

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

Subject:	Type:	Submitted By:
ZONING MAP AMENDMENT – 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 Official Zoning Map to rezone a 50' by 50' property and associated right-of-way located at 8001 S. 132nd Street, from R-3 High-Density Residential and Gateway Corridor Overlay District to I-1 Light Industrial and Gateway Corridor Overlay District. 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 Official Zoning Map to rezone Tax Lot 6B 18-14-12 and associated right-of-way, located at 8001 S 132nd Street, as I-1 Light Industrial and Gateway Corridor Overlay District.

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 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.

K:\APPS\City Hall\CNCLRPT (Blue Letters)\22file\22_CD Zoning Map Amendment 02.01.2022.Docx

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 6, 2022, the La Vista Planning Commission conducted a public hearing on the matter of rezoning Tax Lot 6B 18-14-12, 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 tracts be changed from "R-3" High-Density Residential and Gateway Corridor District (Overlay District) to "I-1" Light Industrial and Gateway Corridor District (Overlay District). On February 1, 2022, 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, Tax Lot 6B 18-14-12 in the SW ¼ of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, is hereby rezoned from "R-3" High-Density Residential and Gateway Corridor District (Overlay District) to "I-1" Light Industrial and 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 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 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 of passage, approval and publication as provided by 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:

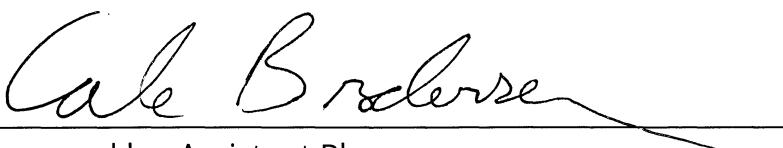
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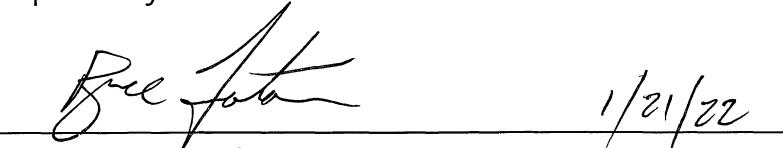
IX. ATTACHMENTS TO REPORT:

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

X. COPIES OF REPORT SENT TO:

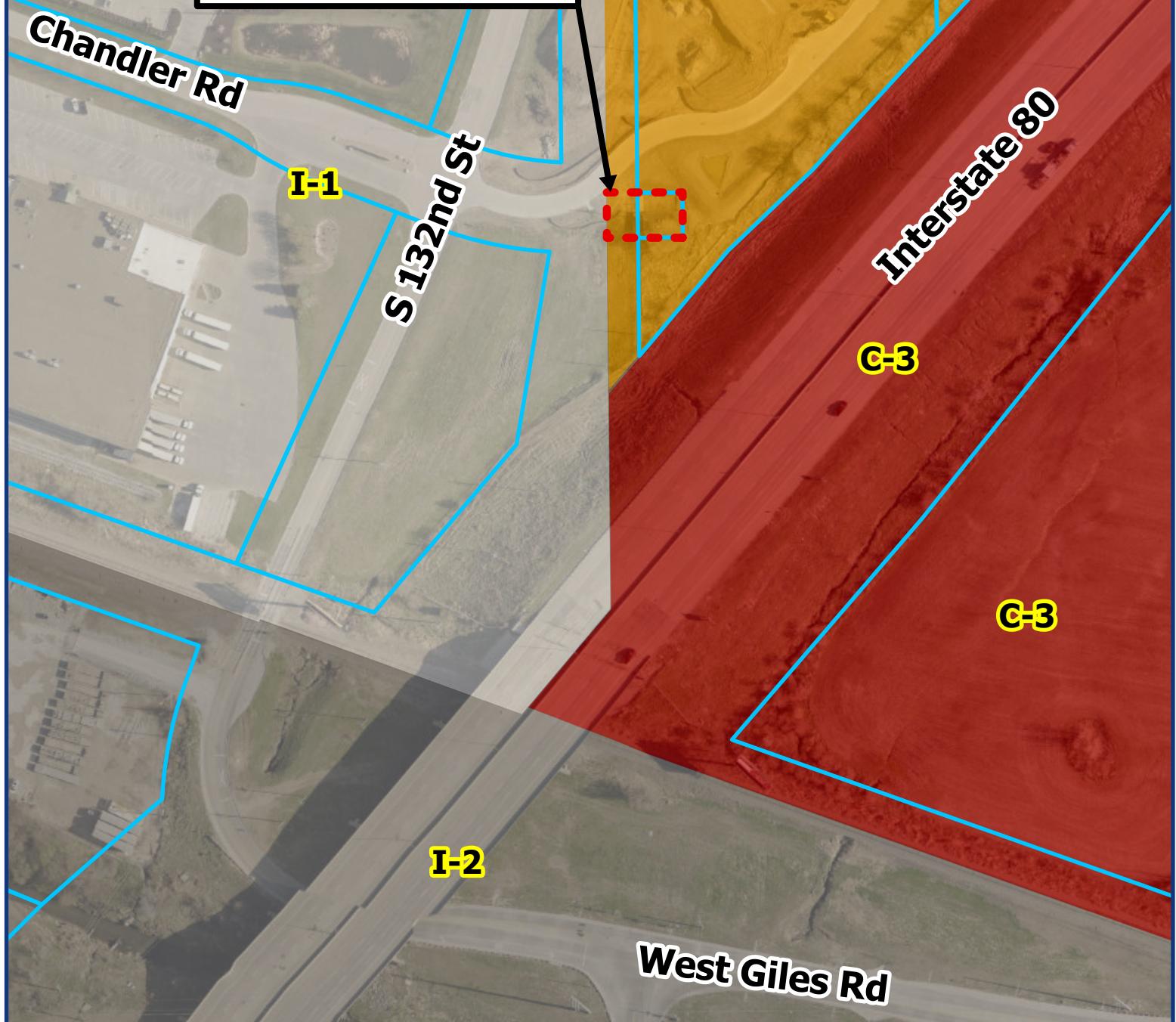
- A. Steve LaHood
- B. Public Upon Request


Prepared by: Assistant Planner

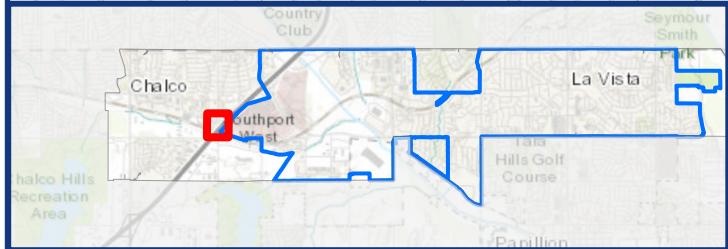

Community Development Director

1/21/22
Date

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



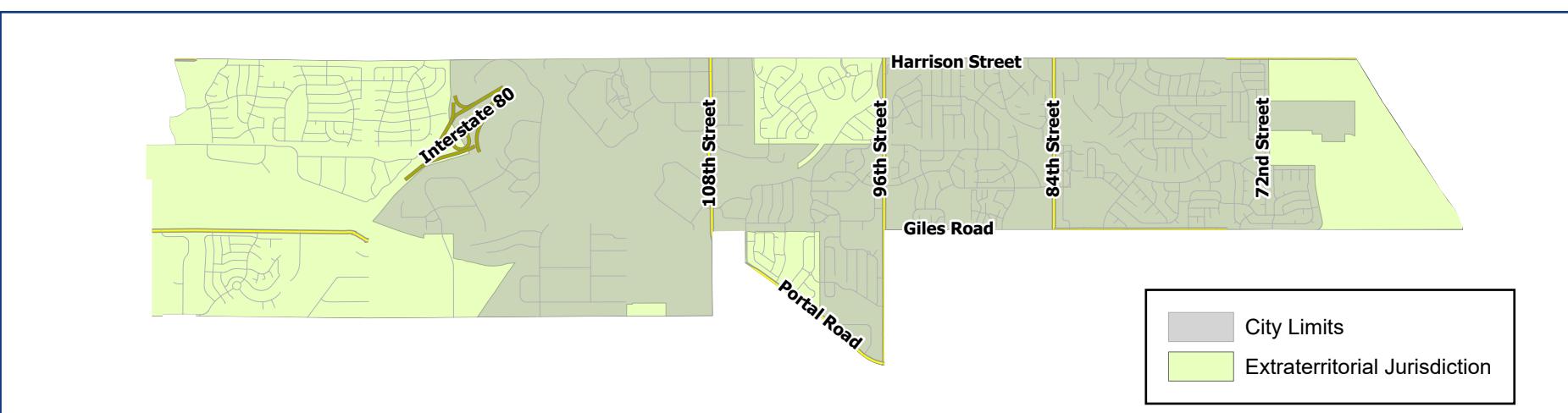
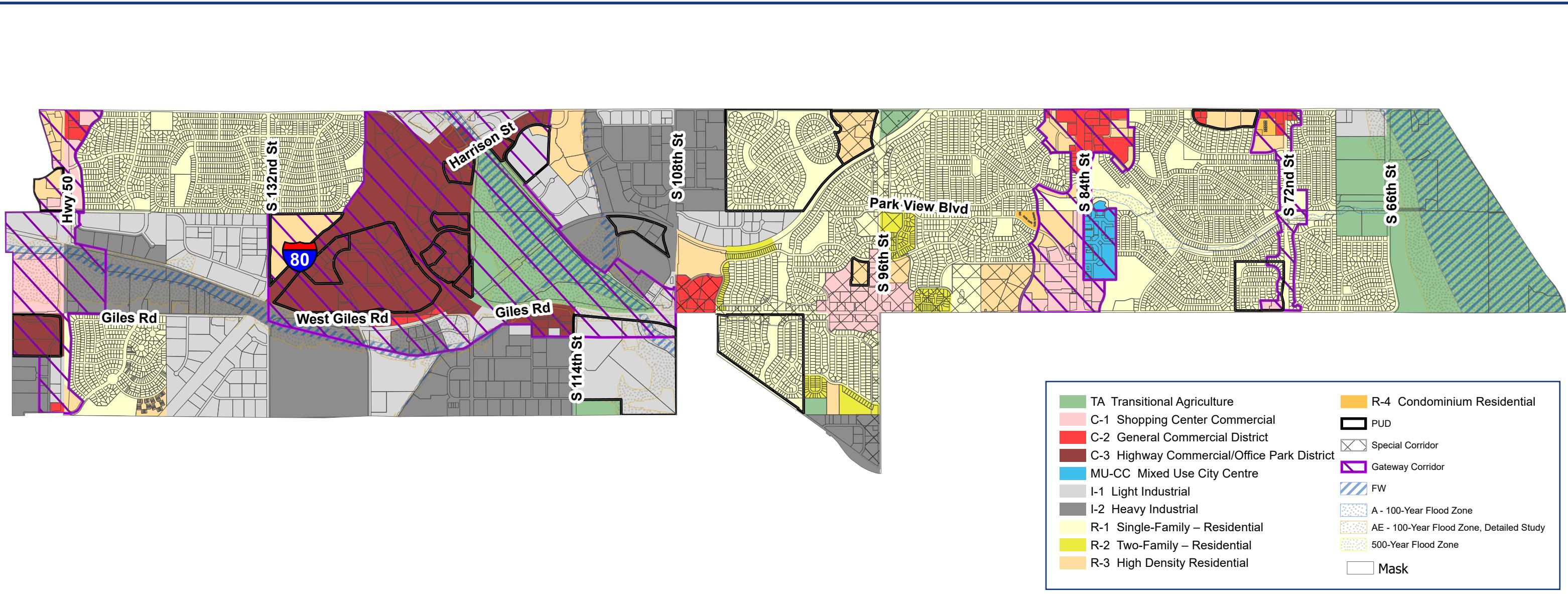
Zoning Map Amendment - Steve LaHood Application Exhibit



Legend

- La Vista Parcels
- Proposed Rezoning Area





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

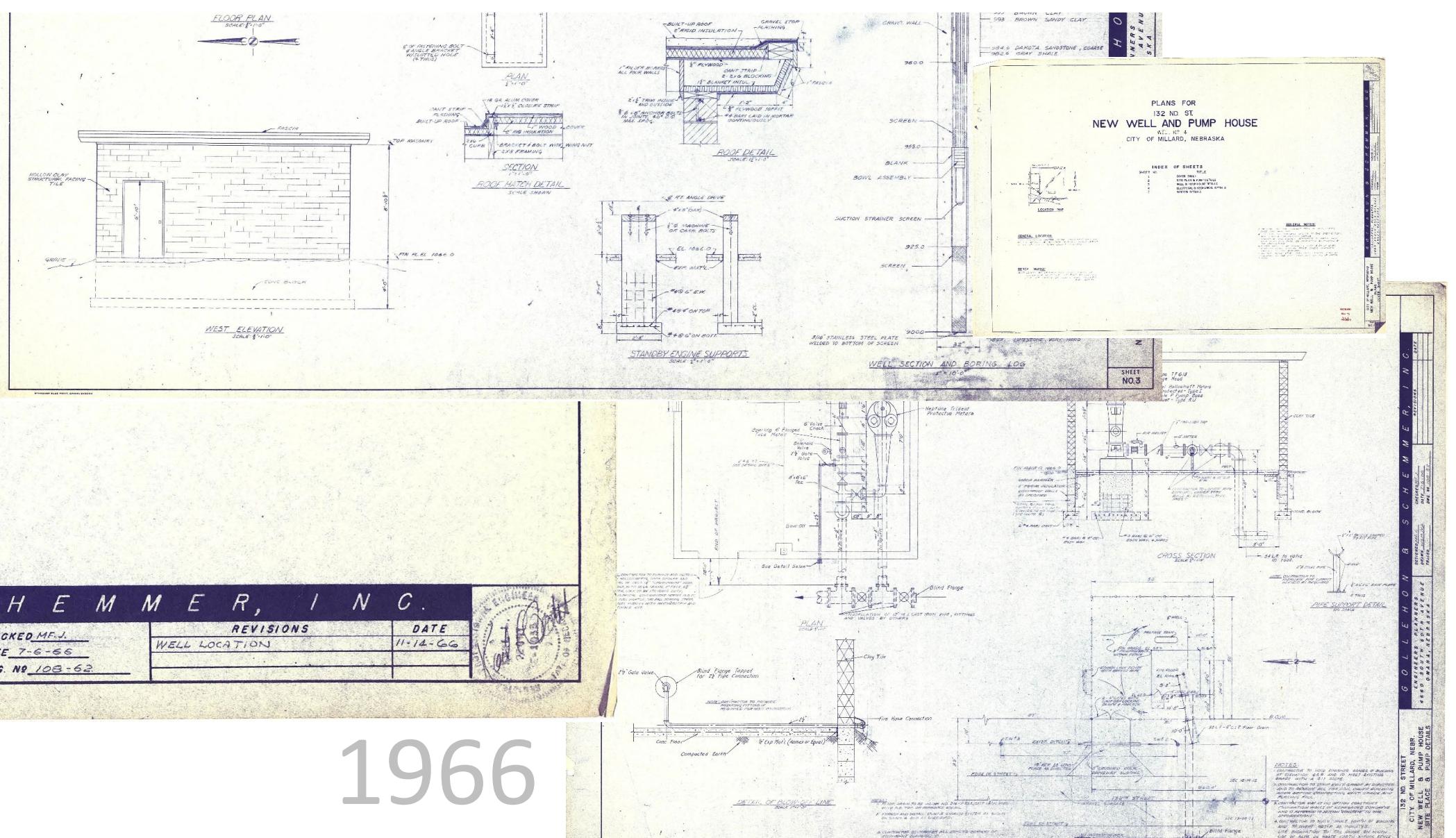


1/21/2022
Drawn By: CB

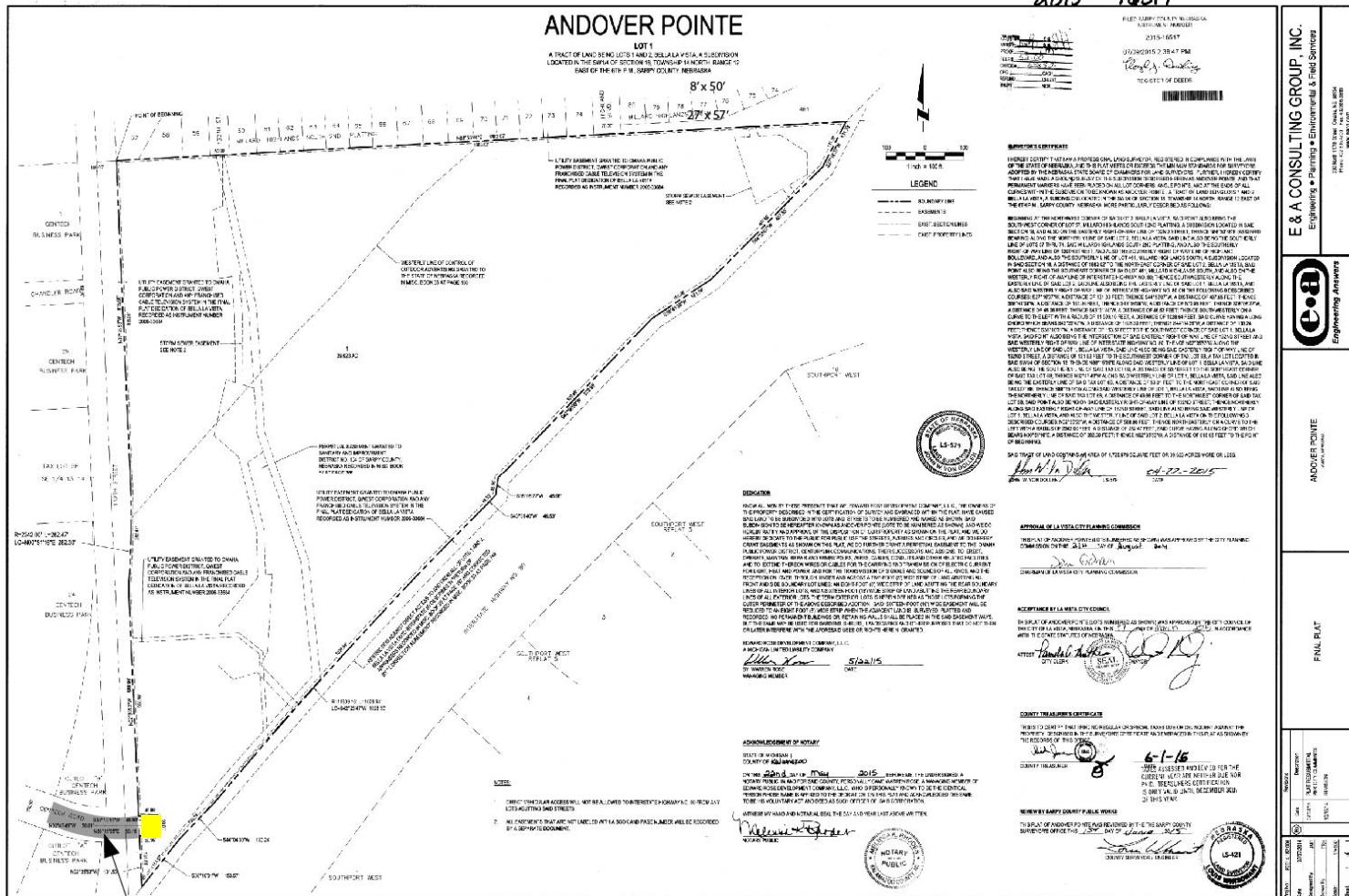


Proposed Renovation/Addition

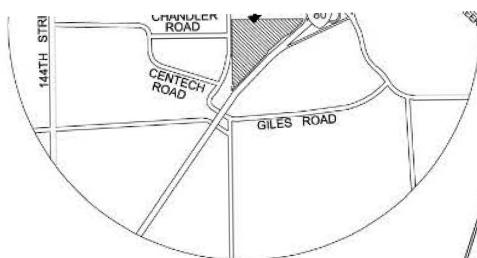
Well House



Context/Location



Area of easement



LOCATION MAP

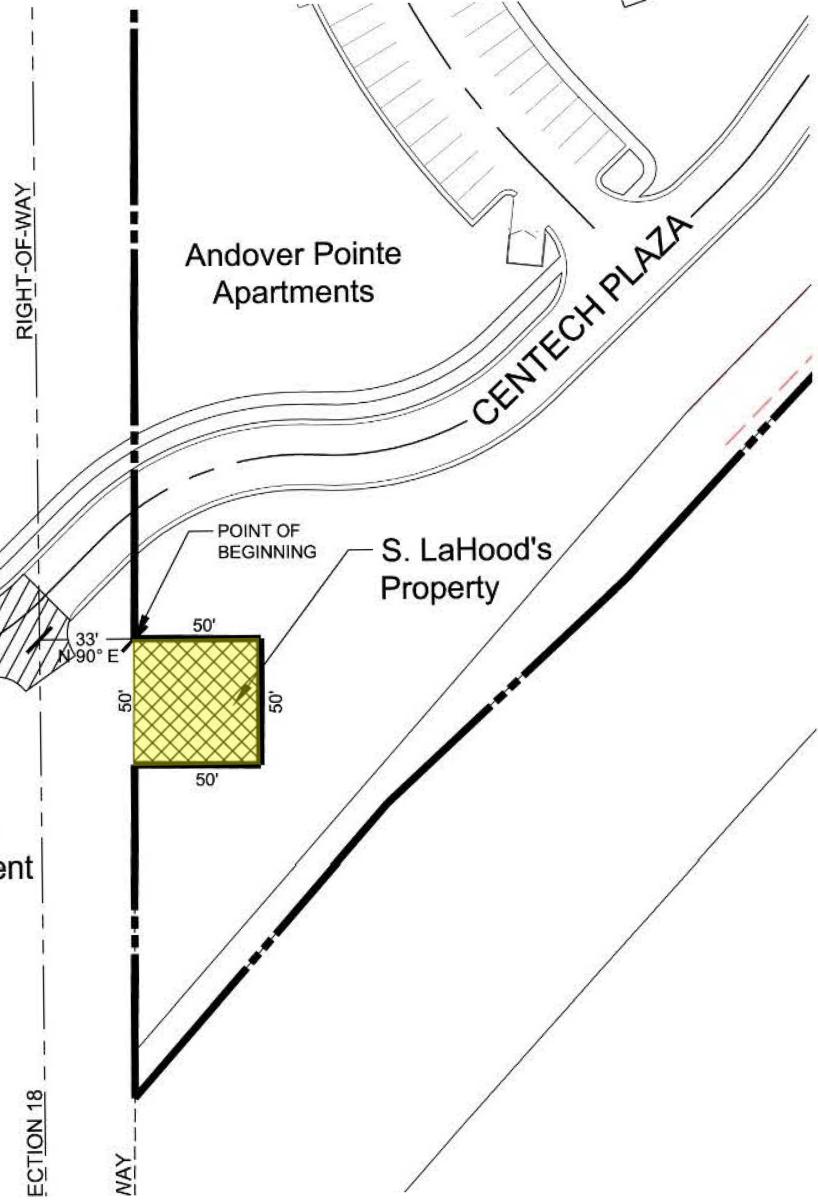
CENTECH ROAD

S 132nd Street

OUTLOT B

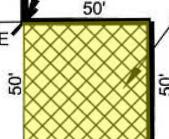
OUTLOT A

Access
Easement
Area



RIGHT-OF-WAY

SECTION 18



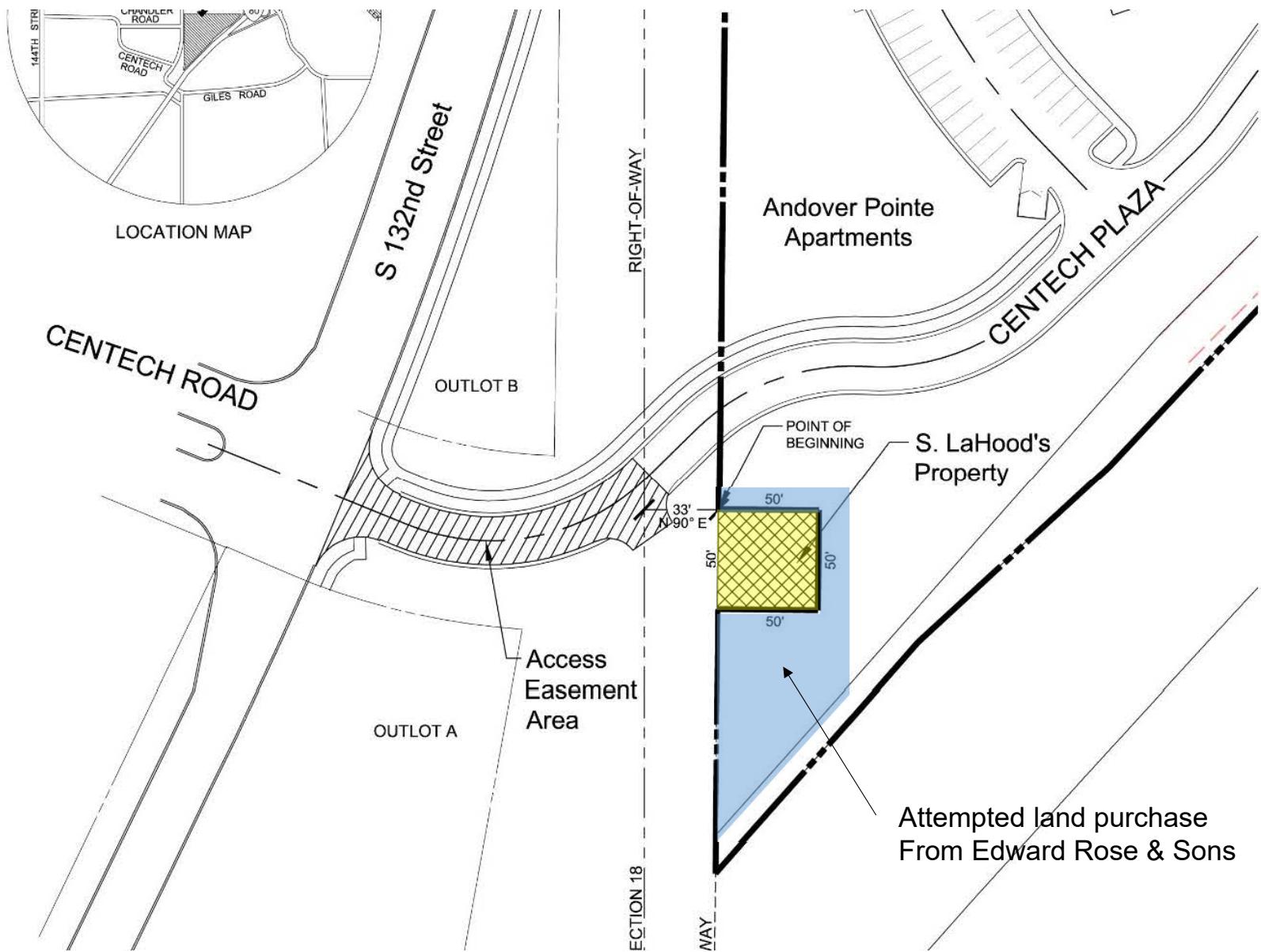
33'
N 90° E

50'
50'
50'
50'

Andover Pointe
Apartments

S. LaHood's
Property

CENTECH PLAZA



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.

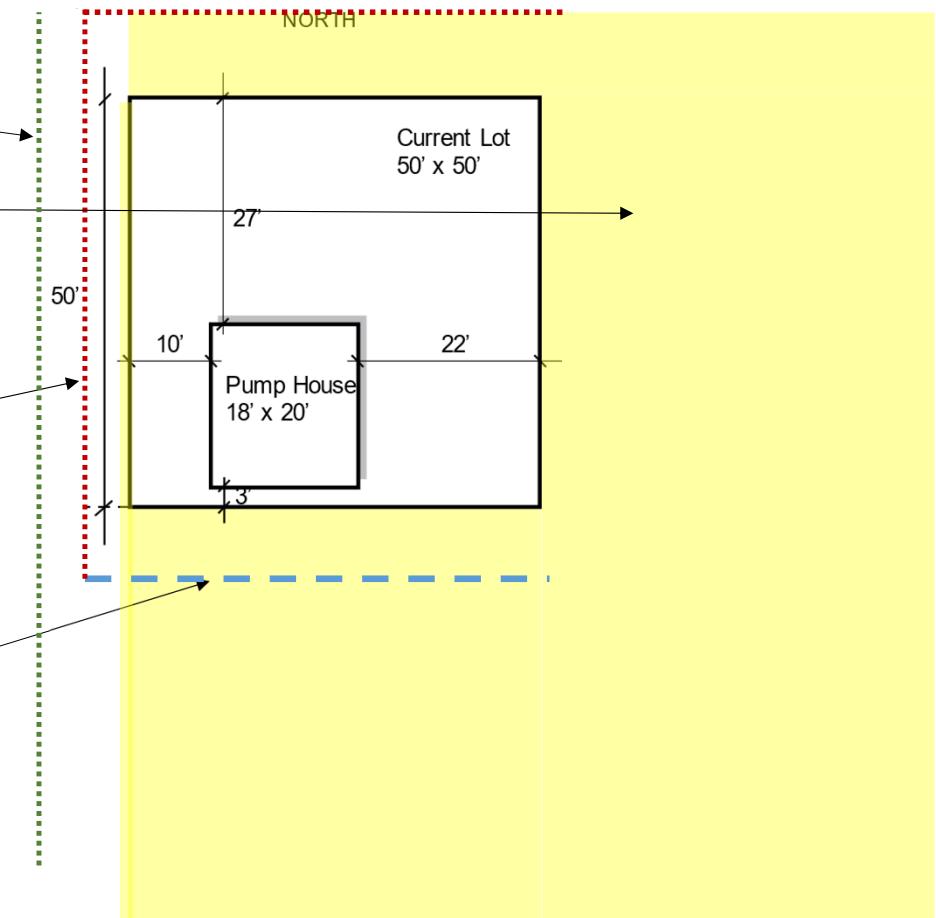
- Section 5.13.06.01. Parking no closer than (30) feet

- 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).

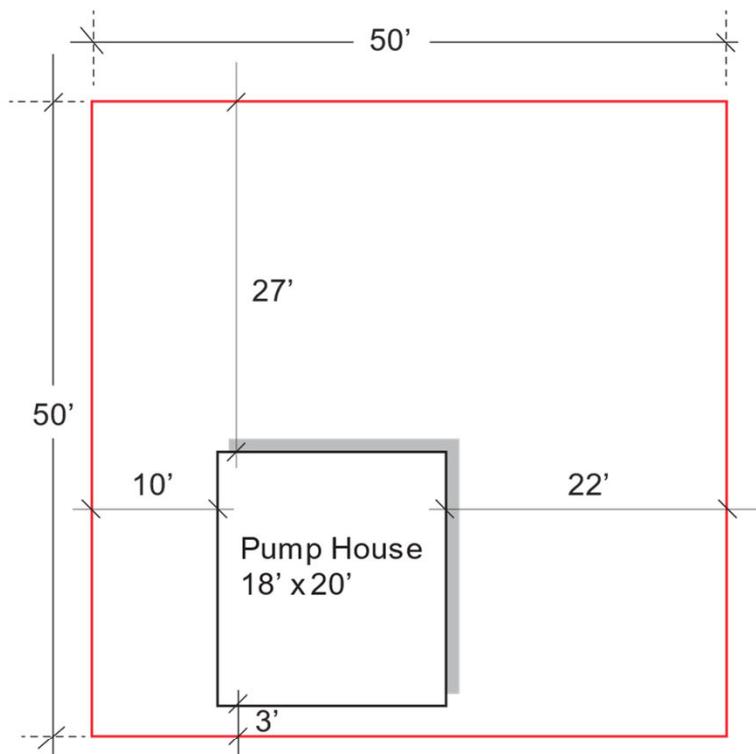
- Section 7.17.03.03

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

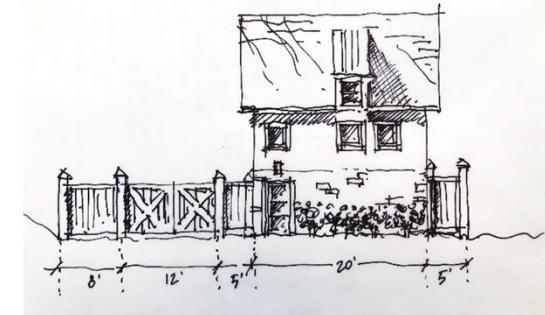


Existing Condition





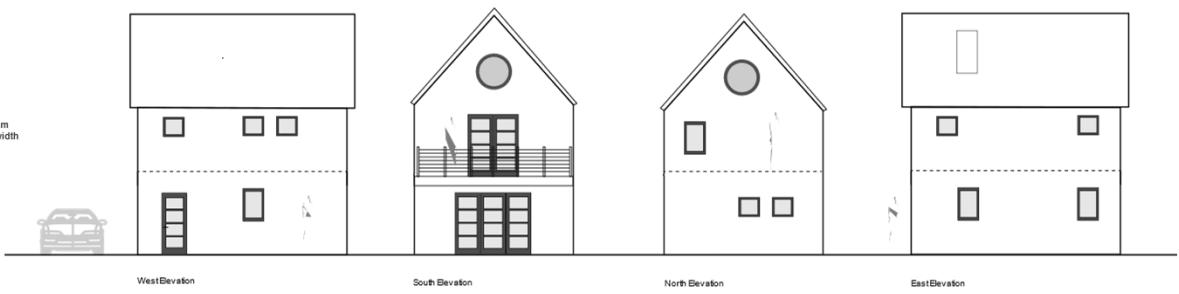
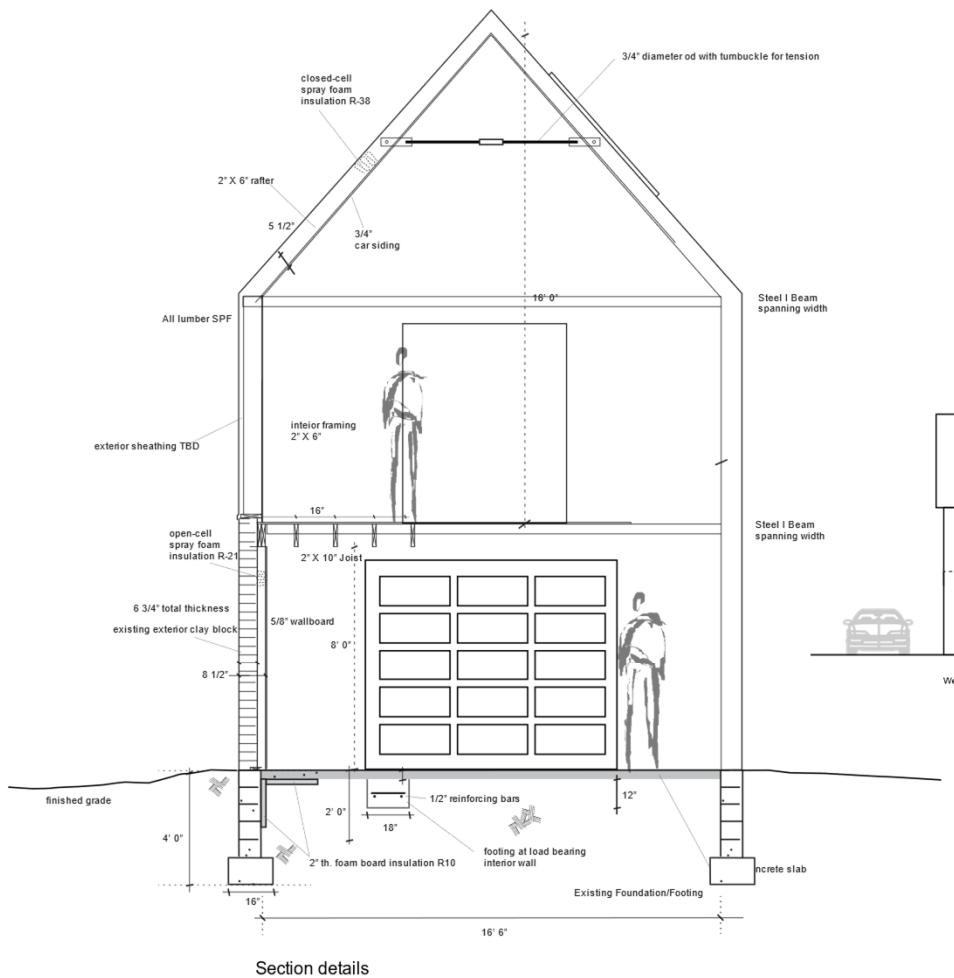
Concept materials/scale

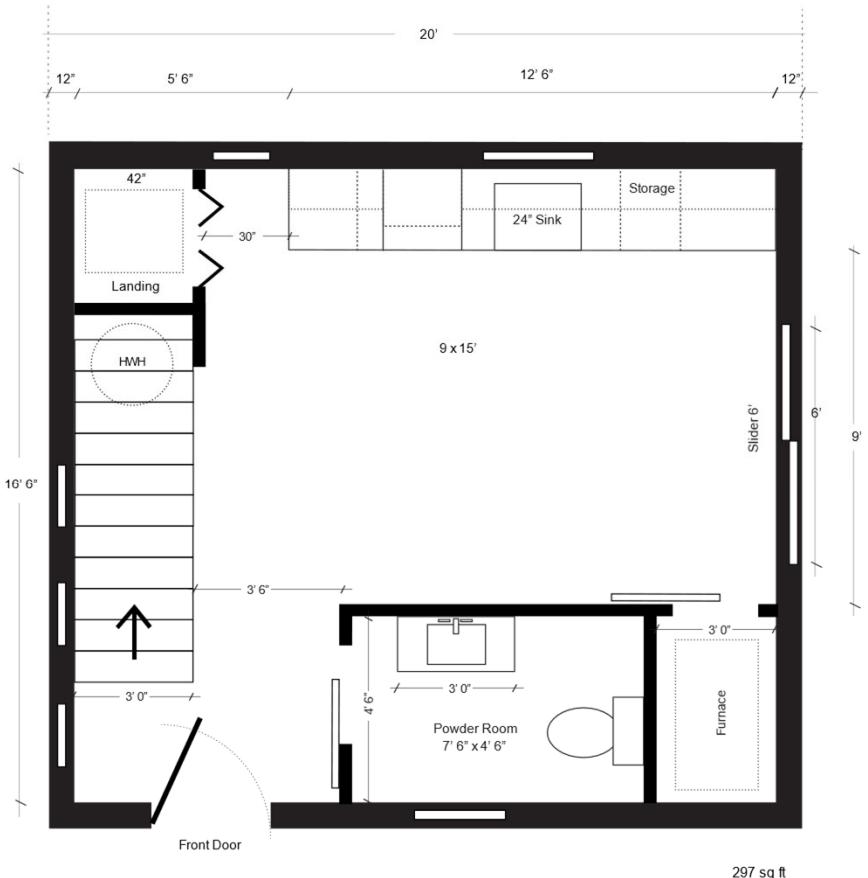




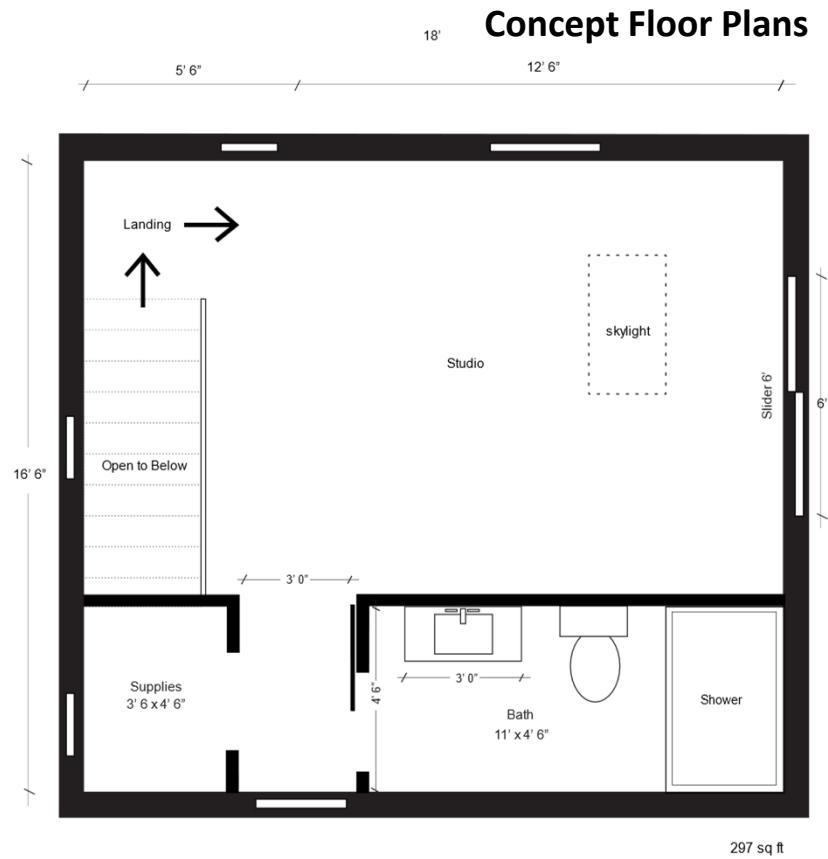


Concept Elevations/details





Ground



Level 2

Concept Floor Plans