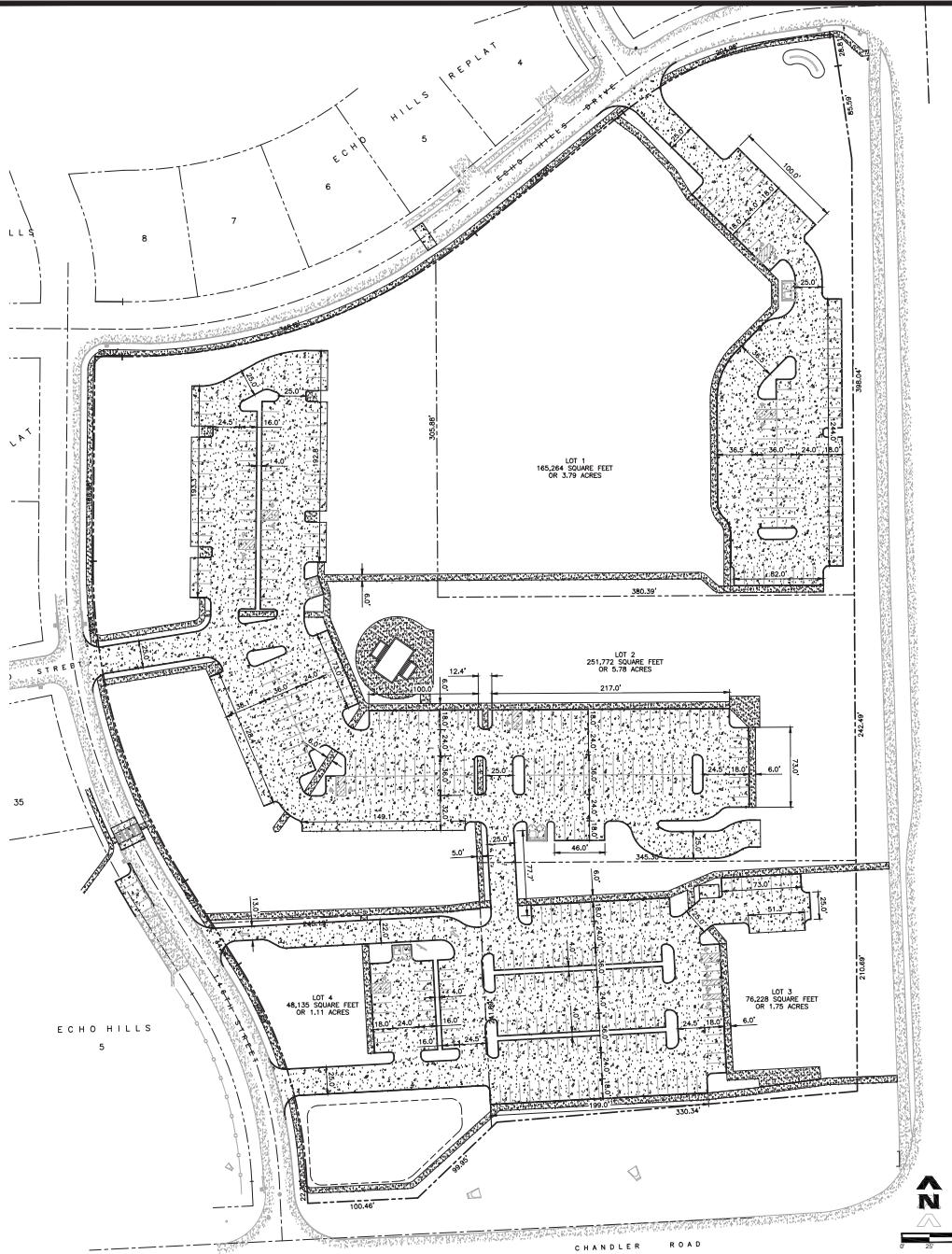
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West Management
L.L.C.

Professional Seal

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ECHO HILLS REPLAT 4

LOTS 1 THRU 4

SARPY COUNTY, NEBRASKA



VICINITY MAP

Project Name

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name

Echo Hills Replat 4 Lots 1 - 4

Client Name

NOTES

1. EXISTING ZONING IS GENERAL COMMERCIAL (C1 – GATEWAY CORRIDOR). PROPOSED ZONING IS R-3 PUD GATEWAY CORRIDOR AND R-3 PUD GATEWAY CORRIDOR.
2. EXISTING AND PROPOSED CONTOURS ARE SHOWN AT 2 FT. INTERVALS.
3. WATER SHALL BE PROVIDED BY METROPOLITAN UTILITIES DISTRICT.
4. GAS SHALL BE PROVIDED BY THE BLACK HILLS ENERGY.
5. POWER SHALL BE PROVIDED FROM THE OMAHA PUBLIC POWER DISTRICT.
6. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.

PROPERTY OWNER

MATT DARLING
3555 FARNAM STREET
OMAHA, NE 68131
PHONE: 402-342-9116

SUBDIVIDE

WEST MANAGEMENT LLC
2000 Q STREET
LINCOLN, NE 68501
PHONE: 402-437-3661

ENGINEER

THOMPSON, DREESSEN & DOP
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154
PHONE: 402-330-8880

LEGAL DESCRIPTION

NO HILLS REPLAT 4, LOTS 1-4, BEING A REPLATTING OF
3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY,
NEBRASKA

LEGEND

The diagram illustrates three proposed paving options. The first option, 'PROPOSED 7' P.C.C. PAVEMENT', shows a solid rectangular area with a dashed line inside. The second option, 'PROPOSED 4' P.C.C. SIDEWALK', shows a smaller rectangular area with diagonal hatching. The third option, 'PROPOSED ACCESS EASEMENT', shows a dashed rectangular area with diagonal hatching.

Professional

Revision D

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Drawn By: TDV Reviewed By: JAD
Job No.: 2142-102 Date: 11.04.19

Paving Improvements

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ECHO HILLS - LOT 3

TRAFFIC IMPACT ANALYSIS

Prepared for:

Mr. Joe Dethlefs, PE
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154

Prepared by:

Felsburg Holt & Ullevig
11422 Miracle Hills Drive, Suite 115
Omaha, NE 68154
402.445.4405

Project Manager: Adam Denney, PE
Project Engineer: David Andersen, PE, PTOE



FHU Reference No. 19-100-18

December 2, 2019

DRAFT

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SITE PLAN

TRAFFIC COUNT DATA

NCHRP 457 GEOMETRIC IMPROVEMENT EVALUATIONS

- Auxiliary Right-Turn Lane
- Auxiliary Left-Turn Lane
- Minor Road Approach

MUTCD CONTROL DEVICE WARRANTS

LEFT-TURN PHASING ANALYSIS

CAPACITY ANALYSIS WORKSHEETS

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DRAFT

I. INTRODUCTION

This is a traffic impact analysis (TIA) for a proposed mixed-use development located in Sarpy County, NE. The project site is located on the northwest corner of Nebraska Highway 50 (N-50), locally named 144th Street, and Chandler Road. This analysis utilizes information from the Echo Hills - Lot 3 site plan for the proposed development provided to Felsburg Holt & Ullevig (FHU) by Thompson, Dreessen & Dorner, Inc., dated 10-31-2019, information provided by the Nebraska Department of Transportation (NDOT) and the City of La Vista. The location of the development site in relation to the surrounding roadway network is shown on **Figure 1**.

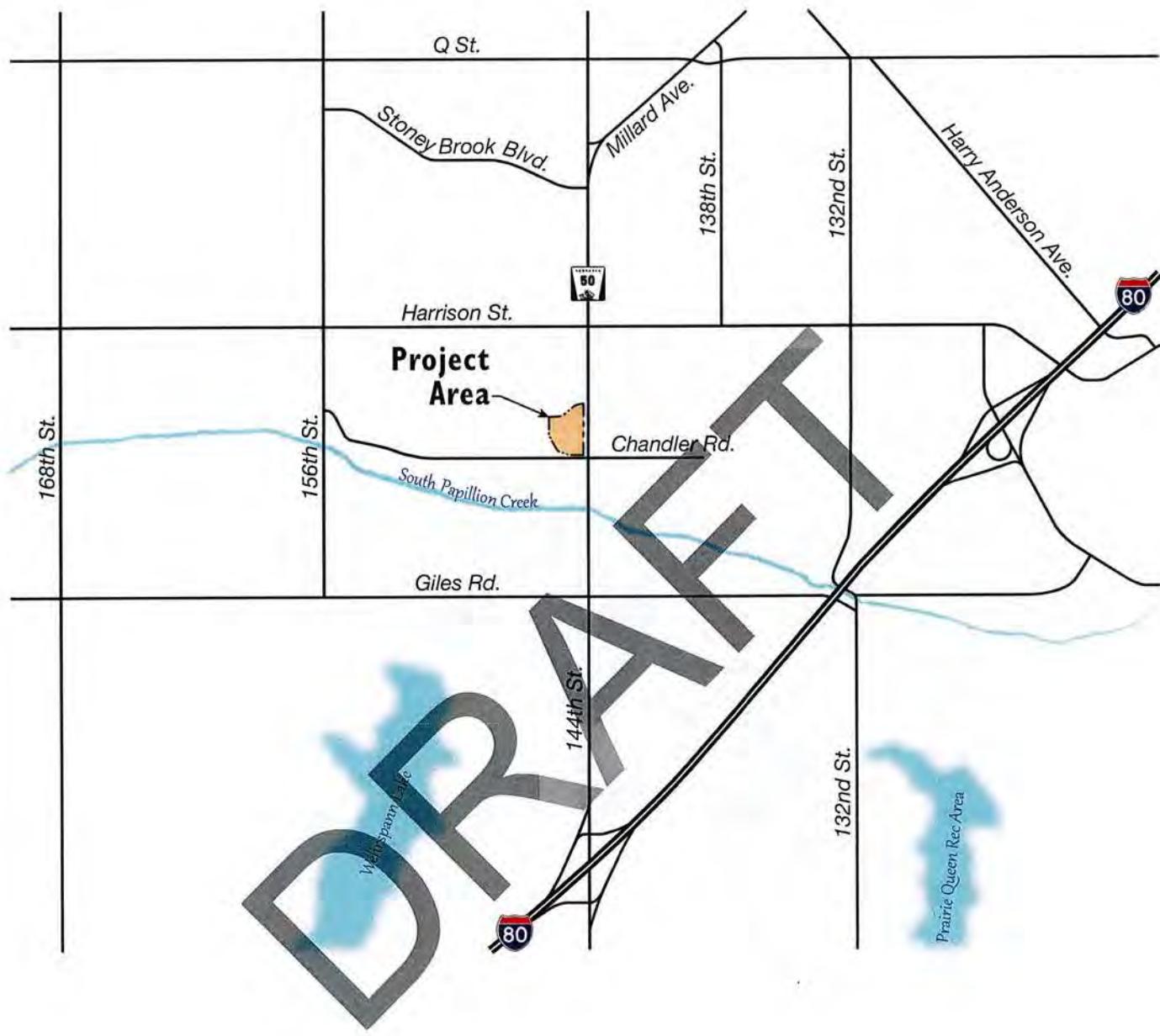
The proposed development sits on approximately 12.4 acres of land and is assumed to be complete in buildout year 2021. The site will consist of an 80-bed assisted living facility, 210-unit apartment complex, 4,200 square foot shopping center, 490 square foot drive through coffee shop, and a 9,600 square foot restaurant. Access to the site will be provided at one location onto N-50 (144th Street) via Echo Hills Drive and one location onto Chandler Road via 146th Street. Both are existing full access locations. The site plan for the proposed development is shown on **Figure 2**.

The purpose of this TIA is to determine the anticipated traffic operations at the intersections associated with the proposed development and the impact to the area roadway network. Included in this report is a signal warrant analysis and an auxiliary turn lane analysis for the access locations on to N-50/144th Street and Chandler Road. Additionally, a left-turn phasing analysis for the existing signalized intersection of N-50/144th Street with Chandler Road is included as well as a queueing analysis for all study intersections. The primary focus is on traffic operations at the following intersections:

- N-50 (144th Street) & Chandler Road
- N-50 (144th Street) & Echo Hills Drive
- 146th Street & Chandler Road

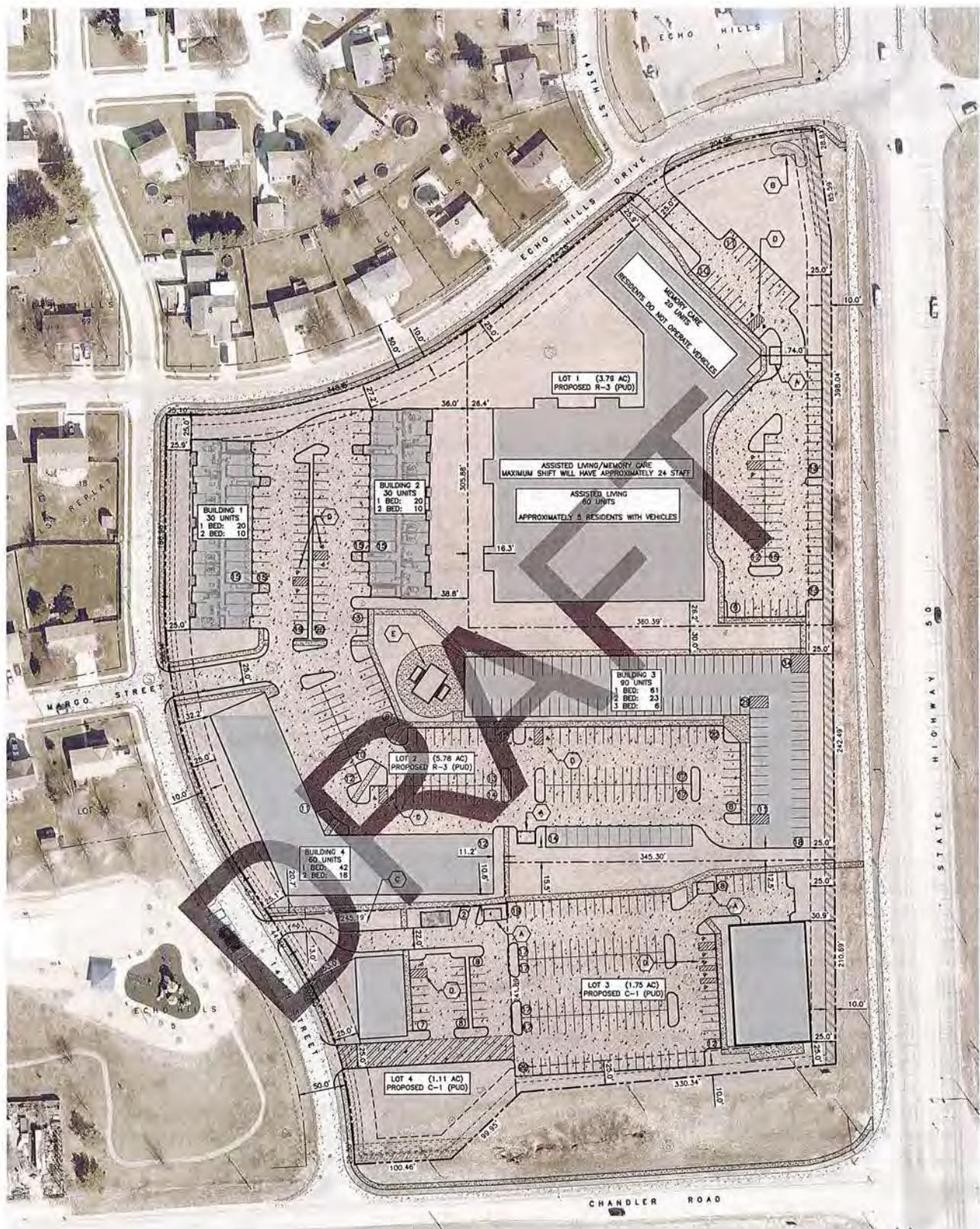
The study evaluates the following time periods:

- Existing year (2019) AM and PM weekday peak hours
- Buildout year (2021) of the development for the AM and PM weekday peak hours



NORTH

FIGURE I
Vicinity Map



 NORTH

FIGURE 2 Site Plan

II. 2019 EXISTING TRAFFIC CONDITIONS

A. Surrounding Land Uses

The site of the proposed development is just outside of the southwest edge of the city of Omaha and just northwest of the City of La Vista. It is located along the west side of N-50 (144th Street) and north side of Chandler Road. Immediately north and west of the site is a residential development with some industrial facilities bordering the neighborhood. To the east is a self-storage facility outside of another residential development. Immediately south is an approximately 16-acre undeveloped tax lot. To the southwest is a business park and industrial land uses. The Chalco Hills Recreation Area is just over one-half mile to the southwest and Echo Hills Park is located just west of the site.

B. Roadway Network

The existing roadway system in the study area includes the following primary facilities:

- **N-50 (144th Street)** runs north-south along the east side of the proposed development and throughout Douglas and Sarpy County. N-50 (144th Street) runs from State Street north of Omaha and continues south past Springfield where it curves west to cross the Platte River and becomes Nebraska Highway 1 south of the Platte River. In the study area the roadway is a four-lane divided roadway with curb and gutter. The posted speed limit on N-50 (144th Street) is 45 miles per hour (mph). N-50 (144th Street) has a federal functional classification of an Other Principal Arterial and an NDOT state functional classification of a Major Arterial in the study area.
- **Chandler Road** runs east-west along the south side of the proposed development and is a two-lane undivided roadway with curb and gutter. The posted speed limit is 35 mph in the study area. Chandler Road does not have a federal or state functional classification and is considered a Local Road in the study area.

C. 2019 Existing Traffic Conditions

Eight-hour turning movement counts were conducted by MNRG, LLC at the intersection of N-50 (144th Street) with Echo Hills Drive and 146th Street with Chandler Road on Thursday, November 7, 2019. The NDOT provided three historical eight-hour turning movement counts conducted on Tuesday, October 25, 2016, Thursday, March 2, 2017, and Thursday, June 21, 2018. The three historical NDOT provided counts were reviewed and compared to the MNRG, LLC counts in 2019. Consideration was also given to the increased traffic volumes on Chandler Road from rerouted traffic due to the closure on Harrison Street between 147th Street and 150th Street for Phase 3 of the Harrison Street project. The peak hour turning movement counts were then normalized to provide an accurate analysis of the 2019 existing traffic conditions.

The study area AM peak hour was determined to be 7:15 AM to 8:15 AM and the PM peak hour was 4:45 PM to 5:45 PM. Trucks and buses were counted separately from passenger vehicles to develop truck percentages for the study area. Existing traffic volumes are summarized on **Figure 3**. A more detailed report of the traffic count data is provided in the **Appendix**.

Traffic operations were analyzed for the study intersections using procedures documented in the *Highway Capacity Manual (HCM) 6th Edition*, Transportation Research Board, 2016. From the analyses, a key measure or "level of service" rating of the traffic operational condition was obtained. In general, level of service (LOS) is a qualitative assessment of traffic operational conditions within a traffic stream

in terms of the average stopped delay per vehicle at a controlled intersection. Levels of service are described by a letter designation of either A, B, C, D, E or F, with LOS A representing essentially uninterrupted flow, and LOS F representing a breakdown of traffic flow with noticeable congestion and delay. Unsignalized, or stop sign controlled, intersection capacity analyses produce LOS results for each movement which must yield to conflicting traffic at the intersection. **Table I** summarizes LOS criteria for signalized and unsignalized (stop sign controlled) intersections.

Table I. Level of Service (LOS) Criteria

Level of Service	Average Control Delay per Vehicle (sec/veh)	
	Signalized Intersections	Stop Sign Controlled Intersections
A	≤ 10	≤ 10
B	> 10 to 20	> 10 to 15
C	> 20 to 35	> 15 to 25
D	> 35 to 55	> 25 to 35
E	> 55 to 80	> 35 to 50
F	> 80	> 50

HCM 6th Edition, Exhibit 19-8 & Exhibit 20-2

The Synchro traffic analysis software program was utilized to analyze traffic operations at the study intersections. **Figure 3** shows the lane geometry, traffic control, and levels of service for the 2019 existing traffic conditions. Capacity analysis worksheets for the 2019 existing traffic conditions are included in the **Appendix**. The following describe LOS results by intersection:

- **N-50 (144th Street) & Chandler Road** – Under traffic signal control, the intersection currently operates at LOS B during both the AM and PM peak hours.
- **N-50 (144th Street) & Echo Hills Drive** – Under two-way stop control, the eastbound and westbound left-turn movements operate at LOS F during both the AM and PM peak hours. The eastbound and westbound through/right-turn lane group operates at LOS D during the PM peak hour. However, it is not uncommon for unsignalized side street movements to operate at LOS D, E, or F during peak hours. The remaining movements currently operate at LOS C or better.
- **146th Street & Chandler Road** – Under two-way stop control, all movements at the intersection currently operate at LOS B or better both the AM and PM peak hours.

D. Auxiliary Right-Turn Lane Analysis

The National Cooperative Highway Research Program (NCHRP) has developed guidance to determine if an auxiliary right-turn is warranted on the major road of a two-way stop-controlled intersection. These guidelines are published in *NCHRP Report 457: Evaluating Intersection Improvements*. The methodologies are based on an evaluation of the operating and collision costs associated with the turning maneuver relative to the cost of constructing a turn lane. In addition, for right-turn lanes, *NCHRP Report 457* guidelines are based upon the following measures:

- Major road 85th percentile speed (posted speed can be used if data is unavailable)
- Major road peak hour approaching traffic volumes
- Right-turn traffic volumes

The AM and PM peak hour volumes for the 2019 existing traffic conditions were examined at the intersection of 146th Street with Chandler Road. Graphical results of the NCHRP Geometric Improvement Evaluation for an auxiliary right-turn lane are included in the **Appendix**. Per the *NCHRP Report 457* guidelines, the volume of right-turning traffic does not warrant the construction of a right-turn lane on the westbound approach of Chandler Road at 146th Street under 2019 existing traffic conditions.

E. Auxiliary Left-Turn Lane Analysis

NCHRP Report 457 also provides guidance for determining if an auxiliary left-turn is warranted on the major road of a two-way stop-controlled intersection. For left-turn lanes, *NCHRP Report 457* guidelines are based upon the following measures:

- Major road 85th percentile speed (posted speed can be used if data is unavailable)
- Percent of left-turns in advancing volume
- Major road peak hour advancing and opposing traffic volumes

The AM and PM peak hour volumes for the 2019 existing traffic conditions were examined at the intersection of 146th Street with Chandler Road. Graphical results of the NCHRP Geometric Improvement Evaluation for an auxiliary left-turn lane are included in the **Appendix**. Per *NCHRP Report 457* guidelines, the volume of left-turning traffic does not warrant the construction of a left-turn lane on the eastbound approach of Chandler Road at 146th Street under 2019 existing traffic conditions.

F. Minor Road Approach Analysis

NCHRP Report 457 also provides guidance on when to provide an additional approach lane on the minor leg of a two-way stop-controlled intersection. It is based on the need to provide the side street with an acceptable level of service. To determine the approach geometry, *NCHRP Report 457* guidelines are based upon the following measures:

- Major road peak hour traffic volumes (total of both directions)
- Minor road peak hour approaching traffic volumes
- Minor road right-turn traffic volumes
- Percentage of minor road right-turns

The AM and PM peak hour volumes for the 2019 existing traffic conditions were examined at the intersection of 146th Street with Chandler Road. Graphical results of the NCHRP Geometric Improvement Evaluation for the minor road approach are included in the **Appendix**. Per the *NCHRP Report 457* guidelines, the volumes do not warrant a two-lane approach on the southbound approach of 146th Street at Chandler Road under 2019 existing traffic conditions.

G. MUTCD Control Device Warrant Analysis

N-50 (144th Street) & Echo Hills Drive

A review was performed to determine if *Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, 2009 Edition* traffic signalization Warrant 1 (Eight-Hour Vehicular Volume), Warrant 2 (Four-Hour Vehicular Volume), or Warrant 7 (Crash Experience) are satisfied under 2019 existing traffic conditions at the intersection of N-50 (144th Street) with Echo Hills Drive / Josephine Street. The intersection was evaluated as an urban intersection with speed limits greater than 40 miles per hour and two or more approach lanes on the major street. The minor street was evaluated as having two lanes moving traffic with no right turn reduction. Using these parameters, the intersection does not satisfy Warrant 1, Warrant 2, or Warrant 7 under 2019 existing traffic volumes. MUTCD traffic signal worksheets for 2019 existing traffic conditions are included in the **Appendix**.

146th Street & Chandler Road

A review was performed to determine if MUTCD traffic signalization Warrant 1 (Eight-Hour Vehicular Volume) or Warrant 2 (Four-Hour Vehicular Volume) are satisfied under 2019 existing traffic conditions at the intersection of 146th Street with Chandler Road. The intersection was evaluated as an urban intersection with speed limits 40 miles per hour or less and one lane per approach on the major street. If a signal is constructed, an additional southbound lane would be required to provide a minimum two-lane approach per City of Omaha policy. Therefore, the minor street was evaluated as having one lane moving traffic with 100% right turn reduction. Using these parameters, the intersection does not satisfy Warrant 1 or Warrant 2 under 2019 existing traffic volumes. MUTCD traffic signal worksheets for 2019 existing traffic conditions are included in the **Appendix**.

H. Left-turn Phasing Analysis

The City of Omaha has established guidelines for when a left-turn movement at a signalized intersection should be permitted, protected / permitted, or protected only. Two of three warrants should be satisfied before considering protected / permitted phasing. The warrants for consideration are an accident warrant, capacity warrant, and delay warrant. All four approaches of the intersection of N-50 (144th Street) with Chandler Road were analyzed under 2019 existing traffic conditions to determine the appropriate phasing. Under 2019 existing traffic conditions, all four approaches should remain permitted only. However, to provide positive guidance to drivers and provide a consistent driving experience with the surrounding City of Omaha traffic signals, a three-section flashing yellow arrow traffic signal should be provided over the left-turn lane for each approach. Warrants for left-turn arrow installation under 2019 existing traffic conditions are included in the **Appendix**.

I. Pedestrian and Bicycle Facilities

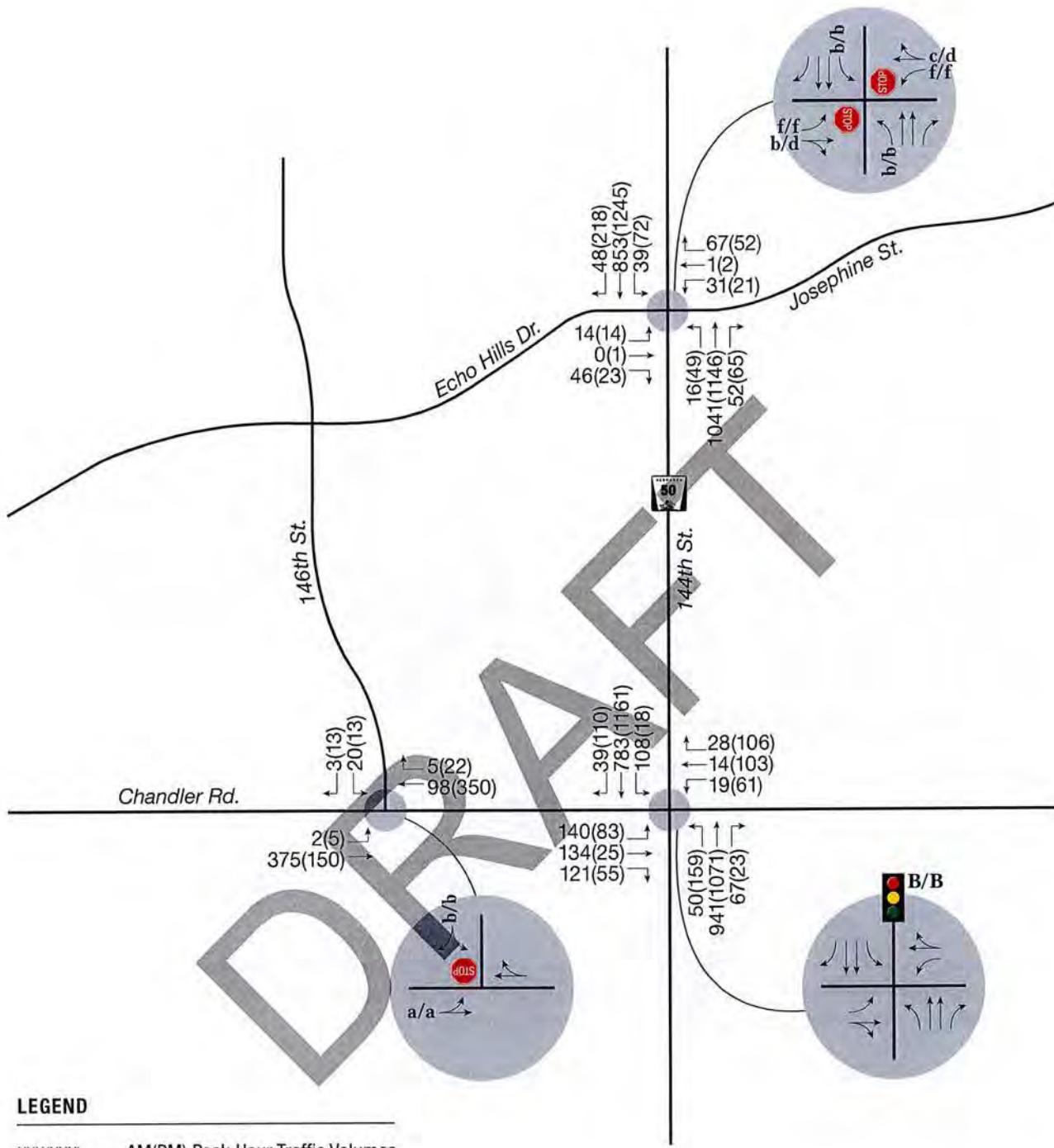
The 144th Street Trail is a 10-foot-wide trail provided on the west side of N-50 (144th Street) immediately adjacent to the proposed site. This trail connects to the Wehrspann Lake Trail in the Chalco Hills Recreation Area. The Wehrspann Trail is approximately 1 mile away via the 144th Street Trail. Pedestrian signal heads are provided for the northbound and southbound pedestrian crossings, crossing Chandler Road, at the traffic signal located at the intersection of N-50/144th Street with Chandler Road.

The surrounding neighborhoods provide 4-foot-wide sidewalks adjacent to each household. A pedestrian path is provided within the Echo Hills Park area. The path, however, is not currently connected to the surrounding neighborhood sidewalk system.

No pedestrian or bicycle facilities are currently provided along Chandler Road in the project area.

J. Transit Facilities

There are no transit facilities in the immediate project area. The nearest facility is Route 97, the Millard Express (Weekday Only), approximately 1.3 miles to the north. Route 97 provides service from 153rd Street to Downtown Omaha along Q Street via Interstate 80.



NORTH

FIGURE 3
Existing (2019)
Traffic Conditions

Echo Hills Lot 3 TIA 19-100-18 12/3/19

III. TRAVEL DEMAND ANALYSIS

A. Site Trip Generation

Trip generation rates from the Institute of Transportation Engineers' *ITE Trip Generation Manual*, Tenth Edition, 2017, were utilized to estimate the traffic generated by the site. The development is proposed to have an 80-bed assisted living facility (ITE Code 254), 210-unit apartment complex (ITE Code 220), 4,200 square foot shopping center (ITE Code 820), 490 square foot drive through coffee shop (ITE Code 937), and a 9,600 square foot restaurant (ITE Code 931), assumed to be complete in 2021.

Table 2 summarizes the estimated vehicle-trips that would be generated by the proposed development.

Table 2. Site Trip Generation

Lot	ITE Code	Land Use Description	Size	Unit	Daily	AM Peak Hour			PM Peak Hour		
						In	Out	Total	In	Out	Total
1	254	Assisted Living	80	Beds	208	9	6	15	8	13	21
2	220	Multifamily Housing (Low Rise)	210	DU	1,538	22	75	97	74	44	118
3	931	Quality Restaurant	9.6	KSF	806	4	4	8	50	25	75
4	820	Shopping Center	4.20	KSF	160	2	2	4	8	8	16
	937	Coffee/Donut Shop w/ Drive-Through Window	0.49	KSF	402	22	22	44	11	11	22
Total Trips Generated						3,114	59	109	168	151	252

Average Rates Utilized DU=Dwelling Units KSF= 1,000 Square Feet

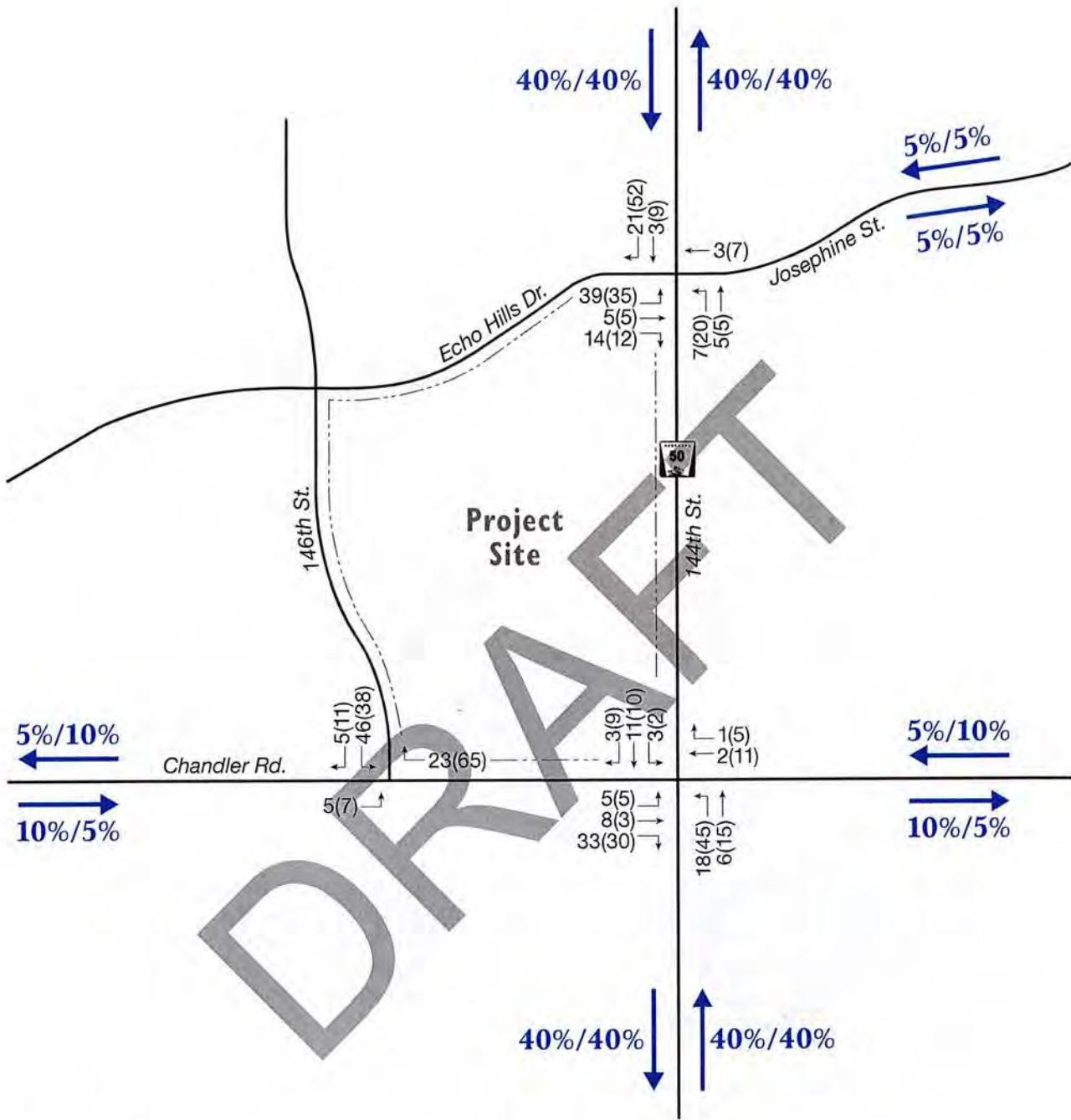
As shown in **Table 2**, based on the *ITE Trip Generation Manual*, the development is anticipated to generate approximately 3,114 daily weekday vehicle-trips, with 168 trips during the AM peak hour and 252 trips during the PM peak hour.

B. Trip Distribution and Traffic Assignment

The estimated distribution of site generated traffic was based upon existing traffic patterns, location of the site, and projected growth in the project area. Access to the site will be provided at one location onto N-50 (144th Street) via Echo Hills Drive and one location onto Chandler Road via 146th Street. Both are existing full access locations. The following distribution percentages were used to assign site generated vehicle-trips to the adjacent roadway network for both the AM and PM peak hours:

- 40% oriented to/from the south via N-50 (144th Street)
- 40% oriented to/from the north via N-50 (144th Street)
- 10% / 5% oriented to/from the west via Chandler Road (Varies by time of day)
- 10% / 5% oriented to/from the east via Chandler Road (Varies by time of day)
- 5% oriented to the east via Josephine Street (Echo Hills Drive)

The site-generated traffic volumes identified in **Table 2** were assigned to the study intersections according to these distribution patterns. The resulting total site generated traffic volumes for the development are shown on **Figure 4**.



LEGEND

XXX(XXX) = AM(PM) Peak Hour Site Generated Traffic Volumes

X%/X% = AM/PM Peak Hour Site Trip Distribution

NORTH

FIGURE 4

Site Trip Generation and Distribution

Echo Hills Lot 3 TIA 19-100-18 12/3/19

IV. 2021 BUILDOUT TRAFFIC CONDITIONS

A. 2021 Buildout Traffic Volumes

Full buildout of the development is anticipated to be completed by 2021. The site generated trips from **Figure 4** were added to the existing traffic volumes from **Figure 3** to obtain the 2021 buildout traffic assignment shown in **Figure 5**.

B. Auxiliary Right-Turn Lane Analysis

The AM and PM peak hour volumes for the 2021 buildout traffic conditions were examined at the intersection of 146th Street with Chandler Road. Graphical results of the NCHRP Geometric Improvement Evaluation for an auxiliary right-turn lane are included in the **Appendix**. Per the NCHRP Report 457 guidelines, the volume of right-turning traffic does not warrant the construction of a right-turn lane on the westbound approach of Chandler Road at 146th Street under 2021 buildout traffic conditions.

C. Auxiliary Left-Turn Lane Analysis

The AM and PM peak hour volumes for the 2021 buildout traffic conditions were examined at the intersection of 146th Street with Chandler Road. Graphical results of the NCHRP Geometric Improvement Evaluation for an auxiliary left-turn lane are included in the **Appendix**. Per NCHRP Report 457 guidelines, the volume of left-turning traffic does not warrant the construction of a left-turn lane on the eastbound approach of Chandler Road at 146th Street under 2021 buildout traffic conditions.

D. Minor Road Approach Analysis

The AM and PM peak hour volumes for the 2021 buildout traffic conditions were examined at the intersection of 146th Street with Chandler Road. Graphical results of the NCHRP Geometric Improvement Evaluation for the minor road approach are included in the **Appendix**. Per the NCHRP Report 457 guidelines, the volumes do not warrant a two-lane approach on the southbound approach of 146th Street at Chandler Road under 2021 buildout traffic conditions.

E. MUTCD Control Device Warrant Analysis

N-50 (144th Street) & Echo Hills Drive

A review was performed to determine if MUTCD traffic signalization Warrant 1 (Eight-Hour Vehicular Volume), Warrant 2 (Four-Hour Vehicular Volume), or Warrant 7 (Crash Experience) will be satisfied under 2021 buildout traffic conditions at the intersection of N-50 (144th Street) with Echo Hills Drive / Josephine Street. The intersection was evaluated as an urban intersection with speed limits greater than 40 miles per hour and two or more approach lanes on the major street. The minor street was evaluated as having two lanes moving traffic with no right turn reduction. Using these parameters, the intersection does not satisfy Warrant 1, Warrant 2, or Warrant 7 under 2021 buildout traffic volumes. MUTCD traffic signal worksheets for 2021 buildout traffic conditions are included in the **Appendix**.

146th Street & Chandler Road

A review was performed to determine if MUTCD traffic signalization Warrant 1 (Eight-Hour Vehicular Volume) or Warrant 2 (Four-Hour Vehicular Volume) will be satisfied under 2021 buildout traffic conditions at the intersection of 146th Street with Chandler Road. The intersection was evaluated as an urban intersection with speed limits 40 miles per hour or less and one lane per approach on the major street. If a signal is constructed, an additional southbound lane would be required for the minimum two-

lane approach. Therefore, the minor street was evaluated as having one lane moving traffic with 100% right turn reduction. Using these parameters, the intersection does not satisfy Warrant 1 or Warrant 2 under 2021 buildout traffic volumes. MUTCD traffic signal worksheets for 2021 buildout traffic conditions are included in the **Appendix**.

F. Left-turn Phasing Analysis

All four approaches of the intersection of N-50 (144th Street) with Chandler Road were analyzed under 2021 buildout traffic conditions to determine the appropriate phasing. Under 2021 buildout traffic conditions, the northbound left-turn movement should be provided with a four-section head flashing yellow arrow signal indication to allow for protected / permitted phasing. The three other approaches should remain permitted only. However, to provide positive guidance to drivers and provide a consistent driving experience with the surrounding City of Omaha traffic signals, a three-section flashing yellow arrow traffic signal should be provided over the left-turn lane for each of the permitted only approaches. Warrants for left-turn arrow installation under 2021 buildout traffic conditions are included in the **Appendix**.

G. Storage Length and Queueing Analysis

Queueing at all project intersections was evaluated under 2019 existing and 2021 buildout conditions. **Table 3** displays existing turn lane storage lengths and 95th percentile queue lengths for 2019 existing and 2021 buildout traffic operations. Consideration was given to queues either spilling out of turn lanes (spillback queue) or blocking traffic from entering an adjacent turn lane (starvation queue). Queues that would create either situation are highlighted in yellow. All stored lanes are anticipated to provide adequate storage length. However, a few approach lanes are anticipated to have queue lengths long enough to block traffic from entering the stored lanes during one or both peak hours.

H. 2021 Buildout Traffic Conditions

Figure 5 shows the lane geometry, traffic control, and levels of service for the 2021 buildout traffic conditions. Capacity analysis worksheets for the 2021 buildout traffic conditions are included in the **Appendix**. The following describe LOS results by intersection:

- **N-50 (144th Street) & Chandler Road** – Under traffic signal control with a protected / permitted northbound left-turn phase, the intersection is anticipated to continue to operate at LOS B during both the AM and PM peak hours.
- **N-50 (144th Street) & Echo Hills Drive** – Under two-way stop control, the eastbound and westbound left-turn movements are anticipated to continue to operate at LOS F during both the AM and PM peak hours. During the AM peak hour, the eastbound left-turn is anticipated to have a volume to capacity (V/C) ratio exceeding 1.0, meaning the volume has exceeded the capacity of the roadway. During the PM peak hour, the westbound left-turn and right-turn movements are anticipated to have a V/C ratio exceeding 1.0. The eastbound and westbound through/right-turn lane group is also anticipated to operate at LOS F during the AM peak hour. However, it is not uncommon for unsignalized side street movements to operate at LOS D, E, or F during peak hours. The remaining movements are anticipated to operate at LOS C or better. Should queues and delays become excessive on Echo Hills Drive it is anticipated that traffic would migrate to the traffic signal at Chandler Road.
- **146th Street & Chandler Road** – Under two-way stop control, all movements at the intersection are anticipated to continue to operate at LOS B or better both the AM and PM peak hours.

Table 3. Turn Lane Storage and 95th percentile Queue Lengths

Location	Critical Movements	Turn Lane Storage Length (ft)	95 th %ile Queue Length (ft)	
			2019 Existing (AM / PM)	2021 Buildout (AM / PM)
N-50 (144 th St) & Chandler Rd	EB Left-turn	175	129 / #110	125 / #127
	EB Through ⁺	-	185 / 50	203 / 58
	NB Left-turn	275	30 / #192	37 / #107
	NB Through	-	201 / 196	227 / 200
	NB Right-turn	275	16 / 8	17 / 8
	WB Left-turn	-	29 / 69	28 / 69
	WB Through ⁺	100	32 / 161	32 / 177
	SB Left-turn	275	79 / 12	#123 / 19
	SB Through	-	159 / 223	258 / 340
	SB Right-turn	275	12 / 16	7 / 25
N-50 (144 th St) & Echo Hills Dr / Josephine St	EB Left-turn	-	20 / 50	120 / 202.5
	EB Through ⁺	75	8 / 10	23 / 55
	NB Left-turn	175	3 / 10	3 / 15
	NB Through	-	- / -	- / -
	NB Right-turn	175	- / -	- / -
	WB Left-turn	-	60 / 68	70 / 83
	WB Through ⁺	-	15 / 30	25 / 133
	SB Left-turn	175	5 / 10	5 / 10
	SB Through	-	- / -	- / -
	SB Right-turn	175	- / -	- / -
N-50 (144 th St) & Chandler Rd	EB Through ⁺	-	0 / 0	0 / 0
	WB Through ⁺	-	- / -	- / -
	SB Left-turn ⁺	-	5 / 5	15 / 18

*shared lane

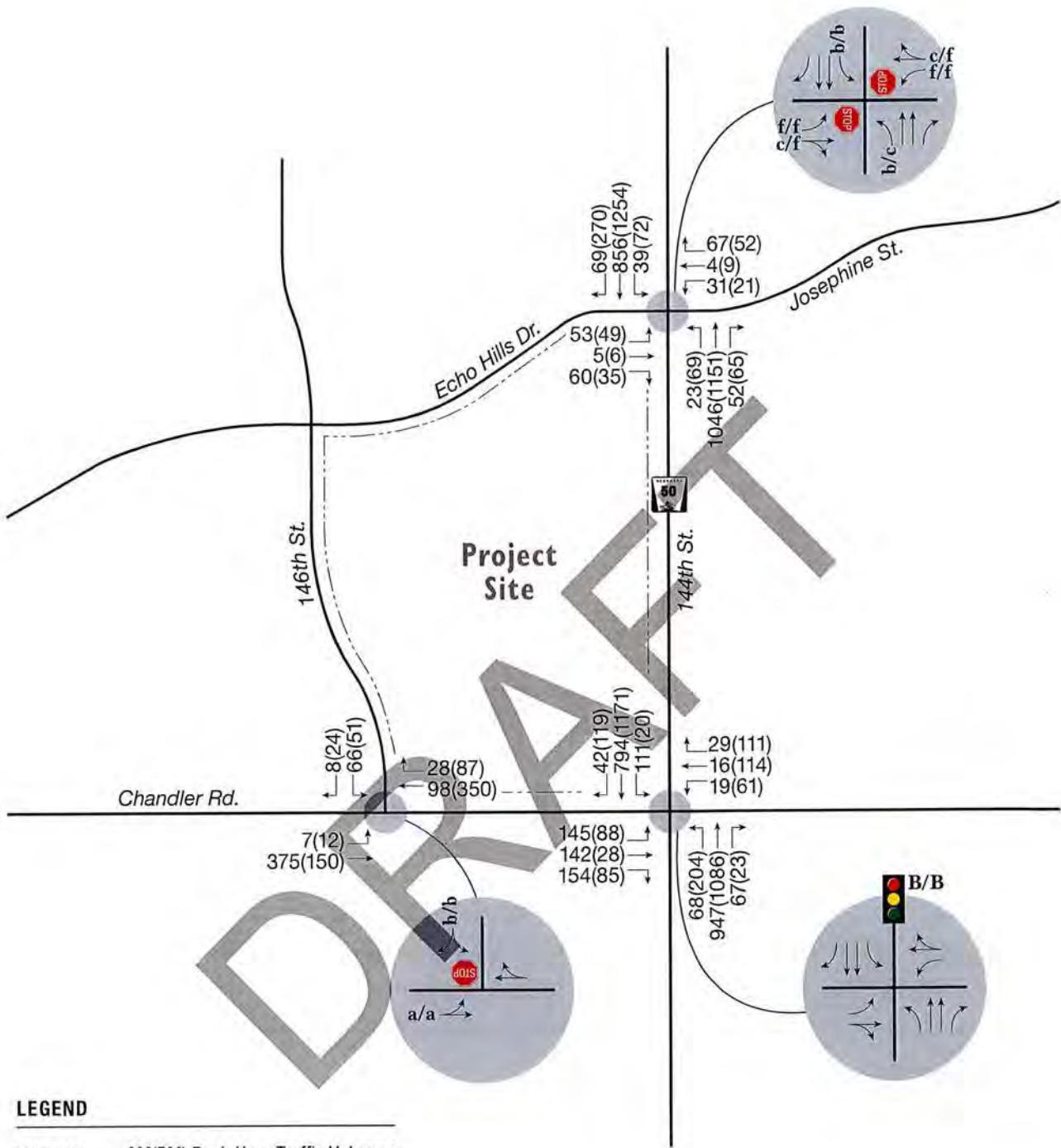
- 95th percentile volume exceeds capacity, queues may be longerm - volume for 95th percentile queue is metered by upstream signal

- spillback or starvation queue

Assumed vehicle length of 25 feet.

I. Pedestrian and Bicycle Facilities

In order to provide system connectivity, a mid-block pedestrian crossing to cross 146th Street is recommended to provide access from the proposed development to Echo Hills Park. This crossing should be located on the north side of the parking lot for the park, approximately 210 feet south of Margo Street, and be marked and signed in accordance with the MUTCD. Advanced signage is recommended. Sidewalks should also be provided around the perimeter of the development site as well as internally. As a non-site related improvement, it is also recommended to connect the sidewalk on the west side of 146th Street from Margo Street to Echo Hills Park.



NORTH

FIGURE 5
Buildout (2021)
Traffic Conditions

Echo Hills Lot 3 TIA 19-100-18 12/3/19

V. SUMMARY AND RECOMMENDATIONS

Based on the results of this analysis, the following summarizes the key findings and recommendations of this study.

- Based on the *ITE Trip Generation Manual*, the development is anticipated to generate approximately 3,114 daily weekday vehicle-trips, with 168 trips during the AM peak hour and 252 trips during the PM peak hour.
- According to *NCHRP Report 457*, auxiliary turn lanes are not warranted at the intersection of 146th Street with Chandler Road under 2021 buildout traffic conditions.
- MUTCD traffic signal warrants were not satisfied at the intersections of N-50 (144th Street) with Echo Hills Drive / Josephine Street or 146th Street with Chandler Road under 2019 existing or 2021 buildout traffic conditions. As the area surrounding the site continues to develop, these two intersections should be continually monitored to determine if signalization is warranted.
- Under 2021 buildout traffic conditions, the northbound left-turn movement should be provided with a four-section head flashing yellow arrow signal indication to allow for protected / permitted phasing. The three other approaches should remain permitted only. However, to provide positive guidance to drivers and provide a consistent driving experience with the surrounding City of Omaha traffic signals, a three-section flashing yellow arrow traffic signal should be provided over the left-turn lane for each of the permitted only approaches.
- All stored lanes provide adequate storage length. However, a few approach lanes are anticipated to have queue lengths long enough to block traffic from entering the stored lanes during one or both peak hours.
- Under 2021 buildout traffic conditions, with the intersection of N-50 (144th Street) with Chandler Road under traffic signal control with a protected / permitted northbound left-turn phase, the intersection is anticipated to continue to operate at LOS B during both the AM and PM peak hours.
- Under 2021 buildout traffic conditions, with the intersection of N-50 (144th Street) with Echo Hills Drive under two-way stop control, the eastbound and westbound left-turn movements are anticipated to continue to operate at LOS F during both the AM and PM peak hours. During the AM peak hour, the eastbound left-turn is anticipated to have a volume to capacity (V/C) ratio exceeding 1.0, meaning the volume has exceeded the capacity of the roadway. During the PM peak hour, the westbound left-turn and right-turn movements are anticipated to have a V/C ratio exceeding 1.0. The eastbound and westbound through/right-turn lane group is also anticipated to operate at LOS F during the AM peak hour. The remaining movements are anticipated to operate at LOS C or better.
- Under 2021 buildout traffic conditions, with the intersection of 146th Street with Chandler Road under two-way stop control, all movements at the intersection are anticipated to continue to operate at LOS B or better both the AM and PM peak hours.
- A mid-block pedestrian crossing to cross 146th Street is recommended to provide access from the proposed development to Echo Hills Park. This crossing should be marked and signed in accordance with the MUTCD. As a non-site related improvement, it is also recommended to connect the sidewalk on the west side of 146th Street from Margo Street to Echo Hills Park.



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PLANNING COMMISSION MINUTES
DECEMBER 12, 2019 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, December 12th in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Kevin Wetuski called the meeting to order at 6:30 p.m. with the following members present: Gayle Malmquist, John Gahan, Jason Dale, Mike Krzywicki, Josh Frey, and Kevin Wetuski. Members absent were: Patrick Coughlan, Harold Sargus, Kathleen Alexander, and Mike Circo. Also, in attendance were Chris Solberg, Senior Planner; Cale Brodersen, Assistant 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 – November 21, 2019

Malmquist moved, seconded by Krzywicki, to approve the November 21st minutes. Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)

3. Old Business

None.

4. New Business

A. Conditional Use Permit – Casey's – Lot 3 Harrison Hills

i. Staff Report – Cale Brodersen: Brodersen stated that the applicant, Casey's, is looking for a Conditional Use Permit to operate a convenience store with limited fuel sales. He said that the site is located approximately on Harrison and 118th Streets. He mentioned that the applicant will be giving a short presentation, but that he wanted to touch upon a few things before they came up. Brodersen said that a traffic impact analysis was completed for this project as well as one in conjunction with Streck to look at the combined impact of both locations. He said that the study showed that there may be some signal improvements required by the City of Omaha, so they put a condition in the CUP that any improvements to

the signals required by the City of Omaha must be made before the certificate of occupancy can be received. He then wanted to note that the site is within the Gateway Corridor District, so the development does have to follow the city's design review process, which is almost complete, but there are a few items that need to be addressed prior to having a building permit issued to them. Brodersen stated that staff recommends approval of the Conditional Use Permit, contingent on the finalization of the design review process, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

ii. **Applicant Presentation:** Rob Duvall, from Schemmer, came up and spoke on behalf of the applicant. He said that they are proposing the Conditional Use Permit for a 6,000 square foot convenient store on 118th and Harrison. He said that it will be a 24-hour store with 12 pumps. He stated that everything is designed per code and that he is there to show the site plan and answer any questions.

iii. **Public Hearing:** Wetuski opened the public hearing.

Wetuski closed the public hearing as no members of the public came forward.

iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval of the Conditional Use Permit, contingent on the finalization of the design review process, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist.** **Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo.** **Motion Carried, (6-0)**

B. Comprehensive Plan Amendment: Future Land Use Map – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report - Chris Solberg:** Solberg stated that the applicant, West Management, LLC, is requesting an amendment to the Future Land Use Map of the Comprehensive Plan for Echo Hills Lot 3, located generally northwest of the intersection of Chandler Road and 144th Street. The overall application includes the approval of an amendment to the Future Land Use Map of the Comprehensive Plan, Rezoning, PUD Site Plan, and a Preliminary Plat. Solberg stated that the intention for the space is for the development of an assisted living facility, memory care facility, multi-family housing, a restaurant, retail space, and drive-thru coffee shop. Staff recommends approval of the Comprehensive Plan Amendment, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval.
- ii. **Applicant Presentation:** Brett West came up and spoke on behalf of the applicant. He said that he has several partners in this project and they have been working on this project for a little while to find a good use for this location. He stated that they

have been working with the current land owner and have it under contract and that that what they are wanting to do is very similar to a project they did in Lincoln.

West then showed renderings to the commission and public of what their plans were for the site. The assisted living quarters would include 60 units of assisted living and 20 units of memory care. He said that the site is obviously larger than what they are needing for that, so as a development professional, he and his partners also thought this site would be good for an apartment complex as well. He then showed where the apartments and commercial building would be going as well.

He said that they have met with the DOT about the opportunity to access this site on 144th and/or Chandler Road and at this point, neither of those were options they could look at. He mentioned that there have been concerns about that, but they have met with the DOT. West mentioned that they did have a traffic study done, and largely the roads take the requirements that this would add to it from a traffic stand point. They will have to do some improvements on Chandler Rd. and are more than willing to do that.

iii. Public Hearing: Wetuski opened the public hearing.

Nicole Saathoff came up and spoke about the project. She said that her main concern is the increase in traffic that will be happening at 146th and Echo Hills Dr. She said that it is already a very busy intersection and people blow through the stop sign. She is concerned about what kind of traffic the apartment complex will bring in and is also concerned about the safety of the children that would be going to the park in that area.

Kathy Seymour came up and spoke about the project. She said that she agreed about the concerns of the increased traffic. She doesn't feel that the streets in the neighborhood will support the traffic. She mentioned that there has been a desire for a traffic light at 144th and Echo Hills Drive for years and feel that it is necessary due to the increased traffic. She stated that she is opposed to the new development coming in.

Robert Seymour came up and spoke about the project. He said that one of his concerns is how narrow the street is from Highway 50 going west on Echo Hills. He said that they already allow parking on one side, which people continually violate by parking on both sides of the street, which makes it very difficult to get through. He feels that there should not be any parking allowed on the street if this development were to happen and feels that there needs to be a light at Highway 50 and Echo Hills. Mr. Seymour then stated that he would like to see the light on Chandler Rd. stay,

but to see Chandler widened since it's also one of the proposed entrances for this site.

Jeremy Saathoff came up and spoke about the project. He said that he feels that traffic will increase and that as a SID they will be liable for repairs on the road. He mentioned that there are going to be an estimated 3100 cars daily driving through their streets now and wanted to know who is going to pay for street repairs. He then brought up that in the summer, spring, early fall, they get cars backed up from the park to his house. He brought up the traffic study and said that he didn't see anywhere that a study was done on 146th and Echo Hills Dr., which is the busiest intersection in that neighborhood.

Andre Steinbergs came up and spoke about the project. He said that he lives directly across that open field and that it has been kind of ideal having that there because they can see across and have privacy. He said that his main concern is privacy and accessibility. He is also concerned about traffic increase and people parking on both sides of the street. Steinbergs brought up that he is also concerned about what he will see when he looks out his front window. He is wanting to know if there is going to be some type of a fence or barrier or will he be looking at buildings and apartments. He also brought up the danger of the intersection at 144th and Echo Hills Dr.

John Warren came up and spoke about the project. He is also concerned about the accessibility, safety and increase in traffic. He mentioned that since they are a SID, they pay for the maintenance of the roads, the park and the mowing and asked who is going to pay for everything if this development comes in. He then asked if the county or the city will be plowing the streets.

Solberg said that since they are still a SID, they contract that [the plowing of the streets] out.

Warren asked if the meeting tonight was for approval to rezone this and asked how it's zoned now.

Solberg said that it is currently zoned C-1.

Warren asked if C-1 would allow this development to take place.

Solberg said that C-1 would allow for the commercial development that's being proposed. He said that we are here tonight to vote on the rezoning of the property.

Warren brought up that this lot has been vacant for over 30 years because of the price tag attached to it and because it's zoned commercial. It's not zoned for what the developer wants to do.

Bob Ireland came up and spoke about the project. He said that he is pleased to see interest in the property and said that from the looks of the renderings, they are beautiful buildings and that he appreciates that effort that has gone into doing the research for this project. He said that one of the interests that he had is in the safety of the kids with the increased traffic, especially by the park. He said that 146th is only designed for two-way traffic with no on-street parking, so trying to mitigate how that traffic flow will work, especially with the C-1 property, is a concern. He said that he is all for the coffee shop and having a restaurant but having it right in front of a park with a high amount of traffic flow that already exists and bringing in more needs to be taken into consideration. He mentioned that he wasn't there at the SID meeting and was unable to ask questions. Ireland brought up the tax incentives and property value that is being invested into this and asked if that will be invested back into the SID to help pay for some of the road repairs and other things.

West came back up to address the concerns and comments that were made by the public. He said that they did not make any suggested changes at this time. They requested some feedback from the SID because they understand the traffic issue. They had a traffic study done by a third party and what it suggested was to add a lighted left turn at the 144th and Chandler and stated that they agree with that. He said that it is a SID, so to clarify, this property would pay into the SID and would help cover any expenses related to that [road repairs]. He said that they did meet with the state and asked a lot of questions about access and unfortunately, that's the direction that they were given. They were "flat out" told "no" about creating an access off 144th St. and would have to purchase land from the DOT to be able to create an access off Chandler Rd. West said that they are there to be good neighbors. He then brought up the fact that the entire property is currently zoned C-1, so anything on a large-scale commercial side could go in there. They are downsizing the commercial from what could potentially go in there, which would have more of an impact on the traffic.

Malmquist asked if there had been any conversation with the DOT on a traffic signal at Echo Hills Dr.

West said yes and that the DOT is not in support of that because it's too close to their other light at 144th and Chandler.

Gahan verified that there is on-street parking on Echo Hills Dr. and 146th St.

West said there is.

Gahan asked if that was something that the city could address and make it so there is no parking on the street.

Solberg said that could be done through the SID's administrative actions.

Gahan verified that the SID could control that.

Solberg said yes.

Dale brought up the 4200 square feet of office/ retail space and asked if that is above where the pad for the restaurant would be.

West pointed out where the office/retail would be and the pointed out the restaurant. He said that no tenants have been confirmed since it's so early in the project, but the restaurant would more than likely be a sit-down establishment.

Krzywicki brought up the traffic control comparisons between C-1 and apartments trips per day and asked how long it took the apartments to reach the same amount of traffic in a day as C-1. He wanted to know which one was better from a traffic standpoint.

Solberg said that typically commercial has more traffic, however, apartments have more traffic during peak times.

Dowse said that along those lines, it really depends on what your use is. He did confirm that generally, commercial will have more traffic.

Wetuski closed the public hearing.

Krzywicki stated that one of the primary things that he heard is the traffic and the safety issue and that it's unfortunate that hands are tied with the state for improvements for traffic flow, safety, signalization, etc. He said that he hopes the developer will continue to work with whoever controls the intersections and that improvements can be made if the project continues to move forward.

Solberg reminded the planning commission that there are four different agenda items related to this.

- iv. **Recommendation:** Malmquist moved, seconded by Dale for approval of the Comprehensive Plan Amendment contingent on the satisfactory resolution of the

issues stated within this staff report prior to City Council approval. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

C. Rezoning – West Management, LLC – Lot 3 Echo Hills

- i.** **Staff Report – Chris Solberg;** Solberg stated that the applicant, West Management, LLC, is requesting an approval of a Zoning Map Amendment for Lot 3 Echo Hills for the purpose of developing an assisted living facility, memory care facility, multi-family housing, a restaurant, retail space, and drive-thru coffee shop generally located northwest at the intersection of 144th and Chandler. Staff recommends approval of the Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to C-1 Shopping Center Commercial, Gateway Corridor Overlay, and Planned Unit Development, and staff recommends approval of the Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay, and Planned Unit Development, as depicted in the Zoning Map Amendment Exhibit, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval.
- ii.** **Applicant Presentation:** Applicant did not come forward as he had nothing else to add or speak on.
- iii.** **Public Hearing: Wetuski opened the public hearing.**

Wetuski closed the public hearing as no members of the public came forward.
- iv.** **Recommendation:** Malmquist moved, seconded by Dale to recommend approval for the rezoning of proposed Lots approval of the Rezoning of proposed Lots 3 and 4 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay to C-1 Shopping Center Commercial, Gateway Corridor Overlay, and Planned Unit Development, and recommends approval of the Rezoning of proposed Lots 1 and 2 Echo Hills Replat 4 from C-1 Shopping Center Commercial and Gateway Corridor Overlay, and Planned Unit Development, as depicted in the Zoning Map Amendment Exhibit, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

D. Planned Unit Development – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, West Management, LLC, is requesting a Planned Unit Development approval for Lot 3 Echo Hills. Staff recommends approval of the Planned Unit Development, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan (as amended) and the Zoning Ordinance.
- ii. **Applicant Presentation:** The applicant did not come forward as he had nothing to add or speak on.
- iii. **Public Hearing:** Wetuski opened the public hearing.

Wetuski closed the public hearing as no members of the public came forward.
- iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend for approval item 4D, the approval of the Planned Unit Development, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan (as amended) and the Zoning Ordinance. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

E. Preliminary Plat – West Management, LLC – Lot 3 Echo Hills

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, West Management, LLC, is requesting an approval of a Preliminary Plat for Lot 3 Echo Hills into 4 separate lots for development generally located Northwest of the intersection of 144th and Chandler. Staff recommends approval of the Preliminary Plat for Lot 3 Echo Hills, being replatted a Lots 1-4 Echo Hills Replat 4, contingent on the satisfactory resolution of the issues stated within this staff report prior to City Council approval. Solberg said that it is also noted to City Council that they will have to come back for final plat approval as well as Conditional Use Permit for the senior housing and apartments.
- ii. **Applicant Presentation:** Applicant did not come forward as he had nothing to add or speak on.

Krzywicki said that based on the Preliminary Plat that was presented if there is anything that the developer can do to modify and help mitigate some of the traffic concerns that the neighbors have voiced would be greatly appreciated.

iii. **Recommendation:** Malmquist moved, seconded by Gahan to recommend to City Council the approval of the Preliminary Plat for Lot 3 Echo Hills, being replatted as Lots 1-4 Echo Hills Replat 4, contingent on the satisfactory resolution of the issues stated within this staff report. **Ayes: Gahan, Wetuski, Krzywicki, Frey, Dale, and Malmquist. Nays: None. Abstain: None. Absent: Coughlan, Sargus, Alexander, and Circo. Motion Carried, (6-0)**

5. Comments from the Floor:

None.

6. Comments from the Planning Commission:

Gahan mentioned that the commission had voted 6 months ago on the 6:30 p.m. start and that they were going to readdress the start time in December to see if it was going to remain the same or change.

Solberg said that it is up for discussion.

Krzywicki asked how the 6 p.m. start time was working out for City Council and asked if it was better.

Solberg said that he hasn't heard any qualms about it and seemed perfectly fine with the start time. He said that it's completely up to them and what works best for the commission and making sure that there would be enough there for a quorum. Solberg said that it can be put on the January agenda. He also let them know that we will not be meeting on January 2nd.

7. Comments from Staff

Solberg said to be looking out for new developments that will be coming in future in planning commission meetings.

8. Adjournment

Wetuski adjourned the meeting at 7:26 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date

1. Comprehensive Plan Amendment - Future Land Use Map

ORDINANCE NO.

AN ORDINANCE TO AMEND SECTIONS 1 AND 2 OF ORDINANCE NO. 1367 CODIFIED IN MUNICIPAL CODE SECTIONS 151.01 AND 151.02 TO UPDATE THE COMPREHENSIVE DEVELOPMENT PLAN AND RELATED FUTURE LAND USE MAP; TO REPEAL SECTIONS 1 AND 2 OF ORDINANCE NO. 1367 CODIFIED IN MUNICIPAL CODE SECTIONS 151.01 AND 151.02 AND ANY OTHER CONFLICTING ORDINANCES AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

WHEREAS, Ordinance No. 1367 dated September 17, 2019 amended the La Vista Comprehensive Plan, Updated December 2018, as codified in Municipal Code Sections 151.01 and 151.02; and

WHEREAS, the Mayor and City Council desire to amend Ordinance No. 1367 and the La Vista Comprehensive Plan ("La Vista Comprehensive Plan, Updated 2018, as amended February 4, 2020").

NOW THEREFORE, the following are approved, contingent on the approval and recording of the Final Plat and related Subdivision Agreement:

SECTION 1. Amendment of Sections 1 and 2 of Ordinance No. 1367 codified in Municipal Code Sections 151.01 and 151.02. Sections 1 and 2 of Ordinance No. 1367 codified in Municipal Code Sections 151.01 and 151.02 are hereby amended, repealed and replaced in their entirety with the following:

"§ 151.01 COMPREHENSIVE PLAN ADOPTED. In order to accommodate anticipated long-range future growth, the City of La Vista Comprehensive Plan, Updated December 2018, as amended February 4, 2020, and including and incorporating therein, without limitation, the Redevelopment Plan for the 84th Street Redevelopment Area and Amendment No. 1 to the Redevelopment Plan for the 84th Street Redevelopment Area as Appendices D and E, respectively, and further including and incorporating therein, without limitation, all other Appendices A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is adopted as and shall constitute the comprehensive development plan of the City of La Vista. Three copies of the adopted plan and any amendments thereto shall be kept with enacting or amending ordinances on file with the City Clerk and available for inspection by any member of the public during office hours.

§ 151.02 ADOPTION OF OFFICIAL LA VISTA COMPREHENSIVE PLAN

UPDATE. The City of La Vista Comprehensive Plan, Updated December 2018, as amended February 4, 2020, received and recommended by the La Vista Planning Commission, and including and incorporating therein, without limitation, the Redevelopment Plan for the 84th Street Redevelopment Area and Amendment No. 1 to the Redevelopment Plan for the 84th Street Redevelopment Area as Appendices D and E, respectively, and further including and incorporating therein, without limitation, all other Appendices, A, B, C, F, and G, as presented and on file with the City Clerk and as may from time to time be amended, is hereby adopted, and shall constitute the official governing comprehensive development plan of the City and the successor and replacement of the Comprehensive Plan 2007 or any other previously adopted comprehensive development plan."

SECTION 2. Recitals. Recitals at the beginning of this Ordinance and all documents, exhibits and appendices referenced in this Ordinance are incorporated into this Ordinance by such reference as if fully set forth herein.

SECTION 3. Repeal. Sections 1 and 2 of Ordinance No. 1367 codified in Municipal Code Sections 151.01 and 151.02, and all other ordinances and any parts of

ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

SECTION 4. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or otherwise in accordance with applicable law.

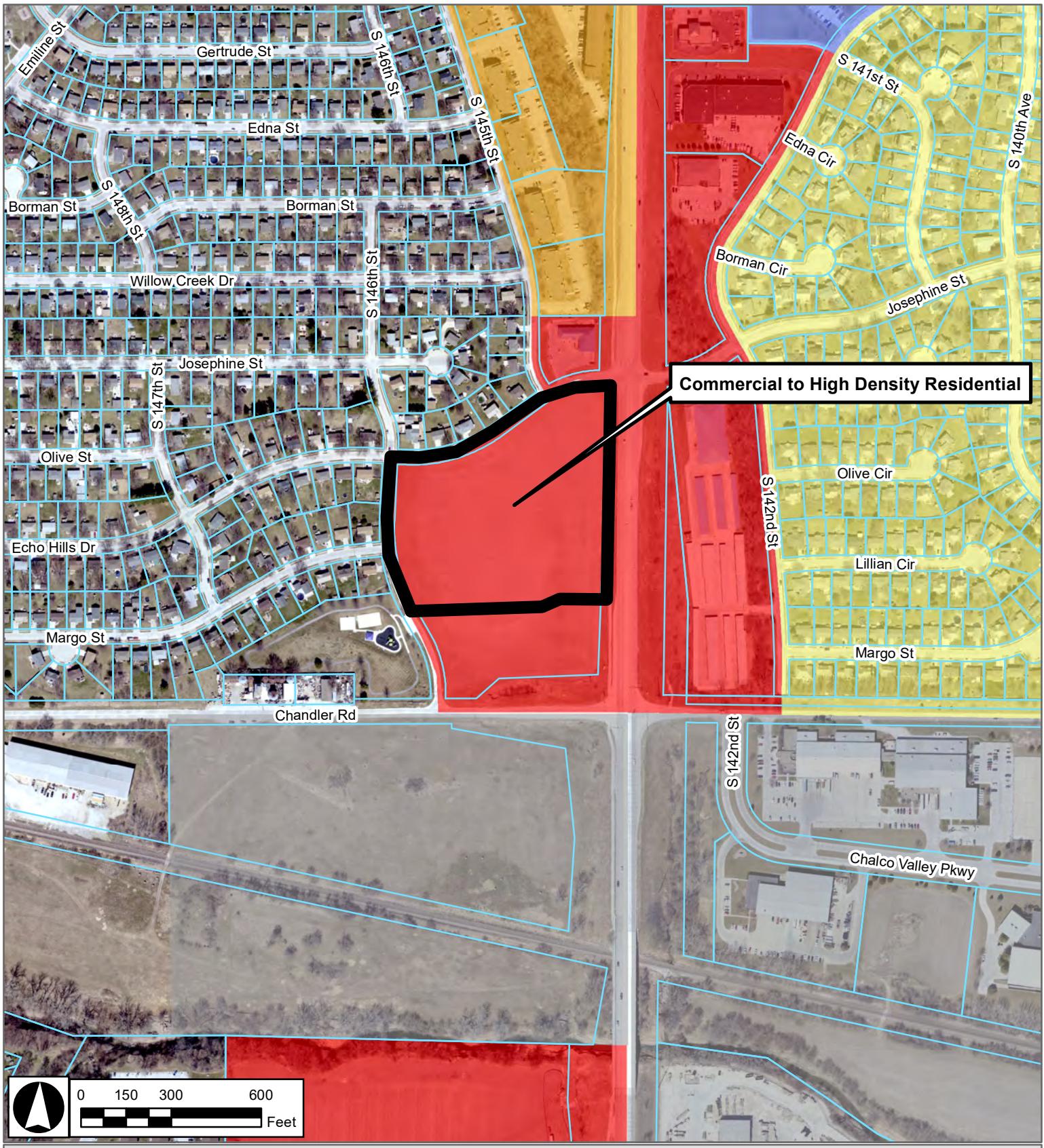
PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA,

Douglas Kindig, Mayor

Attest:

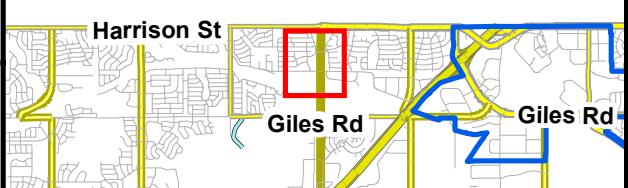
Pamela A. Buethe, CMC
City Clerk



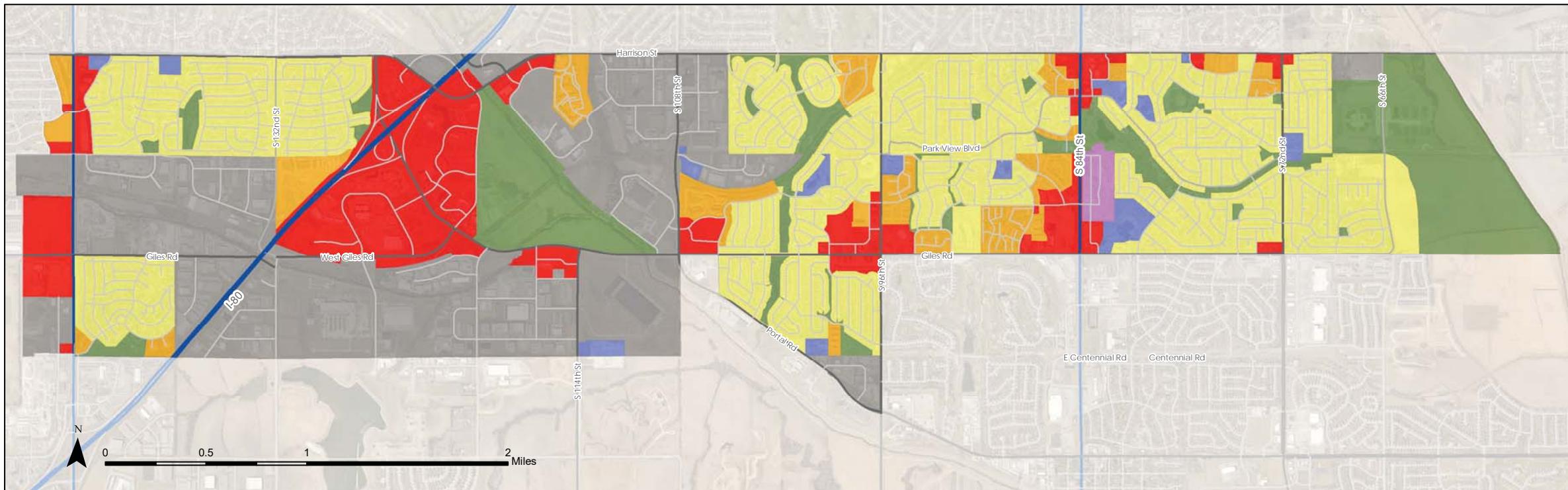
Future Land Use Map Amendment Exhibit Comprehensive Plan Amendment Proposed Lots 1 & 2 Echo Hills Replat 4

12/6/2019

CB



Future Land Use Map



LEGEND

A horizontal legend with five color-coded categories: Medium Density Residential (light yellow), High Density Residential (orange), Mixed-Use (pink), Commercial (red), Industrial (light purple), Public (medium purple), and Parks and Recreation (green).

Medium Density Residential	Industrial
High Density Residential	Public
Mixed-Use	Parks and Recreation
Commercial	

Amended: 2/4/2020

2. Zoning Ordinance Amendment - 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 December 12, 2019, the La Vista Planning Commission conducted a public hearing on the matter of rezoning Lot 3 Echo Hills, the tracts 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 tracts be changed from "C-1" Shopping Center Commercial and Gateway Corridor District (Overlay District) to "C-1" Shopping Center Commercial, Gateway Corridor District (Overlay District) and Planned Unit Development District (Overlay District) for a portion of Lot 3 Echo Hills, otherwise known as Proposed Lots 3 and 4 Echo Hills Replat 4, and from "C-1" Shopping Center Commercial and Gateway Corridor District (Overlay District) to "R-3" High Density Residential, Gateway Corridor District (Overlay District), and Planned Unit Development District (Overlay District) for a portion of Lot 3 Echo Hills, otherwise known as Proposed Lots 1 and 2 Echo Hills Replat 4. On February 4, 2020, 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, a portion of Lot 3 Echo Hills otherwise known as Proposed Lots 3 and 4 Echo Hills Replat 4 in the SE ¼ of the NE ¼ of Section 14, Township 14, Range 11 East of the 6th P.M., Sarpy County, Nebraska, is hereby rezoned from "C-1" Shopping Center Commercial and Gateway Corridor District (Overlay District) to "C-1" Shopping Center Commercial, Gateway Corridor District (Overlay District), and PUD Planned Unit Development District (Overlay District), and a portion of Lot 3 Echo Hills otherwise known as Proposed Lots 1 and 2 Echo Hills Replat 4 in the SE ¼ of the NE ¼ of Section 14, Township 14, Range 11 East of the 6th P.M., Sarpy County, Nebraska, is hereby rezoned from "C-1" Shopping Center Commercial and Gateway Corridor District (Overlay District) to "R-3" High Density Residential, Gateway Corridor District (Overlay District), and Planned Unit Development District (Overlay District) and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning as described above and displayed in the attached Zoning Map Exhibit, hereby incorporated into this Ordinance by reference.

The amended version of the official zoning map of the City of La Vista is hereby adopted, contingent on the approval and recording of the Final Plat and related Subdivision Agreement, 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.

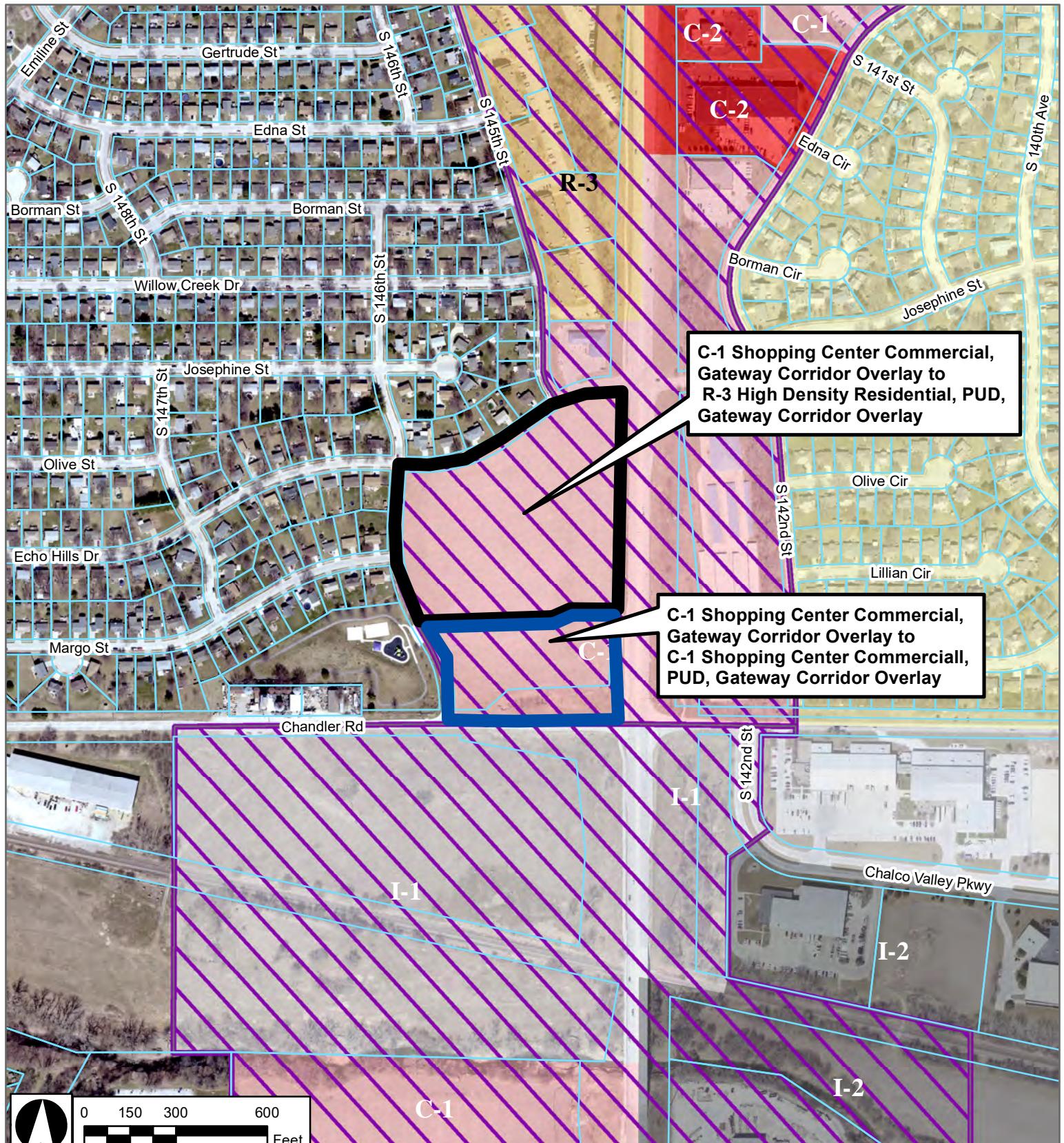
PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

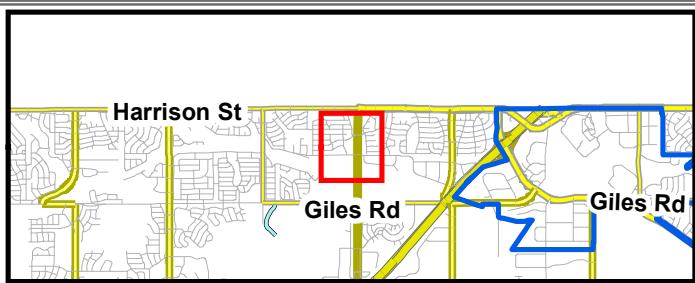
Pamela A. Buethe, CMC
City Clerk



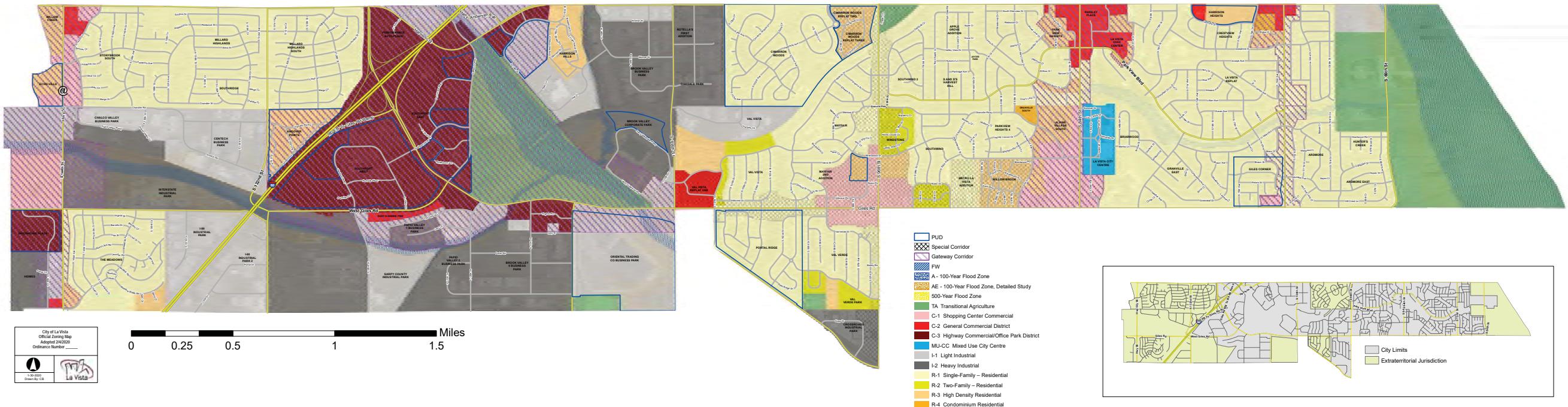
Zoning Map Amendment Exhibit Lot 3 Echo Hills

12/6/2019

CB



City of La Vista
Official Zoning Map - February 4, 2020



3. Planned Unit Development Site Plan

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR LOT 3 ECHO HILLS, LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 14, T14, R11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, West Management, LLC has made an application for approval of a PUD site plan for Lot 3 Echo Hills; and

WHEREAS, the Planning Division and the City Engineer have reviewed the PUD site plan; and

WHEREAS, the La Vista Planning Commission reviewed the application on December 12, 2019 and recommends approval;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD site plan for Lot 3 Echo Hills, located in the southeast 1/4 of the northeast 1/4 of Section 14, T14, R11E of the 6th P.M., Sarpy County, Nebraska, generally located northwest of the intersection of Chandler Road and 144th Streets be, and hereby is, approved contingent on the approval and recording of the Final Plat and related Subdivision Agreement.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

4. Preliminary Plat

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE PRELIMINARY PLAT FOR LOT 3 ECHO HILLS, TO BE REPLATTED AS LOTS 1-4 ECHO HILLS REPLAT 4, LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 14, T14, R11 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, West Management, LLC on behalf of the owners of the above described pieces of property, and the City, have made application for approval of a preliminary plat as presented at this meeting for Lots 1-4 Echo Hills Replat 4 ("Preliminary Plat"), and

WHEREAS, the City Engineer has reviewed the Preliminary Plat; and

WHEREAS, on December 12, 2019, the La Vista Planning Commission reviewed the Preliminary Plat and recommended approval;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Preliminary Plat for Lot 3 Echo Hills, to be replatted as Lots 1-4 Echo Hills Replat 4, located in the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 14, Township 14, Range 11E, generally located northwest of the intersection of Chandler Road and 144th Street be, and hereby is, approved, contingent on the approval and recording of the Final Plat and related Subdivision Agreement.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENT — SOLAR ENERGY CONVERSION SYSTEMS	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend Sections 2.03, 2.08, 2.20, 5.05-5.14, 5.16, 5.19, and 7.15 of the Zoning Ordinance to update the regulations and conditions for the installation and use of Solar Energy Conversion Systems (solar panels) and to allow for their accessory and conditional use to varying degrees in all of La Vista's zoning districts.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and an ordinance prepared to amend Sections 2.03 (Definitions - B), 2.08 (Definitions - G), 2.20 (Definitions - S), 5.05 (TA Transitional Agriculture District), 5.06 (R-1 Single-Family Residential), 5.07 (R-2 Two-Family Residential), 5.08 (R-3 High Density Residential), 5.09 (R-4 Condominium Residential), 5.10 (C-1 Shopping Center Commercial District), 5.11 (C-2 General Commercial District), 5.12 (C-3 Highway Commercial/Office Park District), 5.13 (I-1 Light Industrial), 5.14 (I-2 Heavy Industrial), 5.16 (R-M Mobile Home Residential – District), 5.19 (MU-CC Mixed Use City Centre District), and 7.15 (Solar Panels) of the Zoning Ordinance to update the City's regulation of solar energy conversion systems.

Staff recently received an inquiry from a La Vista resident and business owner as to why solar panels are only allowed within residential districts in La Vista. The section in the La Vista Zoning Ordinance that addresses solar panels has not been updated since 2001. Technological improvements have drastically altered the cost, availability, efficiency, and aesthetics of photovoltaic cells since 2001, but the Zoning Ordinance has not been updated to reflect these changes.

The proposed changes to the Zoning Ordinance provide for updated regulations and conditions for the installation and use of Solar Energy Conversion Systems (solar panels) and permit their use as an accessory or conditional use in all of La Vista's Zoning Districts to varying degrees. The proposed changes to the Zoning Ordinance consider La Vista's long-held principle of design excellence while directly supporting the La Vista Comprehensive Plan Goal Prosper-1: "Promote environmental sustainability through clean sources of energy, and

through conservation of energy and natural resources.” The Planning Commission held a public hearing on January 16, 2020, and unanimously recommended approval of the text amendments to the City Council.

ORDINANCE NO.

AN ORDINANCE TO AMEND 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, AND 7.15 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, AND 7.15 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; 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. Amendment of Section 2.03. Section 2.03 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.03 - Definitions: B

BAKERY SHOP shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shall be considered a general retail use. *(Ordinance No. 1083, 2-17-09)*

BANK shall mean a freestanding building or secondary use within a building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. *(Ordinance No. 1083, 2-17-09)*

BASEMENT shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BEAUTY SHOP shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. *(Ordinance No. 1083, 2-17-09)*

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator shall live on the premises. *(Ordinance No. 1083, 2-17-09)*

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separated from other rooms by a door.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BILLBOARD (see Sign, Billboard)

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines.

BOARD OF ADJUSTMENT shall mean that board that has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

BOARDING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation. *(Also, see Bed and Breakfast) (Ordinance No. 1083, 2-17-09)*

BOOK STORE shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as "adult entertainment establishments." *(Ordinance No. 1083, 2-17-09)*

BOWLING CENTER shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and a video game arcade are customary. *(Ordinance No. 1083, 2-17-09)*

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space.

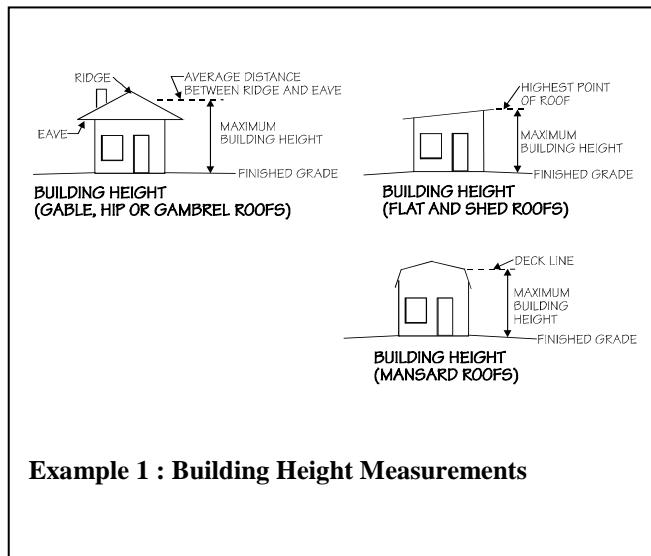
BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered as buildings.

BUILDING, ACCESSORY shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

BUILDING CODE shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the City that pertain to building construction.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height) (*Ordinance No. 1083, 2-17-09*)



Example 1 : Building Height Measurements

BUILDING INSPECTOR shall mean the *Chief Building Official* of the City of La Vista, Nebraska. (*Ordinance No. 1083, 2-17-09*)

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM shall mean a solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING-MOUNTED SECS shall mean a solar photovoltaic system attached to any part or type of roof on a building or structure that has a permit on file with the City of La Vista and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements.

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.

BUSINESS OR TRADE SCHOOL (see Special or Vocational Training Facilities) (*Ordinance No. 1083, 2-17-09*)

BUSINESS SERVICES shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. (See also Standard Industrial Classification (SIC) Major Group 73, published by the U.S. Department of Labor.) (*Ordinance No. 1053, 1-15-08*)

SECTION 2. Amendment of Section 2.08. Section 2.08 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.08 - Definitions: G

GARAGE shall mean a detached accessory building or *an attached* portion of a dwelling for the housing of vehicles, including carports. (*Ordinance No. 1083, 2-17-09*)

GRADE shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GROUND COVER shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping)

GROUND-MOUNTED SECS shall mean a solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four (24) hour care for individuals in a residential setting. *This term does not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals where the common living arrangement is temporary or seasonal. Also, the term does not include any group of individuals who are in a group living arrangement as a result of criminal offenses.* (Ordinance No. 1083, 2-17-09)

GUNSMITH shall mean a shop that designs, makes or repairs small firearms. (Ordinance No. 1083, 2-17-09)

GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

SECTION 3. Amendment of Section 2.20. Section 2.20 of the Ordinance No. 848 is hereby amended to read as follows:

Section 2.20 - Definitions: S

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

SCREENING shall mean a structure *or* planting that conceals from view from public ways the area behind such structure or planting.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SERVICE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line *or other access way.* (Ordinance No. 1083, 2-17-09)

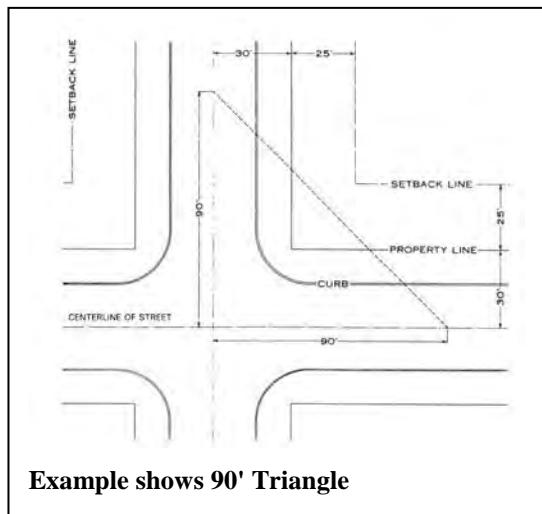
SETBACK, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, *offset by the perpendicular distance prescribed for the yard in the district.* (Ordinance No. 1083, 2-17-09)

SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-a-half (2 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (*Ordinance No. 891, 2-04-03*)



SIGN shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following: Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

SIGN, ANIMATED shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

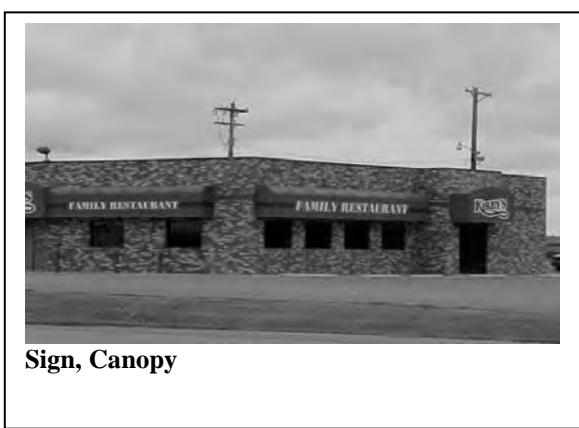
SIGN AREA shall refer to that portion of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated. (*Ordinance No. 1083, 2-17-09*)

SIGN, AUDIBLE shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.



SIGN, BANNER shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.

SIGN, BILLBOARD shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.



SIGN, BUILDING MARKER shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

SIGN, CANOPY shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (*Ordinance No. 1083, 2-17-09*)

SIGN, CENTER IDENTIFICATION shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (*Ordinance No. 1083, 2-17-09*)

SIGN, CONSTRUCTION shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located. (*Ordinance No. 871, 10-15-02*); (*Ordinance No. 1083, 2-17-09*)

SIGN, ELECTRONIC MESSAGE BOARD shall mean any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. (*Ordinance No. 1144, 5-17-11*)

SIGN, FLASHING shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

SIGN, FREESTANDING shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

SIGN, IDENTIFICATION shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, ILLUMINATED shall mean a sign illuminated in any manner by an artificial light source.

SIGN, INCIDENTAL shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be attached or painted on the wall, or they may be freestanding signs. (*Ordinance No. 1083, 2-17-09*)

SIGN, MARQUEE shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MONUMENT shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.

SIGN, NAMEPLATE shall mean a sign not exceeding two (2) square feet for each dwelling.

SIGN, NONCONFORMING shall mean any sign that does not conform to the requirements of this ordinance

SIGN, OFF-PREMISES shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

SIGN, ON-PREMISE shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

SIGN, PENNANT shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.



Sign, Monument

**Sign, Electronic Message
Sign, Flashing**



Sign Base

Sign, Monument

SIGN, PORTABLE shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

SIGN, PROJECT DIRECTORY shall mean a sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. (*Ordinance No. 1144, 5-17-11*)

SIGN, PROJECTING shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

SIGN, REAL ESTATE shall mean a temporary sign that identifies property or properties that are for sale or lease.

SIGN, ROOF shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on or over the roof of a building. (*Ordinance No. 1083, 2-17-09*)

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN, SUBDIVISION shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

SIGN SURFACE shall mean the entire area of a sign.

SIGN, SUSPENDED shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

SIGN, VIDEO shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. *This definition shall include electronic message board signs.* (*Ordinance No. 1083, 2-17-09*)

SIGN, WALL shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGN BASE shall mean any decorative, functional element extending upward from grade to the start of the sign.

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

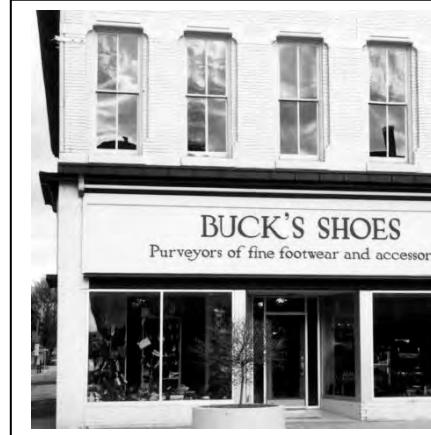
SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.



Sign, Projecting



Sign, Subdivision



Sign, Wall

SOCIAL CLUB OR FRATERNAL ORGANIZATIONS shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. (*Ordinance No. 1083, 2-17-09*)

SOLAR ENERGY CONVERSION SYSTEM (SECS) shall mean any device, such as a solar panel or solar collector or any combination thereof, which collects and converts solar energy to a form of usable energy. This includes both Building-Mounted Systems and Ground-Mounted System.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SPECIAL or VOCATIONAL TRAINING FACILITIES shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. (*Ordinance No. 1083, 2-17-09*)

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of:
Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:
Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, flogging, binding, or other physical restraint or any such persons; or
Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
Human excretion, urination, menstruation, vaginal, or anal irrigation.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET FRONTAGE shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. (*Ordinance No. 1083, 2-17-09*)

STREETSCAPE shall mean the scene as may be observed along a street *right-of-way* composed of natural and man-made components, including buildings, paving, plantings, poles, signs, benches, and other miscellaneous amenities. (*Ordinance No. 1083, 2-17-09*)

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, TEMPORARY shall mean a structure permitted as a temporary use. (*Ordinance No. 1083, 2-17-09*)

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. (*Ordinance No. 1083, 2-17-09*)

SECTION 4. Amendment of Section 5.05. Section 5.05 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.05 TA Transitional Agriculture District

5.05.01 Intent: The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner.

5.05.02 Permitted Uses.

5.05.02.01	Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
5.05.02.02	Farm dwellings for the owners and their families, tenants, and employees.
5.05.02.03	Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
5.05.02.04	Railroads, not including switching, terminal facilities or freight yards.
5.05.02.05	Public overhead and underground local distribution utilities.
5.05.02.06	Single family dwelling.
5.05.02.07	Churches.
5.05.02.08	Hydrogenation process.
5.05.02.09	Public services.
5.05.02.10	Publicly owned and operated facilities.
5.05.02.11	Roadside stands offering for sale agriculture products on the premises.

5.05.03 Permitted Conditional Uses:

5.05.03.01	Radio, television and wireless communication towers and transmitters, as per Section 7.11.
5.05.03.02	Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
5.05.03.03	Wastewater treatment facilities.
5.05.03.04	Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), soccer fields, indoor and outdoor tennis courts, and swimming pools.
5.05.03.05	Home occupations, as per Section 7.10.
5.05.03.06	Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
5.05.03.07	Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
5.05.03.08	Airports.
5.05.03.09	Campgrounds.
5.05.03.10	Water reservoir.
5.05.03.11	Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

5.05.04 Permitted Accessory Uses:

5.05.04.01	Buildings and uses customarily incidental to the permitted and conditional uses.
5.05.04.02	Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
5.05.04.03	Signs as provided for in Section 7.01 through 7.04.
5.05.04.04	Parking as provided for in Section 7.05 through 7.09.
5.05.04.05	Private outdoor swimming pool, and other similar facilities in conjunction with a residence.
5.05.04.06	Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.
5.05.04.07	Solar Energy Conversion Systems as provided for in Section 7.15.

5.05.05 Height and Lot Requirements:

5.05.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	20	660'	75'	25'	25'	45'	-
Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Recreational Uses	20	330'	20'	20'	10'	75'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

SECTION 5. Amendment of Section 5.06. Section 5.06 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.06 R-1 Single-Family Residential.

5.06.01 Intent: The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

5.06.02 Permitted Uses:

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*

5.06.03 Permitted Conditional Uses:

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.
- 5.06.03.06 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

5.06.04 Permitted Accessory Uses:

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.
- 5.06.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.06.05 Height and Lot Requirements:

5.06.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) ⁴ ²	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ³ ²	7,000	70'	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Publicly owned and operated facilities ⁵	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

² On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

³ Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001.*

⁴ Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

⁵ Publicly owned and operated facilities are exempt from requirements of this subsection 5.06.05. (*Ordinance No. 1371, 10-15-19*)

SECTION 6. Amendment of Section 5.07. Section 5.07 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.07 R-2 Two-Family Residential

5.07.01 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.07.02 Permitted Uses:

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home (Ordinance No. 1118, 4-6-10)*

5.07.03 Permitted Conditional Uses:

- 5.07.03.01 Bed and Breakfasts.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.
- 5.07.03.07 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

5.07.04 Permitted Accessory Uses:

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.
- 5.07.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:							
	Lot Area (SF)	Lot Width	Front Yard	Side Yard ³	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) ²	5,000	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ⁴	7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling ²	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500	50' per unit	30'	10'	30'	35'	40%
Other Permitted Uses	8,000	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%.

² On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

³ The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

⁴ Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.

⁵ Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.

(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)

⁶ Publicly owned and operated facilities are exempt from requirements of this subsection 5.07.05. (**Ordinance No. 1371, 10-15-19**)

SECTION 7. Amendment of Section 5.08. Section 5.08 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.08 R-3 High Density Residential

5.08.01 Intent: The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 Permitted Uses:

- 5.08.02.01 Townhouses and Condominiums.
- 5.08.02.02 Public and private schools.
- 5.08.02.03 Publicly owned and operated facilities.
- 5.08.02.04 Public Services.
- 5.08.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.08.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*
- 5.08.02.07 *Multiple family dwellings constructed prior to November 20, 2001 (Ordinance No. 1132, 12-7-10)*

5.08.03 Permitted Conditional Uses:

- 5.08.03.01 Multiple family dwellings *constructed after November 20, 2001.*
- 5.08.03.02 Bed and Breakfast.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 *Nursing care and rehabilitation facilities, and assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.08.03.08 *Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community. (Ordinance No. 1118, 4-6-10)*
- 5.08.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.08.04 Permitted Accessory Uses:

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.
- 5.08.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.08.05 Height and Lot Requirements:

5.08.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	2,250 per unit	100'	30'	(¹)	30'	45' ¹	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

⁴ This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

⁵ Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.

6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.08.05. (**Ordinance No. 1371, 10-15-19**)

SECTION 8. Amendment of Section 5.09. Section 5.09 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.09 R-4 Condominium Residential

5.09.01 Intent: The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.09.02 Permitted Uses:

- 5.09.02.01 Townhouses and Condominium dwellings.
- 5.09.02.02 Public and private schools.
- 5.09.02.03 Publicly owned and operated facilities.
- 5.09.02.04 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.09.02.05 *Multiple family dwellings constructed prior to November 20, 2001. (Ordinance No. 1132, 12-07-10)*

5.09.03 Permitted Conditional Uses:

- 5.09.03.01 *Multiple family dwellings constructed after November 20, 2001.*
- 5.09.03.02 Bed and Breakfast.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 *Nursing care and rehabilitation facilities, and assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.09.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.09.04 Permitted Accessory Uses:

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.
- 5.09.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.

5.09.05 Height and Lot Requirements:

5.09.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums ⁴	2,500 per unit	25' per unit	30'	10 ⁵	30'	35'	40%
Multi-family Dwelling ³	2,250 per unit	100'	30'	(1')	30'	45 ¹	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

⁴ This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

⁵ Where there are three (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls. (**Ordinance No. 881, 11-19-02**)

⁶ Publicly owned and operated facilities are exempt from the requirements of this subsection 5.09.05. (**Ordinance No. 1371, 10-15-19**)

SECTION 9. Amendment of Section 5.10. Section 5.10 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.10 C-1 Shopping Center Commercial.

5.10.01 Intent: *The purpose and intent of the City of La Vista in establishing the C-1 Shopping Center Commercial District is to provide convenient local retail shopping and service areas within the city for all residents and to provide for the development of new local commercial districts where so designated. This includes uses such as retail stores, banks, theaters, business offices, restaurants, and taverns. (Ordinance No. 1253, 6-15-15)*

This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.10.02 Permitted uses:

- 5.10.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.10.02.02 Child care center.
- 5.10.02.03 Dance studio, not including uses defined in Adult Establishment.
- 5.10.02.04 Meeting hall, not including uses defined in Adult Establishment.
- 5.10.02.05 Museum, art gallery.
- 5.10.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - 1. Apparel shop.
 - 2. Appliance store.
 - 3. Antique store.
 - 4. Automobile parts and supply store.
 - 5. Bakery shop (retail).
 - 6. Barber and Beauty shop.
 - 7. Bicycle shop.
 - 8. Book store, not including uses defined in Adult Establishment.
 - 9. Brew-on premises store.
 - 10. Camera store.
 - 11. Communication services.
 - 12. Computer store.
 - 13. Confectionery.
 - 14. Dairy products sales.
 - 15. Drug store.
 - 16. Dry cleaning and laundry pickup.
 - 17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - 18. Food Sales (Limited).
 - 19. Food Sales (General).
 - 20. Floral shop.
 - 21. Mortuary.
 - 22. Furniture store or showroom.
 - 23. Gift and curio shop.
 - 24. Gunsmith.
 - 25. Hardware store.
 - 26. Hobby, craft, toy store.
 - 27. Jewelry store.
 - 28. Liquor store.
 - 29. Locksmith.
 - 30. Meat market, retail.
 - 31. Music retail store.
 - 32. Newsstands, not including uses defined in Adult Establishment.
 - 33. Paint store.
 - 34. Photographer.
 - 35. Picture framing shop.
 - 36. Reservation center.
 - 37. Restaurants, cafes and fast food establishments.
 - 38. Second hand stores.
 - 39. Shoe store.
 - 40. Sporting goods.
 - 41. Stamp and coin stores.
 - 42. Tailors and dressmakers.
 - 43. Tanning salon.
 - 44. Travel agencies.
 - 45. Video store, not including uses defined in Adult Establishment.
 - 46. Social club and fraternal organizations, not including uses defined in Adult Establishment.

- 47. Telephone exchange.
- 48. Telephone answering service.
- 49. Public overhead and underground local distribution utilities.
- 50. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 51. *Adult Day Care Services (Ordinance No. 1328, 9-18-18)*
- 52. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
- 53. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

5.10.03 Permitted Conditional Uses:

- 5.10.03.01 Recreational establishments.
- 5.10.03.02 Department Store.
- 5.10.03.03 Variety store, not including uses defined in Adult Establishment.
- 5.10.03.04 Amusement arcades.
- 5.10.03.05 Brew Pubs.
- 5.10.03.06 Coffee Kiosks.
- 5.10.03.07 Micro breweries when in conjunction with a restaurant.
- 5.10.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.10.03.09 Theater, indoor, not including uses defined in Adult Establishment.
- 5.10.03.10 Bowling center.
- 5.10.03.11 Business or trade school.
- 5.10.03.12 Commercial greenhouse.
- 5.10.03.13 Mail order services.
- 5.10.03.14 Pinball or video games business.
- 5.10.03.15 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.10.03.16 Totally enclosed, automated and conveyor-style car washes.
- 5.10.03.17 Convenience store with limited fuel sales.
- 5.10.03.18 Garden supply and retail garden center.
- 5.10.03.19 Outdoor storage in conjunction with another primary use.
- 5.10.03.20 Pet Health Services, provided the following:
 - 1. Said use is totally enclosed within a building.
 - 2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
 - 3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours.
 - 4. Grooming shall only be associated with medical appointment.
 - 5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.
- 5.10.03.21 *Self-storage units, provided:*
 - 1. *Storage unit is an extension of an existing self-storage unit or facility.*
 - 2. *The topography and access of the property will limit the development of identified commercial uses.*
 - 3. *No outdoor storage.*
 - 4. *Unit or facility provides perimeter fencing in accordance with this ordinance and a vegetative screen of at least six (6) feet in height and twenty (20) feet in width to any adjacent residential zoned property.*
 - 5. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
 - 6. *Applications for self-storage units under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.*
 - 7. *Such use shall not be located adjacent to the intersection of two or more arterial streets.*
 - 8. *The property shall have at least one boundary line that is adjacent to other property that is zoned I-1 Light Industrial or I-2 Heavy Industrial.*
 - 9. *Such use shall not include storage of explosives or hazardous materials and shall be in accordance with the intent, purpose and spirit of this ordinance and the Comprehensive Development Plan of La Vista, Nebraska.*
- 5.10.03.22 *(Ordinance No. 954, 7-5-05)*
 - Event center, provided:*
 - 1. *A conditional use permit would need to include specifics to the design and operation of the proposed center and individual activities, including, but not limited to, a detailed site plan and floor plan, a complete list of appointed or designated managers for each event at the center, and a complete description and duration of each event submitted to the city prior to each event.*

2. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
3. *Buildings utilized as event centers shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.*
4. *All signage shall comply with the City's established regulations.*

(Ordinance No. 955, 7-19-05)

5.10.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1253, 6-16-15)*

5.10.03.24 *Pet Shop. (Ordinance No. 1253, 6-16-15)*

5.10.04 Permitted Accessory Uses:

5.10.04.01 Buildings and uses customarily incidental to the permitted uses.

5.10.04.02 Parking as allowed in Section 7.05 through 7.09.

5.10.04.03 Signs allowed in Section 7.01 through 7.04.

5.10.04.04 Landscaping as required by Section 7.17.

5.10.04.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.10.05 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

5.10.05.01 Temporary greenhouses.

5.10.05.02 Temporary structures as needed for sidewalk and other outdoor sales events.

5.10.05.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

5.10.05.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*

5.10.05.05 Temporary structure for festivals or commercial events.

5.10.06 Height and Lot Requirements:

5.10.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	-	150'	25' ¹	10'	25'	45'	60%
Permitted Conditional Uses	-	150'	25' ¹	10'	25'	45'	60%

^{1.} 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

5.10.07 Use Limitations:

5.10.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district.

5.10.07.02 Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.

5.10.07.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 10. Amendment of Section 5.11. Section 5.11 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.11 C-2 General Commercial District

5.11.01 Intent: The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.11.02 Permitted Uses:

5.11.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*

5.11.02.02 Child care center.

5.11.02.03 Dance studio, not including uses defined in Adult Establishment.

5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.

5.11.02.05 Museum, art gallery.

5.11.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Floral shop.
19. Mortuary.
20. Food Sales (Limited).
21. Food Sales (General).
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Music studio.
33. Newsstands, not including uses defined in Adult Establishment.
34. Paint store.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants, cafes and fast food establishment.
39. Second hand stores.
40. Shoe store.
41. Sporting goods.
42. Stamp and coin stores.
43. Tailors and dressmakers.
44. Tanning salon.
45. Travel agencies.
46. Video store, not including uses defined in Adult Establishment.
47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
48. Telephone exchange.
49. Telephone answering service.
50. Theater, indoor, not including uses defined in Adult Establishment.
51. Public overhead and underground local distribution utilities.
52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

5.11.03 Permitted Conditional Uses:

5.11.03.01 Recreational establishments.

5.11.03.02 Variety store, not including uses defined in Adult Establishment

5.11.03.03 Amusement arcades.

5.11.03.04 Bowling center.

5.11.03.05 Brew Pubs.

5.11.03.06 Micro breweries when in conjunction with a restaurant.

5.11.03.07 Coffee Kiosks.

5.11.03.08 Automated Teller Machines when not within the interior of a primary use.

5.11.03.09 Business or trade school.

- 5.11.03.10 Garden supply and retail garden center.
- 5.11.03.11 Commercial greenhouse.
- 5.11.03.12 Mail order services.
- 5.11.03.13 Pinball or video games business.
- 5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
- 5.11.03.16 Convenience store with limited fuel sales.
- 5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
- 5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.11.03.19 Car wash.
- 5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
 - 1. All lumber shall be enclosed with the primary structure.
 - 2. All year round landscaping materials shall be enclosed within the primary structure.
 - 3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 5.11.03.21 Service station with minor automobile repair services.
- 5.11.03.22 Tire store and minor automobile repair service.
- 5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*

5.11.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.11.04.01 Temporary greenhouses.
- 5.11.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.11.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.11.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.11.04.05 Temporary structure for festivals or commercial events.

5.11.05 Permitted Accessory Uses

- 5.11.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.11.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.11.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.11.05.04 Landscaping as required by Section 7.17.
- 6.11.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.11.06 Height and Lot Requirements:

- 5.11.06.01 The height and minimum lot requirements shall be as follows:

<i>Uses</i>	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' ¹	15'	15'	45'	60%
Permitted Conditional Uses	10,000	-	25' ¹	15'	15'	45'	60%

¹. 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

5.11.07 Use Limitations:

- 5.11.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.11.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 11. Amendment of Section 5.12. Section 5.12 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.12 C-3 Highway Commercial / Office Park District

- 5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.12.02 Permitted Uses:

5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*

5.12.02.02 Museum, art gallery.

5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. (*Ordinance No. 1219, 7-15-14*)

5.12.02.04 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Reservation center.
8. Restaurants, cafes and fast food establishment.
9. Travel agencies.
10. Office Park developments.
11. Video store, not including uses defined in Adult Establishment.
12. Meeting Halls not including Adult Establishments.
13. Theater, indoor, not including uses defined in Adult Establishment. (*Ordinance No. 1219, 7-15-14*)
14. Coffee kiosks. (*Ordinance No. 1219, 7-15-14*)
15. Department stores. (*Ordinance No. 1219, 7-15-14*)
16. Retail trade centers. (*Ordinance No. 1219, 7-15-14*)
17. Shopping centers. (*Ordinance No. 1219, 7-15-14*)
18. Commercial strip shopping center. (*Ordinance No. 1219, 7-15-14*)
19. Tutoring and Exam Preparation Services (*Ordinance No. 1341, 2-5-19*)
20. Personal Services, not including uses defined in Adult Entertainment Establishment. (*Ordinance No. 1369, 10-1-19*)

5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

5.12.03 Permitted Conditional Uses:

5.12.03.01 Automobile display, sales, service, and repair.

5.12.03.02 Brew Pubs.

5.12.03.03 Micro breweries when in conjunction with a restaurant.

5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. (*Ordinance No. 1219, 7-15-14*)

5.12.03.05 Automated Teller Machines when not within the interior of a primary use.

5.12.03.06 Tavern and cocktail lounge, not including uses defined in Adult Establishment.

5.12.03.07 Convenience store with limited fuel sales.

5.12.03.08 Churches and temples.

5.12.03.09 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.

5.12.03.10 Outlet Shopping Center.

5.12.03.11 Health Clubs and tanning salon, not including uses defined in Adult Establishment.

5.12.03.12 Health Recreation Facilities, not including uses defined in Adult Establishment.

5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*

5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*

5.12.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

5.12.04.01 Temporary greenhouses.

5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.

5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

5.12.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*

5.12.04.05 Temporary structure for festivals or commercial events.

5.12.05 Permitted Accessory Uses

5.12.05.01 Buildings and uses customarily incidental to the permitted uses.

5.12.05.02 Parking as permitted in Section 7.05 through 7.09.

5.12.05.03 Signs allowed in Section 7.01 through 7.04.

5.12.05.04 Landscaping as required by Section 7.17.
 5.12.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.12.06 Height and Lot Requirements:

5.12.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' ¹	15'	15'	90' ²	60%
Permitted Conditional Uses	10,000	-	25' ¹	15'	15'	90' ²	60%

¹ 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

² Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. (Ordinance No. 1082, 11-18-08)

5.12.07 Use Limitations:

5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.

5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 12. Amendment of Section 5.13. Section 5.13 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.13 I-1 Light Industrial.

5.13.01 Intent: *It is the intent of the Light Industrial District Regulations to provide for limited industrial uses and services, including some retail businesses, wholesaling, and storage activities; to preserve land for the expansion of basic economic activities; to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

5.13.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

5.13.02.01 *Light Manufacturing*
 5.13.02.02 *Automotive services, except repair, towing and wrecking*
 5.13.02.03 *Business services*
 5.13.02.04 *Facilities for building construction contractors*
 5.13.02.05 *Landscape and horticultural services*
 5.13.02.06 *Medical and dental laboratories*
 5.13.02.07 *Assembly of electrical and electronic appliances*
 5.13.02.08 *Miscellaneous repair services, not including automotive*
 5.13.02.09 *Printing, publishing, and allied industries*
 5.13.02.10 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
 5.13.02.11 *General warehousing*
 5.13.02.12 *Testing laboratories*
 5.13.02.13 *Publicly owned and operated facilities (Ordinance No. 950, 3-1-05)*
 5.13.02.14 *Special and vocational training facilities (Ordinance No. 950, 3-1-05)*
 5.13.02.15 *Wholesale trade of goods*
 5.13.02.16 *Microbreweries without on-site sales (Ordinance No. 1292, 9-6-16)*

5.13.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

5.13.03.01 *Animal specialty services*
 5.13.03.02 *Automotive rental / leasing and other heavy equipment rental*
 5.13.03.03 *Household furniture, furnishings, and equipment store*
 5.13.03.04 *Hardware, lawn and garden supply store*
 5.13.03.05 *Lumber and other building materials dealer*
 5.13.03.06 *Outdoor display of merchandise*
 5.13.03.07 *Radio, television and communication towers and transmitters, as per Section 7.11*
 5.13.03.08 *Utility substations, terminal facilities, and reservoirs*
 5.13.03.09 *Farm-implement sales and service*
 5.13.03.10 *Cabinetry millwork*
 5.13.03.11 *Gasoline service stations*
 5.13.03.12 *Automotive repair services*
 5.13.03.13 *Sale of recreational vehicles, including boats and jet skis*
 5.13.03.14 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*
 5.13.03.15 *Veterinary Services, not including livestock*
 5.13.03.16 *Self-service storage facility (Ordinance No. 1069, 8-19-08)*
 5.13.03.17 *Industrial Condominiums (Ordinance No. 1246, 4-21-15)*
 5.13.03.18 *Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)*

5.13.03.19 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.13.04 Permitted Accessory Uses

- 5.13.04.01 Buildings and uses customarily incidental to the permitted uses
- 5.13.04.02 Parking as permitted in Section 7.05 through 7.09
- 5.13.04.03 Signs allowed in Section 7.01 through 7.04
- 5.13.04.04 Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work
- 5.13.04.05 Landscaping as required by Section 7.17
- 5.13.04.06 Solar Energy Conversion Systems as provided for in Section 7.15.

5.13.05 Height and Lot Requirements:

5.13.05.01 The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF) ²	Lot Width ²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' ¹	30'	25'	45'	65%
Permitted Conditional Uses	10,000	100	35' ¹	30'	25'	45'	65%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

² *Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)*

5.13.06 Use Limitations:

- 5.13.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty (30)* feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)
- 5.13.06.02 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
- 5.13.06.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- 5.13.06.04 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

5.13.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

SECTION 13. Amendment of Section 5.14. Section 5.14 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.14 I-2 Heavy Industrial

5.14.01 Intent: *It is the intent of the Heavy Industrial District Regulations to provide for industrial uses and services, including some manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to avoid incompatible land uses; to serve these areas with adequate transportation facilities; and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

Adult Entertainment Facilities are included in this Zoning District. The intent of the La Vista Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.14.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.14.02.01 Assembly, fabrication, *packaging*, and processing of products inside an enclosed building, except hazardous or toxic materials
- 5.14.02.02 *Automotive services, except repair, towing and wrecking*
- 5.14.02.03 *Business services*
- 5.14.02.04 *Facilities for building construction contractors*
- 5.14.02.05 *Landscape and horticultural services*
- 5.14.02.06 *Medical and dental laboratories*
- 5.14.02.07 *Miscellaneous repair services, not including automotive*
- 5.14.02.08 *Printing, publishing, and allied industries*
- 5.14.02.09 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
- 5.14.02.10 *General warehousing*

5.14.02.11	<i>Testing laboratories</i>
5.14.02.12	<i>Facilities for heavy construction contractors</i>
5.14.02.13	<i>Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components</i>
5.14.02.14	Manufacture of light sheet metal products including heating and ventilation equipment.
5.14.02.15	<i>Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages</i>
5.14.02.16	<i>Manufacturing stone, clay, glass and concrete products</i>
5.14.02.17	Millwork; veneer, plywood and structural wood products manufacturing-
5.14.02.18	<i>Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)</i>
5.14.02.19	<i>Special and vocational educational and training facilities. (Ordinance No. 950, 3-1-05)</i>
5.14.02.20	Transportation services
5.14.02.21	Trucking and courier services, except air
5.14.02.22	Veterinary Services, including livestock
5.14.02.23	<i>Wholesale trade of goods</i>
5.14.02.24	<i>Microbreweries without on-site sales (Ordinance No. 1292, 9-6-16)</i>

5.14.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

5.14.03.01	<i>Automotive rental / leasing and other heavy equipment rental</i>
5.14.03.02	<i>Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages</i>
5.14.03.03	<i>Lumber and other building materials dealer</i>
5.14.03.04	<i>Outdoor storage or display of merchandise</i>
5.14.03.05	Radio, television and communication towers and transmitters, as per Section 7.11
5.14.03.06	Utility substations, terminal facilities, and reservoirs
5.14.03.07	Farm-implement sales and service
5.14.03.08	<i>Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations</i>
5.14.03.09	Cabinetry millwork
5.14.03.10	<i>Recycling center for computers, televisions and household items</i>
5.14.03.11	Storage of bulk petroleum products
5.14.03.12	<i>The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (Ordinance No. 855, 3-5-02)</i>
5.14.03.13	<i>Gasoline service stations</i>
5.14.03.14	<i>Automotive repair services</i>
5.14.03.15	<i>Sale of recreational vehicles, including boats and jet skis</i>
5.14.03.16	<i>Indoor recreational facility (Ordinance No. 918, 10-6-03)</i>
5.14.03.17	<i>Self-service storage facility (Ordinance No. 1069, 8-19-08)</i>
5.14.03.18	Adult Entertainment establishments
	<ol style="list-style-type: none"> 1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor. 2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter. 3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit. 4. No adult business shall be open for business between the hours of one am and six a.m. 5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. 6. Such use shall not impair an adequate supply of light and air to surrounding property. 7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety. 8. Any explicit signs shall not be seen from any point off-premises. 9. Such use shall not diminish or impair established property values in adjoining or surrounding property.

10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
13. Prohibited Activities of Adult Businesses
 - A. No adult business shall employ any person less than eighteen (18) years of age.
 - B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
 - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.03.19

Industrial Condominiums (Ordinance No. 1247, 4-21-15)

5.14.03.20

Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)

5.14.03.21

Concrete Batch Plants (Ordinance No. 1329, 9-19-18)

5.14.03.22

Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

provided

5.14.04 Permitted Accessory Uses:

- 5.14.04.01 Buildings and uses customarily incidental to the permitted uses
- 5.14.04.02 Parking as permitted in Section 7.05 through 7.09
- 5.14.04.03 Signs allowed in Section 7.01 through 7.04
- 5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work
- 5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction
- 5.14.04.06 Landscaping as required by Section 7.17
- 5.14.04.07 Solar Energy Conversion Systems as provided for in Section 7.15.

5.14.05 Height and Lot Requirements:

5.14.05.01

The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF) ²	Lot Width ²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' ¹	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35' ¹	30'	25'	45'	75%
Accessory Buildings	-	-	70'	10'	10'	25'	20%

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

² Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)

5.14.06 Use Limitations:

5.14.06.01

When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within thirty (30) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)

5.14.06.02

Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.14.06.03

No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful

enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)

5.14.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

SECTION 14. Amendment of Section 5.16. Section 5.16 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.16 R-M Mobile Home Residential - District

5.16.01 Intent: The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of La Vista.

5.16.02 Permitted Uses

The following uses are permitted in the R-M Mobile Home Residential District.

- 5.16.02.01 Single family dwelling.
- 5.16.02.02 Mobile Home Dwellings.
- 5.16.02.03 Public School.
- 5.16.02.04 Private and public park, playground and recreational facilities.
- 5.16.02.05 Church, educational facilities and parish house.
- 5.16.02.06 Multi-unit dwellings provided such use is part of a Planned Unit Development-Residential.
- 5.16.02.07 Public buildings.
- 5.16.02.08 Child Care Homes.

5.16.03 Permitted Conditional Uses

- 5.16.03.01 Home occupation, subject to Section 7.10
- 5.16.03.02 Child Care Center
- 5.16.03.03 Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 5.16.03.04 Sewage disposal and water supply and treatment facilities.
- 5.16.03.05 Campgrounds.
- 5.17.03.06 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.16.04 Permitted Accessory Uses.

- 5.16.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.16.04.02 Parking as provided for in Section 7.05 through 7.09.
- 5.16.04.03 Signs as provided for in Section 7.01 through 7.04.
- 6.16.04.04 Solar Energy Conversion Systems as provided for in Section 7.15.

5.16.05 Area and Lot Requirements

- 5.16.05.01 A mobile home park shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than eighty-three (83) feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped. The minimum lot width for a mobile home park shall be two hundred (200) feet.
- 5.16.05.02 Each lot provided for occupancy of a single mobile home shall have an area of not less than five thousand (5,000) square feet, excluding road R.O.W., and a width of not less than fifty (50) feet for an interior lot, eighty (80) feet for a corner lot, or forty-five (45) feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
 1. Side yards shall not be less than ten (10) feet on one side and not less than ten (10) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
 2. Front yard of not less than thirty (30) feet.
 3. A rear yard of not less than twenty-five (25) feet.
- 5.16.05.03 There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home, when mobile home is owned and leased by the mobile home park owner.
- 5.16.05.04 Height of Buildings.
 1. Maximum height for principal uses: thirty-five (35) feet.
 2. Maximum height for accessory uses: twenty (20) feet.

5.16.05.05 Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking

5.16.05.06 City water and sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.

5.16.05.07 Tie downs shall meet all manufacturers' recommendations.

5.16.05.08 Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.

5.16.05.09 Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.

5.16.05.10 Limitations on Lot Coverage shall be no more than 45%.

5.16.05.11 Storm shelters shall be required and shall meet the following criteria:

1. Shelter space equivalent to two (2) persons per mobile home lot,
2. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

5.16.05.12 All mobile home pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.

5.16.05.13 All mobile homes shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.

5.16.05.14 All off-street parking shall be hard surfaced.

5.16.05.15 All Mobile homes shall comply with all other City Ordinances.

5.16.06 Plan Requirements

5.16.06.01 A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The number, location, and size of all hard surfaced pads shall be shown.
5. The area and dimensions of the park, playground and recreation areas.
6. The location and width of roadways and walkways.
7. The location of service buildings and any other proposed structures.
8. The location of water and sewer lines and sewage disposal facilities.
9. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

SECTION 15. Amendment of Section 5.19. Section 5.19 of the Ordinance No. 848 is hereby amended to read as follows:

Section 5.19 MU-CC Mixed Use City Centre District

5.19.01 Intent: The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

5.19.02 Permitted Uses:

Uses are allowed in "MU-CC" zoning districts in accordance with the use table of this section.

Uses Allowed in the MU-CC Zoning District

Use Category (Specific Use Type)	MU-CC District
Residential:	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P

Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C

Public and Civic:

Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P

Commercial:

Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P
Bicycle shop	P
Book store, not including uses defined in Adult Establishment.	P
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined	C

in Adult Establishment.	
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.	P
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P
Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P
Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. (<i>Ordinance No. 1369, 10-1-19</i>)	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P
Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in Adult Establishment.	P
Theater, indoor, not including uses defined in Adult Establishment.	P
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult Establishment.	P

Industrial:

Manufacturing: Artisan (Limited) (hand tools only: e.g., jewelry or ceramics)	C
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Other:

Temporary structures (events)	T
Temporary structures (construction)	T

P = permitted by right; C = conditional use; T = temporary

5.19.03 Permitted Accessory Uses

- 5.19.03.01 Buildings and uses customarily incidental to the permitted uses.
- 5.19.03.02 Urban residential storage as an accessory to a primary residential use.
- 5.19.03.03 Parking as permitted in Section 7.05 through 7.09.
- 5.19.03.04 Signs allowed in Section 7.01 through 7.04.
- 5.19.03.05 Landscaping as required by Section 7.17.
- 5.19.03.06 Solar Energy Conversion Systems as provided for in Section 7.15.

5.19.04 Setbacks

- 1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
- 2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
 - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
- 3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

5.19.05 Building Height

The maximum building height shall be 90 feet.

5.19.06 Off-Street Parking

- 1. No off-street parking is required in the MU-CC district.
- 2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
- 3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface.
- 4. The use of shared parking is encouraged.
- 5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

5.19.10 Circulation and Connectivity

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

- 1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
- 2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

LOT AND AREA REQUIREMENTS		MINIMUM LOT AREA		MIN. YARD SETBACK			MAXIMUM HEIGHT		MAX. LOT COVERAGE
ZONING DISTRICT		LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	IN STORIES	IN FEET	PERCENT OF LOT AREA
TA: Transitional Agricultural	Residential dwellings	20 acres	660	75	25	25	2 1/2	35	-
	Other Permitted Uses	20 acres	660	75	25	25	3	45	-
	Permitted Conditional Uses	20 acres	660	75	25	25	3	45	-
	Accessory Uses	-	-	100	25	10	1 1/2	17	-
R-1: Single-Family Residential	Single-family detached (existing) ⁴	5,000 s.f.	60	30	5	30	2 1/2	35	35%
	Single-family detached (future) ⁴	7,000 s.f.	70	30	10	30	2 1/2	35	40%
	Other Permitted Uses and Conditional Uses	8,000 s.f.	75	25	25	25	3	45	25%
	Accessory Uses	-	-	50	5	5	1 1/2	17	10% ²
R-2: Two-Family Density Residential	Single-family detached (existing) ⁴	5,000 s.f.	50'	30	5	30	2 1/2	35	35%
	Single-family, dwelling (future) ⁴	7,000 s.f.	70	30	10	30	2 1/2	35	40%
	Two-family dwelling ⁴	10,000 s.f.	100	30	10	30	2 1/2	35	40%
	Single-family, attached ⁴	4,500 s.f. / du	50 per unit	30	10 ¹	30	2 1/2	35	40% per unit
	Townhouses/Condominiums	2,500 s.f. / du	25 per unit	30	10	30	2 1/2	35	40%
	Other Permitted Uses and Conditional Uses	8,000 s.f.	75	30	10	30	3	45	30%
	Accessory Uses	-	-	50	5	5	1 1/2	17	10% ²
R-3 High Density Residential	Single-family, detached ⁴	7,000 s.f.	70	30	10	30	2 1/2	35	40%
	Single family, attached ⁴	4,500 s.f./du	50 per unit	30	10 ¹	30	2 1/2	35	40% per unit
	Two-family dwelling ⁴	10,000 s.f.	75	30	10	30	2 1/2	35	40%
	Townhouses	2,500 s.f.	25 per unit	30	(¹)	30	2 1/2	35	40%
	Multi-family dwellings	2,250 s.f. / unit	100	30	(¹)	30	3	45	40%
	Other Permitted Uses and Conditional Uses	8,500 s.f.	75	30	10	30	3	45	30%
	Accessory Uses	-	-	50	5	5	1 1/2	17	10% ²
R-4: Condominium Residential	Single-family, detached ⁴	7,000 s.f.	70	30	10	30	2 1/2	35	40%
	Single-family, attached ⁴	4,500 s.f. / du	50 per unit	30	10 ¹	30	2 1/2	35	40% per unit
	Two-family dwelling ⁴	10,000 s.f.	75	30	10	30	2 1/2	35	40%
	Condominiums	2,500 s.f.	25 per unit	30	(¹)	30	2 1/2	35	40%
	Multi-family dwellings	2,250 s.f./unit	100	30	10	30	3	45	40%
	Other Permitted Uses and Conditional Uses	8,500 s.f.	75	30	(¹)	30	3	45	30%
	Accessory Uses	-	-	50	8	10	1 1/2	17	10% ²
C-1: Shopping Center Commercial	Permitted Uses	-	150	25 ⁵	10	25	3	45	60%
	Permitted Conditional Uses	-	150	25 ⁵	10	25	3	45	60%
C-2: General Commercial	Permitted Uses	10,000 s.f.	-	25 ⁵	15	15	3	45	60%
	Permitted Conditional Uses	10,000 s.f.	-	25 ⁵	15	15	3	45	60%
C-3: Highway Commercial / Office Park	Permitted Uses	10,000 s.f.	-	25 ⁵	15	15	3	45	60%
	Multi-family residential	10,000 s.f.	-	25 ⁵	15	15	3	45	60%
	Permitted Conditional Uses	10,000 s.f.	-	25 ⁵	15	15	3	45	60%
I-1: Light Industrial	Permitted Uses	10,000 s.f.	-	35 ⁶	30	25	3	45	65%
	Permitted Conditional Uses	10,000 s.f.	-	35 ⁶	30	25	3	45	65%
	Accessory Buildings	-	-	70	10	10	-	25	20%
I-2: Heavy Industrial	Permitted Uses	10,000 s.f.	-	35 ⁶	30	25	3	45	75%
	Permitted Conditional Uses	10,000 s.f.	-	35 ⁶	30	25	3	45	75%
	Accessory Buildings	-	-	70	10	10	-	25	20%

¹ The Side Yard setback along the common wall shall be 0 feet and the common wall shall be along the adjoining lot line

² Provided total area of accessory structure for single family does not exceed 700 s.f. or all structures do not exceed 45% total coverage in the R-1 District and 50% total coverage in the remaining Residential Districts.

³ For Multi-family units, the Side Yard setback shall be 10 feet if it is a max. of 3 stories, and 2 additional feet of Side Yard on each side for each additional story in excess of 3 stories.

⁴ On corner lots: existing development = Street Side Yard may conform to existing setbacks along the street. Future Development = Street Side Yard setback shall equal Front Yard setback

⁵ 25 ft Front Yard setback required if no parking otherwise there is a 50 ft Front Yard setback

⁶ 35 feet Front Yard setback required if no parking otherwise there is a 60 feet Front Yard setback

Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements and the Supplemental Regulations for more information.

(Ordinance No. 875, 10-15-02) (Ordinance No. 900, 2-04-03) (Ordinance No. 968, 11-15-05)

SECTION 16. Amendment of Section 7.15. Section 7.15 of the Ordinance No. 848 is hereby amended to read as follows:

Section 7.15 Solar Energy Conversion Systems

Solar Energy Conversion Systems (SECS) are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance. Building-integrated solar energy systems, as defined in this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.

7.15.01 Height and Lot Requirements: Solar Energy Conversion Systems (SECS) shall conform to the required height and lot requirements provide herein:

- 7.15.01.01 Building-Mounted SECS that are attached to a building on a lot shall comply with the height, front, side, rear yard, and max. building coverage requirements of the building to which they are attached, except as otherwise allowed in Section 7.15.01.04.
- 7.15.01.02 For a Building-Mounted SECS installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
- 7.15.01.03 For a Building-Mounted SECS installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- 7.15.01.04 For a Building-Mounted SECS installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached, and the system shall not extend horizontally past the roof line.
- 7.15.01.05 Ground-Mounted SECS may be located only in the required rear yard as Permitted Accessory Uses. Ground-Mounted SECS may be located outside of the rear yard, but behind the front building line, with an approved Conditional Use Permit.
- 7.15.01.06 Ground-Mounted SECS shall conform to the height and lot requirements for Accessory Buildings in the zoning district in which the system is to be constructed, except that the system may not exceed 12-feet in height.
- 7.15.01.07 Ground-Mounted SECS shall only be permitted in the following districts, subject to the requirements in this Ordinance: TA, R-1, R-2, R-3, R-4, I-1, I-2, and R-M.

7.15.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable City of La Vista Building Codes.

7.15.03 Permit Requirements: Before any construction or installation on any SECS system shall commence, a permit issued by the Building Department of the City of La Vista shall be obtained to document compliance with this Ordinance.

- 7.15.03.01 A permit fee shall be required, and the amount shall be established in the Master Fee Schedule.
- 7.15.03.02 The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

7.15.04 Inspection, Safety, Abandonment, and Removal: The Building Inspector and Fire Marshall reserve the right to inspect a SECS for building or fire code compliance and safety. If upon inspection the Building Inspector or Fire Marshall determine that a fire code or building code violation exists, that the system has been abandoned, or that the system otherwise poses a safety hazard to persons or property, the Building Inspector or Fire Marshall may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the owner of his or her right to appeal such determination. If the owner fails to repair or remove a SECS as ordered, and any appeal rights have been exhausted, an employee or independent contractor with the City of La Vista may enter the property, remove the system and charge the owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense. In addition to any other available remedies, any unpaid costs resulting from the City of La Vista's removal of a vacated abandoned or de-commissioned SECS shall constitute a lien upon the property against which the costs were charged. Legal counsel of the

City of La Vista shall institute appropriate action for the recovery of such cost, plus attorney's fees. A SECS shall be deemed abandoned or defective by the City of La Vista if it is out of use for a period of 12 months or more, at which time the property owner shall have six months to return the system back to service, or complete decommissioning of the SECS. Decommissioning includes the removal of the SECS, all associated equipment, footings and foundation system, and wiring. Upon removal, such property shall be returned to the same conditions that existed before the installation of the system.

7.15.05 Preexisting SECS: Section 7.15 of this Ordinance applies to Solar Energy Conversion Systems (SECS) installed and constructed after December 17, 2019. Any upgrade, modification or structural change that materially alters the size or placement of an existing SECS system shall comply with the provisions of this Ordinance.

7.15.06 Signage and/or Graphic Content: No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

7.15.07 Screening and Visibility: Placement of SECS shall be prioritized in such a way that will minimize or negate any solar glare onto nearby properties and roadways. SECS are subject to the following:

- 7.15.07.01 All SECS using a reflector to enhance solar production must minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north and south sides of the SECS, modifying the orientation of the system, reducing use of the solar reflector system, or other remedies that limit glare.
- 7.15.07.02 All SECS appurtenances, including, but not limited to, plumbing, water tanks and support equipment, shall be of a color that is complementary to the site location, and shall be screened to the extent reasonably feasible without compromising the effectiveness of the solar collectors. SECS shall comply with any applicable Design Guidelines of the appropriate district.
- 7.15.07.03 Building-mounted systems mounted on a flat roof shall require screening as to not be visible from elevation-perspective view. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way.

SECTION 17. Repeal of Sections 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, and 7.15 as Previously Enacted. Sections 2.03, 2.08, 2.20, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.16, 5.19, and 7.15 of Ordinance No. 848 as previously enacted are hereby repealed.

SECTION 18. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 19. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 20. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Redlined Version

Section 2.03 - Definitions: B

BAKERY SHOP shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shall be considered a general retail use. (Ordinance No. 1083, 2-17-09)

BANK shall mean a freestanding building or secondary use within a building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. (Ordinance No. 1083, 2-17-09)

BASEMENT shall mean a building space partly underground, and having at least one-half (1/2) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BEAUTY SHOP shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation. (Ordinance No. 1083, 2-17-09)

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator shall live on the premises. (Ordinance No. 1083, 2-17-09)

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separated from other rooms by a door.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BILLBOARD (see Sign, Billboard)

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, unplatte land, City-County boundaries, or adjoining property lines.

BOARD OF ADJUSTMENT shall mean that board that has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

BOARDING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five (5) guests, where lodging is provided with or without meals for compensation. (Also, see Bed and Breakfast) (Ordinance No. 1083, 2-17-09)

BOOK STORE shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as "adult entertainment establishments." (Ordinance No. 1083, 2-17-09)

BOWLING CENTER shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and a video game arcade are customary. (Ordinance No. 1083, 2-17-09)

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for

brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space.

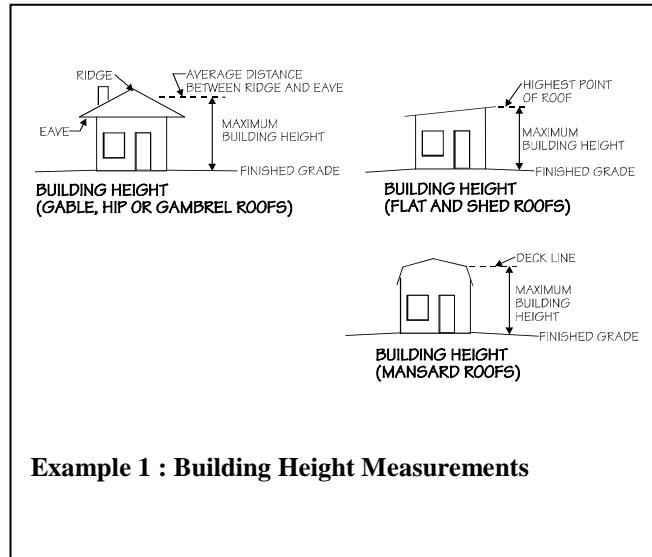
BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening)

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered as buildings.

BUILDING, ACCESSORY shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

BUILDING CODE shall mean the various codes of the City that regulate construction and requires building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by the Uniform Building Code, and other codes adopted by the City that pertain to building construction.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height) (*Ordinance No. 1083, 2-17-09*)



Example 1 : Building Height Measurements

BUILDING INSPECTOR shall mean the *Chief Building Official* of the City of La Vista, Nebraska. (*Ordinance No. 1083, 2-17-09*)

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM shall mean a solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING-MOUNTED SECS shall mean a solar photovoltaic system attached to any part or type of roof on a building or structure that has a permit on file with the City of La Vista and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar-based architectural elements.

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this regulation between any property line and the closest point of the building line or face of any building or structure related thereto.

BUSINESS OR TRADE SCHOOL (see Special or Vocational Training Facilities) (*Ordinance No. 1083, 2-17-09*)

BUSINESS SERVICES shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing,

services to buildings, and help supply services. (See also Standard Industrial Classification (SIC) Major Group 73, published by the U.S. Department of Labor.) (Ordinance No. 1053, 1-15-08)

Section 2.08 - Definitions: G

GARAGE shall mean a detached accessory building or *an attached* portion of a *dwelling* for the housing of vehicles, including carports. (*Ordinance No. 1083, 2-17-09*)

GRADE shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GROUND COVER shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping)

GROUND-MOUNTED SECS shall mean a solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four (24) hour care for individuals in a residential setting. *This term does not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals where the common living arrangement is temporary or seasonal. Also, the term does not include any group of individuals who are in a group living arrangement as a result of criminal offenses.* (*Ordinance No. 1083, 2-17-09*)

GUNSMITH shall mean a shop that designs, makes or repairs small firearms. (*Ordinance No. 1083, 2-17-09*)

GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

Section 2.20 - Definitions: S

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

SCREENING shall mean a structure *or* planting that conceals from view from public ways the area behind such structure or planting.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SERVICE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line *or other access way*. (*Ordinance No. 1083, 2-17-09*)

SETBACK, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, *offset* by the perpendicular distance prescribed for the yard in the district. (*Ordinance No. 1083, 2-17-09*)

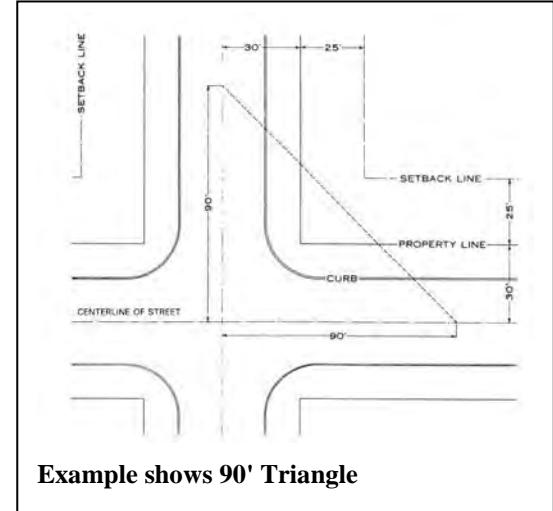
SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one city block or more. Includes individual buildings on their own lots, with or without on-site parking and small linear shopping centers with shallow on-site parking in front of the stores.

SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-a-half (2 ½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, sixty (60) feet in each direction along the centerline of the streets. At the intersection of major or *other* arterial streets, the sixty (60) foot distance shall be increased to ninety (90) feet for each arterial leg of the intersection. (*Ordinance No. 891, 2-04-03*)

SIGN shall mean and include any outdoor display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:



Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Nebraska, City of La Vista, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

SIGN, ANIMATED shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN AREA shall refer to that portion of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated. (*Ordinance No. 1083, 2-17-09*)

SIGN, AUDIBLE shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

SIGN, BANNER shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners. Banner signs shall not represent a commercial message.

SIGN, BILLBOARD shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.



Sign, Banner

SIGN, BUILDING MARKER shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

SIGN, CANOPY shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (*Ordinance No. 1083, 2-17-09*)



Sign, Canopy

SIGN, CENTER IDENTIFICATION shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs. (*Ordinance No. 1083, 2-17-09*)

SIGN, CONSTRUCTION shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located. (*Ordinance No. 871, 10-15-02*); (*Ordinance No. 1083, 2-17-09*)

SIGN, ELECTRONIC MESSAGE BOARD shall mean any sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. (Ordinance No. 1144, 5-17-11)

SIGN, FLASHING shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

SIGN, FREESTANDING shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

SIGN, IDENTIFICATION shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, ILLUMINATED shall mean a sign illuminated in any manner by an artificial light source.

SIGN, INCIDENTAL shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental. Incidental signs may be attached or painted on the wall, or they may be freestanding signs. (Ordinance No. 1083, 2-17-09)

SIGN, MARQUEE shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

SIGN, MONUMENT shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.

SIGN, NAMEPLATE shall mean a sign not exceeding two (2) square feet for each dwelling.

SIGN, NONCONFORMING shall mean any sign that does not conform to the requirements of this ordinance

SIGN, OFF-PREMISES shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

SIGN, ON-PREMISE shall mean a sign, display, or device-advertising activities conducted on the property on which such sign is located.

SIGN, PENNANT shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.



Sign, Monument
Sign, Electronic Message
Sign, Flashing



Sign Base

Sign, Monument

SIGN, PORTABLE shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

SIGN, PROJECT DIRECTORY shall mean a sign fronting on a road containing only the name of the principal use and directional arrow to the principal use. Project directory signs are intended to direct attention to planned multi-tenant developments which are not easily accessible off of such roads and where on-premise signage for that development (or any tenants within the development) would not otherwise be visible by the motorists traveling on nearby arterial or collector roads at the closest point of access. (*Ordinance No. 1144, 5-17-11*)

SIGN, PROJECTING shall mean a projecting sign attached to a building in such a manner that its leading edge extends more than eight (8) inches beyond the surface of such building or wall.

SIGN, REAL ESTATE shall mean a temporary sign that identifies property or properties that are for sale or lease.

SIGN, ROOF shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on or over the roof of a building. (*Ordinance No. 1083, 2-17-09*)

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN, SUBDIVISION shall mean a sign erected on a subdivision which identifies the platted subdivision where the sign is located.

SIGN SURFACE shall mean the entire area of a sign.

SIGN, SUSPENDED shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

SIGN, TEMPORARY shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.



Sign, Projecting

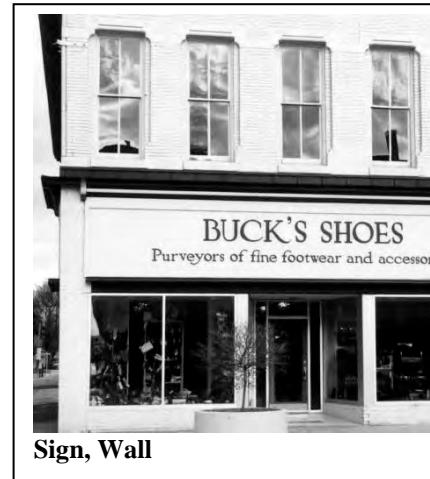


Sign, Subdivision

SIGN, VIDEO shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. *This definition shall include electronic message board signs. (Ordinance No. 1083, 2-17-09)*

SIGN, WALL shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

SIGN, WINDOW shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.



SIGN BASE shall mean any decorative, functional element extending upward from grade to the start of the sign.

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

SOCIAL CLUB OR FRATERNAL ORGANIZATIONS shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. *(Ordinance No. 1083, 2-17-09)*

SOLAR ENERGY CONVERSION SYSTEM (SECS) shall mean any device, such as a solar panel or solar collector or any combination thereof, which collects and converts solar energy to a form of usable energy. This includes both Building-Mounted Systems and Ground-Mounted System.

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SPECIAL or VOCATIONAL TRAINING FACILITIES shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition. *(Ordinance No. 1083, 2-17-09)*

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of:
Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:
Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
Human excretion, urination, menstruation, vaginal, or anal irrigation.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, City, or county with controlled access to abutting property.

STREET, COLLECTOR shall mean a street or high way, which is intended to carry traffic from a minor street to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET FRONTEAGE shall mean the distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. (*Ordinance No. 1083, 2-17-09*)

STREETSCAPE shall mean the scene as may be observed along a street *right-of-way* composed of natural and man-made components, including buildings, paving, plantings, *poles, signs, benches, and other miscellaneous amenities*. (*Ordinance No. 1083, 2-17-09*)

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, TEMPORARY shall mean a structure permitted as a temporary use. (*Ordinance No. 1083, 2-17-09*)

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future.
(Ordinance No. 1083, 2-17-09)

Section 5.05 TA Transitional Agriculture District

5.05.01 Intent: The Transitional Agriculture District is established to recognize these properties as agricultural at present with the understanding that they may be suitable for development in the future. This district allows for existing agricultural properties to continue using the land in that manner.

5.05.02 Permitted Uses.

- 5.05.02.01 Farming, pasturing, truck gardening, orchards, greenhouses and nurseries, including the sale of products raised on the premises, provided that no livestock feedlot or yard for more than twelve (12) animals shall be established.
- 5.05.02.02 Farm dwellings for the owners and their families, tenants, and employees.
- 5.05.02.03 Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- 5.05.02.04 Railroads, not including switching, terminal facilities or freight yards.
- 5.05.02.05 Public overhead and underground local distribution utilities.
- 5.05.02.06 Single family dwelling.
- 5.05.02.07 Churches.
- 5.05.02.08 Hydrogenation process.
- 5.05.02.09 Public services.
- 5.05.02.10 Publicly owned and operated facilities.
- 5.05.02.11 Roadside stands offering for sale agriculture products on the premises.

5.05.03 Permitted Conditional Uses:

- 5.05.03.01 Radio, television and wireless communication towers and transmitters, as per Section 7.11.
- 5.05.03.02 Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- 5.05.03.03 Wastewater treatment facilities.
- 5.05.03.04 Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), soccer fields, indoor and outdoor tennis courts, and swimming pools.
- 5.05.03.05 Home occupations, as per Section 7.10.
- 5.05.03.06 Raising and care of animals for 4-H, Future Farmer of America (FFA) or other rural/school organizations.
- 5.05.03.07 Wind energy systems on tracts of more than ten (10) acres, as per Section 7.18.
- 5.05.03.08 Airports.
- 5.05.03.09 Campgrounds.
- 5.05.03.10 Water reservoir.
- 5.05.03.11 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.**

5.05.04 Permitted Accessory Uses:

- 5.05.04.01 Buildings and uses customarily incidental to the permitted and conditional uses.
- 5.05.04.02 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.05.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.05.04.04 Parking as provided for in Section 7.05 through 7.09.
- 5.05.04.05 Private outdoor swimming pool, and other similar facilities in conjunction with a residence.
- 5.05.04.06 Storage or parking of vehicles, boats, campers and trailer, as per Section 7.13.
- 5.05.04.07 Solar Energy Conversion Systems as provided for in Section 7.15.**

5.05.05 Height and Lot Requirements:

5.05.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	20	660'	75'	25'	25'	45'	-
Permitted Conditional Uses	20	660'	75'	25'	25'	45'	-
Recreational Uses	20	330'	20'	20'	10'	75'	-
Accessory Buildings	-	-	100'	25'	10'	17'	-

Section 5.06_R-1 Single-Family Residential.

5.06.01 Intent: The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

5.06.02 Permitted Uses:

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.06.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*

5.06.03

Permitted Conditional Uses:

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.03 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.04 Home Occupations, as per Section 7.10.
- 5.06.03.05 Child Care Center.
- 5.06.03.06 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.**

5.06.04 Permitted Accessory Uses:

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.
- 5.06.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.**

5.06.05 Height and Lot Requirements:

5.06.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development ⁴) ²	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development ³) ²	7,000	70'	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	25'	25'	25'	35'	25%
Other Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Publicly owned and operated facilities ⁵	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

² On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

³ Future development shall be defined as all new subdivisions created after *the adoption of Ordinance No. 848 on November 20, 2001*.

⁴ Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replatting or lot splits done after the date of original adoption.

⁵ Publicly owned and operated facilities are exempt from requirements of this subsection 5.06.05. (*Ordinance No. 1371, 10-15-19*)

Section 5.07 R-2 Two-Family Residential

5.07.01 Intent: The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.07.02 Permitted Uses:

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.07.02.08 *Group Care Home (Ordinance No. 1118, 4-6-10)*

5.07.03 Permitted Conditional Uses:

- 5.07.03.01 Bed and Breakfasts.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 *Nursing care and rehabilitation facilities, or assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.
- 5.07.03.07 Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.**

5.07.04 Permitted Accessory Uses:

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.
- 5.07.04.08 Solar Energy Conversion Systems as provided for in Section 7.15.**

5.07.05 Height and Lot Requirements:

5.07.05.01 The height and minimum lot requirements shall be follows:

	Lot Area (SF)	Lot Width	Front Yard	Side Yard ³	Rear Yard	Max. Height	Max. Building Coverage
Single-family Dwelling (existing development) ⁵ ²	5,000	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development) ⁴ ²	7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling ²	10,000	100'	30'	10'	30'	35'	40%
Single-family attached	4,500 per unit	50' per unit	30'	10'	30'	35'	40%
<i>Other Permitted Uses</i>	8,000	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ¹

¹ Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%.

² On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

³ The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

⁴ Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.

⁵ Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.

(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)

⁶ Publicly owned and operated facilities are exempt from requirements of this subsection 5.07.05. **(Ordinance No. 1371, 10-15-19)**

Section 5.08 R-3 High Density Residential

5.08.01 Intent: The purpose of this district is to permit high density residential in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.08.02 Permitted Uses:

- 5.08.02.01 Townhouses and Condominiums.
- 5.08.02.02 Public and private schools.
- 5.08.02.03 Publicly owned and operated facilities.
- 5.08.02.04 Public Services.
- 5.08.02.05 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.08.02.06 *Group Care Home (Ordinance No. 1118, 4-6-10)*
- 5.08.02.07 *Multiple family dwellings constructed prior to November 20, 2001 (Ordinance No. 1132, 12-7-10)*

5.08.03 Permitted Conditional Uses:

- 5.08.03.01 Multiple family dwellings *constructed after November 20, 2001.*
- 5.08.03.02 Bed and Breakfast.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping stations, storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 *Nursing care and rehabilitation facilities, and assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.08.03.08 *Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community. (Ordinance No. 1118, 4-6-10)*
- 5.08.03.09 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.08.04 Permitted Accessory Uses:

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.
- 5.08.04.08 *Solar Energy Conversion Systems as provided for in Section 7.15.*

5.08.05 Height and Lot Requirements:

5.08.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	2,250 per unit	100'	30'	(¹)	30'	45' ¹	40%
Other Permitted Uses	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	5'	5'	17'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.
- 6 Publicly owned and operated facilities are exempt from the requirements of this subsection 5.08.05. (**Ordinance No. 1371, 10-15-19**)

Section 5.09 R-4 Condominium Residential

5.09.01 Intent: The purpose of this district is to permit high density residential, including condominium dwellings, in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

5.09.02 Permitted Uses:

- 5.09.02.01 Townhouses and Condominium dwellings.
- 5.09.02.02 Public and private schools.
- 5.09.02.03 Publicly owned and operated facilities.
- 5.09.02.04 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.09.02.05 *Multiple family dwellings constructed prior to November 20, 2001. (Ordinance No. 1132, 12-07-10)*

5.09.03 Permitted Conditional Uses:

- 5.09.03.01 Multiple family dwellings *constructed after November 20, 2001.*
- 5.09.03.02 Bed and Breakfast.
 - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
 - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping *stations*, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 *Nursing care and rehabilitation facilities, and assisted living facilities (Ordinance No. 1118, 4-6-10)*
- 5.09.03.09** *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.09.04 Permitted Accessory Uses:

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.
- 5.09.04.08** *Solar Energy Conversion Systems as provided for in Section 7.15.*

5.09.05 Height and Lot Requirements:

5.09.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Building Coverage
Townhouses/Condominiums ⁴	2,500 per unit	25' per unit	30'	10' ⁵	30'	35'	40%
Multi-family Dwelling ³	2,250 per unit	100'	30'	(¹)	30'	45' ¹	40%
<i>Other Permitted Uses</i>	8,500	75'	30'	10'	30'	35'	30%
Other Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Publicly owned and operated facilities ⁶	-	-	-	-	-	-	-
Accessory Buildings	-	-	50'	8'	10'	17'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

³ On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

⁴ This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

⁵ Where there are three (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls. (***Ordinance No. 881, 11-19-02***)

⁶ Publicly owned and operated facilities are exempt from the requirements of this subsection 5.09.05. (***Ordinance No. 1371, 10-15-1***)

Section 5.10 C-1 Shopping Center Commercial.

5.10.01 Intent: *The purpose and intent of the City of La Vista in establishing the C-1 Shopping Center Commercial District is to provide convenient local retail shopping and service areas within the city for all residents and to provide for the development of new local commercial districts where so designated. This includes uses such as retail stores, banks, theaters, business offices, restaurants, and taverns. (Ordinance No. 1253, 6-15-15)*

This district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.10.02 Permitted uses:

5.10.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*

5.10.02.02 Child care center.

5.10.02.03 Dance studio, not including uses defined in Adult Establishment.

5.10.02.04 Meeting hall, not including uses defined in Adult Establishment.

5.10.02.05 Museum, art gallery.

5.10.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Food Sales (Limited).
19. Food Sales (General).
20. Floral shop.
21. Mortuary.
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Newsstands, not including uses defined in Adult Establishment.
33. Paint store.
34. Photographer.

- 35. Picture framing shop.
- 36. Reservation center.
- 37. Restaurants, cafes and fast food establishments.
- 38. Second hand stores.
- 39. Shoe store.
- 40. Sporting goods.
- 41. Stamp and coin stores.
- 42. Tailors and dressmakers.
- 43. Tanning salon.
- 44. Travel agencies.
- 45. Video store, not including uses defined in Adult Establishment.
- 46. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 47. Telephone exchange.
- 48. Telephone answering service.
- 49. Public overhead and underground local distribution utilities.
- 50. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 51. *Adult Day Care Services (Ordinance No. 1328, 9-18-18)*
- 52. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
- 53. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

5.10.03 Permitted Conditional Uses:

- 5.10.03.01 Recreational establishments.
- 5.10.03.02 Department Store.
- 5.10.03.03 Variety store, not including uses defined in Adult Establishment.
- 5.10.03.04 Amusement arcades.
- 5.10.03.05 Brew Pubs.
- 5.10.03.06 Coffee Kiosks.
- 5.10.03.07 Micro breweries when in conjunction with a restaurant.
- 5.10.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.10.03.09 Theater, indoor, not including uses defined in Adult Establishment.
- 5.10.03.10 Bowling center.
- 5.10.03.11 Business or trade school.
- 5.10.03.12 Commercial greenhouse.
- 5.10.03.13 Mail order services.
- 5.10.03.14 Pinball or video games business.
- 5.10.03.15 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.10.03.16 Totally enclosed, automated and conveyor-style car washes.
- 5.10.03.17 Convenience store with limited fuel sales.
- 5.10.03.18 Garden supply and retail garden center.
- 5.10.03.19 Outdoor storage in conjunction with another primary use.
- 5.10.03.20 Pet Health Services, provided the following:
 - 1. Said use is totally enclosed within a building.
 - 2. Said services shall be provided for dogs, cats, birds, fish, and similar small animals customarily used as household pets.
 - 3. Typical uses include animal veterinary clinics with overnight boarding, only if medically necessary, not exceeding 48 hours.
 - 4. Grooming shall only be associated with medical appointment.
 - 5. This excludes uses for livestock and other large animals and uses for general grooming, dog bathing and clipping salons.
- 5.10.03.21 *Self-storage units, provided:*
 - 1. *Storage unit is an extension of an existing self-storage unit or facility.*
 - 2. *The topography and access of the property will limit the development of identified commercial uses.*
 - 3. *No outdoor storage.*

4. *Unit or facility provides perimeter fencing in accordance with this ordinance and a vegetative screen of at least six (6) feet in height and twenty (20) feet in width to any adjacent residential zoned property.*
5. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
6. *Applications for self-storage units under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.*
7. *Such use shall not be located adjacent to the intersection of two or more arterial streets.*
8. *The property shall have at least one boundary line that is adjacent to other property that is zoned I-1 Light Industrial or I-2 Heavy Industrial.*
9. *Such use shall not include storage of explosives or hazardous materials and shall be in accordance with the intent, purpose and spirit of this ordinance and the Comprehensive Development Plan of La Vista, Nebraska.*

(Ordinance No. 954, 7-5-05)

5.10.03.22

Event center, provided:

1. *A conditional use permit would need to include specifics to the design and operation of the proposed center and individual activities, including, but not limited to, a detailed site plan and floor plan, a complete list of appointed or designated managers for each event at the center, and a complete description and duration of each event submitted to the city prior to each event.*
2. *Lighting on site shall not be directed at or allowed to shine on any residential zoned property.*
3. *Buildings utilized as event centers shall be accompanied by evidence concerning the feasibility of the proposed request and its affect on surrounding property and shall include a site plan defining the areas to be developed with buildings and/or structures, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls and fences, the location and type of landscaping, and the location, size and number of signs.*
4. *All signage shall comply with the City's established regulations.*

(Ordinance No. 955, 7-19-05)

5.10.03.23

Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1253, 6-16-15)

5.10.03.24

Pet Shop. (Ordinance No. 1253, 6-16-15)

5.10.04 Permitted Accessory Uses:

- 5.10.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.10.04.02 Parking as allowed in Section 7.05 through 7.09.
- 5.10.04.03 Signs allowed in Section 7.01 through 7.04.
- 5.10.04.04 Landscaping as required by Section 7.17.
- 5.10.04.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.10.05 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.10.05.01 Temporary greenhouses.
- 5.10.05.02 Temporary structures as needed for sidewalk and other outdoor sales events.

5.10.05.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.

5.10.05.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*

5.10.05.05 Temporary structure for festivals or commercial events.

5.10.06 Height and Lot Requirements:

5.10.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	-	150'	25' ¹	10'	25'	45'	60%
Permitted Conditional Uses	-	150'	25' ¹	10'	25'	45'	60%

¹. 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

5.10.07 Use Limitations:

5.10.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district.

5.10.07.02 Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04.

5.10.07.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.11 C-2 General Commercial District

5.11.01 Intent: The General Commercial District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.11.02 Permitted Uses:

5.11.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*

5.11.02.02 Child care center.

5.11.02.03 Dance studio, not including uses defined in Adult Establishment.

5.11.02.04 Meeting hall, not including uses defined in Adult Establishment.

5.11.02.05 Museum, art gallery.

5.11.02.06 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Apparel shop.
2. Appliance store.
3. Antique store.
4. Automobile parts and supply store.
5. Bakery shop (retail).
6. Barber and Beauty shop.
7. Bicycle shop.
8. Book store, not including uses defined in Adult Establishment.
9. Brew-on premises store.
10. Camera store.
11. Communication services.
12. Computer store.
13. Confectionery.
14. Dairy products sales.
15. Drug store.
16. Dry cleaning and laundry pickup.
17. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
18. Floral shop.
19. Mortuary.
20. Food Sales (Limited).
21. Food Sales (General).
22. Furniture store or showroom.
23. Gift and curio shop.
24. Gunsmith.
25. Hardware store.
26. Hobby, craft, toy store.
27. Jewelry store.
28. Liquor store.
29. Locksmith.
30. Meat market, retail.
31. Music retail store.
32. Music studio.
33. Newsstands, not including uses defined in Adult Establishment.
34. Paint store.
35. Photographer.
36. Picture framing shop.
37. Reservation center.
38. Restaurants, cafes and fast food establishment.

- 39. Second hand stores.
- 40. Shoe store.
- 41. Sporting goods.
- 42. Stamp and coin stores.
- 43. Tailors and dressmakers.
- 44. Tanning salon.
- 45. Travel agencies.
- 46. Video store, not including uses defined in Adult Establishment.
- 47. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- 48. Telephone exchange.
- 49. Telephone answering service.
- 50. Theater, indoor, not including uses defined in Adult Establishment.
- 51. Public overhead and underground local distribution utilities.
- 52. *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 53. *Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)*
- 54. *Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)*

5.11.03 Permitted Conditional Uses:

- 5.11.03.01 Recreational establishments.
- 5.11.03.02 Variety store, not including uses defined in Adult Establishment
- 5.11.03.03 Amusement arcades.
- 5.11.03.04 Bowling center.
- 5.11.03.05 Brew Pubs.
- 5.11.03.06 Micro breweries when in conjunction with a restaurant.
- 5.11.03.07 Coffee Kiosks.
- 5.11.03.08 Automated Teller Machines when not within the interior of a primary use.
- 5.11.03.09 Business or trade school.
- 5.11.03.10 Garden supply and retail garden center.
- 5.11.03.11 Commercial greenhouse.
- 5.11.03.12 Mail order services.
- 5.11.03.13 Pinball or video games business.
- 5.11.03.14 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.11.03.15 Totally enclosed, automated and conveyor-style car washes.
- 5.11.03.16 Convenience store with limited fuel sales.
- 5.11.03.17 Residences in conjunction with the principal use when located above the ground floor.
- 5.11.03.18 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.11.03.19 Car wash.
- 5.11.03.20 Retail building material sales; provided that the following minimum standards are present:
 - 1. All lumber shall be enclosed with the primary structure.
 - 2. All year round landscaping materials shall be enclosed within the primary structure.
 - 3. All outdoor storage shall be temporary and shall comply with the provisions for Temporary Uses, as per this Ordinance.
- 5.11.03.21 Service station with minor automobile repair services.
- 5.11.03.22 Tire store and minor automobile repair service.
- 5.11.03.23 *Animal Specialty Services with or without overnight boarding of animals and outdoor exercise areas. (Ordinance No. 1254, 6-16-15)*
- 5.11.03.24 *Pet Shop. (Ordinance No. 1254, 6-16-15)*

5.11.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.11.04.01 Temporary greenhouses.
- 5.11.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.11.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.11.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.11.04.05 Temporary structure for festivals or commercial events.

5.11.05 Permitted Accessory Uses

- 5.11.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.11.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.11.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.11.05.04 Landscaping as required by Section 7.17.
- 5.11.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.11.06 Height and Lot Requirements:

- 5.11.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' ¹	15'	15'	45'	60%
Permitted Conditional Uses	10,000	-	25' ¹	15'	15'	45'	60%

^{1.} 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

5.11.07 Use Limitations:

- 5.11.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.11.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.12 C-3 Highway Commercial / Office Park District

5.12.01 Intent: The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.12.02 Permitted Uses:

5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*

5.12.02.02 Museum, art gallery.

5.12.02.03 Entertainment Venue, indoor, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)

5.12.02.04 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:

1. Book store, not including uses defined in Adult Establishment.
2. Brew-on premises store.
3. Dry cleaning and laundry pickup.
4. Floral shop.
5. Gift and curio shop.
6. Jewelry store.
7. Reservation center.
8. Restaurants, cafes and fast food establishment.
9. Travel agencies.
10. Office Park developments.
11. Video store, not including uses defined in Adult Establishment.
12. Meeting Halls not including Adult Establishments.
13. Theater, indoor, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)
14. Coffee kiosks. (Ordinance No. 1219, 7-15-14)
15. Department stores. (Ordinance No. 1219, 7-15-14)
16. Retail trade centers. (Ordinance No. 1219, 7-15-14)
17. Shopping centers. (Ordinance No. 1219, 7-15-14)
18. Commercial strip shopping center. (Ordinance No. 1219, 7-15-14)
19. Tutoring and Exam Preparation Services (Ordinance No. 1341, 2-5-19)
20. Personal Services, not including uses defined in Adult Entertainment Establishment. (Ordinance No. 1369, 10-1-19)

5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

5.12.03 Permitted Conditional Uses:

5.12.03.01 Automobile display, sales, service, and repair.

5.12.03.02 Brew Pubs.

5.12.03.03 Micro breweries when in conjunction with a restaurant.

5.12.03.04 Entertainment Venue, indoor, but which may include outdoor events, not including uses defined in Adult Establishment. (Ordinance No. 1219, 7-15-14)

5.12.03.05 Automated Teller Machines when not within the interior of a primary use.

5.12.03.06 Tavern and cocktail lounge, not including uses defined in Adult Establishment.

5.12.03.07 Convenience store with limited fuel sales.

5.12.03.08 Churches and temples.

5.12.03.09 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.

5.12.03.10 Outlet Shopping Center.

5.12.03.11 Health Clubs and tanning salon, not including uses defined in Adult Establishment.

5.12.03.12 Health Recreation Facilities, not including uses defined in Adult Establishment.

5.12.03.13 *Child Care Center. (Ordinance No. 1041, 7-17-07)*

5.12.03.14 *Colleges and Universities. (Ordinance No. 1169, 3-6-12)*

5.12.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.12.04.01 Temporary greenhouses.
- 5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.12.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.12.04.05 Temporary structure for festivals or commercial events.

5.12.05 Permitted Accessory Uses

- 5.12.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.12.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.12.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.12.05.04 Landscaping as required by Section 7.17.
- 5.12.05.05 Solar Energy Conversion Systems as provided for in Section 7.15.

5.12.06 Height and Lot Requirements:

- 5.12.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' ¹	15'	15'	90' ²	60%
Permitted Conditional Uses	10,000	-	25' ¹	15'	15'	90' ²	60%

¹. 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

² Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. (Ordinance No. 1082, 11-18-08)

5.12.07 Use Limitations:

- 5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

Section 5.13 I-1 Light Industrial.

5.13.01 Intent: *It is the intent of the Light Industrial District Regulations to provide for limited industrial uses and services, including some retail businesses, wholesaling, and storage activities; to preserve land for the expansion of basic economic activities; to avoid incompatible land uses, to serve these areas with adequate transportation facilities, and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

5.13.02 Permitted Uses: *(Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)*

- 5.13.02.01 *Light Manufacturing*
- 5.13.02.02 *Automotive services, except repair, towing and wrecking*
- 5.13.02.03 *Business services*
- 5.13.02.04 *Facilities for building construction contractors*
- 5.13.02.05 *Landscape and horticultural services*
- 5.13.02.06 *Medical and dental laboratories*
- 5.13.02.07 *Assembly of electrical and electronic appliances*
- 5.13.02.08 *Miscellaneous repair services, not including automotive*
- 5.13.02.09 *Printing, publishing, and allied industries*
- 5.13.02.10 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
- 5.13.02.11 *General warehousing*
- 5.13.02.12 *Testing laboratories*
- 5.13.02.13 *Publicly owned and operated facilities (Ordinance No. 950, 3-1-05)*
- 5.13.02.14 *Special and vocational training facilities (Ordinance No. 950, 3-1-05)*
- 5.13.02.15 *Wholesale trade of goods*
- 5.13.02.16 *Microbreweries without on-site sales (Ordinance No. 1292, 9-6-16)*

5.13.03 Permitted Conditional Uses: *(Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)*

- 5.13.03.01 *Animal specialty services*
- 5.13.03.02 *Automotive rental / leasing and other heavy equipment rental*
- 5.13.03.03 *Household furniture, furnishings, and equipment store*
- 5.13.03.04 *Hardware, lawn and garden supply store*
- 5.13.03.05 *Lumber and other building materials dealer*
- 5.13.03.06 *Outdoor display of merchandise*
- 5.13.03.07 *Radio, television and communication towers and transmitters, as per Section 7.11*
- 5.13.03.08 *Utility substations, terminal facilities, and reservoirs*
- 5.13.03.09 *Farm-implement sales and service*
- 5.13.03.10 *Cabinetry millwork*
- 5.13.03.11 *Gasoline service stations*
- 5.13.03.12 *Automotive repair services*
- 5.13.03.13 *Sale of recreational vehicles, including boats and jet skis*
- 5.13.03.14 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*
- 5.13.03.15 *Veterinary Services, not including livestock*
- 5.13.03.16 *Self-service storage facility (Ordinance No. 1069, 8-19-08)*
- 5.13.03.17 *Industrial Condominiums (Ordinance No. 1246, 4-21-15)*
- 5.13.03.18 *Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)*
- 5.13.03.19 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.*

5.13.04 Permitted Accessory Uses

- 5.13.04.01 *Buildings and uses customarily incidental to the permitted uses*
- 5.13.04.02 *Parking as permitted in Section 7.05 through 7.09*
- 5.13.04.03 *Signs allowed in Section 7.01 through 7.04*
- 5.13.04.04 *Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work*
- 5.13.04.05 *Landscape as required by Section 7.17*
- 5.13.04.06 *Solar Energy Conversion Systems as provided for in Section 7.15.*

5.13.05 Height and Lot Requirements:

5.13.05.01 The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF) ²	Lot Width ²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' ¹	30'	25'	45'	65%
Permitted Conditional Uses	10,000	100	35' ¹	30'	25'	45'	65%
<u>Accessory Buildings</u>			<u>70'</u>	<u>10'</u>	<u>10'</u>	<u>25'</u>	<u>20%</u>

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

² Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)

5.13.06 Use Limitations:

5.13.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty* (30) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)

5.13.06.02 No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.

5.13.06.03 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

5.13.06.04 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.* (*Ordinance No. 1053, 1-15-08*)

5.13.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

Section 5.14 I-2 Heavy Industrial

5.14.01 Intent: *It is the intent of the Heavy Industrial District Regulations to provide for industrial uses and services, including some manufacturing, wholesaling and storage activities; to preserve land for the expansion of the basic economic activities; to avoid incompatible land uses; to serve these areas with adequate transportation facilities; and to prevent or mitigate hazards to adjacent properties. (Ordinance No. 1053, 1-15-08)*

Adult Entertainment Facilities are included in this Zoning District. The intent of the La Vista Zoning Ordinance is not to prohibit these uses but to regulate the secondary effects of these uses within the community.

5.14.02 Permitted Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.14.02.01 Assembly, fabrication, *packaging*, and processing of products inside an enclosed building, except hazardous or toxic materials
- 5.14.02.02 *Automotive services, except repair, towing and wrecking*
- 5.14.02.03 *Business services*
- 5.14.02.04 *Facilities for building construction contractors*
- 5.14.02.05 *Landscape and horticultural services*
- 5.14.02.06 *Medical and dental laboratories*
- 5.14.02.07 *Miscellaneous repair services, not including automotive*
- 5.14.02.08 *Printing, publishing, and allied industries*
- 5.14.02.09 *Electric, gas and sanitary services, not including collection and disposal of solid waste or hazardous waste*
- 5.14.02.10 *General warehousing*
- 5.14.02.11 *Testing laboratories*
- 5.14.02.12 *Facilities for heavy construction contractors*
- 5.14.02.13 *Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components*
- 5.14.02.14 Manufacture of light sheet metal products including heating and ventilation equipment.
- 5.14.02.15 *Manufacturing of food and kindred products, limited to bakery items, dairy products, sugar and confectionary products, and beverages*
- 5.14.02.16 *Manufacturing stone, clay, glass and concrete products*
- 5.14.02.17 *Millwork; veneer, plywood and structural wood products manufacturing*
- 5.14.02.18 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*
- 5.14.02.19 *Special and vocational educational and training facilities. (Ordinance No. 950, 3-1-05)*
- 5.14.02.20 Transportation services
- 5.14.02.21 Trucking and courier services, except air
- 5.14.02.22 Veterinary Services, including livestock
- 5.14.02.23 *Wholesale trade of goods*
- 5.14.02.24 *Microbreweries without on-site sales (Ordinance No. 1292, 9-6-16)*

5.14.03 Permitted Conditional Uses: (Revisions by Ordinance No. 1053, 1-15-08, unless otherwise noted)

- 5.14.03.01 *Automotive rental / leasing and other heavy equipment rental*
- 5.14.03.02 *Manufacturing of food and kindred products, except bakery items, dairy products, sugar and confectionary products, and beverages*
- 5.14.03.03 *Lumber and other building materials dealer*
- 5.14.03.04 *Outdoor storage or display of merchandise*
- 5.14.03.05 Radio, television and communication towers and transmitters, as per Section 7.11
- 5.14.03.06 Utility substations, terminal facilities, and reservoirs
- 5.14.03.07 Farm-implement sales and service
- 5.14.03.08 *Temporary Batch plant for concrete, asphalt, or paving material, not to exceed 24 months of operations*
- 5.14.03.09 Cabinetry millwork
- 5.14.03.10 *Recycling center for computers, televisions and household items*
- 5.14.03.11 Storage of bulk petroleum products

5.14.03.12 *The manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities. (Ordinance No. 855, 3-5-02)*

5.14.03.13 *Gasoline service stations*

5.14.03.14 *Automotive repair services*

5.14.03.15 *Sale of recreational vehicles, including boats and jet skis*

5.14.03.16 *Indoor recreational facility (Ordinance No. 918, 10-6-03)*

5.14.03.17 *Self-service storage facility (Ordinance No. 1069, 8-19-08)*

5.14.03.18 Adult Entertainment establishments

1. No Adult business shall be closer than 500 feet to any similar use and no closer than 500feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use. In addition, no Adult establishment shall be located within the Gateway Corridor Overlay or within 500 feet of said Overlay Corridor.
2. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
3. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
4. No adult business shall be open for business between the hours of one am and six a.m.
5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6. Such use shall not impair an adequate supply of light and air to surrounding property.
7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety.
8. Any explicit signs shall not be seen from any point off-premises.
9. Such use shall not diminish or impair established property values in adjoining or surrounding property.
10. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of La Vista, Nebraska.
11. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, and the location, size and number of signs.
12. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
13. Prohibited Activities of Adult Businesses
 - A. No adult business shall employ any person less than eighteen (18) years of age.
 - B. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
 - C. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show

window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.

D. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

5.14.03.19

Industrial Condominiums (Ordinance No. 1247, 4-21-15)

5.14.03.20

Microbreweries with on-site sales (Ordinance No. 1292, 9-6-16)

5.14.03.21

Concrete Batch Plants (Ordinance No. 1329, 9-19-18)

5.14.03.22

Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.

5.14.04 Permitted Accessory Uses:

5.14.04.01 Buildings and uses customarily incidental to the permitted uses
5.14.04.02 Parking as permitted in Section 7.05 through 7.09
5.14.04.03 Signs allowed in Section 7.01 through 7.04
5.14.04.04 Temporary buildings and uses incidental to construction work which will be removed upon completion or abandonment of the construction work
5.14.04.05 Live-in quarters used by live-in watchman or custodians during periods of construction
5.14.04.06 Landscaping as required by Section 7.17
5.14.04.07 Solar Energy Conversion Systems as provided for in Section 7.15.

5.14.05 Height and Lot Requirements:

5.14.05.01 The height and minimum lot requirements shall be as follows:

Use	Lot Area (SF) ¹	Lot Width ²	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	100	35' ¹	30'	25'	45'	75%
Permitted Conditional Uses	10,000	100	35' ¹	30'	25'	45'	75%
<u>Accessory Buildings</u>	<u>10,000</u>	<u>100</u>	<u>35'</u> ¹	<u>10'</u>	<u>10'</u>	<u>25'</u>	<u>20%</u>

¹ 35' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of sixty (60) feet.

² Lots created before January 1, 2008 may have a minimum Lot Area of 10,000 square feet and may have less than the minimum 100 feet lot width. (Ordinance No. 1053, 1-15-08)

5.14.06 Use Limitations:

5.14.06.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within *thirty* (30) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.17.04. (*Ordinance No. 1053, 1-15-08*)
5.14.06.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5.14.06.03 *No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling. (Ordinance No. 1053, 1-15-08)*

5.14.07 Performance Standards:

See Section 7.16 of the Supplemental Regulations.

Section 5.16 R-M Mobile Home Residential - District

5.16.01 Intent: The intent of the Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of La Vista.

5.16.02 Permitted Uses

The following uses are permitted in the R-M Mobile Home Residential District.

- 5.16.02.01 Single family dwelling.
- 5.16.02.02 Mobile Home Dwellings.
- 5.16.02.03 Public School.
- 5.16.02.04 Private and public park, playground and recreational facilities.
- 5.16.02.05 Church, educational facilities and parish house.
- 5.16.02.06 Multi-unit dwellings provided such use is part of a Planned Unit Development-Residential.
- 5.16.02.07 Public buildings.
- 5.16.02.08 Child Care Homes.

5.16.03 Permitted Conditional Uses

- 5.16.03.01 Home occupation, subject to Section 7.10
- 5.16.03.02 Child Care Center
- 5.16.03.03 Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
- 5.16.03.04 Sewage disposal and water supply and treatment facilities.
- 5.16.03.05 Campgrounds.
- 5.17.03.06 *Ground-Mounted Solar Energy Conversion Systems outside of the rear yard, as provided for in Section 7.15.***

5.16.04 Permitted Accessory Uses.

- 5.16.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.16.04.02 Parking as provided for in Section 7.05 through 7.09.
- 5.16.04.03 Signs as provided for in Section 7.01 through 7.04.
- 5.16.04.04 *Solar Energy Conversion Systems as provided for in Section 7.15.***

5.16.05 Area and Lot Requirements

- 5.16.05.01 A mobile home park shall have an area of not less than five (5) acres. No mobile homes or other structures shall be located less than eighty-three (83) feet from the road centerline when contiguous to or having frontage to a County road or state highway. The setback on all other court property lines shall be twenty-five (25) feet. These areas shall be landscaped. The minimum lot width for a mobile home park shall be two hundred (200) feet.
- 5.16.05.02 Each lot provided for occupancy of a single mobile home shall have an area of not less than five thousand (5,000) square feet, excluding road R.O.W., and a width of not less than fifty (50) feet for an interior lot, eighty (80) feet for a corner lot, or forty-five (45) feet when facing a cul-de-sac turnaround or curve on a minor loop street. Each individual lot shall have:
 1. Side yards shall not be less than ten (10) feet on one side and not less than ten (10) feet on the other side, except that on corner lots, the setback for all buildings shall be a minimum of thirty (30) feet on the side abutting a street/road.
 2. Front yard of not less than thirty (30) feet.
 3. A rear yard of not less than twenty-five (25) feet.

5.16.05.03 There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home, when mobile home is owned and leased by the mobile home park owner.

5.16.05.04 Height of Buildings.

1. Maximum height for principal uses: thirty-five (35) feet.
2. Maximum height for accessory uses: twenty (20) feet.

5.16.05.05 Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking

5.16.05.06 City water and sewage disposal facilities shall be provided with connections to each lot. The water supply shall be sufficient for domestic use and for fire protection.

5.16.05.07 Tie downs shall meet all manufacturers' recommendations.

5.16.05.08 Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.

5.16.05.09 Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.

5.16.05.10 Limitations on Lot Coverage shall be no more than 45%.

5.16.05.11 Storm shelters shall be required and shall meet the following criteria:

1. Shelter space equivalent to two (2) persons per mobile home lot,
2. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

5.16.05.12 All mobile home pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.

5.16.05.13 All mobile homes shall have skirting which is in good repair, meets manufacturer standards, and is in conformance with the color scheme of the trailer.

5.16.05.14 All off-street parking shall be hard surfaced.

5.16.05.15 All Mobile homes shall comply with all other City Ordinances.

5.16.06 Plan Requirements

5.16.06.01 A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The number, location, and size of all hard surfaced pads shall be shown.
5. The area and dimensions of the park, playground and recreation areas.
6. The location and width of roadways and walkways.
7. The location of service buildings and any other proposed structures.
8. The location of water and sewer lines and sewage disposal facilities.
9. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

Section 5.19 MU-CC Mixed Use City Centre District

5.19.01 Intent: The intent of the Mixed Use Town Centre District (MU-CC) is to:

1. Accommodate mixed use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units and office uses above the ground floor;
2. Buildings can be solely residential provided they are designed in a building-forward environment, with buildings at the street edge or having only shallow front setbacks.
3. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
4. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

5.19.02 Permitted Uses:

Uses are allowed in “MU-CC” zoning districts in accordance with the use table of this section.

Uses Allowed in the MU-CC Zoning District

Use Category (Specific Use Type)	MU-CC District
Residential:	
Artist Live/Work Space located above the ground floor	P
Artist Live/Work Space, ground floor	P
Bed & breakfasts	P
Townhouses/condominiums	P
Multi-Family, above ground floor	P
Multi-Family, ground floor	C
Senior living: nursing care, rehab facility & assisted living facility	C
Public and Civic:	
Meeting hall	C
Museum	P
Publicly owned and operated facilities	P
Public services	P
Recreation areas/parks (public)	P
Social club/fraternal organizations	C
Parking Structures or Lots	P
Commercial:	
Antique store	P
Apparel shop	P
Art gallery	P
Attorneys	P
Automated Teller Machines	C
Bakery shop (retail)	P
Banks	P
Barber and beauty shop	P

Bicycle shop	P
Book store, not including uses defined in Adult Establishment.	P
Brew pubs	P
Brew-on premises store	P
Business or trade school	C
Business services	P
Camera store	P
Charitable organizations	C
Child care (center)	P
Coffee kiosks	P
Communication services	C
Computer store	P
Confectionery	P
Credit services	P
Dairy product sales	P
Dance studio	P
Dental office	P
Department store	P
Drug store	P
Dry cleaning & laundry pickup	P
Event center	C
Exercise, fitness & tanning spa	P
Finance/investment services	P
Fireworks stands	T
Floral shop	P
Food sales (general)	P
Food sales (limited)	P
Furniture store or showroom	P
Gift shop	P
Gunsmith	C
Hardware store	P
Health club or recreation facility, not including uses defined in Adult Establishment.	C
Hobby, craft store	P
Home occupations	C
Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.	P
Insurance	P
Jewelry store	P
Liquor store	P
Locksmith	P

Mail order services	C
Meat market, retail	C
Medical office	P
Micro-breweries, connected to restaurant	P
Music retail store	P
Music studio	P
Newsstands	P
Office	P
Open-air farmers markets	P
Outdoor display of merchandise	P
Paint store	P
Personal Services, not including uses defined in Adult Entertainment Establishment. (<i>Ordinance No. 1369, 10-1-19</i>)	P
Pet health services	P
Pet shop	C
Photographer	P
Picture framing shop	P
Pinball or video games business	C
Produce stands	P
Real estate offices	P
Recreational establishments	C
Restaurants, café, and fast food	P
Second hand stores	C
Security brokers	P
Shoe store	P
Sporting goods	P
Stamp and coin stores	P
Tailors and dressmakers	P
Tanning salon	P
Tavern and cocktail lounge, not including uses defined in Adult Establishment.	P
Theater, indoor, not including uses defined in Adult Establishment.	P
Title abstracting	P
Toy store	P
Travel agencies	P
Tutoring and Exam Preparation Services	P
Video store, not including uses defined in Adult Establishment.	P

Industrial:

Manufacturing: Artisan (Limited) (hand tools only: e.g., jewelry or ceramics)	C
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Other:

Temporary structures (events)	T
Temporary structures (construction)	T

P = permitted by right; C = conditional use; T = temporary

5.19.03 Permitted Accessory Uses

- 5.19.03.01 Buildings and uses customarily incidental to the permitted uses.
- 5.19.03.02 Urban residential storage as an accessory to a primary residential use.
- 5.19.03.03 Parking as permitted in Section 7.05 through 7.09.
- 5.19.03.04 Signs allowed in Section 7.01 through 7.04.
- 5.19.03.05 Landscaping as required by Section 7.17.
- 5.19.03.06 [Solar Energy Conversion Systems as provided for in Section 7.15.](#)**

5.19.04 Setbacks

- 1. The entire building façade must abut front and street side property lines or be located within 10 feet of such property lines.
- 2. No rear setback shall be required, except where the rear lot line is contiguous to a residential use, in which case the following standards shall apply:
 - a. There shall be a minimum rear setback of twenty (25) feet the full width of the lot;
- 3. No interior side setbacks are required in the MU-CC district, except when MU-CC zoned property abuts a residential use, in which case the minimum side setback required in the MU-CC district shall be the same as required for a residential use on the abutting residentially-zoned lot.

5.19.05 Building Height

The maximum building height shall be 90 feet.

5.19.06 Off-Street Parking

- 1. No off-street parking is required in the MU-CC district.
- 2. If off-street parking is utilized, it shall comply with Sections 7.08-7.09 of this ordinance.
- 3. All parking spaces shall be paved with asphalt, concrete or other approved hard surface.
- 4. The use of shared parking is encouraged.
- 5. Off-street parking spaces should be located to the rear of the main façade of the principal building or otherwise screened to satisfy the screening requirements of the district design standards.

5.19.10 Circulation and Connectivity

Uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

- 1. Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.
- 2. External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

LOT AND AREA REQUIREMENTS		MINIMUM LOT AREA		MIN. YARD SETBACK			MAXIMUM HEIGHT		MAX. LOT COVERAGE
ZONING DISTRICT		LOT AREA	LOT WIDTH (feet)	FRONT (feet)	SIDE (feet)	REAR (feet)	IN STORIES	IN FEET	PERCENT OF LOT AREA
TA: Transitional Agricultural									
Residential dwellings	20 acres		660	75	25	25	2 ½	35	-
Other Permitted Uses	20 acres		660	75	25	25	3	45	-
Permitted Conditional Uses	20 acres		660	75	25	25	3	45	-
Accessory Uses	-		-	100	25	10	1 ½	17	-
R-1: Single-Family Residential									
Single-family detached (existing) ⁴	5,000 s.f.		60	30	5	30	2 ½	35	35%
Single-family detached (future) ⁴	7,000 s.f.		70	30	10	30	2 ½	35	40%
Other Permitted Uses and Conditional Uses	8,000 s.f.		75	25	25	25	3	45	25%
Accessory Uses	-		-	50	5	5	1 ½	17	10% ²
R-2: Two-Family Density Residential									
Single-family detached (existing) ⁴	5,000 s.f.		50'	30	5	30	2 ½	35	35%
Single-family, dwelling (future) ⁴	7,000 s.f.		70	30	10	30	2 ½	35	40%
Two-family dwelling ⁴	10,000 s.f.		100	30	10	30	2 ½	35	40%
Single-family, attached ⁴	4,500 s.f. / du		50 per unit	30	10 ¹	30	2 ½	35	40% per unit
Townhouses/Condominiums	2,500 s.f. / du		25 per unit	30	10	30	2 ½	35	40%
Other Permitted Uses and Conditional Uses	8,000 s.f.		75	30	10	30	3	45	30%
Accessory Uses	-		-	50	5	5	1 ½	17	10% ²
R-3 High Density Residential									
Single-family, detached ⁴	7,000 s.f.		70	30	10	30	2 ½	35	40%
Single family, attached ⁴	4,500 s.f./du		50 per unit	30	10 ¹	30	2 ½	35	40% per unit
Two-family dwelling ⁴	10,000 s.f.		75	30	10	30	2 ½	35	40%
Townhouses	2,500 s.f.		25 per unit	30	(¹)	30	2 ½	35	40%
Multi-family dwellings	2,250 s.f. / unit		100	30	(³)	30	3	45	40%
Other Permitted Uses and Conditional Uses	8,500 s.f.		75	30	10	30	3	45	30%
Accessory Uses	-		-	50	5	5	1 ½	17	10% ²
R-4: Condominium Residential									
Single-family, detached ⁴	7,000 s.f.		70	30	10	30	2 ½	35	40%
Single-family, attached ⁴	4,500 s.f. / du		50 per unit	30	10 ¹	30	2 ½	35	40% per unit
Two-family dwelling ⁴	10,000 s.f.		75	30	10	30	2 ½	35	40%
Condominiums	2,500 s.f.		25 per unit	30	(¹)	30	2 ½	35	40%
Multi-family dwellings	2,250 s.f./unit		100	30	10	30	3	45	40%
Other Permitted Uses and Conditional Uses	8,500 s.f.		75	30	(³)	30	3	45	30%
Accessory Uses	-		-	50	8	10	1 ½	17	10% ²
C-1: Shopping Center Commercial									
Permitted Uses	-		150	25 ⁵	10	25	3	45	60%
Permitted Conditional Uses	-		150	25 ⁵	10	25	3	45	60%
C-2: General Commercial									
Permitted Uses	10,000 s.f.		-	25 ⁵	15	15	3	45	60%
Permitted Conditional Uses	10,000 s.f.		-	25 ⁵	15	15	3	45	60%
C-3: Highway Commercial / Office Park									
Permitted Uses	10,000 s.f.		-	25 ⁵	15	15	3	45	60%
Multi-family residential	10,000 s.f.		-	25 ⁵	15	15	3	45	60%
Permitted Conditional Uses	10,000 s.f.		-	25 ⁵	15	15	3	45	60%
I-1: Light Industrial									
Permitted Uses	10,000 s.f.		-	35 ⁶	30	25	3	45	65%
Permitted Conditional Uses	10,000 s.f.		-	35 ⁶	30	25	3	45	65%
Accessory Buildings	-		-	70	10	10	-	25	20%
I-2: Heavy Industrial									
Permitted Uses	10,000 s.f.		-	35 ⁶	30	25	3	45	75%
Permitted Conditional Uses	10,000 s.f.		-	35 ⁶	30	25	3	45	75%
Accessory Buildings	-		-	70	10	10	-	25	20%

¹ The Side Yard setback along the common wall shall be 0 feet and the common wall shall be along the adjoining lot line

² Provided total area of accessory structure for single family does not exceed 700 s.f. or all structures do not exceed 45% total coverage in the R-1 District and 50% total coverage in the remaining Residential Districts.

³ For Multi-family units, the Side Yard setback shall be 10 feet if it is a max. of 3 stories, and 2 additional feet of Side Yard on each side for each additional story in excess of 3 stories.

⁴ On corner lots: existing development = Street Side Yard may conform to existing setbacks along the street. Future Development = Street Side Yard setback shall equal Front Yard setback

⁵ 25 ft Front Yard setback required if no parking otherwise there is a 50 ft Front Yard setback

⁶ 35 feet Front Yard setback required if no parking otherwise there is a 60 feet Front Yard setback

Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements and the Supplemental Regulations for more information. (Ordinance No. 875, 10-15-02) (Ordinance No. 900, 2-04-03) (Ordinance No. 968, 11-15-05)

Section 7.15 Solar PanelsEnergy Conversion Systems

~~No solar panel shall be constructed within the residential zoning jurisdiction of the City of La Vista unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.~~

7.15.01 Lot and Height Requirements: Solar panels shall conform to the required front, side and rear lot setback requirements except as provided herein:

- 7.15.01.01** A solar panel which is attached to an integral part of the principal building may project two feet (2') into the front yard; six feet (6') into the rear yard; and two feet (2') into the side yard.
- 7.15.01.02** A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet (6') in height and is located not less than five feet (5') from the rear lot line and not closer than one foot (1') to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard or front yard.

7.15.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable La Vista building codes.

7.15.03 Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

7.15.04 Permit Fee: A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.

7.15.05 Preexisting Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to September 18, 1985, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Solar Energy Conversion Systems (SECS) are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit and upon compliance with all requirements of this section and as elsewhere specified in this Ordinance. Building-integrated solar energy systems, as defined in this Ordinance, are not considered an accessory use and are not subject to the requirements of this Section.

7.15.01 Height and Lot Requirements: Solar Energy Conversion Systems (SECS) shall conform to the required height and lot requirements provide herein:

- 7.15.01.01** Building-Mounted SECS that are attached to a building on a lot shall comply with the height, front, side, rear yard, and max. building coverage requirements of the building to which they are attached, except as otherwise allowed in Section 7.15.01.04.
- 7.15.01.02** For a Building-Mounted SECS installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.
- 7.15.01.03** For a Building-Mounted SECS installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

7.15.01.04 For a Building-Mounted SECS installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached, and the system shall not extend horizontally past the roof line.

7.15.01.05 Ground-Mounted SECS may be located only in the required rear yard as Permitted Accessory Uses. Ground-Mounted SECS may be located outside of the rear yard, but behind the front building line, with an approved Conditional Use Permit.

7.15.01.06 Ground-Mounted SECS shall conform to the height and lot requirements for Accessory Buildings in the zoning district in which the system is to be constructed, except that the system may not exceed 12-feet in height.

7.15.01.07 Ground-Mounted SECS shall only be permitted in the following districts, subject to the requirements in this Ordinance: TA, R-1, R-2, R-3, R-4, I-1, I-2, and R-M.

7.15.02 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable City of La Vista Building Codes.

7.15.03 Permit Requirements: Before any construction or installation on any SECS system shall commence, a permit issued by the Building Department of the City of La Vista shall be obtained to document compliance with this Ordinance.

7.15.03.01 A permit fee shall be required, and the amount shall be established in the Master Fee Schedule.

7.15.03.02 The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

7.15.04 Inspection, Safety, Abandonment, and Removal: The Building Inspector and Fire Marshall reserve the right to inspect a SECS for building or fire code compliance and safety. If upon inspection the Building Inspector or Fire Marshall determine that a fire code or building code violation exists, that the system has been abandoned, or that the system otherwise poses a safety hazard to persons or property, the Building Inspector or Fire Marshall may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the owner of his or her right to appeal such determination. If the owner fails to repair or remove a SECS as ordered, and any appeal rights have been exhausted, an employee or independent contractor with the City of La Vista may enter the property, remove the system and charge the owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense. In addition to any other available remedies, any unpaid costs resulting from the City of La Vista's removal of a vacated abandoned or de-commissioned SECS shall constitute a lien upon the property against which the costs were charged. Legal counsel of the City of La Vista shall institute appropriate action for the recovery of such cost, plus attorney's fees. A SECS shall be deemed abandoned or defective by the City of La Vista if it is out of use for a period of 12 months or more, at which time the property owner shall have six months to return the system back to service, or complete decommissioning of the SECS. Decommissioning includes the removal of the SECS, all associated equipment, footings and foundation system, and wiring. Upon removal, such property shall be returned to the same conditions that existed before the installation of the system.

7.15.05 Preexisting SECS: Section 7.15 of this Ordinance applies to Solar Energy Conversion Systems (SECS) installed and constructed after December 17, 2019. Any upgrade, modification or structural change that materially alters the size or placement of an existing SECS system shall comply with the provisions of this Ordinance.

7.15.06 Signage and/or Graphic Content: No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

7.15.07 Screening and Visibility: Placement of SECS shall be prioritized in such a way that will minimize or negate any solar glare onto nearby properties and roadways. SECS are subject to the following:

- 7.15.07.01 All SECS using a reflector to enhance solar production must minimize glare from the reflector that affects adjacent or nearby properties. Measures to minimize nuisance glare include selective placement of the system, screening on the north and south sides of the SECS, modifying the orientation of the system, reducing use of the solar reflector system, or other remedies that limit glare.
- 7.15.07.02 All SECS appurtenances, including, but not limited to, plumbing, water tanks and support equipment, shall be of a color that is complementary to the site location, and shall be screened to the extent reasonably feasible without compromising the effectiveness of the solar collectors. SECS shall comply with any applicable Design Guidelines of the appropriate district.
- 7.15.07.03 Building-mounted systems mounted on a flat roof shall require screening as to not be visible from elevation-perspective view. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT – CLASSIFICATION, COMPENSATION AND BENEFIT STUDY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RANDY TRAIL HUMAN RESOURCES DIRECTOR

SYNOPSIS

A resolution has been prepared to approve a professional services agreement with Bjorklund Compensation Consulting, LLC, to conduct a Classification, Compensation and Benefit Study in an amount not to exceed \$26,000.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for the proposed study.

RECOMMENDATION

Approval.

BACKGROUND

The City's existing policy statement regarding the Pay for Performance classification system calls for a market study to be done every three years to ensure market comparability. Additionally, the policy indicates that position descriptions will be reviewed every five years to maintain internal equity and relevancy.

The study will enable the City to provide a total compensation package (wages and fringe benefits) to its employees that is adequate, fair and comparable to like public and private employers. The study will involve the following key tasks: job evaluations, total compensation survey preparation and analysis (including benefits), pay range determination, position and pay classification and preparation of required reports. All of the City's current positions will be included in the study.

An RFP was issued and a total of four proposals were received (see below). Interviews were conducted with two firms. It is recommended that an agreement be authorized with Bjorklund Compensation Consulting. This firm specializes in compensation studies for the public sector and has worked with public entities throughout the United States. The project manager, Robert Bjorklund brings 35 years of human resources experience and 33 years of public sector compensation consulting to the project.

Bjorklund Compensation Consulting	\$26,000
McGrath Human Resources	\$18,958
Silverstone Group	\$64,000

Capital City Concepts, LLC. \$55,000

Bjorklund Compensation Consulting submitted the most responsible bid based on their experience level and ability to meet the timeline requirements of the project.

Copies of all proposals are available for review in the City Clerk's office.

K:\APPS\City Hall\CNCLRPT (Blue Letters)\20file\20 ADM Compensation Study Agreement 02.04.2020.Doc

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BJORKLUND COMPENSATION COMPANY FOR PROFESSIONAL SERVICES RELATED TO THE DEVELOPMENT OF A CLASSIFICATION, COMPENSATION AND BENEFIT STUDY IN AN AMOUNT NOT TO EXCEED \$26,000.

WHEREAS, the Mayor and City Council have determined that a classification, compensation and benefit study is necessary; and

WHEREAS, proposals were solicited, and four proposals were received; and

WHEREAS, it is determined that Bjorklund Compensation Consulting provides the experience level and ability to meet the timeline and requirements of the project as outlined in the request for proposals; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that an agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Bjorklund Compensation Company for the development of a classification, compensation and benefit study in an amount not to exceed \$26,000.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT AMENDMENT – GEOTECHNICAL SERVICES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A resolution has been prepared to approve an agreement with Schemmer Associates to provide geotechnical services for miscellaneous areas along 84th Street in an amount not to exceed \$14,180.

FISCAL IMPACT

The FY19/20 Biennial Budget provides funding for multiple potential public infrastructure improvements and associated services.

RECOMMENDATION

Approval.

BACKGROUND

On November 6, 2018, the City Council approved an agreement with Design Workshop for final design services related to the Streetscape Plan for 84th Street to which Schemmer Associates served as a subconsultant.

Design work related to the proposed 84th Street underpass is necessary in order to determine the impact on the final design for streetscape improvements. One of the first steps of the design process for the underpass project is conducting a geotechnical analysis of the proposed underpass site to determine adjustments that will be necessary during the design of the underpass to soil and other underground characteristics.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SCHEMMER ASSOCIATES, OMAHA, NEBRASKA FOR GEOTECHNICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$14,180.00.

WHEREAS, the Mayor and City Council have determined that geotechnical services are necessary; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that an agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Schemmer Associates for the provision of geotechnical services in an amount not to exceed \$14,180.00.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



Design with Purpose. Build with Confidence.

October 7, 2019

Christopher A. Solberg, AICP
Senior Planner
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128-2198

RE: Professional Services Proposal
Geotechnical Exploration, Soil Borings, and Recommendations
Bridge
84th Street Streetscape, LaVista, Nebraska
Schemmer Project No. 01259.KD7

Dear Chris,

The Schemmer Associates Inc. (Schemmer) proposes to render professional geotechnical engineering services for exploration and analyses of soils below a bridge on 84th Street in La Vista, Nebraska. The development of this scope of services and compensation proposal was based in part on the following:

- General project description.
- Review of the site through Google Earth and the NRCS Soil Survey.
- Review of preliminary plan concepts.

I. PROPOSED CONSTRUCTION and AVAILABLE SOIL DATA

The following data and assumptions were used in the development of this proposal.

1. The bridge will be a single span with a length of about 85 feet.
2. The trail bearing surface will be placed about 30 feet below the existing roadbed at the top of the existing embankment.
3. More than several feet of fill may be added to the side of the existing roadway embankment to provide trail connections.
4. Deep pile foundations bearing below the base of the existing roadway embankment will be used for bridge support and pile design curves with settlement analyses will be provided for up to 3 pile types.
5. A retaining wall will be placed below the bridge abutments, with no abutment slopes below the bridge.
6. Soil parameters for design of retaining wall support will be determined, with options for up to three different retaining wall design types.
7. Parameters for shallow footings will be provided.
8. Parameters for trail subgrade below the bridge will be provided.
9. The drill crew will provide roadway barricades and safety personnel acceptable to applicable government agencies.

PHONE 402.493.4800
FAX 402.493.7951

1044 North 115th Street, Suite 300
Omaha, Nebraska 68154-4436

SCHEMMER.COM

Professional Services Proposal
Geotechnical Exploration, Soil Borings, and Recommendations
Bridge
84th Street Streetscape, La Vista, Nebraska
October 7, 2019
Page 2 of 6

II. SCOPE OF SERVICES

Schemmmer proposes to provide a geotechnical exploration consisting of the advancement of soil borings, testing of soil samples in the field and in our laboratory, and analyses of the soil conditions encountered to provide parameters for design of a foundation for the bridge. Two bridge borings are proposed. Since the compression of the subsoils under the existing embankment has likely densified those soils, consolidation tests from the bridge borings will not be representative of the compressible nature of the subsoils at the toe of this embankment. Therefore, we propose to advance a third boring at the toe of the existing embankment for soil consolidation testing. Recommendations will also be provided for any necessary site preparation.

Based on our review of available project data we have made the following recommendations and assumptions.

Schemmmer will advance a total of 3 borings. Two borings will be advanced to a depth of 110 feet through the exiting roadway embankment pavement, as near as practical to the proposed bridge abutment locations. A third boring will be advanced to a depth of 35 feet near the west toe of the roadway embankment. A total of 255 lineal feet of soil boring and sampling will be completed.

The scope of geotechnical exploration will consist of the following:

1. Schemmmer will provide project preparation services consisting of:
 - a. Prior to drilling, the soil boring locations will be staked by Schemmmer personnel.
 - b. Area underground utility service representatives will be contacted by our drilling subcontractor through the One-Call system to mark area public utilities and remove conflicts between drilling and utilities in accordance with State law.
 - c. Locations of private utilities will be requested from the client-designated site representative since these are not located by the One-Call system.
 - d. Site characteristics will also be noted and the boring locations adjusted to fit the site characteristics and proposed construction characteristics.
2. Schemmmer will obtain subsoil data from the field boring locations through:
 - a. Sampling of soils using a truck-mounted drilling and sampling rig. We will obtain four soil samples within the upper 10 feet of each boring and at 5-foot intervals below 10 feet to the maximum proposed depth at each drill location.
 - b. Obtaining undisturbed samples of cohesive soil using a thin-walled sampler tube in accordance with ASTM D1587, Standard Method for Thin-Walled Tube Sampling of Soils, using an open-tube (Shelby Tube) sampler having an outside diameter of 3.0 inches.
 - c. Retrieving sand or other granular soil samples with a split-barrel sampler. Standard Penetration Test (SPT) measurements will be made during the retrieval of each split-barrel sample in accordance with ASTM D1586, Standard Method for Penetration Test and Split-Barrel Sampling of Soils to determine the relative density of the granular materials.

Professional Services Proposal

Geotechnical Exploration, Soil Borings, and Recommendations

Bridge

84th Street Streetscape, La Vista, Nebraska

October 7, 2019

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- d. Providing field logs of the soil types and characteristics encountered at the boring locations and recorded in the field.
- e. Recording groundwater levels at the time of drilling and after completion of drilling.
- f. Filling the borings with soil cutting. Excess soil cuttings will be removed from the drill locations and spread at an owner acceptable location on site.
- g. The driller will use appropriate safety signage during drilling.

3. A field log of each boring will be written and will contain:

- a. Personnel used for the drilling.
- b. Date of field work.
- c. Thicknesses of existing pavement, existing fill or other disturbed soil layers, where encountered.
- d. Approximate locations of changes in soil type with depth.
- e. Groundwater levels when encountered during drilling within the depth of boring.
- f. Identification of the subsurface materials described in accordance with ASTM D2488, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure).
- g. Any other observed site conditions that we estimate may affect the engineering recommendations.
- h. Graphical presentation of the soil data.

4. Appropriate laboratory testing of recovered samples will be completed at the direction of the licensed project geotechnical engineer.

- a. Measurements of in-place water content, unit weight, shear strength, unconfined compressive strength, grain size analyses, Atterberg limits, one-dimensional consolidation, and soil classification will be conducted on selected soil samples.
- b. Laboratory tests will be completed in accordance with ASTM procedures within the Schemmer soil testing laboratory by trained technicians using calibrated test equipment. Training and calibration data is available upon request.

5. An experienced geotechnical engineer with Schemmer will analyze the data and prepare a written report to contain the following:

- a. Description of site soil conditions and significance of area geology.
- b. Tabulation of test data, a boring location plan and soil boring logs.
- c. Foundation and site preparation recommendations to provide stable retaining wall support.
- d. Minimum depth to suitable bearing material for foundations and allowable bearing pressures for shallow footings.
- e. Frost depth requirements for the foundation system.
- f. Analysis of soil to ascertain presence of potentially expansive soils or otherwise deleterious materials and recommendations to mitigate detrimental effects from these materials, should they be found.
- g. Recommended types of fill and backfill soil materials and compaction requirements for support of structures.
- h. Active, passive, and at-rest lateral earth pressures for use in design of lateral earth-supporting footings to support wind and other lateral forces.

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- i. Remedial site subsoil repair actions in the case that weak or otherwise unsuitable soils are found, if necessary.
- j. Recommendations for pavement subgrade and general pavement material recommendations.
- k. Pile design recommendations including pile capacity curves for up to 2 pile size-type combinations. Lateral pile analyses will not be provided.
- l. Anticipation of, management of, and recommendations for drainage of surface water and groundwater.
- m. Seismic design parameters required by building code, and
- n. Potential for consolidation and recommendations to control potential settlement of structures and embankments.

Environmental assessment and study are outside the scope of our geotechnical exploration. However, any subsurface contamination found by Schemmmer during our field exploration as defined by the laws and regulations of the State of Nebraska, which is detected by odor or visual examination of the soil samples, will be reported to our Client with a written recommendation to consult an environmental specialist to evaluate any environmental compliance and/or property development issues. Schemmmer will not act on or report any such occurrence beyond this statement within the scope of this geotechnical exploration.

III. ASSUMPTIONS

- 1. Schemmmer and our soil sampling contractor has access to the site. All boring tests will be done in a manner to minimize damage to area ground surfaces.
- 2. A 2-wheel drive truck will be able to access the boring locations. Snow, fences or other access restrictions will be removed by others.
- 3. There will be no special safety equipment needed due to site contamination of air or soil that would require additional health and safety equipment or personal protection for drill crew and laboratory testing personal.
- 4. The drill crew will use roadway barricades and safety personnel acceptable to applicable government agencies.
- 5. Soil samples will not be scanned for hydrocarbon content.
- 6. No additional fees are required for permits to advance the borings on 84th Street.
- 7. This proposal does not include building materials testing during site preparation or building construction.
- 8. Foundation load data will be provided for the final geotechnical analyses.

IV. EXPERIENCE

The Schemmmer geotechnical engineering personnel have past experience with this type of bridge and with adding new embankment fill on the sides of an existing embankment. We have provided geotechnical recommendations for structures and roadways over the past 35 years.

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V. COMPENSATION

A. Geotechnical Exploration: Schemmer will provide the geotechnical exploration services enumerated above for the Lump Sum amount of ***Fourteen Thousand, One Hundred, Eighty Dollars and No Cents (\$14,180.00)*** (including travel, and expenses) in accordance with the terms of the attached General Conditions and Supplemental General Conditions.

B. Additional Services: Schemmer will render Additional Services as approved and directed by our Client on an hourly rate cost and equipment fee basis as agreed to at the time such services are requested. Schemmer will invoice these approved services with our Schedule of Hourly rates in effect at the time the additional services are requested plus reimbursable expenses.

VI. SCHEDULE

Schemmer shall commence the preparation for staking the borings with regard to the selected geotechnical exploration services on the project within 15 working days after receipt of Notice-to-Proceed. Preliminary verbal results will be available with 15 days after drilling. The final written report of our findings will be available within forty (40) days after completion of the fieldwork.

VII. INSURANCE

Schemmer agrees to the following:

Worker's Compensation	Statutory – per state law
Employer's Liability	\$1,000,000/Each Accident
General Liability	\$2,000,000/Occurrence
	\$5,000,000/Aggregate
Automobile Liability	\$1,000,000 Combined Single Limit for BI/PD
Professional Liability	\$3,000,000 Each Claim & Aggregate

VIII. ENTIRE AGREEMENT

This agreement supercedes all prior communications, understandings and agreements, whether oral or written. Amendments to this agreement must be in writing and signed by an authorized representative of The City of La Vista and Schemmer.

Professional Services Proposal

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If the foregoing Scope of Services, Fee proposal and General Conditions and Supplemental General Conditions are agreeable, please indicate your acceptance by signing and returning one copy of this proposal.

We will consider the signed proposal an Agreement between The City of La Vista and The Schemmer Associates Inc. for the services described herein.

Sincerely,

THE SCHEMMER ASSOCIATES INC.



Charles D. Huddleston, P.E.
Executive Vice President

ACCEPTED:

The City of La Vista

BY _____

TITLE _____

DATE _____

Attachments (General Conditions, Supplemental General Conditions)

GENERAL CONDITIONS

1. **REUSE OF DOCUMENTS.** All documents including, but not limited to, drawings, specifications and CADD data on electronic media furnished by The Schemmer Associates Inc. pursuant to this Agreement are Instruments of Service in respect to the project identified in the Agreement. They are not intended or represented to be suitable for use on extensions of this project or on any other project for any purpose without the specific written permission of The Schemmer Associates Inc., which may be withheld in The Schemmer Associates Inc.'s sole discretion. The Schemmer Associates Inc. may, in its sole discretion, condition permission on payment of additional compensation to The Schemmer Associates Inc. Any use without permission shall be at the user's sole risk and without liability to The Schemmer Associates Inc. Client agrees that it will indemnify and hold harmless The Schemmer Associates Inc. from all claims, damages, losses and expenses including attorneys' fees arising out of or resulting therefrom.
2. **ESTIMATES.** Since The Schemmer Associates Inc. has no control over the cost of labor, materials or equipment or over the contractor(s)' methods of determining prices, or over competitive bidding or market conditions, estimates of project cost are made on the basis of experience and qualifications and represent the best judgment of design professionals familiar with the industry, but The Schemmer Associates Inc. cannot and does not guarantee that proposals, bids or project costs will not vary from estimates of cost prepared by The Schemmer Associates Inc.
3. **SUSPENSION OR ABANDONMENT.** If the project is suspended for more than three months or abandoned in whole or in part, The Schemmer Associates Inc. shall be paid compensation for services performed prior to receipt of written notice of such suspension or abandonment, together with reimbursable expenses then due. If, after a period of suspension, the project is restarted, The Schemmer Associates Inc. shall be entitled to payment for any increased costs it incurs as a result of the suspension.
4. **TERMINATION.** This Agreement may be terminated by either party upon seven days' written notice should either party fail substantially to perform in accordance with its terms through no fault of the other. In the event of termination due to the fault of others than The Schemmer Associates Inc., The Schemmer Associates Inc. shall be paid for services performed prior to termination, including reimbursable expenses.
5. **SUCCESSORS AND ASSIGNS.** Each party to this Agreement binds him/herself, his/her partners, successors, assigns and legal representatives to the other party, his/her partners, successors, assigns and legal representatives with respect to all covenants of this Agreement. Neither party shall assign, sublet or transfer his/her interest in this Agreement without the written consent of the other, which consent may be withheld in the sole discretion of the non-assigning party.
6. **PAYMENTS.** Payments due The Schemmer Associates Inc. under this Agreement shall be payable within thirty (30) days of the date of billing. If full payment is not received within sixty (60) days of the date of billing, the unpaid amount shall bear interest at the highest rate permitted by law, ~~but not exceeding 18% from the date of billing.~~ (14)
7. **DELINQUENT PAYMENTS.** If any payment due hereunder remains unpaid for a period of sixty (60) days after invoice, The Schemmer Associates Inc. may, in its sole discretion, cease providing services and not resume providing services until all amounts owing have been paid in full. Cessation of service for nonpayment shall not constitute breach by The Schemmer Associates Inc. of this agreement, or an election of remedies, and Client shall fully indemnify The Schemmer Associates Inc. for any liability or damages caused thereby. All mechanics lien rights available to The Schemmer Associates Inc. may be exercised within the time period allowed by law.
8. **TAX.** The amount of any excise, gross receipts or sales tax that may be due as a result of the work performed by The Schemmer Associates Inc. shall be invoiced to Client as a reimbursable expense.
9. **HAZARDOUS MATERIALS.** Unless otherwise provided in this Agreement, The Schemmer Associates and The Schemmer Associates' consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials in any form, including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic substances. Client shall indemnify and hold The Schemmer Associates Inc. harmless from and against all claims arising out of or related in any way to hazardous materials.
10. **NOTICE OF LIMITATION OF AGENTS' AUTHORITY.** Client understands and agrees that no agent, officer, or principal of The Schemmer Associates Inc. is authorized to vary the terms of this

agreement in any way except by a writing, expressly varying the terms of this Agreement.

11. **INVALIDATION OF PROFESSIONAL LIABILITY INSURANCE.** The Schemmer Associates Inc. agrees that it shall not knowingly take any action which shall cause loss of The Schemmer Associates' professional liability insurance coverage for this project or any aspect of it.

12. **LIMITATION OF LIABILITY.** To the fullest extent permitted by law, the Client agrees that The Schemmer Associates Inc.'s liability to Client for damages arising out of or in any way related to its work in connection with the project or any error or deficiency in the Instruments of Service for the project, whether arising in contract, tort or otherwise, including, but not limited to, claims for indemnity or contribution shall be limited to the ~~sum of \$50,000 or the amount paid to The Schemmer Associates Inc. as fees under this Agreement, whichever is greater.~~ This limitation shall apply regardless of the cause of action or legal theory asserted.

13. **COMPUTER AIDED DESIGN/DRAFTING (CADD).** CADD may be utilized to prepare drawings, specifications, calculations, and other instruments of service prepared by The Schemmer Associates Inc. Submitted data files are intended to work only as described in the agreement and are compatible only with the original hardware and software used to create the files.

13.1 Electronic files will be submitted to the Client for a 30-day acceptance period ("the Acceptance Period"). During this period, the Client may review and examine the files. Any errors discovered during the Acceptance Period will be corrected by The Schemmer Associates Inc. at no additional cost to Client. Any work associated with errors discovered or changes requested after the Acceptance Period will be considered additional services and will be performed on a time and materials basis, at The Schemmer Associates Inc.'s customary charge for the work requested. The Schemmer Associates Inc. will not maintain copies of the electronic files beyond the end of the Acceptance Period.

13.2 Because data stored on electronic media can deteriorate undetected or be modified without the knowledge of The Schemmer Associates Inc., Client agrees to accept responsibility for the completeness, correctness, and readability of the electronic media after the end of the Acceptance Period. Client agrees that it will indemnify and save harmless The Schemmer Associates Inc. from any and all claims, losses, costs, damages, awards, or judgments arising from use of the electronic media files or output generated from them. Upon the expiration of the Acceptance Period, The Schemmer Associates Inc. agrees that it is responsible for the accuracy of the sealed hard copy drawings that are submitted by it to Client. "Accuracy" as used in this paragraph is defined as meeting the care and skill ordinarily used by members of the professional practicing under similar conditions at the same time and in the same locality.

13.3 The Owner shall be permitted to retain copies of the drawings and specifications prepared in CADD format for the Owner's information. Due to the potential that the information set forth on the electronic media can be modified by the Owner, unintentionally or otherwise, The Schemmer Associates Inc. reserves the right to remove all indicia of its ownership and/or involvement from each electronic file.

13.4 Any use or reuse of electronic files by the Owner or others without written authorization from The Schemmer Associates Inc. for the specific purpose intended will be at the Owner's risk. The Schemmer Associates Inc. may refuse authorization in its sole discretion or condition authorization on CADD adaptation by The Schemmer Associates Inc. Any such authorization or CADD adaptation by the Owner will entitle The Schemmer Associates Inc. to additional compensation at the rates established as part of the agreement for the project. Owner will, to the fullest extent permitted by law, defend, indemnify and hold The Schemmer Associates Inc. harmless from any and all claims, suits, liability, demands, or costs arising out of or resulting from use or reuse of electronic files without written authorization from The Schemmer Associates Inc.

14. **LIMITATION OF WARRANTY.** The Schemmer Associates Inc. makes no warranties, express or implied, under this agreement or otherwise, in connection with the services provided.

15. **GEOTECHNICAL MATERIALS TESTING SERVICE.** In the case that geotechnical and/or materials testing services are provided by The Schemmer Associates Inc., our supplementary General Conditions for Geotechnical and Materials Testing shall be considered a part of this document.

16. **CONSTRUCTION STAKING.** In the case that construction staking services are provided by The Schemmer Associates Inc., our supplementary General Conditions for Construction Staking shall be considered a part of this document.

SUPPLEMENTAL GENERAL CONDITIONS

GEOTECHNICAL AND MATERIALS TESTING

- 1. SCOPE OF WORK.** The Schemmer Associates Inc. shall perform the services described in the contract and shall invoice the client for those services at the contract rates. Any cost estimates stated in this contract shall not be considered as firm figures unless specifically stated in this contract. If unexpected site conditions are discovered, additional services may be required. If so, upon approval by the owner, The Schemmer Associates Inc. will provide necessary additional services at the contract rates.
- 2. ACCESS TO SITES, PERMITS, AND APPROVALS.** The client shall furnish The Schemmer Associates Inc. with right-of-access to the site in order to conduct the planned exploration. Unless otherwise agreed, the client will also secure all necessary permits, approvals, licenses, and consents necessary to the performance of the services hereunder. While The Schemmer Associates Inc. will take reasonable precautions to minimize damage to the property, it is understood by the client that, in the normal course of work, some damage may occur, the restoration of which is not part of this agreement.
- 3. UTILITIES.** In the performance of its work, The Schemmer Associates Inc. will take reasonable precautions to avoid damage or injury to subsurface utilities or structures. This includes requesting locates of utility owned lines and services. The client agrees to hold The Schemmer Associates Inc. harmless and indemnify The Schemmer Associates Inc. for any claims, payments, or other liability, including attorney fees, incurred by The Schemmer Associates Inc. for damage to any privately owned subsurface utilities or structures which are not correctly identified to The Schemmer Associates Inc.
- 4. UNANTICIPATED HAZARDOUS MATERIALS.** It shall be the duty of the client to advise The Schemmer Associates Inc. of any known or suspected hazardous substances which

are or may be related to the services provided; such hazardous substances including but not limited to products, materials, or wastes which may exist on or near any premises upon which work is to be performed by The Schemmer Associates Inc. If The Schemmer Associates Inc. observes or suspects the existence of hazardous materials during the course of providing services, The Schemmer Associates Inc. may, at its option, terminate further work on the project and notify client of the conditions. Services will be resumed only after a renegotiation of scope of services and fees. In the event that such renegotiation cannot occur to the satisfaction of The Schemmer Associates Inc., The Schemmer Associates Inc. may, at its option, terminate this contract. It is understood and agreed that The Schemmer Associates Inc. does not create, generate, or at any time take possession or ownership of hazardous materials as a result of its exploration services.

- 5. REPORTS.** The Schemmer Associates Inc. will furnish up to 3 copies of reports to the client. Additional copies will be provided at the expense of the client.
- 6. OWNERSHIP OF DOCUMENTS.** All reports, boring logs, data, notes, calculations, estimates, and other documents prepared by The Schemmer Associates Inc. as instruments of service shall remain the property of The Schemmer Associates Inc.
- 7. SAMPLE DISPOSAL.** Unless otherwise agreed, test specimens or samples will be disposed of immediately upon completion of the test.
- 8. CONFIDENTIALITY.** The Schemmer Associates Inc. will hold confidential all business or technical information obtained from the client or generated in the performance of services hereunder and identified in writing by the client as confidential. The Schemmer Associates Inc. will not disclose such

information without the client's consent except to the extent required for; 1) performance of services under this contract; 2) compliance with professional standards of conduct for preservation of public safety, health, and welfare; 3) compliance with any court order or other governmental directive; and/or 4) protection of The Schemmer Associates Inc. against claims or liabilities arising from performance of services under this contract. The Schemmer Associates Inc. obligations hereunder shall not apply to information in the public domain or lawfully acquired on a non-confidential basis from others. The Schemmer Associates Inc. technical and pricing information are to be considered confidential and proprietary, and shall not be released or otherwise made available by client to any third party without the express written consent of The Schemmer Associates Inc.

9. STANDARD OF CARE. Services performed by The Schemmer Associates Inc. under this contract will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made or intended by the proposal for services or by furnishing oral or written reports of the findings made. The client recognizes that The Schemmer Associates Inc. does not owe any fiduciary responsibility to the client. The client further recognizes that subsurface conditions may vary from those encountered at the location where borings, surveys, tests, or explorations are made by The Schemmer Associates Inc., and that the data, interpretations, and recommendations of The Schemmer Associates Inc. are based solely upon the data available to The Schemmer Associates Inc. The Schemmer Associates Inc. will be responsible for those data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

10. PRECEDENCE. These standards, terms, and conditions shall take precedence over any inconsistent or contradictory language contained in any proposal, contract, purchase order, requisition, notice to proceed, or like document regarding The Schemmer Associates Inc. services.

11. PROVISIONS SEVERABLE. In the event that any of the provisions of these General Conditions should be found to be unenforceable, it shall be stricken and the remaining provisions shall be enforceable.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
OFF-STREET PARKING FACILITIES 84 TH STREET REDEVELOPMENT AREA	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT

SYNOPSIS

This agenda item provides for notice and public hearing on a Proposed Resolution for additional public off-street parking facilities to be constructed in Vehicle Off-Street Parking District No. 2 of the City of La Vista.

FISCAL IMPACT

The City has and will continue to budget for any anticipated expenses associated with any public off street parking facilities.

RECOMMENDATION

Approval

BACKGROUND

Eliminating and preventing recurrence of the substandard and blighted 84th Street Redevelopment Area is a priority of the Mayor and City Council. The Mayor and Council in the Redevelopment Plan for the 84th Street Redevelopment Area, as amended, recognized the potential need for public offstreet parking in the Area, and by Ordinance No. 1301 created Vehicle Off-Street Parking District No. 2 to acquire and construct off-street parking facilities within said Area. Ordinance No. 1301 contemplated the possibility of additional facilities to those initially estimated in Ordinance No. 1301.

This agenda item provides for notice and public hearing at the March 3, 2020 Council meeting (or another meeting designated by the City Administrator) on a Proposed Resolution for additional public off-street parking facilities to be constructed in Vehicle Off-Street Parking District No. 2.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROPOSING A RESOLUTION TO OWN, CONSTRUCT, EQUIP, LEASE, AND/OR OPERATE ADDITIONAL PUBLIC OFFSTREET PARKING FACILITIES WITHIN THE CITY'S OFFSTREET PARKING DISTRICT NO. 2, SETTING PUBLIC HEARINGS AND PROVIDING FOR NOTICES.

BE IT RESOLVED by the Mayor and Council of the City of La Vista, Nebraska, as follows:

Section 1. The Mayor and City Council of the City of La Vista are of the opinion that ownership, construction, equipping, leasing, and/or operating additional public off street parking facilities ("Additional Facilities") in Vehicle Off-Street Parking District No. 2 of the City of La Vista, Nebraska pursuant to Neb. Rev. Stat. Section 19-3327 ("Section 19-3327") may be advisable in the interests of public health, safety, welfare, convenience and necessity and benefit the District and other areas and inhabitants of the City.

Section 2. A resolution providing for Additional Facilities is hereby proposed as on file with the City Clerk or presented at this meeting for further consideration and hearing pursuant to Section 19-3327 ("Proposed Off-Street Parking Resolution").

Section 3. A hearing shall be held on the Proposed Off-Street Parking Resolution at the regular City Council meeting on March 3, 2020 at 6:00 p.m. at City Hall, 8116 Park View Boulevard, La Vista, Nebraska, or at such other date or time as the City Administrator or her designee determines necessary or appropriate, and the City Clerk is hereby instructed to provide for publication of notice of such hearing as required by Section 19-3327.

Section 4. This resolution shall be in force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Publish one time each week for two weeks in a legal newspaper in or of general circulation in the city. The publication shall contain the entire resolution. The last publication shall not be less than five days nor more than two weeks prior to the date set for such hearing.

**NOTICE OF PUBLIC HEARING
CITY OF LA VISTA**

Notice is hereby given that a public hearing before the City of La Vista City Council on the following Proposed Resolution will be held at the City Council meeting on March 3, 2020 at La Vista City Hall, 8116 Park View Blvd., at 6:00 p.m:

PROPOSED RESOLUTION

“A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO OWN, PURCHASE, CONSTRUCT, EQUIP, LEASE, AND/OR OPERATE ADDITIONAL PUBLIC OFFSTREET PARKING FACILITIES WITHIN THE CITY’S OFFSTREET PARKING DISTRICT NO. 2.

BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, as follows:

Section 1. The Mayor and City Council hereby find and determine (a) that by City of La Vista Ordinance No. 1301, Vehicle Off-Street Parking District No. 2 of the City of La Vista, Nebraska, (the "District"), in the interests of public health, welfare, convenience and necessity, was duly created under the terms of Neb. Rev. Stat. Sections 19-3301 through 19-3327 (the "Act") for purposes of acquiring and constructing off-street parking facilities to, among other things, promote safe and uncongested traffic flows through, in and around City streets, Nebraska State Highway 85 (84th Street), Giles Road, Harrison Street and connections with Interstate 80 and other parts of the metro area, encourage redevelopment of the 84th Street Redevelopment Area and eliminate and prevent recurrence of the substandard and blighted area, and enhance the possibilities of additional services to the City and its inhabitants, and for additional tax revenues for supporting the costs of public services ("Public Purposes"); (b) Section 3 of Ordinance No. 1301 contemplated that additional improvements to those estimated in Ordinance No. 1301 may be owned, purchased, constructed, equipped, leased, or operated in the District, and additional costs and expenses incurred, from time to time, as provided for in Neb. Rev. Stat. Section 19-3327; (c) additional public offstreet parking facilities within the District are proposed; (d) the Mayor and City Council are of the opinion that the District, together with other potential areas and inhabitants of the City, will be benefited by such additional facilities, and (e) all notice, hearing and other requirements of Section 19-3327 have been satisfied.

Section 2. The Mayor and City Council, in the interests of public health, safety, welfare, convenience and necessity and to further Public Purposes set forth above and encourage tourism and visitors to the City and additional retail,

commercial, recreational, entertainment facilities, services and amenities to or for the City and its residents, hereby further find and determine pursuant to Neb. Rev. Stat. Section 19-3327 that it is necessary and deem it advisable for the City to own, purchase, construct, equip, lease, and/or operate public offstreet parking facilities (the "Additional Public Offstreet Parking Facilities") within the District in addition to offstreet parking facilities initially contemplated and estimated for Lots 7 and 17, La Vista City Centre, at the time of creation of the District; and such Additional Public Offstreet Parking Facilities, and the ownership, purchase, construction, equipping, lease, and/or operation thereof by the City, are hereby authorized and approved.

Section 3. The engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of Additional Public Offstreet Parking Facilities is \$15,669,000, comprised of \$809,000 estimated for land acquisition and \$14,860,000 for construction related costs. According to preliminary plans, Additional Public Offstreet Parking Facilities will be located within Lot 12, La Vista City Centre Replat 3, accessed by 40-foot-wide Right-of-Way connecting with City Centre Drive, and consist of initial concrete or asphalt surface parking of approximately 98 stalls, and storm sewer and grading to convey drainage and desirable stall configurations, and eventually a multi-level reinforced concrete parking structure, with approximately 500 stalls. Pedestrian access is contemplated to and from adjacent pedestrian walkways in the vicinity.

Land needed for Additional Public Offstreet Parking Facilities will be purchased from La Vista City Centre, LLC, or such other person or entity owning the property at the time, ("Seller") at an initially estimated average price of \$18.00 per square foot, to be acquired by City by conveying to Seller in exchange surplus City property for redevelopment and such other consideration as the City Administrator, City Engineer, or her or his designee determines satisfactory, if any. Conveyances will be carried out by warranty deeds, on a closing date and in accordance with other terms or conditions as the City Administrator or City Engineer or her or his designee determines satisfactory. Construction costs will be paid pursuant to contracts entered with contractors selected by the City in accordance with applicable laws. Costs and expenses connected with Additional Public Offstreet Parking Facilities, including without limitation any financing costs or expenses, shall be paid in the manner and from such sources as described in Ordinance No. 1301, including general taxes, special property taxes or assessments on property within the District, and/or general property taxes, sales taxes, occupation taxes, or other funds of the City or made available for such purposes, with any financing being provided by issuance of the City's general obligation bonds, all as provided for in the Act or other applicable statutes and from time to time determined by the Mayor and City Council, and with such revenues, as the Mayor and City Council determine appropriate at the time of issuance, to be pledged for the payment of any such bonds. There shall be levied upon all the taxable property in the City a tax which, together with any sinking fund derived from special assessments and other revenue pledged for the payment of the bonds and interest thereon, shall be sufficient to meet payments of interest and principal as the same become due. No special assessments are expected to be levied.

Section 4. This resolution shall be in force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS ____ DAY OF _____,
_____.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk”

Attendance and comments, objections, protests, or support of the public or of any owners or persons interested in any real property within the subject area are welcome. Individuals requiring physical or sensory accommodations should contact the City Clerk at 402-331-4343 prior to the meeting.

Pamela A. Buethe, CMC
City Clerk

PROPOSED RESOLUTION

“A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO OWN, PURCHASE, CONSTRUCT, EQUIP, LEASE, AND/OR OPERATE ADDITIONAL PUBLIC OFFSTREET PARKING FACILITIES WITHIN THE CITY’S OFFSTREET PARKING DISTRICT NO. 2.

BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, as follows:

Section 1. The Mayor and City Council hereby find and determine (a) that by City of La Vista Ordinance No. 1301, Vehicle Off-Street Parking District No. 2 of the City of La Vista, Nebraska, (the "District"), in the interests of public health, welfare, convenience and necessity, was duly created under the terms of Neb. Rev. Stat. Sections 19-3301 through 19-3327 (the "Act") for purposes of acquiring and constructing off-street parking facilities to, among other things, promote safe and uncongested traffic flows through, in and around City streets, Nebraska State Highway 85 (84th Street), Giles Road, Harrison Street and connections with Interstate 80 and other parts of the metro area, encourage redevelopment of the 84th Street Redevelopment Area and eliminate and prevent recurrence of the substandard and blighted area, and enhance the possibilities of additional services to the City and its inhabitants, and for additional tax revenues for supporting the costs of public services ("Public Purposes"); (b) Section 3 of Ordinance No. 1301 contemplated that additional improvements to those estimated in Ordinance No. 1301 may be owned, purchased, constructed, equipped, leased, or operated in the District, and additional costs and expenses incurred, from time to time, as provided for in Neb. Rev. Stat. Section 19-3327; (c) additional public offstreet parking facilities within the District are proposed; (d) the Mayor and City Council are of the opinion that the District, together with other potential areas and inhabitants of the City, will be benefited by such additional facilities, and (e) all notice, hearing and other requirements of Section 19-3327 have been satisfied.

Section 2. The Mayor and City Council, in the interests of public health, safety, welfare, convenience and necessity and to further Public Purposes set forth above and encourage tourism and visitors to the City and additional retail, commercial, recreational, entertainment facilities, services and amenities to or for the City and its residents, hereby further find and determine pursuant to Neb. Rev. Stat. Section 19-3327 that it is necessary and deem it advisable for the City to own, purchase, construct, equip, lease, and/or operate public offstreet parking facilities (the "Additional Public Offstreet Parking Facilities") within the District in addition to offstreet parking facilities initially contemplated and estimated for Lots 7 and 17, La Vista City Centre, at the time of creation of the District; and such Additional Public Offstreet Parking Facilities, and the ownership, purchase, construction, equipping, lease, and/or operation thereof by the City, are hereby authorized and approved.

Section 3. The engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of Additional Public Offstreet Parking Facilities is \$15,669,000, comprised of \$809,000 estimated for land acquisition and \$14,860,000 for construction related costs. According to preliminary plans, Additional Public Offstreet Parking Facilities will be located within Lot 12, La Vista City Centre Replat 3, accessed by 40-foot-wide Right-of-Way connecting with City Centre Drive, and consist of initial concrete or asphalt surface parking of approximately 98 stalls, and storm sewer and grading to convey drainage and desirable stall configurations, and eventually a multi-level reinforced concrete parking structure, with approximately 500 stalls. Pedestrian access is contemplated to and from adjacent pedestrian walkways in the vicinity.

Land needed for Additional Public Offstreet Parking Facilities will be purchased from La Vista City Centre, LLC, or such other person or entity owning the property at the time, ("Seller") at an initially estimated average price of \$18.00 per square foot, to be acquired by City by conveying to Seller in exchange surplus City property for redevelopment and such other consideration as the City Administrator, City Engineer, or her or his designee determines satisfactory, if any. Conveyances will be carried out by warranty deeds, on a closing date and in accordance with other terms or conditions as the City Administrator or City Engineer or her or his designee determines satisfactory. Construction costs will be paid pursuant to contracts entered with contractors selected by the City in accordance with applicable laws. Costs and expenses connected with Additional Public Offstreet Parking Facilities, including without limitation any financing costs or expenses, shall be paid in the manner and from such sources as described in Ordinance No. 1301, including general taxes, special property taxes or assessments on property within the District, and/or general property taxes, sales taxes, occupation taxes, or other funds of the City or made available for such purposes, with any financing being provided by issuance of the City's general obligation bonds, all as provided for in the Act or other applicable statutes and from time to time determined by the Mayor and City Council, and with such revenues, as the Mayor and City Council determine appropriate at the time of issuance, to be pledged for the payment of any such bonds. There shall be levied upon all the taxable property in the City a tax which, together with any sinking fund derived from special assessments and other revenue pledged for the payment of the bonds and interest thereon, shall be sufficient to meet payments of interest and principal as the same become due. No special assessments are expected to be levied.

Section 4. This resolution shall be in force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____, _____.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk"

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
ACKNOWLEDGEMENT OF GRANT FUNDING	◆ RESOLUTION ORDINANCE RECEIVE/FILE	TOMMY PROUHET ASST TO THE CITY ADMINISTRATOR

SYNOPSIS

A resolution acknowledging the award of \$125,334 for the purchase and installation of two (2) electric vehicle charging stations in Public Parking District 1. Reimbursement from Nebraska Department of Environment and Energy (NDEE) and Omaha Public Power District (OPPD) will total \$112,800.50, with the City net contribution being \$12,533.50.

FISCAL IMPACT

Funding will be requested in the FY21/22 Biennial Budget for the proposed purchases.

RECOMMENDATION

Approval

BACKGROUND

OPPD has made the City aware of grant funding availability for electric vehicle charging stations. In the interest of La Vista residents and businesses, it is recommended that funding be accepted to allow for the purchase and installation of electric vehicle charging stations. This grant represents an opportunity to provide a significant service to the community at a low relative cost.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACKNOWLEDGING THE AWARD OF FUNDING IN THE AMOUNT OF \$125,334.00 FOR THE PURCHASE AND INSTALLATION OF TWO (2) ELECTRIC VEHICLE CHARGING STATIONS IN PUBLIC PARKING DISTRICT 1.

WHEREAS, the Mayor and City Council have determined that purchase and installation of two (2) electric vehicle charging stations in Public Parking District 1 is in the best interest of the public; and

WHEREAS, the Nebraska Department of Environment and Energy (NDEE) and the Omaha Public Power District (OPPD) will reimburse costs of \$112,800.50, and the City's net contribution to the project will be \$12,533.50; and

WHEREAS, funding will be requested in the FY21/22 Biennial Budget for the proposed purchases;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby acknowledge the award of funding in the amount of \$125,334.00 for the purchase and installation of two (2) electric vehicle charging stations in Public Parking District 1.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 4, 2020 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE – VENTRAC TRACTOR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JASON ALLEN PARK SUPERINTENDENT

SYNOPSIS

A resolution has been prepared authorizing the purchase of (1) one 2020 Ventrac 4500P Tractor and Accessories from Turfwerks, 13708 B St. Omaha, NE 68144 for an amount not to exceed \$28,256.00.

FISCAL IMPACT

The FY 19/20 Biennial Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval.

BACKGROUND

The Public Works Capital Equipment Purchasing Team has recommended the purchase of a Ventrac tractor plus attachments. This unit will be stationed at the Sports Complex for use in daily maintenance of the complex. We will be purchasing a finish cut deck and aerator as attachments for general complex mowing and aerating of the fields. The addition of this unit will allow the Sports Complex staff to utilize our current attachments for over seeding and edging. This purchase will be made off of the NJPA contract #062117-VPI.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2020 VENTRAC 4500P TRACTOR AND ACCESSORIES FROM TURFWERKS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$28,256.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Ventrac 4500P Tractor and accessories is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of one (1) 2020 Ventrac 4500P Tractor and accessories from Turfwerks, Omaha, Nebraska in an amount not to exceed \$28,256.00.

PASSED AND APPROVED THIS 4TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



PARTNERS IN GROWTH

Eagan, MN - Johnston, IA - Sioux Falls, SD - Omaha, NE

Equipment Order Request

Customer Name	City of LaVista	Date	27-Jan-19
Account Number		Ship Address	
Contact Person	Jason Allen	City	LaVista
Phone Number	402.650.2741	State	NE
Mobile Number		Zip Code	
Fax Number		Email Address	iallen@cityoflavista.org

PO Number X

Salesman Number X 18

Deliver Date X

Special Terms X

MODEL #	QTY	PRODUCT DESCRIPTION	Sourcewell	Extended Sourcewell
39.51207	1	Ventrac Tractor: KN, 4500P Kawasaki FD851D	\$19,482.00	\$ 19,482.00
70.4104	1	12 volt accessory	\$225.25	\$ 225.25
70.4067	1	Dual Wheels	\$1,075.25	\$ 1,075.25
70.4140	1	Digital slope indicator	\$301.75	\$ 301.75
47.0312	1	Arm rest kit	\$59.50	\$ 59.50
39.55111	1	MS720 72" finish mower (side discharge)	\$3,587.00	\$ 3,587.00
70.8163	1	Hyd flip up kit	\$382.50	\$ 382.50
39.55494	1	EB480C Aerator (Core tine)	\$1,908.25	\$ 1,908.25
47.0115	6	Suitcase weights	\$80.75	\$ 484.50
	1	Freight and setup	\$750.00	\$ 750.00
Purchase order must contain the following to be valid:				
"This purchase order is issued under NJPA contract #062117-VPI"				

Purchase order must contain the following to be valid:

"This purchase order is issued under NJPA contract #062117-VPI"

Notes

<i>Subtotal</i>	\$	28,256.00
<i>Sales Tax</i>	\$	-
<i>TOTAL</i>	\$	28,256.00

JACOBSEN
A Textron Company