

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 20, 2018 AGENDA

Subject:	Type:	Submitted By:
APPLICATION FOR FLUM AND ZONING MAP AMENDMENT (REZONING), LOT 37 BROOK VALLEY II BUSINESS PARK (SE OF 120 TH & GILES ROAD)	◆ RESOLUTION (1) ◆ ORDINANCE (1) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled to consider an amendment to the Future Land Use Map of the Comprehensive Plan and a rezoning for approximately 6.45 acres located southeast of 120th Street and Giles Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an amendment to the Future Land Use Map of the Comprehensive Plan and a Zoning Map amendment (Rezoning) application by Lynch Management, LLC, on approximately 6.45 acres currently described as Lot 37, Brook Valley II Business Park. The property is generally located southeast of 120th Street and Giles Road.

The purpose of the request is to allow for the lot to be re-designated to an industrial land use and zoning. A detailed staff report is attached.

The Planning Commission held a public hearing on October 18, 2018, and unanimously recommended approval of the amendment to the Future Land Use Map of the Comprehensive Plan and the rezoning as the request is consistent with the Comprehensive Plan and Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE FUTURE LAND USE MAP PORTION OF THE COMPREHENSIVE PLAN.

WHEREAS, the Future Land Use map contains an area of approximately 6.45 acres located south of Giles Road and east of 120th Street designated as "Commercial"; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Future Land Use Map of the Comprehensive Plan for approximately 6.45 acres from "Commercial" to "Industrial" land uses; and

WHEREAS, the requested amendment is compatible with the surrounding land uses; and

WHEREAS, an amendment to the Future Land Use Map is appropriate and consistent with the land use policies of the Comprehensive Plan;

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to prepare the necessary amendment to the Future Land Use Map of the Comprehensive Plan south of Giles Road and east of 120th Street for approximately 6.45 acres from "Commercial" to "Industrial" land uses as identified in the attached Exhibit A.

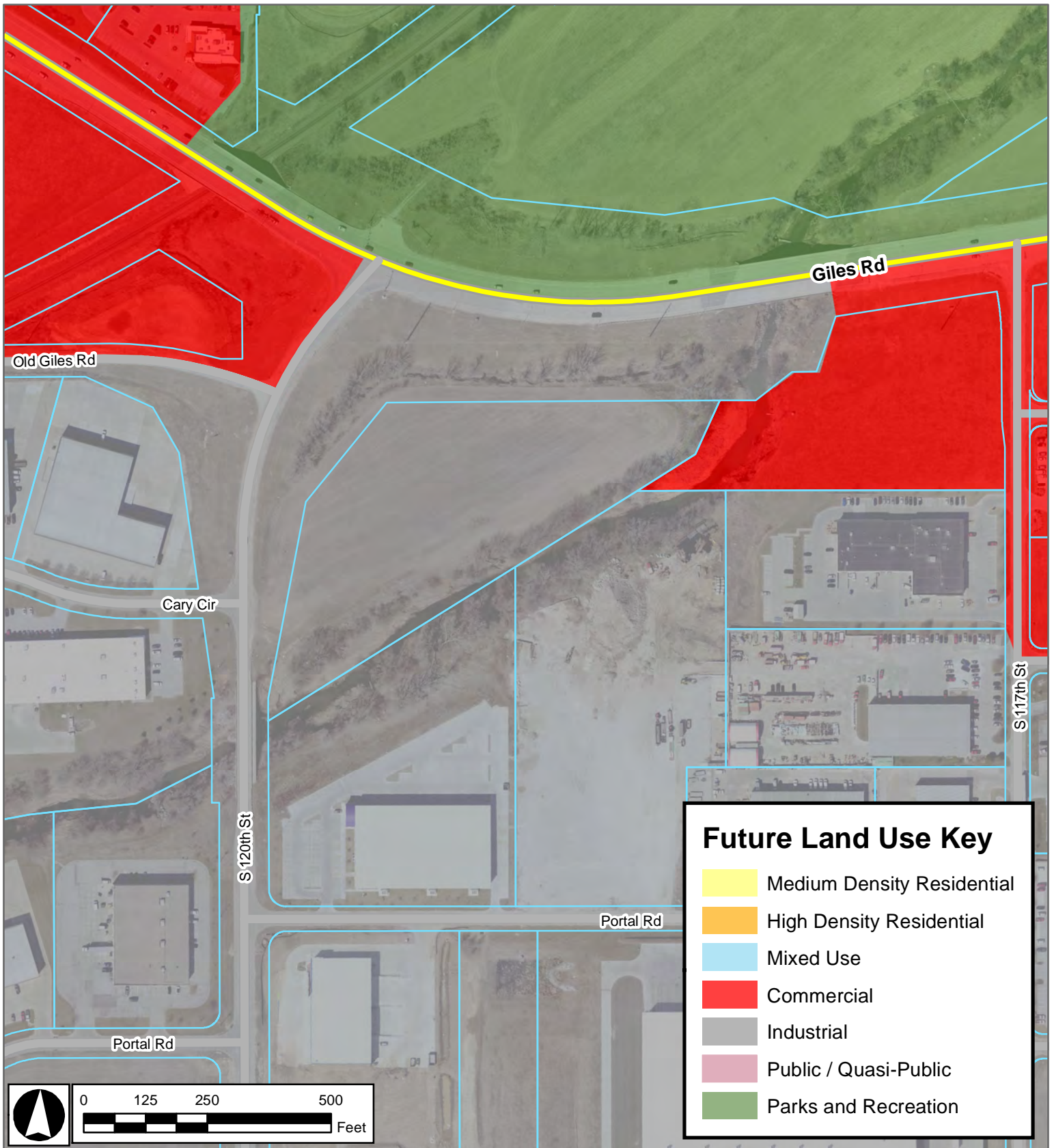
PASSED AND APPROVED THIS 20th DAY OF NOVEMBER 2018.

CITY OF LA VISTA

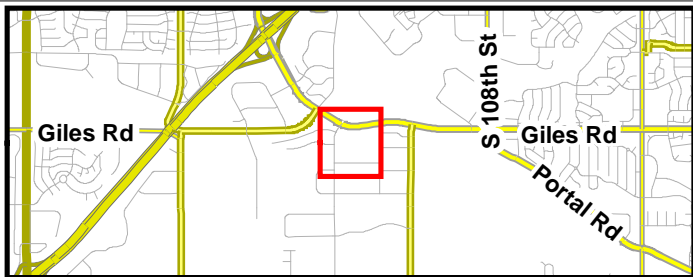
Douglas Kindig, Mayor

ATTEST:

Pamela A. Buehe, CMC
City Clerk



Future Land Use Map Amendment Exhibit



Lot 37, Brook Valley II Business Park: Future Land Use Map Amendment

11/14/18

CRB



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 October 18, 2018, 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-3" Highway Commercial / Office Park, Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District) to "I-1" Light Industrial, Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District). On November 20, 2018, 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-3" Highway Commercial / Office Park, Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District) to "I-1" Light Industrial, Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (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-3" Highway Commercial / Office Park, Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District) to "I-1" Light Industrial, Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District):

Lot 37 Brook Valley II Business Park, located in Section 20, 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.

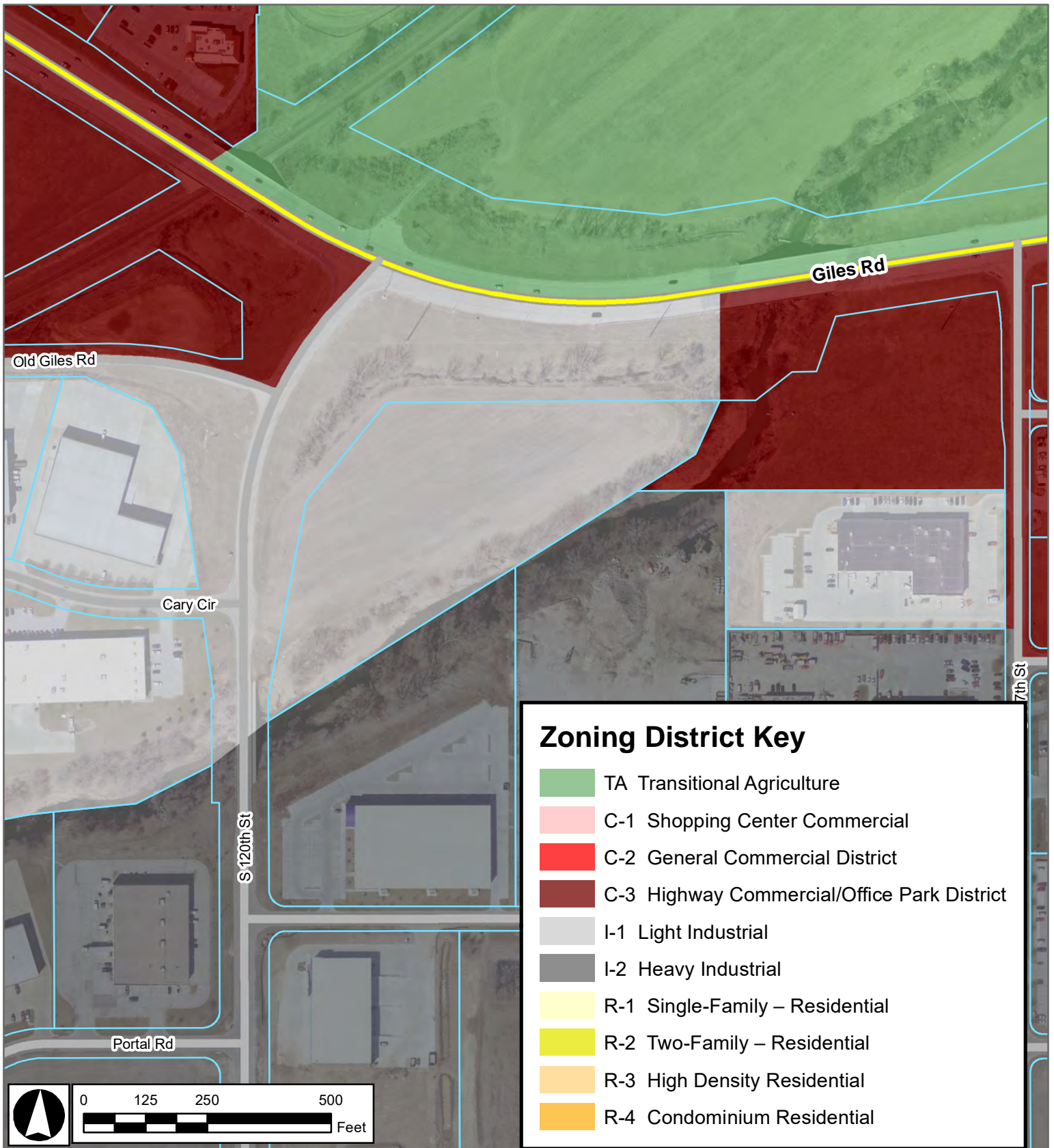
PASSED AND APPROVED THIS 20th DAY OF NOVEMBER 2018.

CITY OF LA VISTA

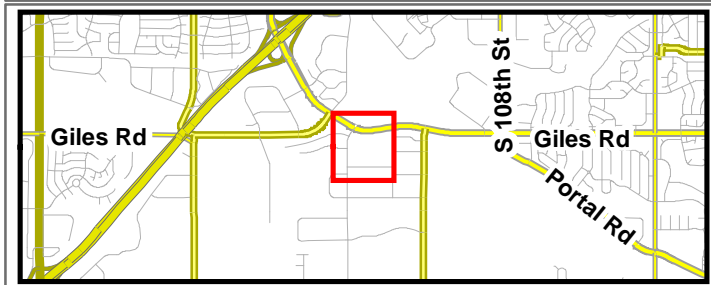
Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Zoning Map Amendment Exhibit



Lot 37, Brook Valley II Business Park: Zoning Map Amendment

11/14/18
CRB





CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: CPA-18-0001

For Hearing of: November 20, 2018
Report Prepared on: November 7, 2018

I. **GENERAL INFORMATION**

A. **APPLICANT:**

Lynch Management, L.L.C.
10177 S. 168th Ave, Suite 104
Omaha, NE 68136

B. **PROPERTY OWNER:**

Lynch Management, L.L.C.
10177 S. 168th Ave, Suite 104
Omaha, NE 68136

C. **LOCATION:** Southeast corner of 120th Street and Giles Road

D. **LEGAL DESCRIPTION:** Lot 37, Brook Valley II Business Park

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

1. Comprehensive Plan Amendment – Future Land Use Map to change the future land use of Lot 37, Brook Valley II Business Park from commercial to industrial.
2. Zoning Map Amendment (Rezoning) to change the zoning from C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District) to I-1 Light Industrial District and Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District)

F. **EXISTING ZONING AND LAND USE:**

C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District); the property is currently vacant.

G. **PURPOSE OF REQUEST:** Comprehensive Plan Amendment – Future Land Use Map to change the future land use of Lot 37, Brook Valley II Business Park to industrial and a related Zoning Map Amendment to change the zoning to I-1 Light Industrial District and Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District), for the purpose of industrial development.

H. **SIZE OF SITE:** 6.45 Acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** This parcel is currently vacant. The land is relatively flat with a gradual slope to the southeast, with steep slopes along the north and west edges of the property up to 120th Street and Giles Road.
- B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:**
- 1. North:** TA – Transitional Agriculture District with a Gateway Corridor Overlay (Overlay District) and FF/FW Floodplain Districts (Overlay District); Vacant
 - 2. East:** C-3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District) and with FF/FW Floodplain Districts (Overlay District); Vacant
 - 3. South:** Lot 36 Brook Valley II Business Park; I-1 Light Industrial with FF/FW Floodplain Districts (Overlay District); The Volleyball Academy.
 - 4. West:** Lots 1 & 8 Papio Valley 1 Business Park Harrison Hills; I-1 Light Industrial District with a Gateway Corridor Overlay (Overlay District) and FF/FW Floodplain Districts (Overlay District); Light Industrial Uses
- C. RELEVANT CASE HISTORY:**
- 1. N/A**
- D. APPLICABLE REGULATIONS:**
- 1.** Chapter 4 of the La Vista Comprehensive Plan 2007 – Future Land Use Plan
 - 2.** Section 5.13 of the Zoning Regulations – I-1 Light Industrial District
 - 3.** Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
 - 4.** Section 5.18 of the Zoning Regulations – FF/FW Flood Plain Districts (Overlay District)

III. ANALYSIS

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan currently shows commercial land uses. The preceding agenda item proposes the amendment of the Future Land Use Map to change the use type from commercial to industrial.
- B. OTHER PLANS:** Not applicable.
- C. TRAFFIC AND ACCESS:**
- 1.** Access to the lot is provided through frontage along 120th Street.

2. The rezoning will not require a traffic study as traffic impacts of light industrial uses are expected to be less than commercial uses.

D. UTILITIES:

1. The property has access to sewer, water, gas, power and communication utilities.

IV. REVIEW COMMENTS:

1. Developments on this property will require a water supply for fire suppression that does not exceed a distance of 600 feet for buildings equipped with an automatic suppression system. This aspect will be reviewed at the time of building permit.
2. An emergency vehicle access plan will be required at the time of building permit. This includes the site plan, fire lane information, fire hydrants, a truck route based on Auto-Turn Professional software, and other aspects as required by the Papillion Fire Marshall. The plan should be developed based on the specifications of the Papillion Fire Marshall.
3. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This will be reviewed at the time of building permit.
4. Developments on this property will require a flood plain development permit as required for any property within the "X" or "AE" zones for the FEMA Floodplain Map. Potential projects will need to submit plans to the Papio Missouri River Natural Resources District before permits for development can be issued.
5. Applicant has been notified that this property lies under the Gateway Corridor District (Overlay District). As such, developments on this property will be required to proceed through architectural design review. The applicant has been previously provided with a copy of the Gateway Corridor Design Guidelines.
6. Applicant has been notified that the proposed zoning, I-1 Light Industrial, does not allow for outdoor storage of materials.

V. STAFF RECOMMENDATION – Amendment to the Comprehensive Plan Amendment (Future Land Use Map):

Staff recommends approval of the amendment to the Future Land Use Map of the Comprehensive Plan from Commercial with a Gateway Corridor District (Overlay District), to Industrial with a Gateway Corridor District (Overlay District), as the request is consistent with the Comprehensive Plan.

VI. PLANNING COMMISSION RECOMMENDATION – Amendment to the Comprehensive Plan Amendment (Future Land Use Map):

The Planning Commission held a meeting on October 18, 2018 and unanimously voted to recommend approval of the amendment to the Future Land Use Map of the Comprehensive Plan from Commercial with a Gateway Corridor District (Overlay District), to Industrial with a Gateway Corridor District (Overlay District), as the request is consistent with the Comprehensive Plan.

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

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

VIII. PLANNING COMMISSION RECOMMENDATION – Amendment to Zoning Map:

The Planning Commission held a meeting on October 18, 2018 and unanimously voted to recommend approval of the amendment to the Zoning Map (Rezoning) from C-3 Highway Commercial / Office Park with a Gateway Corridor Overlay (Overlay District) and FF/FW Floodplain Districts (Overlay District), to I-1 Light Industrial with a Gateway Corridor District (Overlay District) and FF/FW Floodplain Districts (Overlay District), as depicted in the Zoning Map Amendment Exhibit, as the request is consistent with the Zoning Ordinance and the Comprehensive Plan.

IX. ATTACHMENTS TO REPORT:

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

X. COPIES OF REPORT SENT TO:

1. Dennis Lynch, Lynch, LLC
2. Christian Browning, Lynch, LLC
3. Joe Dethlefs, TD2
4. Public Upon Request


Prepared by:

Community Development Director

11-14-18

Date



Project Vicinity Map



**Lot 37, Brook Valley II Business Park-
Comprehensive Plan & Zoning Map Amendment**

10-10-18
C18





September 17, 2018

Christian Browning
Lynch Management, LLC
10177 S 168th Ave, Suite 104
Omaha, NE 68136

RE: Rezoning Request C-3 to I-1
Lot 37 Brook Valley II Business Park

Mr. Browning,

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 Comprehensive Plan and the Zoning Ordinance the City has the following comments:

1. Developments on this property will require a water supply for fire suppression that does not exceed 600 feet for buildings equipped with an automatic suppression system. This will be reviewed at the time of building permit.
2. An emergency vehicle access plan will be required at the time of building permit. This includes the site plan, fire lane information, fire hydrants, a truck route based on Auto-Turn Professional software, and other aspects as required by the Papillion Fire Marshall. The plan should be developed based on the specifications of the Papillion Fire Marshall.
3. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This will be reviewed at the time of building permit.
4. Developments on this property will require a flood plain development permit as required for any property within the "X" or "AE" zones for the FEMA Floodplain Map. Potential projects will need to submit plans to the Papio Missouri River Natural Resources District before permits for development can be issued.
5. Applicant should be reminded that this property lies under the Gateway Corridor District (Overlay District). As such, developments on this property will be required to proceed through architectural design review. The applicant has been previously provided with a copy of the Gateway Corridor Design Guidelines.
6. Applicant should be reminded that the proposed zoning, I-1 Light Industrial, does not allow for outdoor storage of materials.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

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

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

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

www.cityoflavista.org
info@cityoflavista.org

7. Two of the setbacks depicted on the site plan show setbacks below the minimum required setback of 60 feet for developments with parking in the front yard. Though it this issue does not need to be resolved in relation to the the zoning map amendment, it will need to be addressed at the time of building permit.
8. As this Zoning Map Amendment request includes a change in use from Commercial to Industrial on the Future Land Use Map of the Comprehensive Plan. An amendment to the Comprehensive Plan will need to be completed prior to the Zoning Map Amendment review and approval.

In order for the Comprehensive Plan Amendment and Zoning Map Amendment to be considered for review at the October 18, 2018 Planning Commission meeting, revised submittal documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by September 26, 2018 to ensure that the application stays on track for the review by Planning Commission.

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

Thank you,



Christopher Solberg, AICP
City Planner

cc: Dennis Lynch, Brook Valley II Business Park – Lynch, LLC
Joe Dethlefs, Thompson, Dreessen & Dorner, Inc
Ann Birch, Community Development Director
John Kottmann, City Engineer

September 21, 2018

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

RE: Lot 37, Brook Valley II Business Park
TD2 File No. 2041-103.1

Mr. Solberg:

Below are our responses to the City's comments dated September 17, 2018 for the rezoning request of Lot 37, Brook Valley II Business Park. The City comments are listed below followed by our response in bold.

1. Developments on this property will require a water supply for fire suppression that does not exceed 600 feet for buildings equipped with an automatic suppression system. This will be reviewed at the time of building permit. – **Acknowledged**
2. An emergency vehicle access plan will be required at the time of building permit. This includes the site plan, fire lane information, fire hydrants, a truck route based on Auto-Turn Professional software, and other aspects as required by the Papillion Fire Marshall. The plan should be developed based on the specifications of the Papillion Fire Marshall. – **Acknowledged**
3. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This will be reviewed at the time of building permit. – **Acknowledged**
4. Developments on this property will require a flood plain development permit as required for any property within the "X" or "AE" zones for the FEMA Floodplain Map. Potential projects will need to submit plans to the Papio Missouri River Natural Resources District before permits for development can be issued. – **Acknowledged**
5. Applicant should be reminded that this property lies under the Gateway Corridor District (Overlay District). As such, developments on this property will be required to proceed through architectural design review. The applicant has been previously provided with a copy of the Gateway Corridor Design Guidelines. – **Acknowledged**
6. Applicant should be reminded that the proposed zoning, I-I Light Industrial, does not allow for outdoor storage of materials. – **Acknowledged**

Lot 37, Brook Valley II Business Park
La Vista, Nebraska
September 21, 2018
Page 2

7. Two of the setbacks depicted on the site plan show setbacks below the minimum required setback of 60 feet for developments with parking in the front yard. Though it this issue does not need to be resolved in relation to the zoning map amendment, it will need to be addressed at the time of building permit. – **Acknowledged, we will modify building layout to move out of the 60' setback area.**
8. As this Zoning Map Amendment request includes a change in use from Commercial to Industrial on the Future Land Use Map of the Comprehensive Plan. An amendment to the Comprehensive Plan will need to be completed prior to the Zoning Map Amendment review and approval. – **Comprehensive Plan Amendment Application and fee will be submitted.**

We appreciate the City's effort and assistance with the development process. If there are no outstanding items, we would like to request that our application for the Comprehensive Plan Amendment and Zoning Map Amendment be considered for the October 18, 2018 Planning Commission meeting. Please call or email with any questions or comments.

Respectfully submitted,

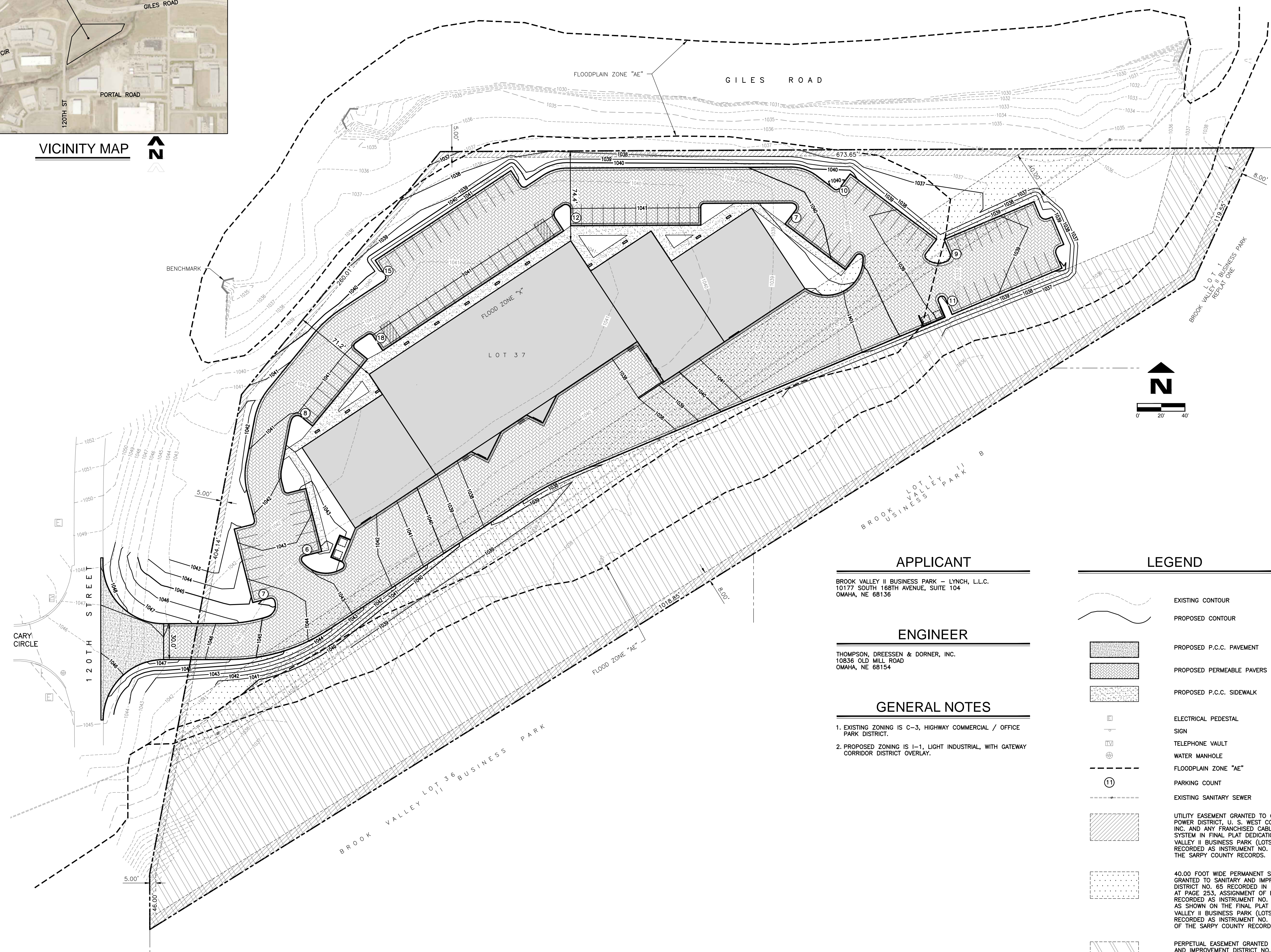
THOMPSON, DREESSEN & DORNER, INC.



Joe Dethlefs, P.E.

JD/tjp

LOT 37



BROOK VALLEY II BUSINESS PARK - LYNCH, L.L.C.
10177 SOUTH 168TH AVENUE, SUITE 104
OMAHA, NE 68136

THOMPSON, DREESSEN & DORNER, INC.
10836 OLD MILL ROAD
OMAHA, NE 68154

1. EXISTING ZONING IS C-3, HIGHWAY COMMERCIAL / OFFICE PARK DISTRICT.
2. PROPOSED ZONING IS I-1, LIGHT INDUSTRIAL, WITH GATEWAY CORRIDOR DISTRICT OVERLAY.

EXISTING CONTOUR

PROPOSED CONTOUR

 PROPOSED P.C.C. PAVEMENT



PROPOSED PERMEABLE PAVERS

 PROPOSED P.C.C. SIDEWALK

ELECTRICAL PEDESTAL

TELEPHONE VAULT

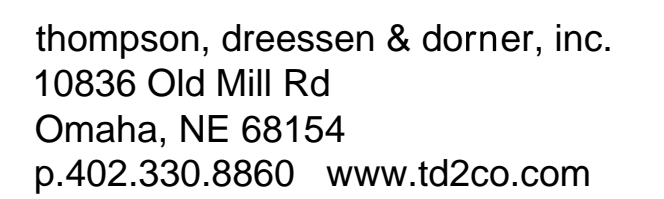
WATER MANHOLE
ELEVATION: 221.00'

(11) PARKING COUNT

UTILITY EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT, U. S. WEST COMMUNICATIONS, INC. AND ANY FRANCHISED CABLE TELEVISION SYSTEM IN FINAL PLAT DEDICATION OF BROOK VALLEY II BUSINESS PARK (LOTS 26 THRU 37) RECORDED AS INSTRUMENT NO. 99-15849 OF THE SARPY COUNTY RECORDS.

40.00 FOOT WIDE PERMANENT SEWER EASEMENT GRANTED TO SANITARY AND IMPROVEMENT DISTRICT NO. 65 RECORDED IN MISC. BOOK 45 AT PAGE 253, ASSIGNMENT OF EASEMENT RECORDED AS INSTRUMENT NO. 94-15619 AND AS SHOWN ON THE FINAL PLAT OF BROOK VALLEY II BUSINESS PARK (LOTS 26 THRU 37) RECORDED AS INSTRUMENT NO. 99-15849 ALL OF THE SARPY COUNTY RECORDS.

PERPETUAL EASEMENT GRANTED TO SANITARY AND IMPROVEMENT DISTRICT NO. 59 OF SARPY COUNTY, NEBRASKA AND PAPIO-MISSOURI NATURAL RESOURCES DISTRICT RECORDED AS INSTRUMENT NO. 2000-01184 AND AS SHOWN ON THE FINAL PLAT OF BROOK VALLEY II BUSINESS PARK (LOTS 26 THRU 37) RECORDED AS INSTRUMENT NO. 99-15849 BOTH OF THE SARPY COUNTY RECORDS.



Project Name

Lynch Flex Building

Brook Valley II
Business Park,
Lot 37

Client Name

Brook Valley II
Business Park -
Lynch, L.L.C.

Professional Seal

Revision Dates

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Drawn By: JAD R
Job No.: 2041-103

Reviewed By: JAD
Date: 09-26-18

Sheet Title

Rezoning Site Plan

Sheet Number

1 of 1