

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 16, 2015 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REZONING LOT 1, STONYBROOK SOUTH REPLAT II (W OF 142 ND & EDNA CIRCLE)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared for a rezoning of approximately 3.47 acres located west of 142nd Street and Edna Circle.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider a rezoning application by Mobility Motoring, LLC, for approximately 3.47 acres platted as Lot 1, Stonybrook South Replat II. The rezoning request is to change Lot 1, Stonybrook South Replat II, from C-1, Shopping Center Commercial District, with the Gateway Corridor Overlay District, to C-2, General Commercial District, with the Gateway Corridor Overlay District. The property is located west of 142nd Street and Edna Circle.

The property is currently zoned C-1. The applicant has applied for the rezoning to C-2 in order to apply for a Conditional Use Permit and operate a business which makes mobility modifications to vehicles. The business would be located within an existing multi-tenant commercial building. The proposed use would be classified as a service station with minor automotive repair which is a permitted conditional use in the C-2 District.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 28, 2015, and unanimously recommended approval of the Zoning Map Amendment.

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 May 28, 2015, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District). On June 16, 2015, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District), and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "C-1" Shopping Center Commercial District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District):

Lot 1, Stonybrook South Replat II, located in the NW ¼ of Section 13, T14N, R11E, of the 6th P.M., Sarpy County, Nebraska.

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

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

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

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

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2015.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2015-ZMA-02

FOR HEARING OF: June 16, 2015

Report Prepared on June 3, 2015

I. GENERAL INFORMATION

- A. APPLICANT:** Mobility Motoring LLC
- B. PROPERTY OWNER:** Balance Point Properties LLC
- C. LOCATION:** 7222 S 142nd Street, West of South 142nd Street and Edna Circle
- D. LEGAL DESCRIPTION:** Lot 1, Stonybrook South Replat II
- E. REQUESTED ACTION(S):** Zoning Map Amendment from C-1, Shopping Center Commercial, with the Gateway Corridor District (Overlay District) to C-2 General Commercial, with the Gateway Corridor District (Overlay District)
- F. EXISTING ZONING AND LAND USE:**
C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District); multi-tenant commercial building.
- G. PROPOSED USES:** The rezoning would allow for Mobility Motoring LLC to apply for a Conditional Use Permit to operate a service station with minor automobile repair services.
- H. SIZE OF SITE:** 3.47 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Lot contains an existing multi-tenant commercial building. The property is mostly flat with a gradual downgrade to the south.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** Walker Tire; C-2 General Commercial District and Gateway Corridor District (Overlay District)
 - 2. **East:** Single family residential subdivision; R-1 Medium Density Residential District

3. **South:** Heartland Center for Reproductive Medicine; C-1 Shopping Center Commercial District and Gateway Corridor District (Overlay District)
4. **West:** Willow Creek Apartments; R-3 High Density Residential and Gateway Corridor District (Overlay District)

C. RELEVANT CASE HISTORY:

1. N/A

D. APPLICABLE REGULATIONS:

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Sections 9.01 and 9.02 of the Zoning Regulations – Amendments

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access will be from proposed egress / ingress to South 142nd Street. Traffic impacts from this development are expected to be minor.

E. UTILITIES: All utilities are available to the site.

F. PARKING REQUIREMENTS: N/A. Reviewed at time of building permit application.

G. LANDSCAPING: N/A

IV. REVIEW COMMENTS:

1. Upon approval of the Zoning Map Amendment, the applicant will need to apply for a Conditional Use Permit to operate a service station with minor automobile repair services.
2. Other tenants in the building include; Mechanical Sales Inc. (business services) and Pittsburgh Paints (paint store). Both uses are permitted outright in the C-2 General Commercial District.

V. STAFF RECOMMENDATION:

Staff recommends approval of the Zoning Map Amendment request as it is consistent with the Comprehensive Plan and Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION:

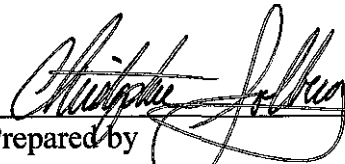

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Zoning Map Amendment to City Council.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Letter from Applicant
3. Draft Zoning Map

VIII. COPIES OF REPORT TO:

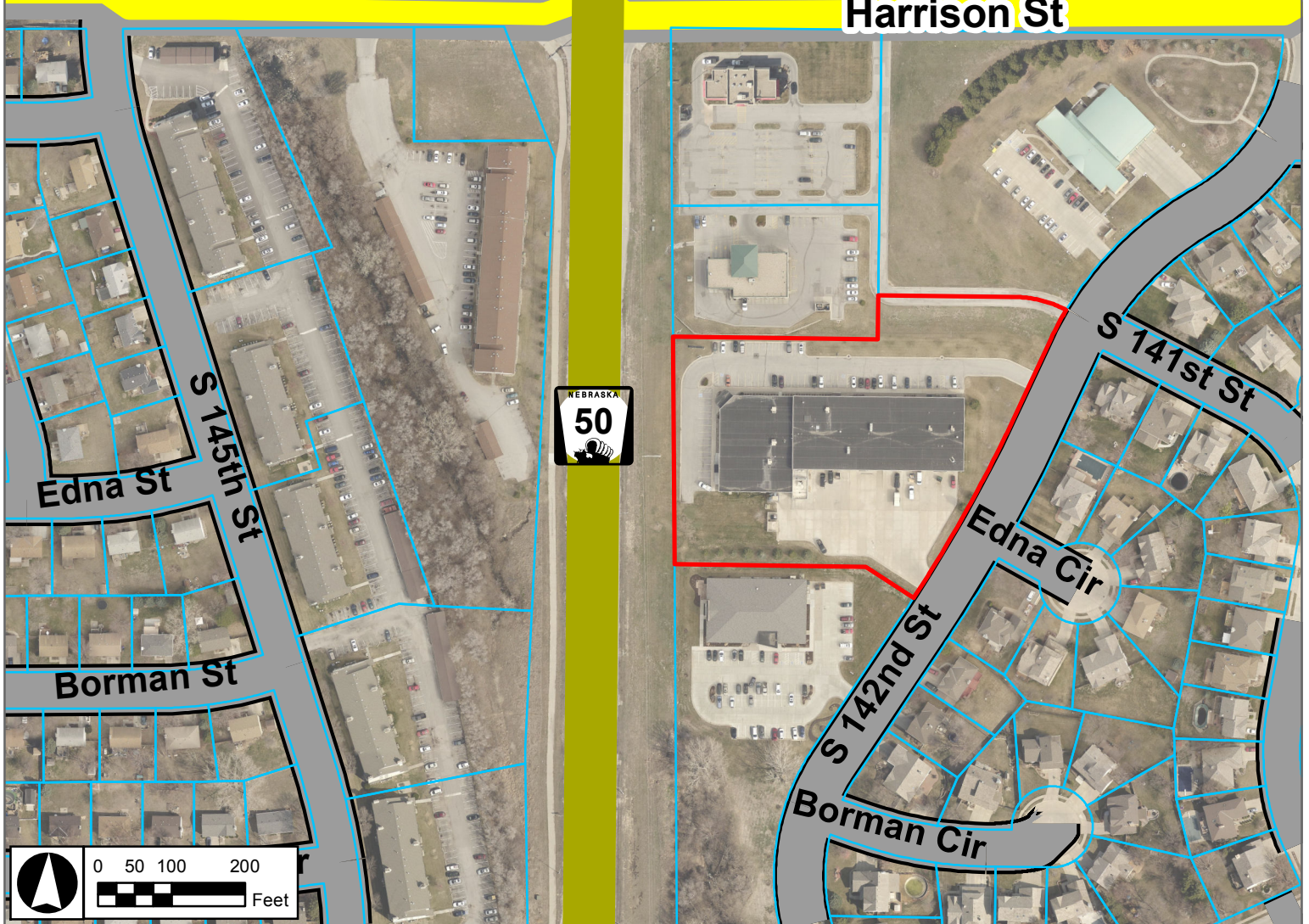
1. Kent Sullivan, Mobility Motoring, LLC
2. Mark Morris, Balance Point Properties, LLC
3. Public Upon Request


Prepared by _____
 6-5-15
Community Development Director Date

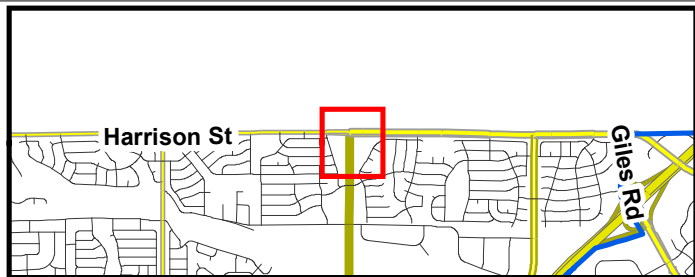


Harrison St

Harrison St



Project Vicinity Map



Mobility Motoring

5-8-2015
CSB





MOBILITY MOTORING

14450 Meadows BLVD Suite 2, Omaha, NE 68138

(402)884-3333

4/3/2015

Christopher Solberg
Lavista City Planner
8116 Park View Blvd
La Vista, NE 68128

RE: Request for Rezoning of 7222 South 142nd Street

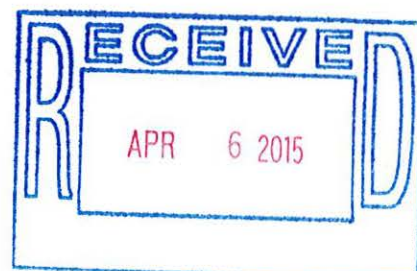
Dear Chris,

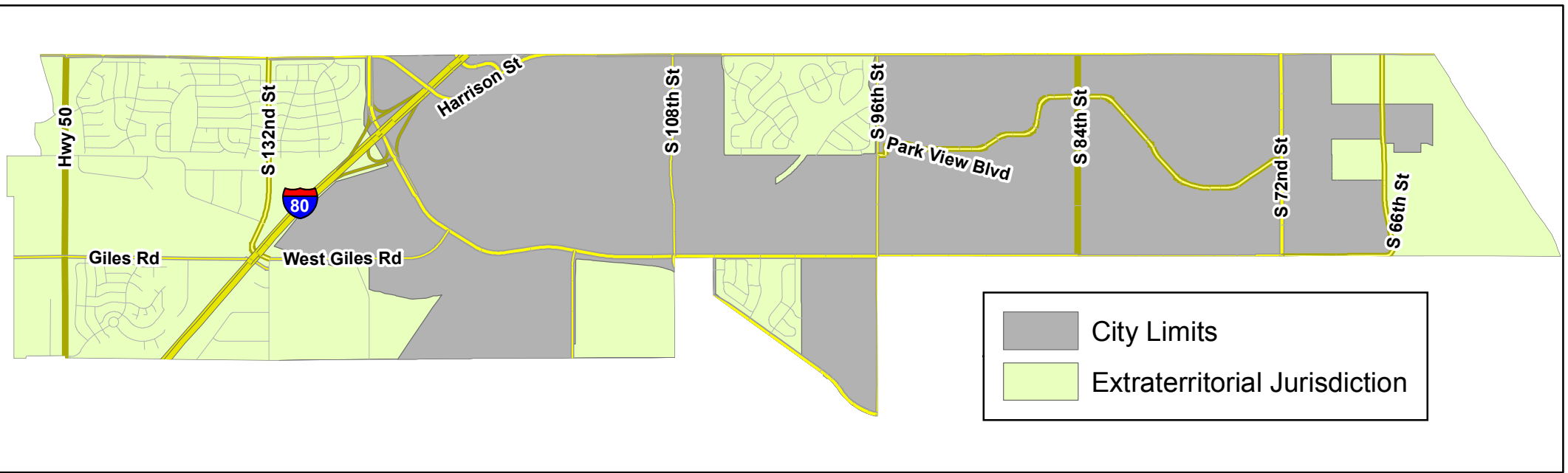
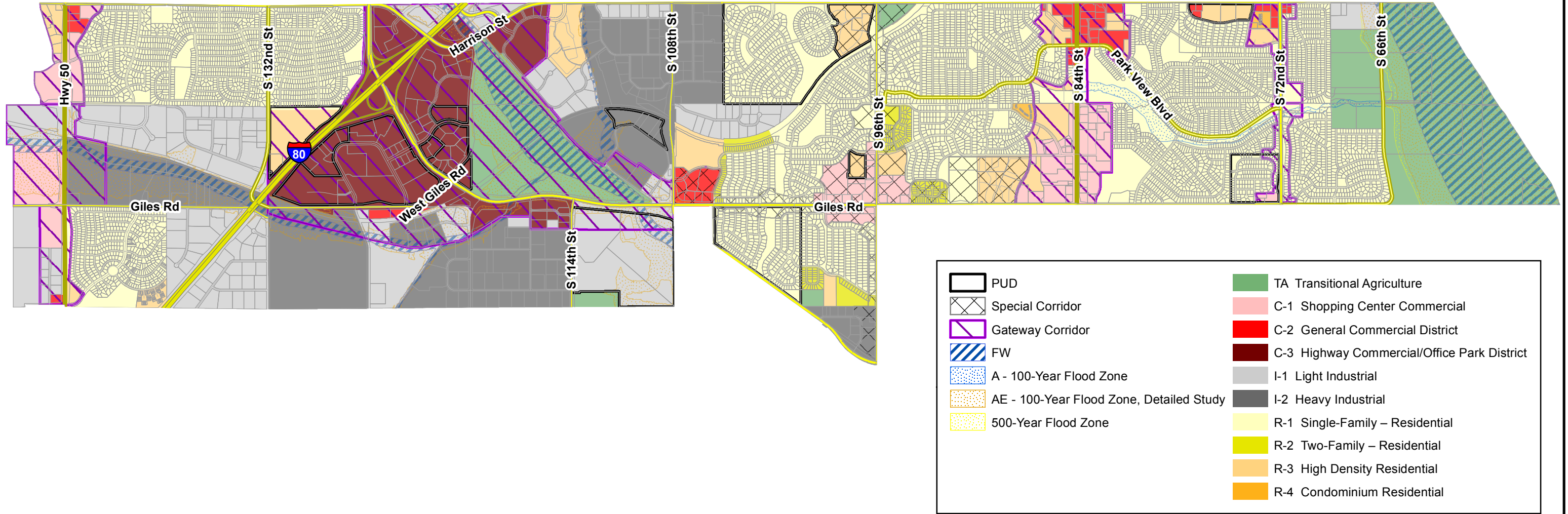
Mobility Motoring primarily serves the Eastern Nebraska population by providing automotive adaptive equipment for those with physical disabilities. Our products include items such as hand controls, wheelchair/scooter lifts, seating adaptations, lowered floor van conversions, and other modifications that make vehicles handicap accessible. We would like to be able to display, sell, and install these products all under one roof. Our current location forces us to display our lowered floor van conversions outdoors. Since we work with such a fragile consumer(some of whom are unable to properly maintain their own core body temperature), we strongly wish to change this by displaying our inventory indoors and out of the elements. Although our total retail mobility vehicle sales are less than 100/year, it is enough to require us to be licensed in the State of Nebraska as a used car dealer. We have no interest in offering non-adapted vehicles for sale and expect to keep our inventory(normally 10-15) indoors. We do not plan to change the exterior appearance of the proposed location other than the existing sign faces to reflect our business and the complete removal of the sawdust collection system utilized by a previous tenant. We consider ourselves good neighbors and take great pride in maintaining a clean and attractive environment. I invite you to stop by our current location any time to take a look at our operation and learn more about what we do.

I appreciate you taking the time to read through this and look forward to any comments or questions you may have.

Sincerely,

Kent Sullivan
Mobility Motoring LLC





City of La Vista
Official Zoning Map
Adopted / /
Ordinance Number

5-14-2015
Drawn By: CSB

La Vista