

DEPUTY AGENDA

AGENDA ITEM 5B

**Zoning Map Amendment – Lots 29 and 30 Brook
Valley II Business Park; 8720 S 114th Street and
11412 Centennial Road; Falewitch & Sons**



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PRP24-0003;

FOR HEARING ON:
REPORT PREPARED ON:

FEBRUARY 6, 2025
JANUARY 27, 2025

I. GENERAL INFORMATION

A. APPLICANT(S):

Falewitch & Sons
11446 Valley Ridge Drive
Papillion, NE 68046

B. PROPERTY OWNERS:

Falewitch & Sons
11446 Valley Ridge Drive
Papillion, NE 68046

C. LOCATION: Northwest of the intersection of Centennial Road and 114th Street.

D. LEGAL DESCRIPTION: Lots 29 and 30 Brook Valley II Business Park.

E. REQUESTED ACTION(S): Zoning Map Amendment to add PUD Overlay, Planned Unit Development (PUD) Site Plan and Ordinance.

F. EXISTING ZONING AND LAND USE: I-2 Heavy Industrial; the properties are currently developed with multi-tenant industrial buildings.

G. PURPOSE OF REQUEST: Zoning Map Amendment to add PUD Overlay, Planned Unit Development (PUD) Site Plan and Ordinance to modify the uses allowed within the overlay area to include various uses that are more commercial in nature.

H. SIZE OF SITE: Approximately 5.62 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial	I-2 Heavy Industrial	Industrial – Frito-Lay
East	Industrial	I-1 Light Industrial	Oriental Trading Company
South	Industrial	I-2 Heavy Industrial	Multi-Tenant Industrial – Counterworx, Schu Marketing
West	Industrial	I-2 Heavy Industrial	Multi-Tenant Industrial – Terminix, Midwest Floor Covering, Guardian Window Well Covers, Midwest Foam Solutions

B. RELEVANT CASE HISTORY:

1. City Council approved of the Final Plat for Brook Valley II Business Park on May 18, 1999.

C. APPLICABLE REGULATIONS:

1. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development District (Overlay District)
2. Section 5.13 of the Zoning Regulations – I-2 Heavy Industrial District

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates the subject property as Industrial.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The proposed PUD overlay does not have any expected impacts to the traffic or access aspects related to this development from what was approved through the original plat.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum off-street parking stall requirement for flex industrial space is one space per 3,000 square feet of gross

floor area, per Section 7.06 of the La Vista Zoning Ordinance. For the proposed buildings on the Falewitch Business Park PUD site, this requirement would equate to 18 parking stalls. The current proposed site plan depicts 230 parking stalls between the two buildings, well above the initial required amount.

2. Child Autism Services (CAS) is considered an office use under Section 7.06 (Schedule of Minimum Off-Street Parking Requirements). This requires CAS to provide one (1) parking space per 200 SF for their use. The two bays to be utilized by CAS constitute 5,000 SF in each building. This equates to 25 parking spaces to serve each of the two locations. Staff has determined that sufficient parking is available for the uses, current and proposed, in the PUD overlay area.

IV. REVIEW COMMENTS

- A. In late October staff received a sign permit application for Child Autism Services, a business that was moving into a bay of a multi-tenant building located on Lot 29 Brook Valley II Business Park. As this use was not allowed within the I-2 Heavy Industrial District, the sign permit applicant was informed of the non-conformity with the District's regulations. Through discussions with the applicant and the property owner, it was discovered that Child Autism Services was already operating out of a bay in another multi-tenant building on Lot 30 Brook Valley II Business Park and had been issued an occupation license from the City Clerk's office.

Through a series of meetings and site visits, it was concluded that the use could be compatible with the buildings and surrounding area if several of the other uses typically allowed within the heavy industrial zoning district for these two lots were constrained to limit potential negative conflicts. To limit the uses allowed, a PUD overlay was proposed that limits the uses allowed on the properties to less-intensive industrial and commercial uses.

- B. Included in the packet is the draft PUD ordinance. This ordinance lists in Section 6 the allowed uses in the Falewitch Business Park PUD overlay area. The list of uses includes lower-intensity uses than what is allowed through the underlying I-2 Heavy Industrial District. One of the allowed uses proposed is "Developmental Support and Consulting Services" as defined in Section 3 of the ordinance. Allowing this use through the PUD will allow for the operation of the Child Autism Services within the PUD overlay area.
- C. A sidewalk extension, as noted on the attached PUD site plan, will be installed as part of the PUD site plan approval to ensure proper pedestrian connectivity between the two lots in the PUD area.

D. Additional trees will be planted on the site to bring the properties into conformance with Section 7.17.03.02.3 of the La Vista Zoning Ordinance.

V. STAFF RECOMMENDATION – ZONING MAP AMENDMENT:

Staff recommends approval of the Zoning Map Amendment to add a PUD zoning overlay over the Falewitch Business Park PUD area as the request is consistent with the Zoning Regulations and the Comprehensive Plan.

V. STAFF RECOMMENDATION – PUD SITE PLAN AND ORDINANCE:

Staff recommends approval of the PUD site plan and ordinance for the Falewitch Business Park PUD as the request is consistent with the Zoning Regulations and the Comprehensive Plan.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Staff Review Letters
3. Applicant Response Letters
4. Draft PUD Ordinance
5. PUD Site Plan Map Set

VII. COPIES OF REPORT SENT TO:

- A. Chris Dorner, TD2
- B. Public Upon Request



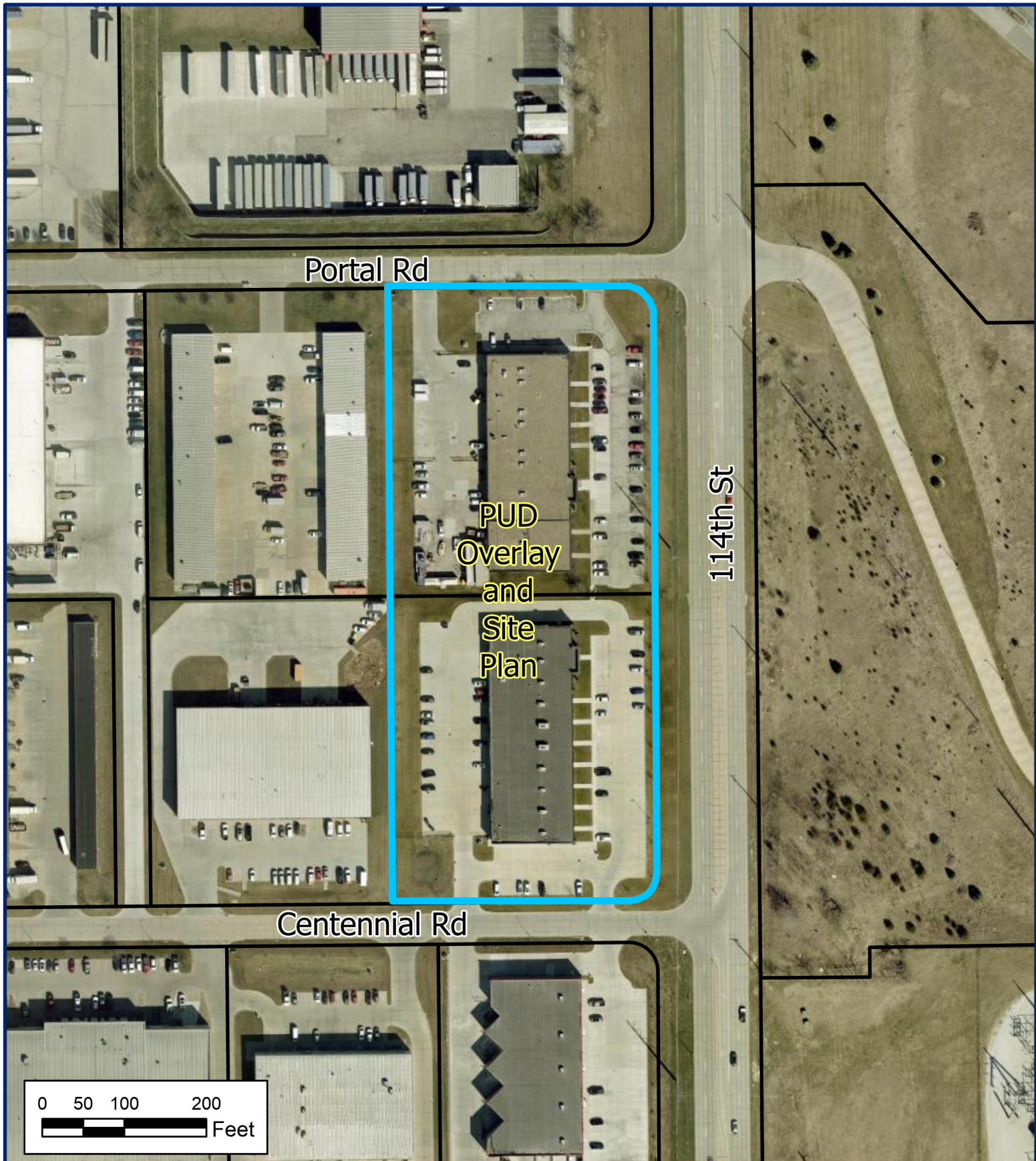
Prepared by: Deputy Community Development Director



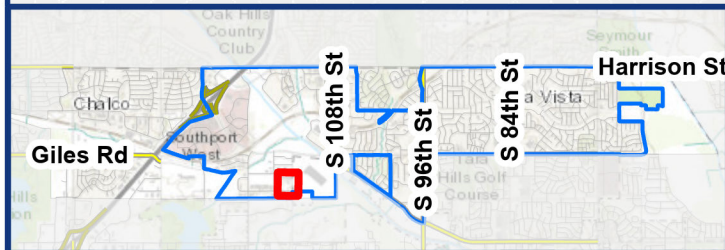
Community Development Director

1/31/25

Date



Planned Unit Development - Falewitch Business Park



Legend

- Property Lines
- PUD Overlay and Site Plan





January 6, 2025

Falewitch & Sons
Attn: John Falewitch
11446 Valley Ridge Drive
Papillion, NE 68046

RE: Falewitch Planned Unit Development –
Lots 29 & 30 Brook Valley II Business Park
Initial Review Letter

Mr. Falewitch,

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 Zoning Ordinance, the City has the following comments:

1. Per Section 5.15.05.02.03, please confirm the number of stalls per lot, inclusive of ADA and ADA van stalls. Lot 29 would appear to be striped to less than the required number for office-only use. However, it would appear the unstriped rear lot would accommodate the 48 stalls needed to account for office-only use. If the existing non-office users vacate the building and office users are proposed to take their place to the point where additional stalls are required, you will be required to stripe additional stalls in order to provide the minimum number of required off-street parking stalls per Section 7.06 of the La Vista Zoning Ordinance. Lot 30 appears to have a sufficient number of striped spaces for office-only use.
2. Per Section 5.15.05.02.03, please clarify if any busses or larger passenger vans will be utilized in relation to this use. Circulation plans for busses and/or larger passenger vans may need to be contemplated if pick-up or drop-off services are utilized. It would appear Lot 30 has a general circulation path if turning movements are sufficient, but a circulation path for Lot 29 may need to be diagrammed.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

3. Regarding Section 5.15.05.02.3, please submit a Traffic Management and/or Circulation Plans to better understand and facilitate orderly stacking and/or vehicular movements interior to Lots 29 and 30 if large numbers of students and/or clients are anticipated to be picked up and/or dropped off at the same time. Traffic will not be allowed to stack out into the public roadway network.
4. Regarding Section 5.15.05.02.4, there are no adjacent pedestrian paths within the Portal Road, 114th Street, and/or Centennial Road corridors. Buildings would need to be served exclusively via vehicular transportation. There may be future contemplations of a multi-use trail in the vicinity of the 114th Street Corridor pursuant to the 2025 City of La Vista Active Mobility Plan.
5. Per Section 5.15.05.02.4, lots 29 and 30 are contemplated as a campus in the PUD, pedestrian connection and/or egress easements may be needed to satisfy pedestrian movements and/or cross-lot parking. The improvement of sidewalk connections between the two buildings will be necessary to facilitate the movement of staff between the two locations of the Childhood Autism Services (CAS) staff between offices.
6. Per Section 5.15.05.02.6, the applicant has previously noted to staff that two outdoor recreation areas will be utilized by CAS. The extents of these recreation areas need to be depicted in the PUD Site Plan with notes related to fencing and access.
7. Per Section 5.15.05.02.9, the development of the two lots involved in the proposed PUD area may have met the requirements of Section 7.17.03.02.3 at the time of construction. However, it appears that some of the trees have been removed. Please note that a minimum of one tree shall be planted for every forty lineal feet or fraction thereof of street frontage. Please include on the PUD site plan the locations for existing trees, and trees proposed to be planted in order to comply with Section 7.17.03.02.3.
8. Per Section 5.15.05.02.11, please provide a list of all existing developments within 200 feet.
9. Provided in the attached document is a list of uses that the City would deem compatible with existing occupants/uses and would find acceptable to operate within the proposed PUD area. The Planned Unit Development Ordinance will restrict which uses are allowed for these two buildings, so not all uses typically permitted in the I-2 Heavy Industrial Zoning District will be permitted within the PUD area. Please note that these uses would be the only uses allowed within the PUD area after approval. Any change of

occupancy in either of the buildings will need to obtain a Change of Occupancy permit as per City Code. Please review.

10. The list of uses includes the following use which staff considers to correspond with the activities conducted by Childhood Autism Services at this location. Please review and confirm if this definition matches that use appropriately:

Supportive Day Care and Consulting Services: A facility or business that provides professional consulting services, therapeutic guidance, and supportive day care services specifically designed for individuals with disabilities, including but not limited to autism spectrum disorder. Such facilities may include individualized care plans, developmental and social skills training, educational support, behavioral therapy, and family counseling services.

Please resubmit revised electronic copies of the PUD submittal documents to the City for further review. Please also provide a response letter that answers or acknowledges each of the comments contained in this letter. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted in this review have been sufficiently addressed. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP
Deputy Community Development Director
City of La Vista
csolberg@cityoflavista.org
(402) 593-6400

Attachment

cc:

Chris Dorner, Thompson Dreesen & Dorner, Inc.
Bruce Fountain, Community Development Director – City of La Vista
Cale Brodersen, Associate Planner – City of La Vista
Pat Dowse, City Engineer – City of La Vista
Garrett Delgado, Engineer Assistant – City of La Vista

Uses Allowed in the Falewitch PUD District

Use Category (Specific Use Type)	PUD District
----------------------------------	--------------

Commercial:

Brew-on premises store	P
Business services	P
Health club or recreation facility, not including uses defined in Adult Establishment.	C
Office uses including; attorneys, insurance, real estate, credit, security brokers, and investment services.	P
Special and vocational training facilities	P
Supportive Daycare and Consulting Services	P
Animal Specialty Services	C
Assembly of electrical and electronic appliances	P

Industrial:

Animal Specialty Services	C
Assembly of electrical and electronic appliances	P
Automotive services, except repair, towing and wrecking	P
Business Services	P
Catering Kitchens	P
Facilities for building construction contractors	P
General warehousing	P
Indoor recreational facility	C
Industrial Condominiums	C
Laboratory, medical & dental	P
Manufacture: light	P
Printing, publishing, and allied industries	P
Testing laboratories	P
Manufacturing: Artisan (Limited) (hand tools only: e.g., jewelry or ceramics)	C

Other:

Temporary structures (events)	T
Temporary structures (construction)	T

P = permitted by right; C = conditional use; T = temporary

Falewitch Planned Unit Development – Lots 29 & 30 Brook Valley II Business Park

1. 17 additional stalls were added to Lot 29. 99 regular stalls and 5 disabled stalls are available for parking.
2. No busses or larger passenger vans will be utilized in relation to this use.
3. At most, four children will be dropped off or picked up within specified intervals throughout the day. The drop off times are 8am-930am, 11am-1230pm, and 3pm-345pm. Pick up times are 1130am-1145am, 330pm-345pm, and 530pm-545pm. From what we've witnessed, there is no cause for concern for the stacking of cars. We will make sure it stays in the lot, although no issue is presumed.
4. This is noted.
5. We did add an anticipated pathway extending from the sidewalk on Lot 30 through the grass to the parking lot, which can connect as a pathway from one lot to the other.
6. These are noted on the PUD Site Plan.
7. Existing trees and proposed trees are noted on PUD Site Plan.
8. Existing developments within 200 ft are depicted on PUD Site Plan.
9. We acknowledge the uses allowed for these buildings.
10. We reviewed this definition with CAS and they agree that this matches their use appropriately, with the exception of the daycare verbiage.



January 21, 2025

Falewitch & Sons
Attn: John Falewitch
11446 Valley Ridge Drive
Papillion, NE 68046

RE: Falewitch Planned Unit Development –
Lots 29 & 30 Brook Valley II Business Park
2nd Review Letter

Mr. Falewitch,

We have reviewed the revised documents submitted for the above-referenced application and have no further comments.

The PUD application has been scheduled to be on the Planning Commission agenda for their February 6th meeting. Please have someone in attendance at that meeting to present the application to the Commission and to answer questions as necessary. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink, appearing to read "Christopher Solberg", is written over the typed name.

Christopher Solberg, AICP
Deputy Community Development Director
City of La Vista
csolberg@cityoflavista.org
(402) 593-6400

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

cc:

Chris Dorner, Thompson Dreesen & Dorner, Inc.

Bruce Fountain, Community Development Director – City of La Vista

Cale Brodersen, Associate Planner – City of La Vista

Pat Dowse, City Engineer – City of La Vista

Garrett Delgado, Engineer Assistant – City of La Vista

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; 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. The Planned Unit Development plan for the Falewitch and Sons, LLC development of Falewitch Business Park (the "Falewitch Business Park PUD") is hereby adopted for the following described real estate, to wit:

LEGAL DESCRIPTION

See Exhibit "A" attached hereto and made a part hereof.

Section 2. The Falewitch Business Park PUD is hereby adopted to provide for the development of an industrial business park development. Such industrial development will be characterized by two industrial buildings within the PUD area, constituting a total of 52,200 square feet of building footprint, served by parking areas that provide sufficient parking. The regulations contained in this Ordinance will facilitate development in a planned, orderly fashion so as to protect the public health, safety, and general welfare. All development and build-out shall be in strict accordance with the provisions of this Ordinance, except as shall be amended by the City Council in the required manner. The underlying zoning district regulations shall continue to be applicable, except as provided for in this Ordinance and the attached exhibits.

Section 3. Definitions

Unless a contrary intent is clearly indicated herein, the following words and phrases shall have the following meanings, regardless of whether or not capitalized:

- A. "Developer" shall mean Falewitch , LLC, their successors and assigns.
- B. "Developmental Support and Consulting Services" shall mean a facility or business that provides professional consulting services, therapeutic guidance, and supportive services specifically designed for individuals with disabilities, including but not limited to autism spectrum disorder. Such facilities may include individualized care plans, developmental and social skills training, educational support, behavioral therapy, and family counseling services.
- C. "Falewitch Business Park PUD" shall mean the planned unit development that is subject to this Ordinance, as developed and approved, that outlines certain provisions for the development of the Subdivision and its uses.

Section 4. Parcel Identification Map

Attached hereto and made a part of Falewitch Business Park PUD for parcel delineation is the PUD Site Plan for the Falewitch Business Park PUD marked as Exhibit "B".

Section 5. Allowed Uses

The uses allowed within the Falewitch Business Park PUD area shall be constrained to the uses outlined in this Section. The uses allowed through the underlying I-2 Heavy Industrial District do not apply. The allowed uses within this PUD area are:

- A. The following uses shall be allowed outright:
 - a) Assembly of Electrical and Electrical Appliances
 - b) Automotive Services, Except Repair, Towing and Wrecking
 - c) Brew On-Premises Store
 - d) Business Services
 - e) Catering Kitchens
 - f) Facilities for Building Construction Contractors
 - g) General Warehousing
 - h) Laboratory, Medical and Dental
 - i) Light Manufacturing
 - j) Office Uses Including: Attorneys, Insurance, Real Estate, Credit and Security Brokers, and Investment Services
 - k) Printing, Publishing, and Allied Industries
 - l) Special and Vocational Training Facilities
 - m) Developmental Support and Consulting Services
 - n) Testing Laboratories
- B. The following uses shall be allowed with the approval of a Conditional Use Permit:
 - a) Animal Specialty Services
 - b) Health Club or Recreational Facility, not including uses defined in Adult Establishment
 - c) Indoor Recreation Facility
 - d) Industrial Condominiums
 - e) Manufacturing: Artisan (Limited)
(hand tools only: e.g. jewelry or ceramics)
- C. The following uses shall be allowed on a temporary basis:
 - a) Temporary Structures (events)
 - b) Temporary Structures (construction)
- D. General Conditions

In addition, the following general site plan criteria shall be integrated into and made part of the Falewitch Business Park PUD.

- i. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the La Vista Subdivision Regulations and the most current design standards

adopted by the City of La Vista pertaining thereto unless otherwise stated within this Falewitch Business Park PUD.

- ii. Unless otherwise specified herein, the development of the Falewitch Business Park PUD shall comply with the applicable La Vista Zoning Ordinance or any other applicable City Codes.

Section 6. 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, sentence 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 7. That this Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 18th DAY OF FEBRUARY 2025.

CITY OF LA VISTA

Douglas Kindig, Mayor

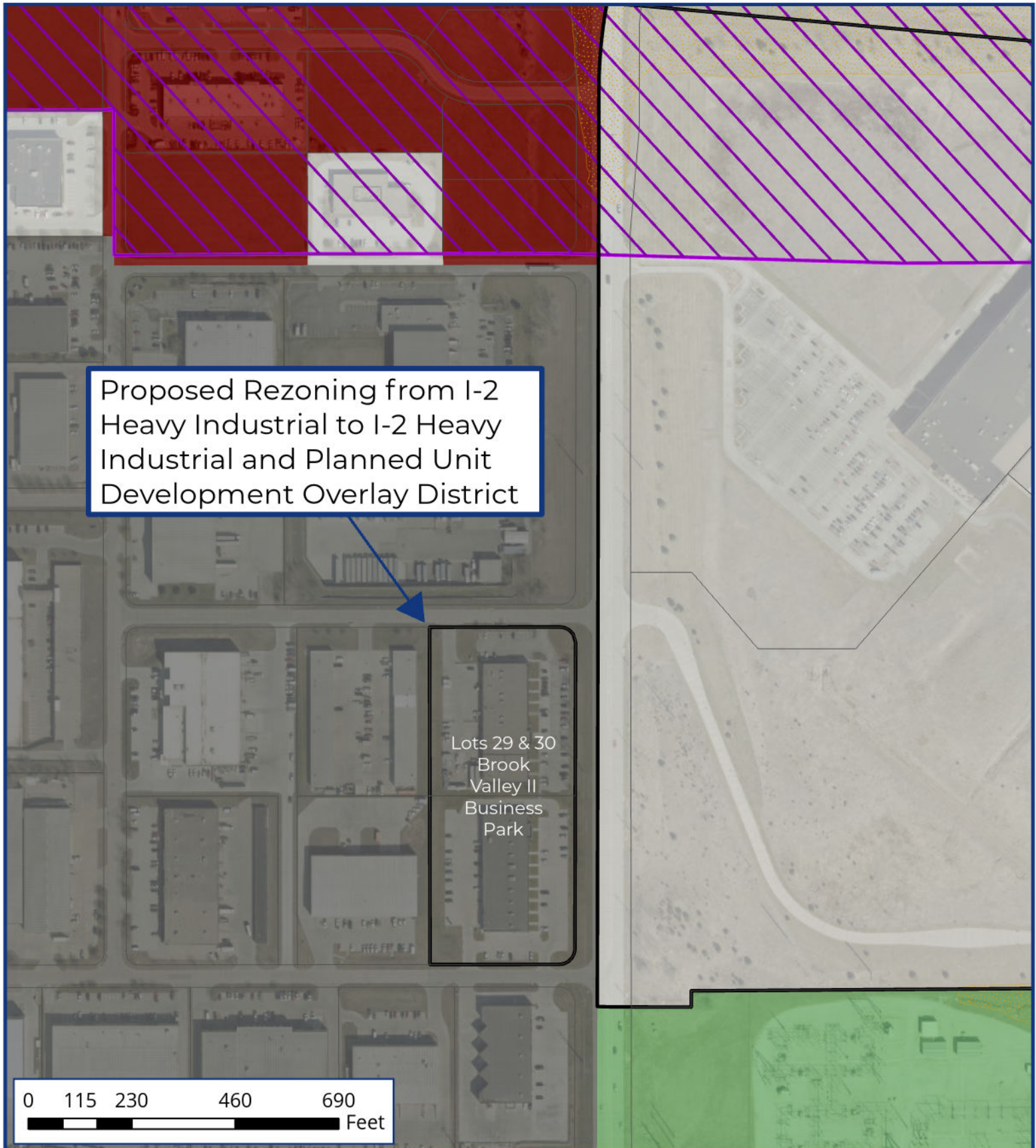
ATTEST:

Pamela A. Buethe, MMC
City Clerk

EXHIBIT A

Lots 29-30 Brook Valley II Business Park, located in the S $\frac{1}{2}$, Section 14, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska.

EXHIBIT B



Vicinity Map: Proposed Planned Unit Dev. Rezoning - Falewitch



Legend

Zoning Districts

- TA Transitional Agriculture
- C-3 Highway Commercial/Office Park District

- I-1 Light Industrial
- I-2 Heavy Industrial
- PUD
- Gateway Corridor



