

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 1, 2022 AGENDA**

Subject:	Type:	Submitted By:
COMPREHENSIVE PLAN AMENDMENT – FUTURE LAND USE MAP 8001 S 132 ND STREET	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN, AICP ASSISTANT CITY PLANNER

SYNOPSIS

A public hearing has been scheduled and ordinance prepared for Council to consider an application for an amendment to the Future Land Use Map of La Vista's Comprehensive Plan to modify the future land use designation for a 50' by 50' property and associated right-of-way located at 8001 S. 132nd Street, from High-Density Residential to Industrial. The purpose of the applicant's requests is to allow for the conversion of a decommissioned MUD pumphouse into an artist studio space for personal use.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and ordinance prepared to amend the Comprehensive Plan Future Land Use Map to designate Tax Lot 6B 18-14-12 and associated right-of-way, located at 8001 S 132nd Street, for industrial usage.

The applicant purchased the property in 2020 from Metropolitan Utilities District after the pumphouse structure on the property was decommissioned. The applicant intends to add a second story to the structure and bring it into compliance with building and life safety codes in order to utilize it as an artist studio space to create and store artwork. The applicant was granted variances by the La Vista Board of Adjustment in 2021 pertaining to requirements in the La Vista Zoning Ordinance regarding building setbacks, minimum lot size and lot width, and landscaping and parking buffer requirements. These variances will allow the applicant to replat the property if these applications for a Comprehensive Plan Amendment and Zoning Map Amendment are approved. This property is located within La Vista's Gateway Corridor Overlay District, so external improvements to the structure will need to be reviewed through La Vista's Design Review Process.

A detailed staff report is attached.

The Planning Commission held a public hearing on January 6, 2022, and unanimously voted to recommend approval of the Comprehensive Plan Future Land Use Map Amendment, subject to satisfaction of all

applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Official Zoning Map and approval and recording of the final replat.

K:\APPS\City Hall\CNCLRPT (Blue Letters)\22file\22 CD Future Land Use Map Amendment 02.01.2022.Docx

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 1 AND 2 OF ORDINANCE NO. 1404 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. 1404 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. 1404 dated December 15, 2020 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. 1404 and the La Vista Comprehensive Plan ("La Vista Comprehensive Plan, Updated 2018, as amended February 1, 2022").

NOW THEREFORE, the following are approved, contingent on the approval of a Zoning Map Amendment and approval and recording of the Final Plat:

SECTION 1. Amendment of Sections 1 and 2 of Ordinance No. 1404 codified in Municipal Code Sections 151.01 and 151.02. Sections 1 and 2 of Ordinance No. 1404 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 1, 2022, and including and incorporating therein, without limitation, the Redevelopment Plan for the 84th Street Redevelopment Area, Amendment No. 1 to the Redevelopment Plan for the 84th Street Redevelopment Area, and Amendment No. 2 to the Redevelopment Plan for the 84th Street Redevelopment Area, as Appendices D, E-1 and E-2, 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 and general plan for development of the City as a whole. 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 1, 2022, received and recommended by the La Vista Planning Commission, and including and incorporating therein, without limitation, Redevelopment Plan for the 84th Street Redevelopment Area, Amendment No. 1

to the Redevelopment Plan for the 84th Street Redevelopment Area and Amendment No, 2 to the Redevelopment Plan for the 84th Street Redevelopment Area, as Appendices D, E-1 and E-2, 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, general plan for development of the city as a whole, and the successor and replacement of the City of La Vista Comprehensive Plan, Updated December 2018, as amended December 15, 2020, or any other previously adopted comprehensive development plan or amendment thereto."

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. 1404 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 1ST DAY OF FEBRUARY 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCPA21-0001 & PRZ21-0001; FOR HEARING ON: FEBRUARY 1, 2022
REPORT PREPARED ON: JANUARY 20, 2022

I. GENERAL INFORMATION

A. APPLICANT(S):

Steve LaHood
15939 Yates Street
Omaha, NE 68116

B. PROPERTY OWNER:

Steve LaHood
15939 Yates Street
Omaha, NE 68116

C. LOCATION: 8001 S. 132nd Street, Omaha, NE 68138; located southeast of the intersection of S. 132nd Street and Centech Plaza.

D. LEGAL DESCRIPTION: Tax Lot 6B 18-14-12

E. REQUESTED ACTION(S): Approval of an amendment to the Future Land Use Map of La Vista's Comprehensive Plan to designate the property for future industrial use; and approval of a zoning map amendment to rezone the property from R-3 High-Density Residential and Gateway Corridor District (Overlay District) to I-1 Light Industrial and Gateway Corridor District (Overlay District).

F. EXISTING ZONING AND LAND USE: R-3 High-Density Residential and Gateway Corridor District (Overlay District). This property contains an abandoned pumphouse previously owned and operated by Metropolitan Utilities District (MUD).

G. PURPOSE OF REQUEST: Mr. LaHood seeks to convert the existing structure (old MUD pumphouse) into an artist studio space (a place to paint and store his artwork) by adding a second story to the structure, bringing it into compliance with building and life safety codes, and constructing some additional site improvements.

H. SIZE OF SITE: Approximately 0.05 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning</u> <u>Designation</u>	<u>Surrounding</u> <u>Development</u>
North	High-Density Residential	R-3 High-Density Residential and Gateway Corridor District (Overlay District).	Andover Pointe Apartments
East	High-Density Residential	R-3 High-Density Residential and Gateway Corridor District (Overlay District).	Andover Pointe Apartments Property; Interstate 80
South	High-Density Residential	R-3 High-Density Residential and Gateway Corridor District (Overlay District).	Andover Pointe Apartments Property; Interstate 80
West	Industrial	I-1 Light Industrial	Centech Business Park (industrial park)

B. RELEVANT CASE HISTORY:

1. The applicant purchased the property from MUD in March of 2020.
2. The applicant obtained variances from La Vista's Board of Adjustment (BOA) on September 22, 2021 for several zoning requirements that would allow for construction activities to occur on the lot. These granted variances are noted in the site plan on page 6 of the development proposal presentation attached to this staff report. The granted variances include the following:
 - a. Allowing for a reduction in the minimum front yard setback from 60 feet (where parking would be present) to 27 feet on the north side, and from 35 feet to 10 feet on the west side, to match the current setbacks for the existing structure (Section 5.13.05.01);
 - b. Allowing for a reduction in the minimum side yard setback from 30 feet to 3 feet on the south side of the property, and from 30 feet to 22 feet on the east side, to match the current setbacks for the existing structure (Section 5.13.05.01);
 - c. Allowing for a reduction in the minimum lot width for the I-1 Light Industrial District from 100 feet to 50 feet (Section

5.13.05.01) so that the property can be replatted as a legal lot;

- d. Allowing for a reduction in the minimum lot area for the I-1 Light Industrial District from 10,000 square feet to 2,500 square feet (Section 5.13.05.01) so that the property can be replatted as a legal lot if the property is rezoned to I-1 Light Industrial, as proposed;
- e. Waiver from Section 5.13.06.01 which requires that no parking or drives be located within 30 feet of a residential district, to allow for a place for parking on this lot. As the property is surrounded by residentially zoned land on the north and east sides (the only two sides with sufficient space to park a vehicle), and due to the small lot size, no parking of vehicles would be allowed without a variance from this requirement;
- f. Waiver from Section 7.17.03.02 which requires a landscaped area of 15 feet from the property line along all street frontages. This variance was granted for the north and west sides of the property. On the west side of the property there is only 10 feet between the property line and the existing structure, and on the north side of the property there is not sufficient room for both the 15 foot landscaping buffer and space to park a vehicle;
- g. Waiver from Section 7.17.03.03 which requires a landscaped area of 10 feet from the property line along all side yards. This variance was granted for the south side of the property. The existing structure is only setback 3 feet from the south side property line, so there is not sufficient room for the 10 foot landscaping buffer.

C. APPLICABLE REGULATIONS:

- 1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
- 2. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the La Vista Comprehensive Plan designates this property for high-density residential development. Prior to City Council consideration of the Zoning Map amendment, review and a decision on the proposed Future Land Use Map amendment must first occur.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. This property will have driveway access to Centech Plaza. As Centech Plaza is a private drive, the applicant was required to obtain an ingress/egress easement from Edward Rose Development Company, LLC (the owners of the adjacent property and access drive). This easement was granted and recorded on May 10, 2021.

D. UTILITIES:

1. The property will have access to all necessary utilities. Exact locations for all utilities will be determined through the future replat process.

E. PARKING REQUIREMENTS:

1. All development activity will need to meet the minimum parking requirements of the underlying zoning district.

IV. REVIEW COMMENTS:

A. Pending approval of these applications for a Future Land Use Map amendment and Zoning Map amendment, the following subsequent steps would need to occur for Mr. LaHood to make the improvements and utilize the property as intended:

1. Separate preliminary and final plats to make the lot a legal lot of record (which must occur to allow for the construction activities);
2. The proposed exterior improvements would need to be approved through the City's design review process as this lot sits within the City's Gateway Corridor Overlay District; and
3. Additional items would be required for the building permit, including an engineering report for the existing structure and items relating to utilities and stormwater.

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

Staff recommends approval of Comprehensive Plan Future Land Use Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Official Zoning Map and approval and recording of the final replat.

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

The La Vista Planning Commission held a public hearing on January 6, 2022 and voted unanimously to recommend approval of the Comprehensive Plan Future Land Use Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Official Zoning Map and approval and recording of the final replat.

VII. STAFF RECOMMENDATION – ZONING MAP AMENDMENT:

Staff recommends approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Comprehensive Plan Future Land Use Map and approval and recording of the final replat.

VIII. PLANNING COMMISSION RECOMMENDATION – ZONING MAP AMENDMENT:

The La Vista Planning Commission held a public hearing on January 6, 2022 and voted unanimously to recommend approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Comprehensive Plan Future Land Use Map and approval and recording of the final replat.

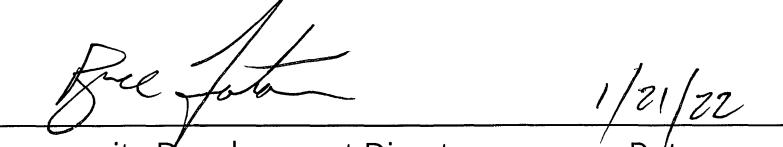
IX. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Amended Official Map
- C. Development Proposal Presentation

X. COPIES OF REPORT SENT TO:

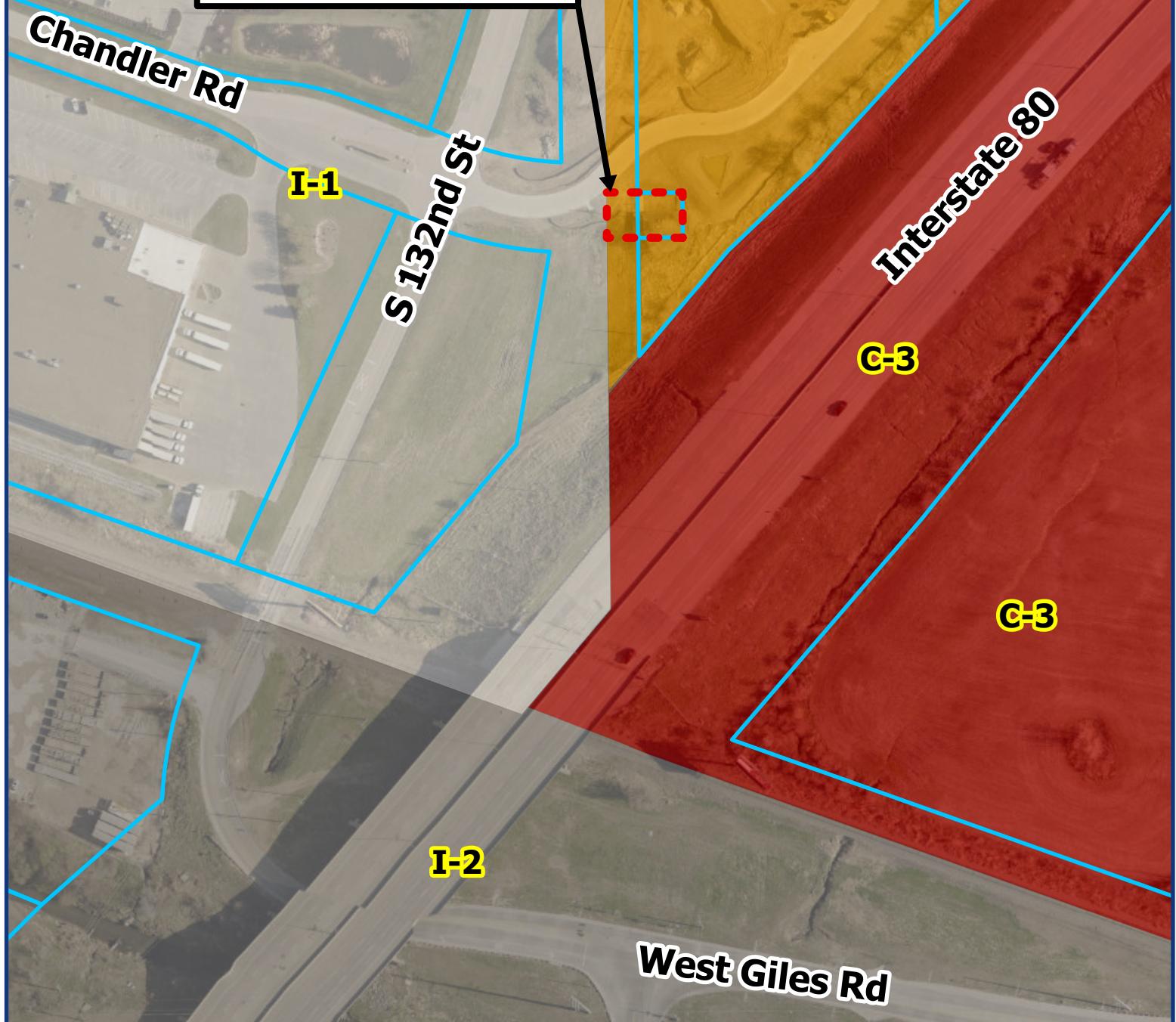
- A. Steve LaHood
- B. Public Upon Request


Prepared by: Assistant Planner

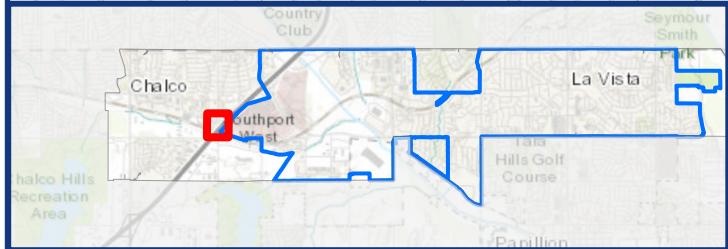

Community Development Director

1/21/22
Date

Rezone from R-3 High-Density Residential to I-1 Light Industrial



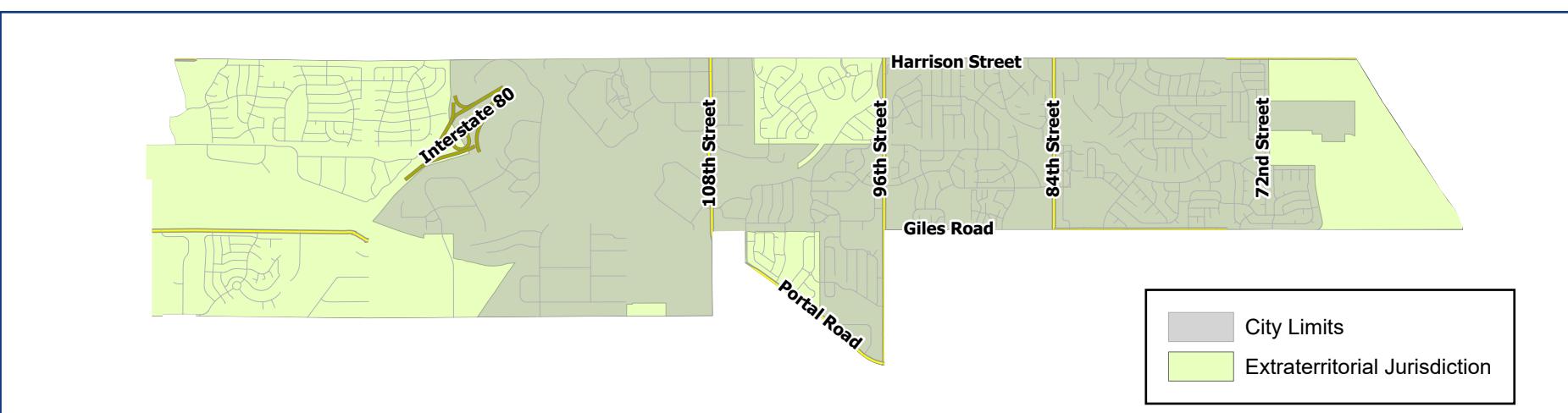
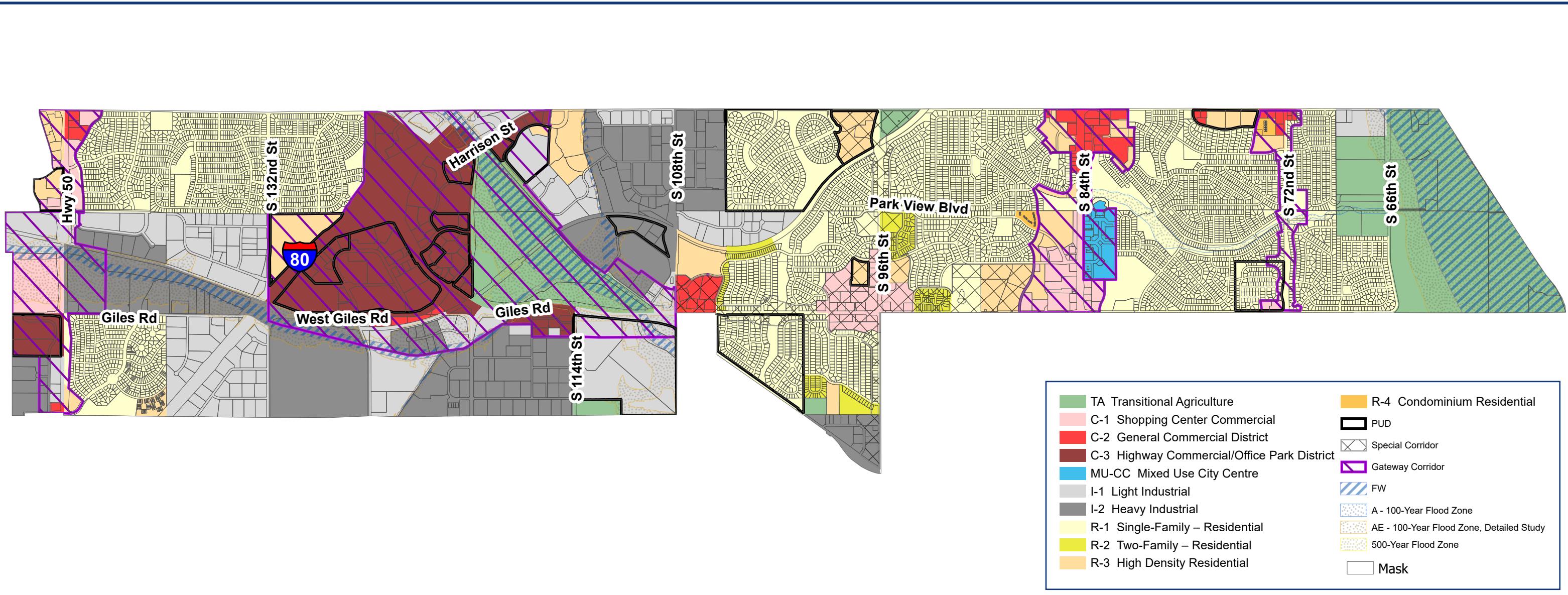
Zoning Map Amendment - Steve LaHood Application Exhibit



Legend

- La Vista Parcels
- Proposed Rezoning Area





**City of La Vista
Official Zoning Map
Adopted December 18, 2018
Updated February 1, 2022
Ordinance Number _____**

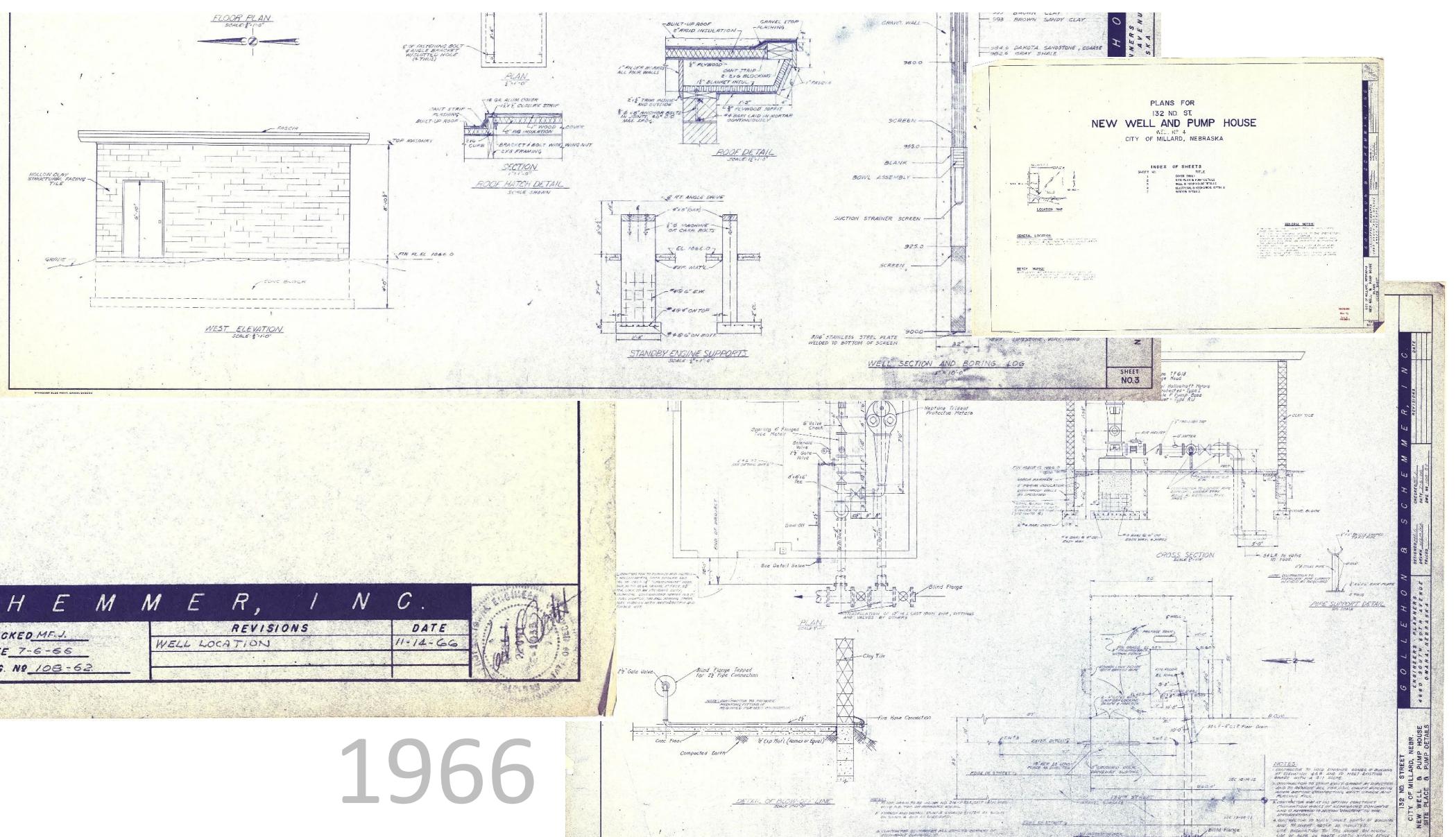


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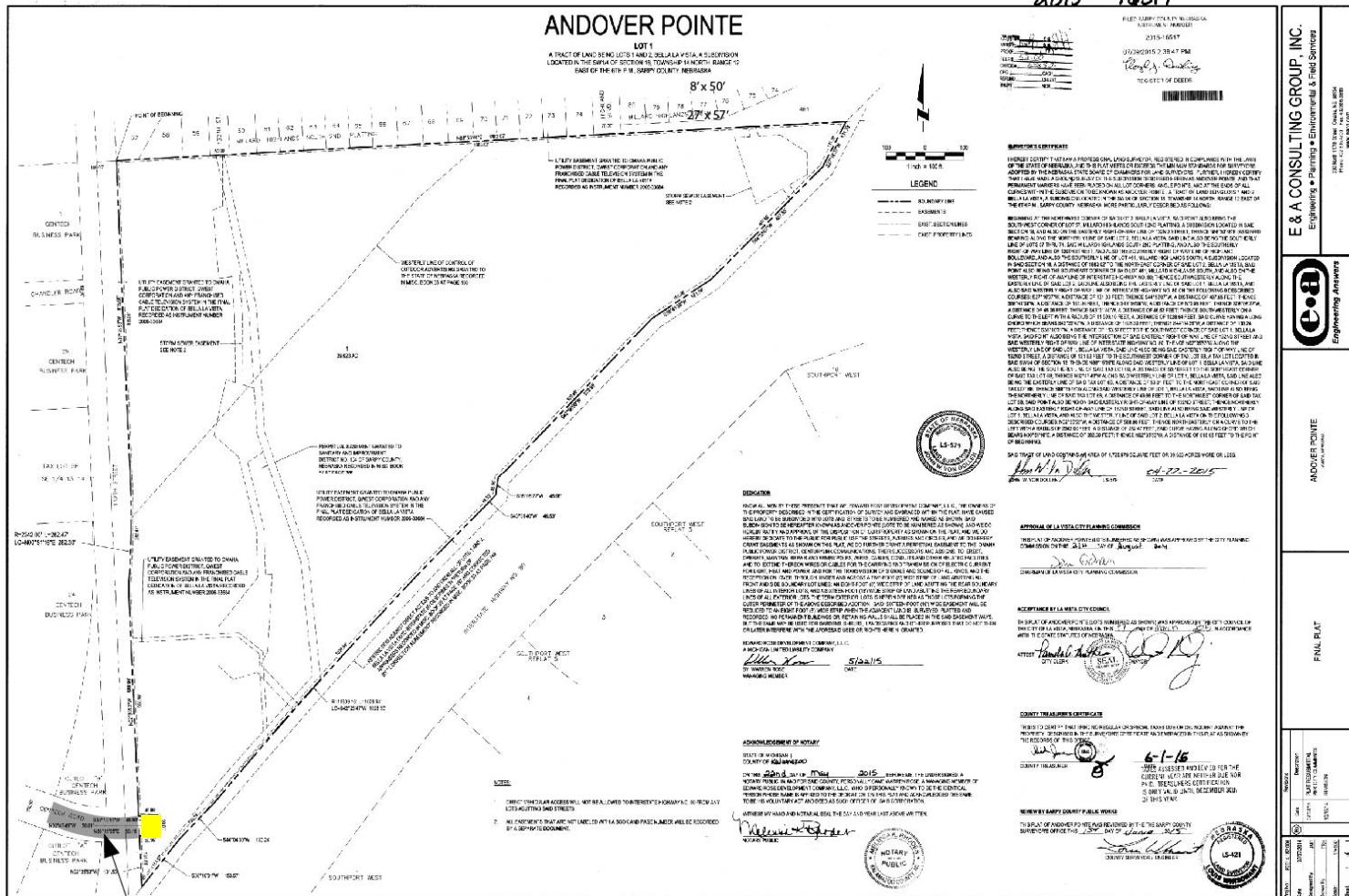


Proposed Renovation/Addition

Well House



Context/Location



Area of easement



LOCATION MAP

CENTECH ROAD

S 132nd Street

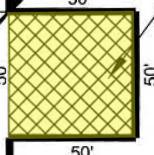
OUTLOT B

OUTLOT A

Access
Easement
Area

RIGHT-OF-WAY

SECTION 18



Andover Pointe
Apartments

S. LaHood's
Property

POINT OF
BEGINNING

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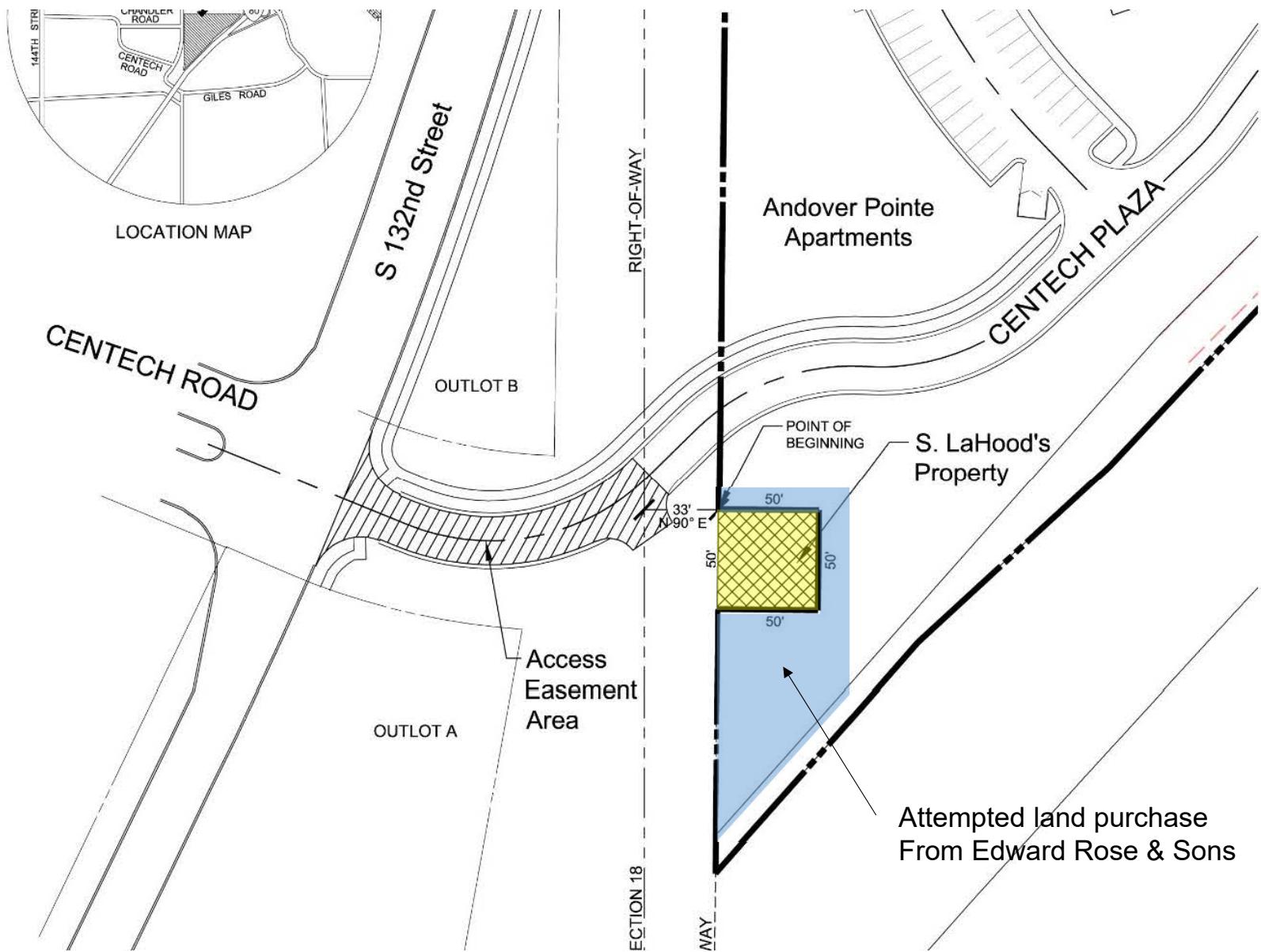
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Variances Received by the La Vista Board of Adjustment

- Building setbacks - 35' (or 60') front yard setbacks and 30' side yard setback

- Lot width minimum - 100 ft.

- Lot area of 10,000 sq ft.

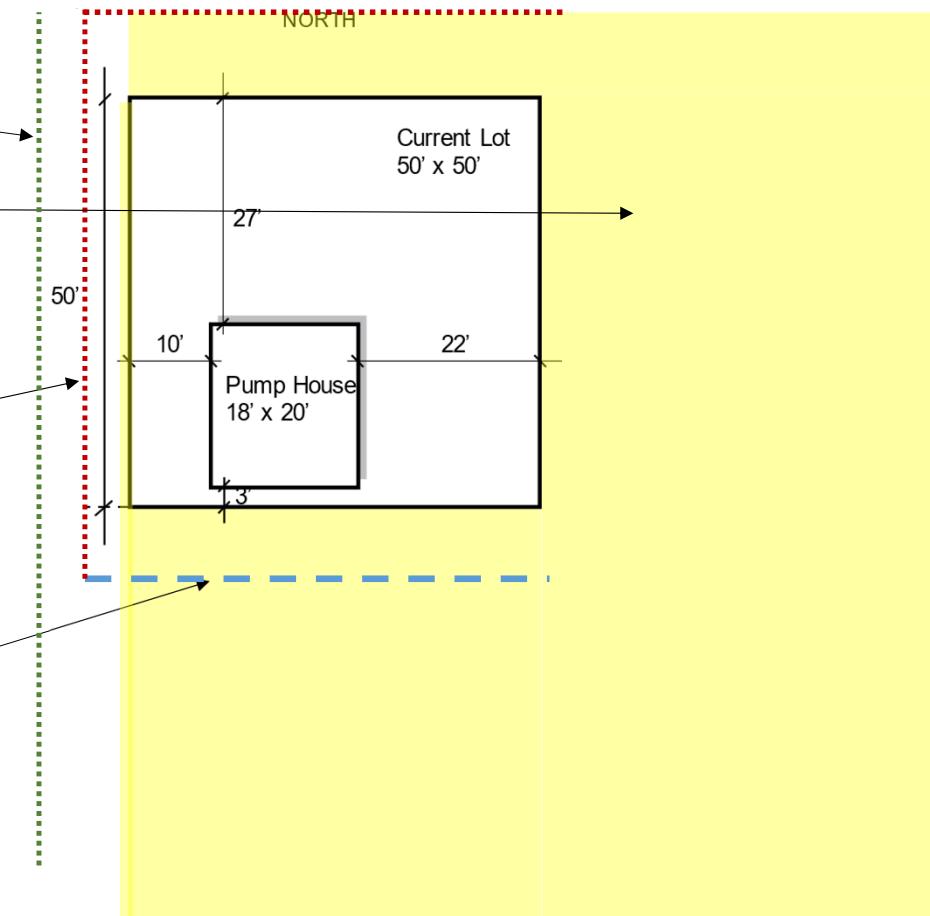
- Section 5.13.06.01. Parking no closer than (30) feet

- Section 7.17.03.02

Required landscaped area of 15' from the property line along all street frontages (variance necessary for west side and north side).

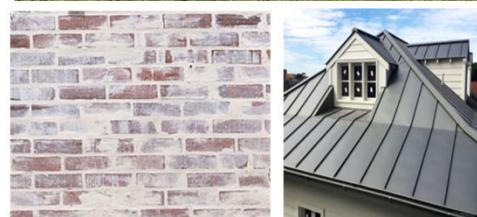
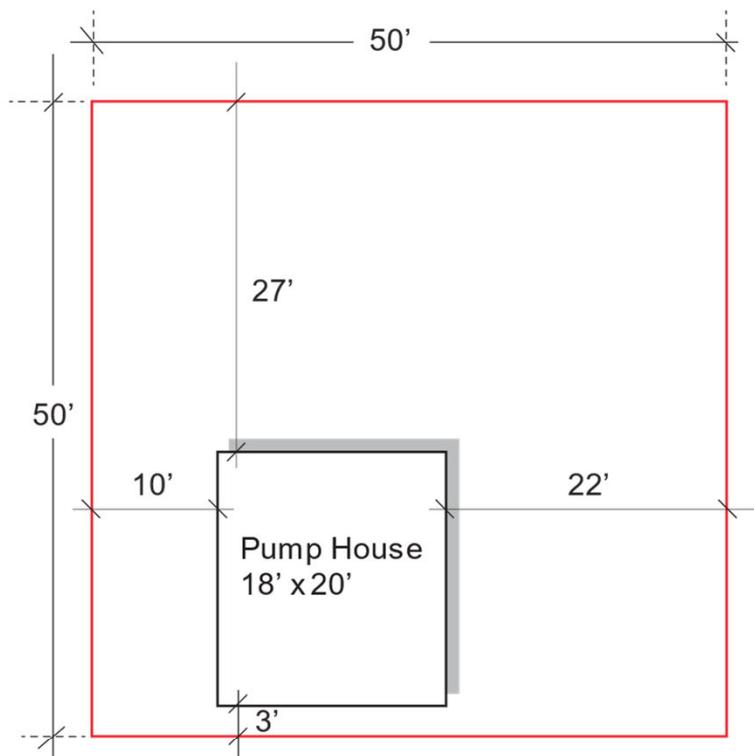
- Section 7.17.03.03

Required landscaping area of 10' from the property line along all side yards (variance necessary for the south side)

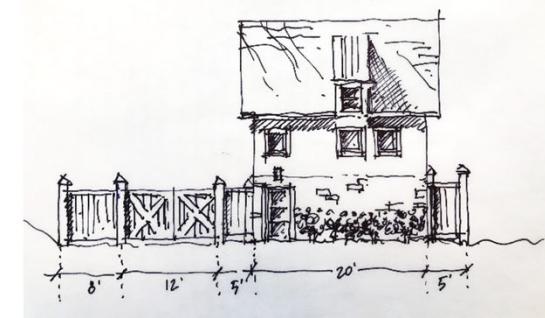


Existing Condition





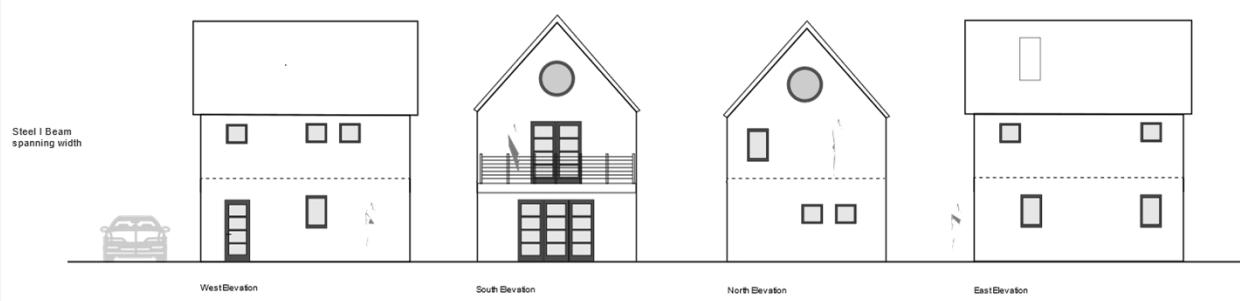
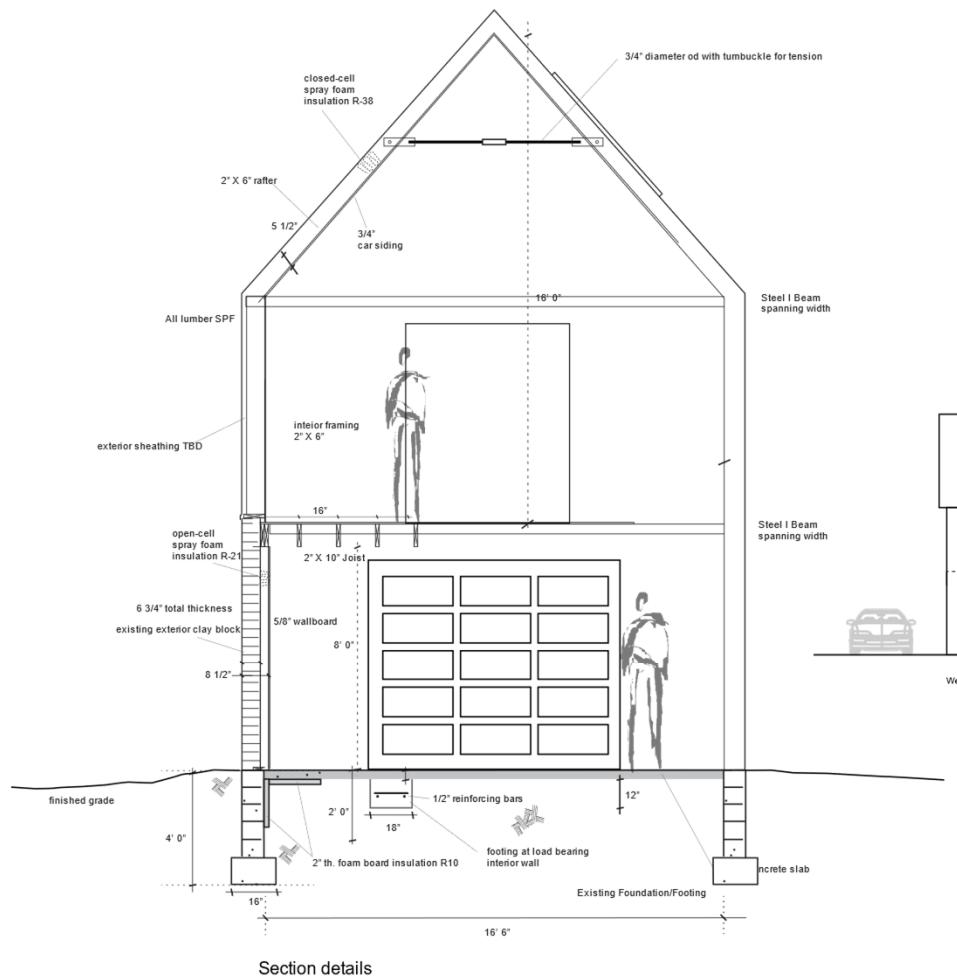
Concept materials/scale

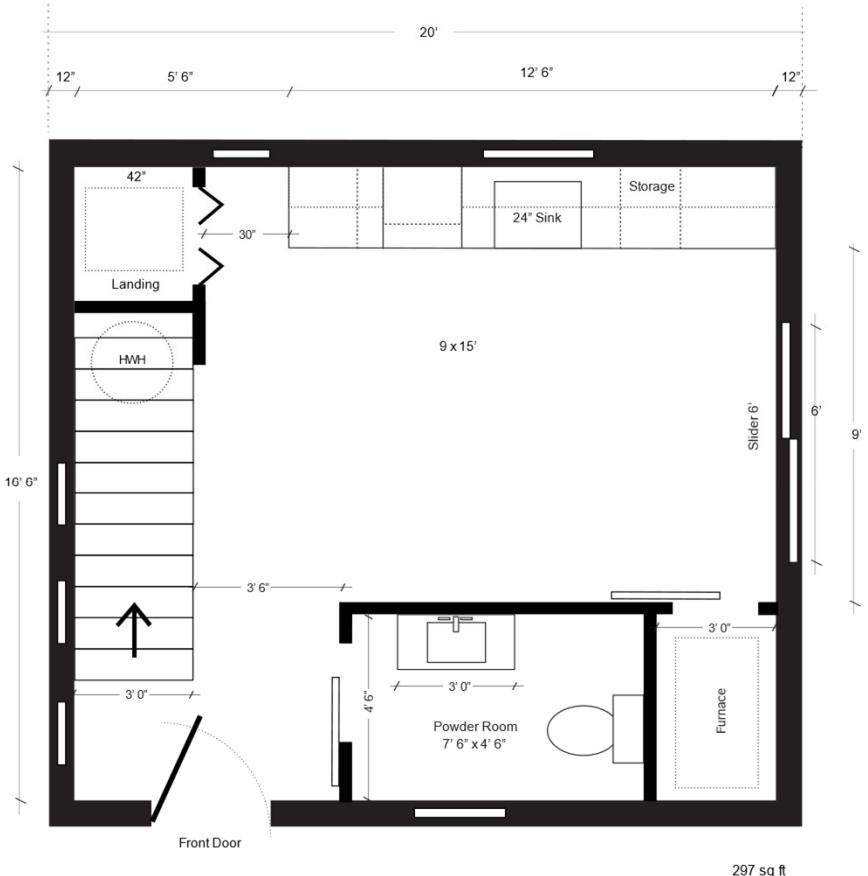




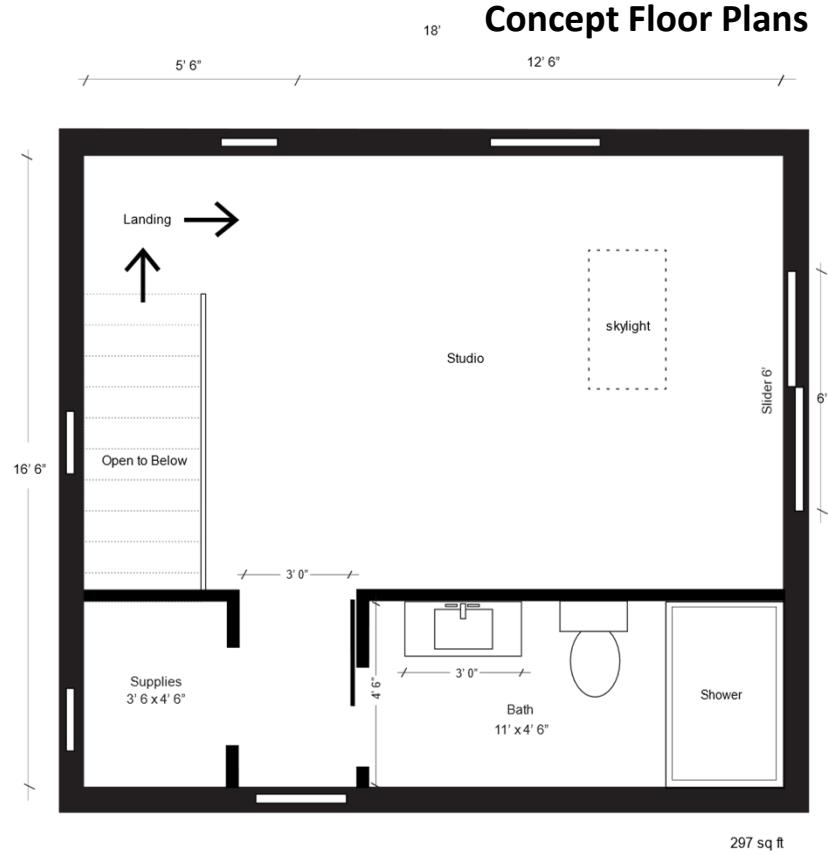


Concept Elevations/details





Ground



Level 2

Concept Floor Plans