

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 18, 2008 AGENDA**

Subject:	Type:	Submitted By:
ZONING TEXT AMENDMENT — C-3 DISTRICT, MAXIMUM HEIGHT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance has been prepared for Council to consider an amendment to Section 5.12.06.01 of the C-3 Highway Commercial/Office Park District, regarding the maximum height allowed.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled for Council to consider an amendment to Section 5.12.06.01 of the C-3 Highway Commercial/Office Park District of the Zoning Ordinance regarding the maximum height allowed.

Staff has had several requests, regarding development projects in the C-3 District, to exceed the 45-foot maximum height requirement in that zone. Most of these requests have been granted by creating a Planned Unit Development (PUD) overlay. However the PUD Overlay District has a minimum lot area requirement, which if it cannot be met, would require the project to go through a variance process. It seemed reasonable to staff that the maximum height permitted in the City's primary commercial/office district should be greater than 45 feet. Therefore, staff is proposing to increase the maximum height from 45 feet to 90 feet. This would accommodate a seven story building with a pitched roof, or an eight or nine story building with a flat roof. It is possible that the FAA may not allow a building height up to 90 feet, depending on the location. In those cases the maximum height would be governed by the FAA. Additionally, parking requirements and/or fire code requirements may also limit the height of a building depending on the size of the lot. Currently there are several existing buildings in Southport East and West which exceed the 45-foot maximum height, including the Embassy Suites (>98'), Courtyard by Marriott (>78'), Hampton Inn (>53'), and Securities America (>55').

At their initial hearing, the Planning Commission requested that staff look at an exception if the C-3 District abuts a residential district so that taller buildings would not adversely impact residential properties. The amendment as drafted lists an exception to the maximum height allowed in this situation.

Attached is a red-lined copy of the C-3 District of the Zoning Ordinance with the proposed amendments.

The Planning Commission held public hearings on September 18, 2008, and October 16, 2008, and recommended approval.

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Section 5.12 C-3 Highway Commercial / Office Park District

5.12.01 Intent: The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

5.12.02 Permitted Uses:

- 5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.12.02.02 Museum, art gallery.
- 5.12.02.03 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
1. Book store, not including uses defined in Adult Establishment.
 2. Brew-on premises store.
 3. Dry cleaning and laundry pickup.
 4. Floral shop.
 5. Gift and curio shop.
 6. Jewelry store.
 7. Reservation center.
 8. Restaurants, cafes and fast food establishment.
 9. Travel agencies.
 10. Office Park developments.
 11. Video store, not including uses defined in Adult Establishment.
 12. Meeting Halls not including Adult Establishments.
- 5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

5.12.03 Permitted Conditional Uses:

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
- 5.12.03.05 Coffee Kiosks.
- 5.12.03.06 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.08 Convenience store with limited fuel sales.
- 5.12.03.09 Churches and temples.
- 5.12.03.10 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
- 5.12.03.11 Department Stores.
- 5.12.03.12 Retail trade centers.
- 5.12.03.13 Shopping centers.
- 5.12.03.14 Commercial Strip Shopping Center.
- 5.12.03.15 Outlet Shopping Center.
- 5.12.03.16 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.17 Health Recreation Facilities, not including uses defined in Adult Establishment.

5.12.04 Permitted Temporary Uses

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.12.04.01 Temporary greenhouses.
- 5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.

- 5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.12.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*
- 5.12.04.05 Temporary structure for festivals or commercial events.

5.12.05 Permitted Accessory Uses

- 5.12.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.12.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.12.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.12.05.04 Landscaping as required by Section 7.17.

5.12.06 Height and Lot Requirements:

- 5.12.06.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Permitted Uses	10,000	-	25' ¹	15'	15'	45'-90' ²	60%
Permitted Conditional Uses	10,000	-	25' ¹	15'	15'	45'-90' ²	60%

¹ 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

² Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height.

5.12.07 Use Limitations:

- 5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 5.12.06.01 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.12.06.01 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; 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. Amendment of Section 5.12.06.01. Section 5.12.06.01 of Ordinance No. 848 is hereby amended to read as follows:

Section 5.12 C-3 Highway Commercial / Office Park District

5.12.01 Intent: The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

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². Any building within 100 feet of a residentially zoned district shall not exceed 45 feet in height. (Ordinance No. _____, 11-18-08)

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- 5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

SECTION 2. Repeal of Section 5.12.06.01 as Previously Enacted. Section 5.12.06.01 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. 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, 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 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 18th DAY OF NOVEMBER 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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