

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 19, 2008 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REZONING — LOT 380, CIMARRON WOODS (SW 96 TH & HARRISON ST.)	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance has been prepared to approve a rezoning of approximately 26 acres of land from R-1 PUD-1 Single Family Residential Planned Unit Development to R-3 PUD-1 High Density Residential Planned Unit Development for Lot 380, Cimarron Woods, located at the southwest corner of 96th Street and Harrison Street.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and an ordinance prepared for the Council to consider a rezoning of approximately 26 acres of land from R-1 PUD-1 Single Family Residential Planned Unit Development to R-3 PUD-1 High Density Residential Planned Unit Development for Lot 380, Cimarron Woods, located at the southwest corner of 96th Street and Harrison Street. The application has been submitted by the City of La Vista in order to correct the official zoning map.

Several months ago staff was contacted by the property owner regarding a proposal for a multi-family project on this site. In checking the zoning, staff noted the zoning designation on the official zoning map as R-1 Single Family Residential. Researching the staff reports from the original zoning request indicate the intent was to allow for multi-family development on this lot however the ordinance only provided for the R-1 district (see case history in the attached staff report). In order to resolve this discrepancy, staff has sponsored this rezoning request.

The Planning Commission held a public hearing on January 17, 2008 and recommended approval of the rezoning.

ORDINANCE NO. ____

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

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

Section 1. Approval of Rezoning. On January 17, 2008, 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 the zoning of said tract be changed from "R-1 PUD-1" Single Family Residential Planned Unit Development to "R-3 PUD-1" High Density Residential Planned Unit Development. On February 19, 2008, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed change in zoning is 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 property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the La Vista 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 Section 3.02 of the La Vista Zoning Ordinance, the following described tract of land is hereby rezoned from "R-1 PUD-1" Single Family Residential Planned Unit Development to "R-3 PUD-1" High Density Residential Planned Unit Development, 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 "R-1 PUD-1" Single Family Residential Planned Unit Development to "R-3 PUD-1" High Density Residential Planned Unit Development:

Lot 380, Cimarron Woods, located in Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska. Containing 25.938 acres, more or less.

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

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

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

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

PASSED AND APPROVED THIS 19TH DAY OF FEBRUARY 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT 2

CASE NUMBER:

FOR HEARING OF: February 19, 2008
REPORT #2: February 13, 2008

I. GENERAL INFORMATION

- A. APPLICANT:**
City of La Vista
- B. PROPERTY OWNER:**
Torco Development Inc.
5016 S. 110th Street
Omaha, NE 68137
- C. LOCATION:**
Southwest corner of 96th & Harrison Street
- D. LEGAL DESCRIPTION:**
Lot 380, Cimarron Woods
- E. REQUESTED ACTION(S):**
Rezoning from R-1 PUD-1 to R-3 PUD-1
- F. EXISTING ZONING AND LAND USE:**
R-1 PUD-1, Single-Family Residential Planned Unit Development/Undeveloped
- G. PURPOSE OF REQUEST:**
To allow for multi-family development
- H. SIZE OF SITE:**
25.938 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:**
Undeveloped; moderate to steeply sloping toward an open drainage channel which bisects the site from north to south.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. North:**
City of Omaha; Applewood Golf Course
 - 2. East:**
Cornerstone Baptist Church/TA Transitional Agriculture and R-1

- Single-Family Residential
3. **South:**
Cimarron Woods/R-1 Single-Family Residential
 4. **West:**
Cimarron Woods/R-1 Single-Family Residential

C. RELEVANT CASE HISTORY:

1. In October of 2002, an application was filed for approval of a Comprehensive Plan amendment, a rezoning from TA, Transitional Agriculture, to R-1 PUD and R-3 PUD; and approval of a preliminary plat for a subdivision to be known as "Shenandoah". Proposed Lot 514 (26.7 acres) was to be zoned for multi-family development.
2. On March 20, 2003, after some revisions to the layout of the plat, the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes identify the rezoning from TA to R-1 but state "A P.U.D. designation will also allow for some mixed residential development...which will be predominantly single-family housing." And "Through the use of a P.U.D. the higher density residential has relocated to the northeast corner of this site where commercial uses have been previously discouraged." Also identified are several comments from the staff and the Acting City Engineer, Terry Atkins, including:
 - (a) A traffic signal shall be provided at 99th Street when the apartments are constructed regardless of warrants.
 - (b) Language must be incorporated into the subdivision agreement requiring approval of the final apartment plan prior to site development. The final apartment plan must have adequate internal traffic flow for police and fire, which would include a wide divided entrance.
3. On May 6, 2003, the City Council conducted a public hearing and approved Ordinance No. 907 (attached). The staff report and meeting minutes include the same comments regarding multi-family development however the ordinance rezoned the entire area of the preliminary plat to R-1.
4. In August of 2003, an application was filed for approval of a revised preliminary plat, a final plat, a final PUD plan and a waiver to two sections of the Subdivision Regulations. The name of the subdivision was changed to "Cimarron Woods". The application identifies a proposed 418 units on Lot 380 however the proposed zoning designation is listed as R-1 PUD.
5. On August 21, 2003 the Planning Commission conducted a public hearing and recommended approval of the request. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. In addition, the debt to value analysis for the S.I.D. identifies Lot 380 will contain +400 units.
6. On September 16, 2003 the City Council conducted a public hearing and approved Ordinance No. 916 (attached) which created the PUD-1 overlay designation to the R-1 zoning which had been approved in Ordinance No. 907. The City Council also approved the revised preliminary plat, the final plat and the Subdivision Agreement. The staff report and meeting minutes include the same comments noted above regarding the multi-family development. Section 19 of the Subdivision Agreement also states "As regards Lot 380 (multi-family tract), site plan, building elevations and building design shall be subject to City approval, at which time it should become part of this Agreement and designated as Exhibit "K"."

D. APPLICABLE REGULATIONS:

1. Section 5.06, Zoning Ordinance, regarding the R-1 Single Family Residential District
2. Section 5.08, Zoning Ordinance, regarding the R-3 High Density Residential District
3. Section 5.15, Zoning Ordinance, regarding the PUD-1 Planned Unit Development District

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan identifies this site for high density residential.

B. OTHER PLANS:

None.

C. TRAFFIC AND ACCESS:

1. Lot 380 was platted with access to 99th Street in Cimarron Woods.
2. Harrison Street abuts this lot on the north, however this roadway has controlled access and no direct access will be allowed.
3. 96th Street abuts this lot on the east.

D. UTILITIES:

All utilities are available to the site.

IV. REVIEW COMMENTS

1. The staff reports from the original rezoning request imply that the R-1 PUD-1 zoning classification would allow for mixed residential development, including multi-family uses. Upon review of the district regulations however, only single family dwellings are permitted in R-1. Multiple family dwellings are only allowed as a conditional use in the R-3 District.
2. Lot 380, the lot in question, was platted as a 26 acre lot. It is unlikely the intent would have been to develop one single family lot of this size. Documents on file from the original zoning and platting hearings clearly identify the intent to develop this lot for multiple family dwellings.
3. Staff has sponsored this rezoning request as a "housekeeping" item to resolve the discrepancy in the record and correct the official zoning map.
4. If the rezoning is approved, any multi-family development will require approval of a conditional use permit and site plan by the Planning Commission and City Council.
5. This property is also in the Gateway Corridor Overlay District and will also require architectural review.

V. STAFF RECOMMENDATIONS


Approve the rezoning from R-1 PUD-1 to R-3 PUD-1.

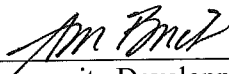
VI. ATTACHMENTS TO REPORT

1. Vicinity Map
2. Ordinance No. 907
3. Ordinance No. 916

VII. COPIES OF REPORT TO

1. Gerry Torczon, Torco Development Inc.
2. Mike Smith, Pedcor Investments LLC
3. John Fullenkamp
4. Public Upon Request



Prepared by:
 2-13-08

Community Development Director Date

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ORDINANCE RECORD

NO. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 907

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 March 20, 2003 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 "TA" Transitional Agriculture to "R-1" Single Family Residential. On May 6, 2003, 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 "TA" Transitional Agriculture to "R-1" Single Family Residential, 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 "TA" Transitional Agriculture to "R-1" Single Family Residential, respectively:

Part of the NE ¼ of Section 16 and also the East ½ of the NW ¼ of said Section 16, except those parts acquired for 96th Street Right-of-Way, Harrison Street Right-of-Way and Chicago Burlington and Quincy Railroad Right-of-Way, all located in Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

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


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

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

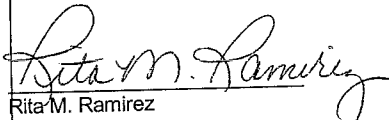
Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF MAY 2003.

CITY OF LA VISTA


Harold Anderson, Mayor

ATTEST:


Rita M. Ramirez
City Clerk

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 916

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. In accordance with Section 5.15 of the La Vista Zoning Ordinance, the R-1 (zoning district) zoning on the following described real estate, to wit:

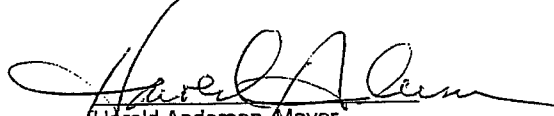
LOTS 1-505 AND OUTLOTS A-G, PART OF THE NE ¼ OF SECTION 16 AND ALSO THE EAST ½ OF THE NW ¼ OF SAID SECTION 16, , ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M. SARPY COUNTY, NEBRASKA, GENERALLY LOCATED SW OF 96TH & HARRISON STREET

is hereby overlaid with a PUD-1 (Planned Unit Development) zone as indicated in the plan previously approved by the La Vista Planning Commission, concerning such described real estate. Said overlay does not change the underlying R-1 zoning on said real estate as authorized in the PUD plan. The Final PUD development plan as submitted by the owner(s), comprised of the Final Plat and Subdivision Agreement is hereby approved and shall be filed in the office of the City Clerk.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER 2003.

CITY OF LA VISTA


Harold Anderson, Mayor

ATTEST:


Rita M. Ramirez, CMC
City Clerk

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Sarpy County, Nebraska



Parcel ID Number	011581892	Neighborhood Code	LCW
Owner Name	TORCO DEVELOPMENT INC	Property Type	RES
Mailing Address	5016 S 110TH ST	Improvements Value	\$0
City State	OMAHA NE	Land Value	\$778,140
Zip Code	68137-	Total Value	\$778,140
Property Address		Tax District	27128
Legal Description	LOT 380 CIMARRON WOODS (25.938 AC)		

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 546 feet

Lot 380 - Cimarron Woods

