

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 16, 2010 AGENDA**

Subject:	Type:	Submitted By:
ZONING TEXT & MAP AMENDMENTS — ADDING 84 TH STREET TO THE GATEWAY CORRIDOR OVERLAY DISTRICT	RESOLUTION ◆ ORDINANCE (2) RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

The public hearing was held on February 16, 2010, and Ordinance Nos. 1113 and 1114 were approved on First Reading for amendments to Section 5.17 of the Zoning Ordinance regarding the Gateway Corridor Overlay District, to add the 84th Street corridor to the geographic area of the district, and amend the Official Zoning Map. Second Reading of the ordinances was tabled pending additional information.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

The public hearing was held on February 16, 2010 and Ordinance Nos. 1113 and 1114 were approved on First Reading for amendments to Section 5.17 of the Zoning Ordinance regarding the Gateway Corridor Overlay District, to add the 84th Street corridor to the geographic area of the district, and amend the Official Zoning Map. Second Reading of the ordinances was tabled pending additional information (see item 4 below).

The proposed amendments to the Section 5.17 of the Zoning Ordinance are intended to do the following:

- 1) Add language to Section 5.17.01, Intent, to more clearly identify that the regulations apply to multi-family, commercial and industrial building projects only (single family is excluded).
- 2) Add language to Section 5.17.03, Geographic Area, for the purpose of including the 84th Street corridor to the district.
- 3) Delete an unintentional duplication of the sub-area secondary overlay area description and delete a reference to an approximately one-quarter (1/4) mile boundary. The Official Zoning Map identifies the geographic boundary of the district.
- 4) Add language to Section 5.17.04, Criteria for Application, to identify that the regulations also apply to substantial redevelopment of existing buildings and include a definition of substantial redevelopment. **Include language specific to substantial redevelopment of multi-family structures.**

Attached is a red-lined copy of each page of the Zoning Ordinance with the proposed amendments, as well as a portion of the Official Zoning Map with the proposed boundary of the 84th Street corridor within the Gateway Corridor District.

The Planning Commission held a public hearing on January 21, 2010 and voted unanimously to recommend approval with revisions.

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 5.17.01, 5.17.03 AND 5.17.04 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17.01, 5.17.03, AND 5.17.04 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 Sections 5.17.01, 5.17.03 and 5.17.04. Section 5.17.01, 5.17.03 and 5.17.04 of Ordinance No. 848 is hereby amended to read as follows:

5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT):

5.17.01 Intent:

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district *for all multi-family, industrial, and commercial building projects*. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for a cohesive and properly developed entrance into the City of La Vista from the Interstate corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor.

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96th and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this district be the standard of quality for all *multi-family, industrial, and commercial building projects* within this *geographically defined area*. See Section 5.17.06 for special design criteria for this sub-area. (**Ordinance No. 1048, 10-2-07**)

5.17.03 Geographic Area:

The Gateway Corridor Overlay District extends generally *from 132nd Street to 108th Street and from Harrison Street to West Giles Road/Giles Road, roughly following close to West Giles Road, Giles Road, and Interstate 80, and along the 84th Street corridor from Harrison Street to Giles Road*. If a site is partially covered by said overlay district, then the entire portion of the site facing the Gateway Corridor is to be covered by these regulations. For a *geographically defined area*, see the Official Zoning Map. (**Ordinance No. 1048, 10-2-07**)

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.
- 96th Street Corridor – from Harrison Street to Portal Road

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96th and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map.* (**Ordinance No. 1048, 10-2-07**)

5.17.04 Criteria for Application:

- 5.17.04.01 All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar shall be required to meet the zoning requirements for a Planned Unit Development (PUD). The PUD process and rezoning shall be in conjunction with Preliminary and Final Plat review and approval.
- 5.17.04.02 All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.
- 5.17.04.03 All substantial redevelopment of existing buildings shall comply with the design criteria of this section. Substantial redevelopment shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure,

the cost of which equals or exceeds 50 percent of the market value of the structure before the start of the redevelopment. Multi-family structures damaged by fire or other environmental event may be reconstructed without adherence to the Gateway Corridor Overlay District regulations, provided that reconstruction activities involve less than 50% of the complex's structures.

SECTION 2. Repeal of Sections 5.17.01, 5.17.03, and 5.17.04 of Ordinance No. 848 as previously enacted are 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 16TH DAY OF MARCH 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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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 Map Amendment. On January 21, 2010, the La Vista Planning Commission conducted a public hearing on the matter of adding the 84th Street corridor to the geographic area of the Gateway Corridor Overlay District as identified on the Official Zoning Map. On February 16, 2010, the City Council held a public hearing on said proposed amendment to the Official Zoning Map and found and determined that said proposed change 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, were duly given pursuant to Section 3.02.01 of the Zoning Ordinance. The City Council hereby approves said proposed amendment to the Official Zoning Map 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 84th Street corridor as shown on the attached Exhibit "A" is added to the Gateway Corridor Overlay District.

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 MARCH 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)

5.17.01 Intent:

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district *for all multi-family, industrial, and commercial building projects*. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for a cohesive and properly developed entrance into the City of La Vista from the Interstate corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor.

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96th and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this district be the standard of quality for all *multi-family, industrial, and commercial building projects* within this *geographically defined area*. See Section 5.17.06 for special design criteria for this sub-area. **(Ordinance No. 1048, 10-2-07)**

5.17.02 Purpose:

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of La Vista's environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

5.17.03 Geographic Area:

The Gateway Corridor Overlay District extends generally *from 132nd Street to 108th Street and from Harrison Street to West Giles Road/Giles Road, roughly following close to West Giles Road, Giles Road, and Interstate 80, and along the 84th Street Corridor from Harrison Street to Giles Road*. If a site is partially covered by said overlay district, then the entire portion of the site facing the Gateway Corridor is to be covered by these regulations. For a *geographically defined area*, see the Official Zoning Map. **(Ordinance No. 1048, 10-2-07)**

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.
- 96th Street Corridor – from Harrison Street to Portal Road

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96th and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map.* **(Ordinance No. 1048, 10-2-07)**

5.17.04 Criteria for Application:

- 5.17.04.01 All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar shall be required to meet the zoning requirements for a Planned Unit Development (PUD). The PUD process and

rezoning shall be in conjunction with Preliminary and Final Plat review and approval.

5.17.04.02 All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.

5.17.04.03 *All substantial redevelopment of existing buildings shall comply with the design criteria of this section. Substantial redevelopment mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of the redevelopment. Multi-family structures damaged by fire or other environmental event may be reconstructed without adherence to the Gateway Corridor Overlay District regulations, provided that reconstruction activities involve less than 50% of the complex's structures and that structures reconstructed shall be compatible with the existing design of the complex.*

5.17.05 Criteria for Appearance

5.17.05.01 Relationship of Buildings to Site.

The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.

1. Site planning in which setbacks and yards are in excess of standard commercial zoning restrictions is encouraged to provide an interesting relationship between buildings.
2. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
3. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
4. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

5.17.05.02 Relationship of Buildings and Site to Adjoining Area (Outside Of Subdivision).

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
2. Attractive landscape transitions shall be designed to be compatible to adjoining properties.
3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

5.17.05.03 Landscape and Site Treatment.

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

1. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good site design and development.
2. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
3. Landscape treatments shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade. Spectacular effects shall be reserved for special locations only.
4. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.

5. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
6. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
7. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.
8. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.
9. All fencing within this Overlay shall not exceed six (6) feet in height.
10. Fencing within the District and as part of an Industrial Development may be required to be a solid fence.

5.17.05.04

Building Design.

1. Architectural design and style are not restricted, however architectural style should be consistent throughout the subdivision. See Gateway Corridor District Design Guideline Booklet for examples of developments considered meeting this concept. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
3. The primary building material of all portions of the structures shall be negotiated with the City, however, sample materials shall include but not be limited to materials of high quality, such as brick (clay), stucco, wood, glass, split faced concrete masonry units (CMU) with integrated color pigmentation and stone material native to Eastern Nebraska. The materials shall be similar and compatible throughout the entire development. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. CMU, poured-in-place concrete) for portions of the building not visible from public areas. Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
4. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
5. Materials shall be of durable quality.
6. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
7. Building components, such as windows, doors, eaves and parapets, shall have good proportions and relationships to one another.
8. Colors shall be harmonious and shall use only compatible accents.
9. Colors shall be of "low reflectance, subtle, neutral, or earth tones" and shall not be of high-intensity or metallic colors unless the colors are true to the materials being used.
10. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious

with the building, or they shall be so located as not to be visible from any public ways.

11. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
12. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
13. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
14. Building orientation shall be toward an arterial street, unless it is demonstrated that this would not be feasible.

5.17.06 Sub-area Secondary Overlay

5.17.06.01 Special Criteria For Sub-area.

The criteria found in this section are intended to be supplemental to the design standards stated in previous sections of this Article. See section 5.17.02 and 5.17.03 for purpose and geographic area of the Sub-area.

5.17.06.02 Landscape And Site Treatment.

1. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments. All projects need to use a minimum of the following listed plant varieties of the plants used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for a listing of those plant materials.
 - A. A minimum of two (2) species listed under the deciduous tree category.
 - B. A minimum of one (1) species listed under the coniferous tree category.
 - C. A minimum of one (1) species listed under the deciduous shrub category.
 - D. A minimum of one (1) species listed under the coniferous shrub category.
2. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and fixtures for the parking areas and drives within the commercial building area shall be similar in appearance and quality level as the light fixtures used at the La Vista Public Library / MCC Sarpy Center. See Gateway Corridor District Design Guideline Booklet for information on the required light fixture style. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided.

5.17.06.03 Building Design.

The primary building material of all portions of the building shall be brick (clay) with its color selected for harmony of the building with adjoining buildings within its subdivision. The La Vista staff and design review architect may allow other primary building designs (of good architectural character i.e. split faced concrete block) for portions of the building not visible from public areas (i.e. facades that back up to

landscape buffer between commercial buildings and residential). Other secondary building materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

5.17.07 Factors For Evaluation

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- 5.17.07.01 Conformance of ordinances and the Building Design Criteria.
- 5.17.07.02 Logic of design.
- 5.17.07.03 Exterior space utilization.
- 5.17.07.04 Architectural character.
- 5.17.07.05 Attractiveness Material selection.
- 5.17.07.06 Harmony and compatibility.
- 5.17.07.07 Circulation-vehicular and pedestrian.
- 5.17.07.08 Maintenance aspects.

5.17.08 Process

- 5.17.08.01 **Planned Unit Development (PUD) Application**
All developments within the Gateway Corridor District shall be required to apply for rezoning under the criteria in Section 5.15 of this Ordinance.
- 5.17.08.02 **Subdivision Approval**
All Commercial Building projects within the city of La Vista need to receive Subdivision approval. As a condition of its subdivision approval, all commercial building projects within the required geographic region will have to comply with the Gateway Corridor District regulations and Gateway Corridor District Design Guideline Booklet. The Developer shall place maintenance provisions required by this section within all restrictive covenants.
- 5.17.08.03 **Pre-application Conference:**
A pre-application conference with city staff to give the applicant an opportunity to discuss plans before a great deal of time or money is expended.
- 5.17.08.04 **Application for Design Review:**
The applicant needs to fill out the "Application for Certificate of Approval" and submit it along with the required submittals. See Gateway Corridor District Design Guideline Booklet for a listing of required submittals.
- 5.17.08.05 **Design Review:**
The City of La Vista staff in association with the city design review architect will review the submittal documents for compliance with the Gateway Corridor District Design Guideline Booklet.
- 5.17.08.06 **Certificate of Approval:**
Upon a successful review the City of La Vista will issue to the applicant a Certificate of Approval. A copy of this will need to be included with the Building Permit documents in order to receive a Building Permit.
- 5.17.08.07 **Appeals:**

In the event where the Applicant, City staff and City design review architect cannot come to an agreement the applicant may appeal the decision by requesting an amendment to the Subdivision Agreement from the La Vista City Council.

5.17.08.08

Certificate of Occupancy Permit:

After the building permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.

5.17.08.10

Maintenance of Design requirements:

The Applicant needs to maintain the Design Requirements for the life of the project. In the event that they fail to do so the City may revoke the Occupancy Permit.

5.17.08.11

Fees:

Fees may apply to each individual step as established in the Master Fee Schedule.