



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER:

FOR HEARING OF: December 9, 2010
REPORT #1: November 29, 2010

I. GENERAL INFORMATION

A. APPLICANT:

Susan Sandelman as Trustee of the Esan Trust c/o Kin Properties, Inc.

B. PROPERTY OWNER:

Same

C. LOCATION:

Southeast corner of 84th Street and Harrison Street

D. LEGAL DESCRIPTION:

Lots 1282-A, 1282-B1, 1282-I1A, 1282-I1B, 1282-J1A and 1282-J1B, NW 1/4, Section 14, T14N, R12E, 6th P.M., Sarpy County, Nebraska

E. REQUESTED ACTIONS(S):

Replat

F. EXISTING ZONING AND LAND USE:

C-2, General Commercial District / Big Lots and Divine Truth Christian Store

G. PURPOSE OF REQUEST:

Replat into two lots for new development. The existing building will be demolished and replaced by a 10,000 square foot building on the south lot for Divine Truth, and a 13,225 square foot building on the north lot for a new CVS Pharmacy.

H. SIZE OF SITE:

3.3 acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

This corner is currently developed with an approximately 34,995 square foot building which is occupied by Big Lots and Divine Truth Christian Store, and associated parking lot.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** City of Ralston

2. **East:** Kentucky Fried Chicken restaurant / C-2, General Commercial District
3. **South:** Burger King restaurant / C-2, General Commercial District
4. **West:** Qwest Corporation / C-2, General Commercial District

C. REVELANT CASE HISTORY:

None.

D. APPLICABLE REGULATIONS:

1. Section 3.08, Subdivision Regulations, regarding replats
2. Articles 4, 5 and 7, Subdivision Regulations, regarding improvements
3. Chapter 154, City Code, regarding storm water management regulations

III. ANALYSIS

A. COMPREHENSIVE PLAN:

This site is identified as commercial on the Future Land Use Map of the Comprehensive Plan.

B. OTHER PLANS:

84th Street Redevelopment Vision Plan

C. TRAFFIC AND ACCESS:

1. There is controlled access abutting the property along Harrison Street and 84th Street. Two breaks in controlled access exist onto Harrison Street. The applicant is proposing to close one of these breaks closest to 84th Street, which is supported by staff due to its proximity to 84th Street and high operating speeds. At the City's request, the applicant is proposing to construct a right-turn deceleration lane to serve the other existing access point at the northeast corner of proposed Lot 1.
2. There is an existing cross easement on the property for ingress and egress to serve this property as well as commercial property to the south. The existing cross easement will need to be released with a new easement that includes adequate operation and maintenance provisions. The proposed ingress-egress path needs to be able to accommodate truck traffic for deliveries to the businesses served by this cross easement.
3. The access to Harrison Street at the northeast corner of proposed Lot 1 has difficult traffic flow characteristics due to the configuration and proximity of the frontage road that exists to the east serving the KFC business. Alternative access may be necessary to resolve potential "grid lock" conditions at this intersection. See further comments later in this report.
4. Sidewalk connections to the 84th Street and Harrison Street sidewalks will be required with the development plans for the lots.

D. UTILITIES & DRAINAGE:

1. There is sanitary sewer available along 84th Street to serve the proposed lots. The sewer abuts Lot 2 but is approximately 95 feet south of Lot 1 and does not abut Lot 1. It is possible for the proposed redevelopment on Lot 1 to reach the

- existing sewer with a private service. Since there is no other adjacent property that would benefit from extending the sanitary sewer in 84th Street further to the north, staff does see adequate reason to require extending the public sewer.
2. The property presently has access to water, gas, power and communication utilities.
 3. The redevelopment on these lots will meet the definition of "significant redevelopment" as set forth in Chapter 154 of the City Code and will be required to provide post construction storm water management facilities. A Post Construction Storm Water Management Plan will be part of the subdivision agreement.
 4. The storm water from this site will primarily be served by the existing open drainageway along the east side of 84th Street which has adequate capacity. The applicant has submitted a drainage study that complies with the various criteria for no increase in 2-year storm peak flows, treatment of the first ½-inch of runoff from storm events, and limiting 10-year peak flows to no greater than 1.25 times existing conditions.

IV. REVIEW COMMENTS: PRELIMINARY PLAT

1. A couple minor additions to the plat are needed to meet the requirements per Section 3.03 of the Subdivision Regulations. The names and addresses of the property owner and subdivider should be added. Also, add a note stating "Existing and proposed zoning is C-2".

FINAL PLAT

2. What is shown as an "access easement" to the south of proposed Lot 2 is public right-of-way. This should be revised to identify it as such to avoid confusion for those that make reference to these documents in the future.
3. The proposed access easement that runs east-west along the common lot line between Lots 1 and 2 needs to be extended to the east line of Lots 1 and 2. This is needed to provide for circulation to the existing commercial property to the east since it will most likely be needed to reduce congestion problems that are expected with the entrance at the northeast corner of Lot 1. While not an issue for the plat, the applicant needs to be aware that the City will be requesting a driveway to be constructed in this easement extension to the east line of Lots 1 and 2.
4. The granting of the new access easement needs to be done by a separate instrument from the plat that fully addresses who will be responsible to operate and maintain the shared access roadway in this easement area.
5. Provide a copy of Controlled Access Instrument No. 94-06090. The City will prepare a deed instrument for the applicant to sign to release the break in controlled access at the location where the existing driveway to Harrison Street is being removed.
6. Confirm to the City that there is no lender involved that needs to sign the final plat. If there is, provide an appropriate signature block.

APPLICATION, ESTIMATE, SUBDIVISION AGREEMENT & MISC.

7. The cost estimate provided should be identified as "Right Turn Deceleration Lane" instead of Sitework. The estimate should also include engineering fees for design and construction services such as staking, testing, etc. Typically this would be 18% of the construction costs. The estimate should note the funding source as "private".
8. The subdivision agreement will need to include language identifying that Storm Water Management Fees are applicable and will be due at the time of building permit. These fees are \$4,000 per acre, collected by the City and paid to the Papillion Creek Watershed Partnership. Language for this section is provided below.
9. Comments on the draft subdivision agreement include:
 - a. The name of the owner shown does not match what is shown on the final plat. This needs to be explained or changed to match the plat.
 - b. Item 5 concerning creation of a sidewalk district needs to be deleted as it does not apply.
 - c. Add a paragraph identifying that tract sewer connection fees will be required for proposed Lot 1. The fee will not be required for proposed Lot 2 as it will be served by an existing sewer connection.
 - d. Include language providing for a letter of credit or other acceptable financial guarantee for construction of the right-turn deceleration lane if the plat is to be recorded prior to the construction being completed. The amount would be based upon an acceptable estimate that would be included in the subdivision agreement as an exhibit.
 - e. Include a paragraph for Watershed Management Fees as follows:

The Owner of each lot shall make payment to the City of La Vista for Watershed Management Fees. This fee is computed as follows for the lots shown on Exhibit "A" (the final plat). Payment shall be made to the City Permits & Inspections Division prior to receiving a building permit to construct improvements on any lot. Payment shall be based on the current fee adopted by the City and is currently as follows:

Lot 1, Commercial ____ Ac. @ \$4,000.00/Ac. \$ _____

Lot 2, Commercial ____ Ac. @ \$4,000.00/Ac. \$ _____

Total \$ _____

10. The applicant needs to provide a truck path exhibit along the proposed shared access though these two lots along the proposed paving. This should be based on a tractor-trailer truck of the size that would make deliveries to the commercial businesses in this subdivision as well as those to the south that will

be using this access. An exhibit based on a program such as Autoturn or other simulation software is needed. The applicant is strongly encouraged to use Portland cement concrete pavement for the proposed shared access path. This request is made since shared private roadways in commercial developments in the City have historically been a maintenance problem when constructed of asphalt.

V. STAFF RECOMMENDATION:


Approve, subject to satisfactory resolution of items noted.


VI. ATTACHMENTS TO REPORTS:

1. Vicinity Map
2. Zoning Map
3. Replat (Preliminary and Final Plats)
4. Letter from John Kottmann dated November 16, 2010

VII. COPIES OF REPORT TO:

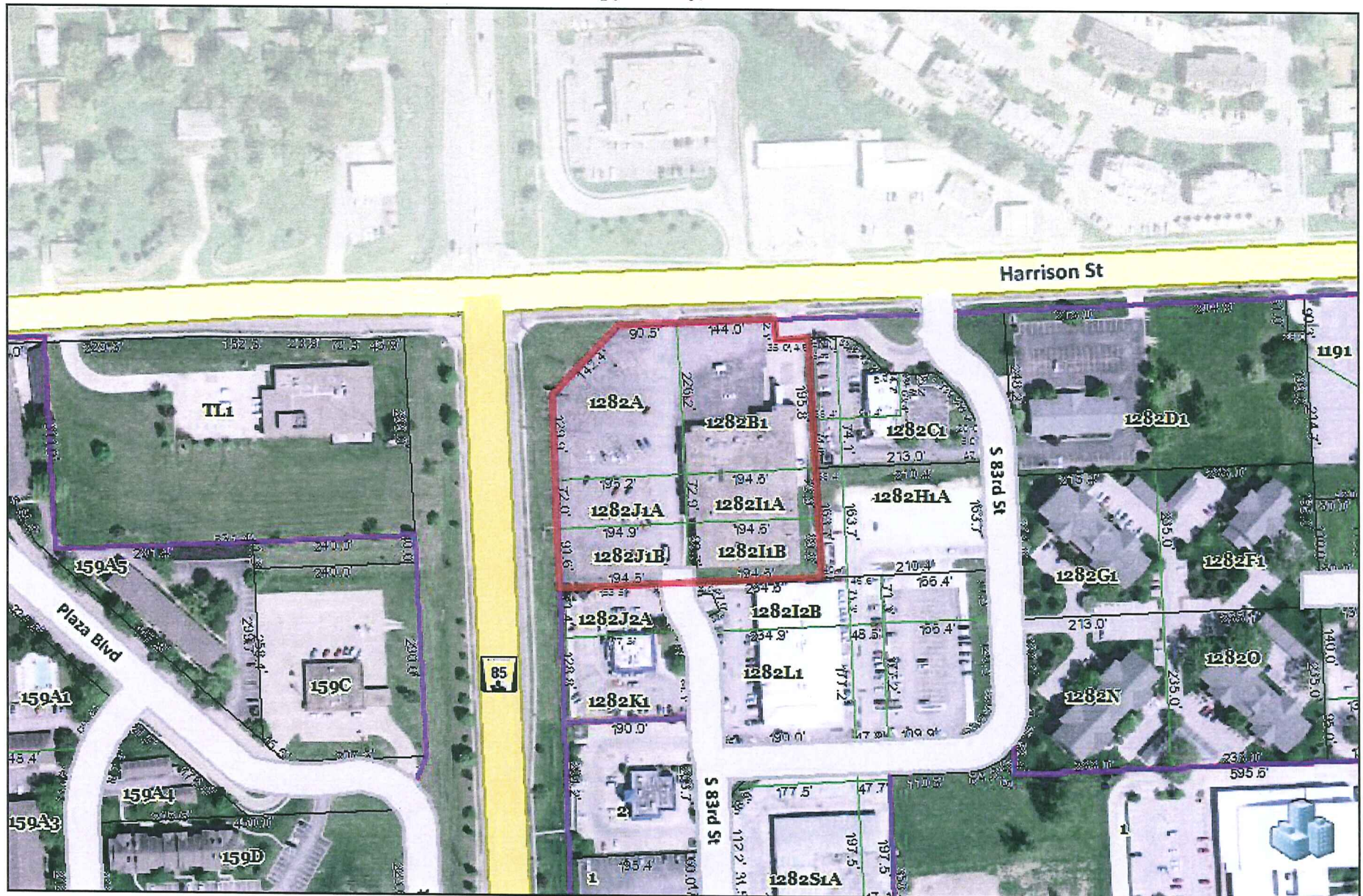
1. Applicant
2. David Barnett, Carlson Consulting Engineers
3. Public Upon Request



Prepared by:


Community Development Director 12-2-10
Date

Sarpy County, Nebraska

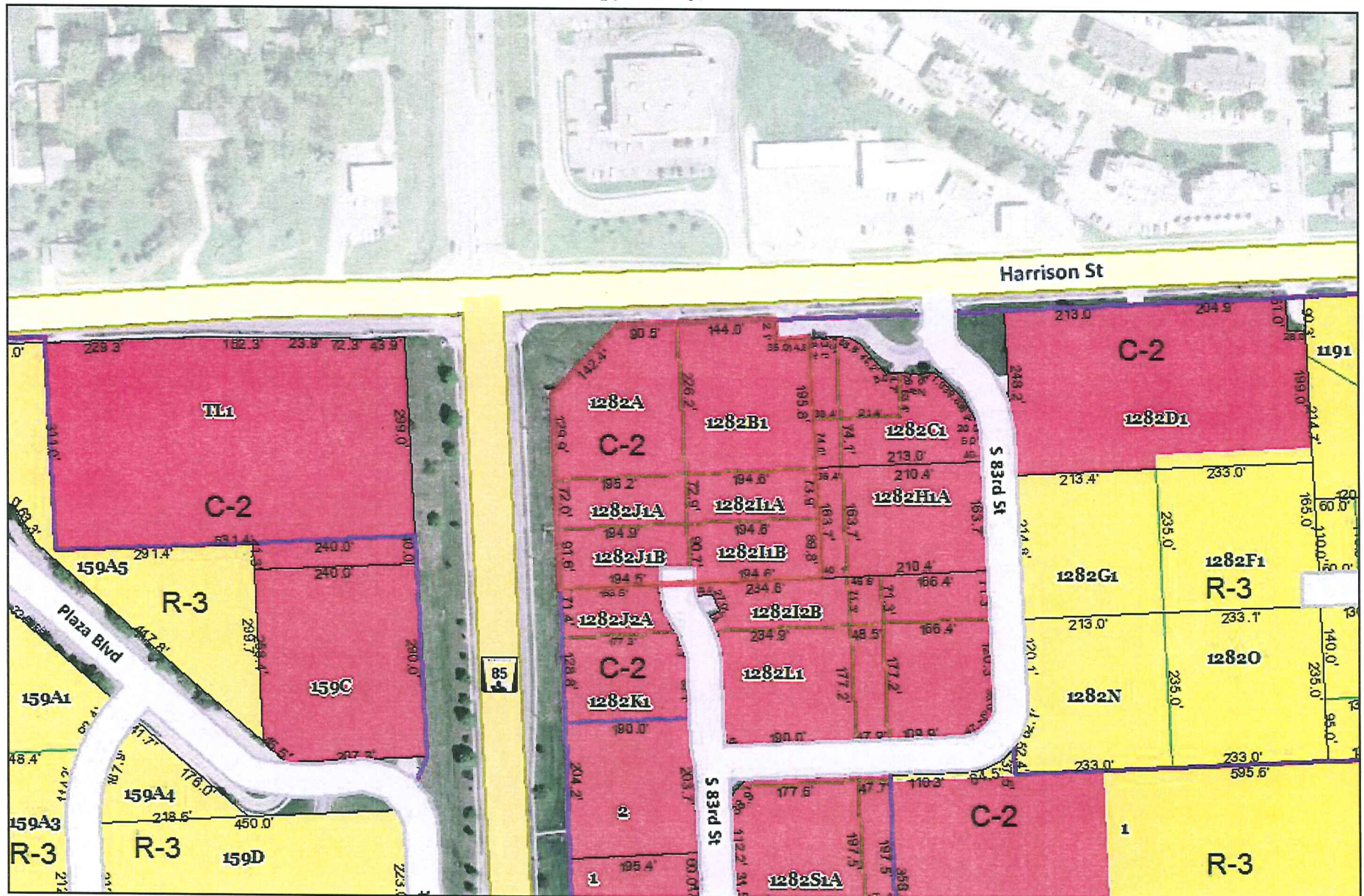


Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 200 feet

10/29/2010

Sarpy County, Nebraska



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Map Scale
1 inch = 200 feet

10/29/2010

ALL IN THE CITY OF LAVISTA, A SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER, SECTION 14, T14N, R12E, 6TH P.M.,
SARPY COUNTY, NEBRASKA

LEGAL DESCRIPTION - PARSLEY PLACE
PART OF LOT 1282, LAMSTA, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 5TH 34" MAP, SANJO COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE EAST CORNER OF THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST, THENCE N87°13'41" W FOR 173.025 FEET ALONG THE NORTH LINE OF SAO SECTION 14; THENCE S02°46'50" W FOR 80.037 FEET TO THE POINT OF BEGINNING, THENCE EASTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF THE NORTHWEST CORNER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST, THENCE S02°46'50" W FOR 32.024317' FOR 32.023 FEET; (3) N87°05'20" W FOR 32.022 FEET; (4) N83°57'54" E FOR 14.722 FEET THENCE S02°47'31" FOR 256.774 FEET ALONG THE EAST LINE OF LOT 1282-B1, LOT 1282-10A AND LOT 1282-10B; THENCE S02°47'31" W FOR 10.000000 FEET TO THE POINT OF BEGINNING; (5) S02°47'31" W FOR 10.000000 FEET TO THE POINT OF BEGINNING; (6) S02°47'31" W FOR 19.976 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF BATH STREET; THENCE S02°47'31" W FOR 14.215 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF BATH STREET TO THE POINT OF BEGINNING.

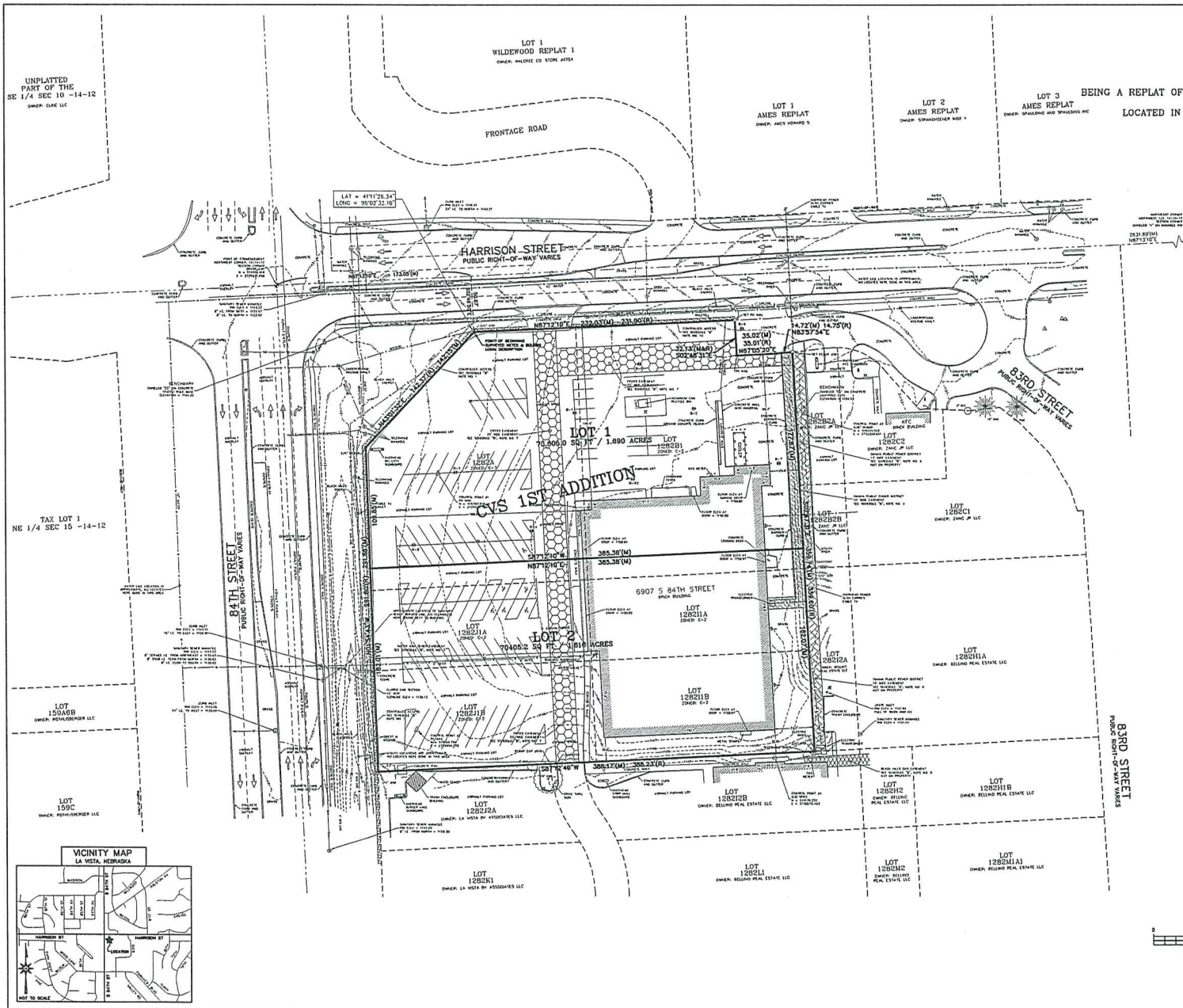
- CONTAINS AN AREA OF 144,012.01 SQ. FT. OR 3.206 ACRES MORE OR LESS.

LEGEND	
PROPERTY OWNER FOUND	⊗
PROPERTY OWNER SET	⊗
PROPERTY LINE	—
SEWER EASEMENT	⊖
MANHOLE	⊙
CRATE INLET	⊞
LIGHTS	⊞
PORCHWALK	⊞
DOWN GUT	⊞
UTILITY LINE	—
UTILITY POLE	⊞
WATER/SEWER VALVE	⊞
ISLAND	⊞
PROPOSED SIGN BOOMING	⊞
DRIVE SHAFT	⊞
EXISTING 5' INTERVAL CONTAIN	-----
EXISTING 5' INTERVAL CONTAIN	-----
UNDERGROUND WATER LINE	-----
UNDERGROUND GAS LINE	-----
UNDERGROUND ELECTRIC LINE	-----
UNDERGROUND TELEPHONE LINE	-----
UNDERGROUND CABLE TV LINE	-----
OVERHEAD POWER LINE	-----
UNDERGROUND TRAFFIC SIGNAL	-----
STREET SEWER LINE	-----
SEWART SEWER LINE	-----
RECOGNIZE TREE	
TRAFFIC FLOW ARROW	

PARSLEY PLACE
LOTS 1 AND 2, INCLUSIVE
CITY OF LAVISTA, SARPY COUNTY, NEBRASKA

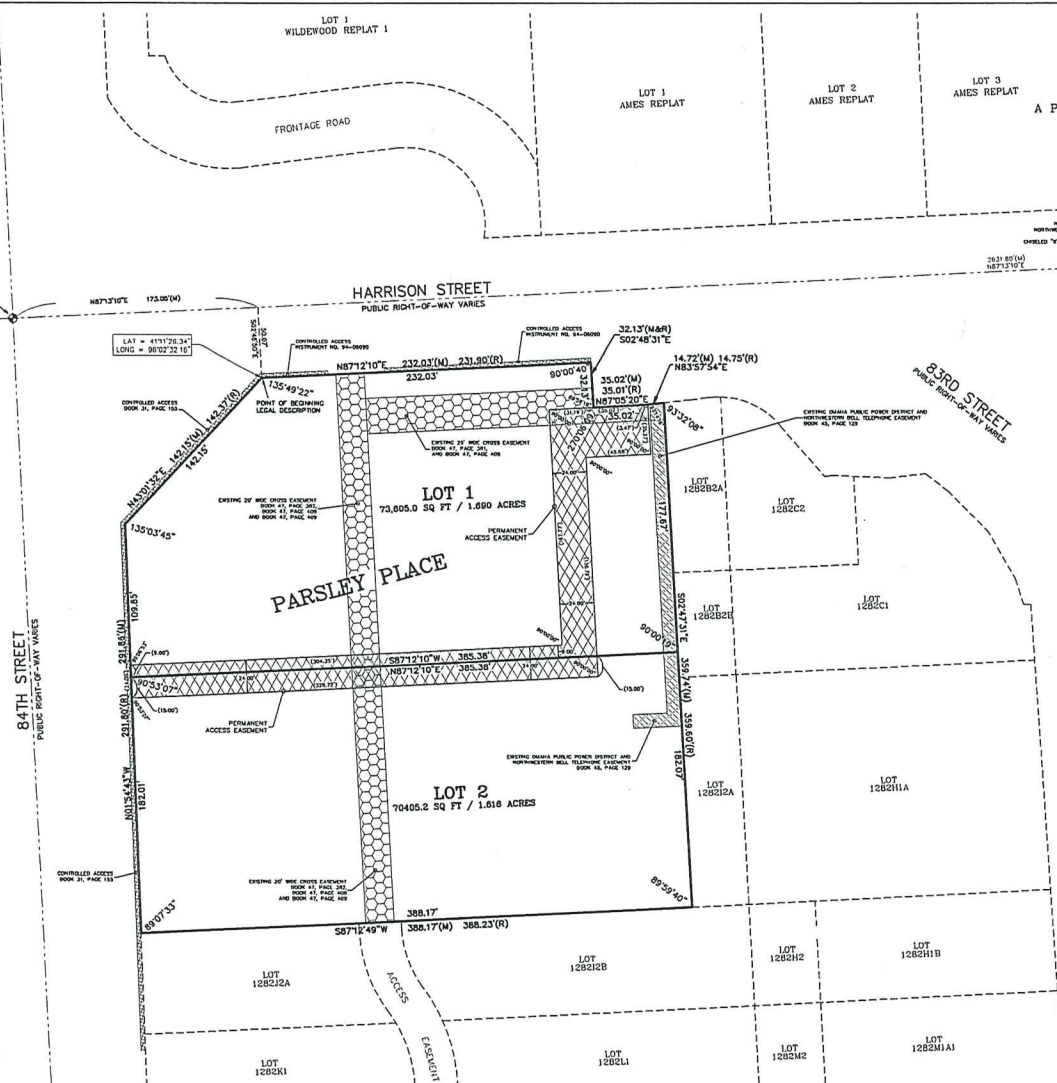
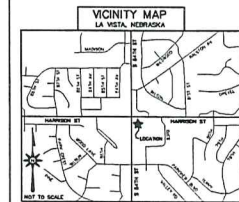
BOOK	10-03
PAGE	1-10
PROJECT NO.	100005
DATE	OCTOBER 14, 2010

PAGE 1 OF 1



UNPLATTED
PART OF THE
SE 1/4 SEC 10 -14-12

TAX LOT 1
NE 1/4 SEC 15 -14-12



FINAL PLAT PARSLEY PLACE LOTS 1 & 2, INCLUSIVE

A PLATTING OF LOTS 1282-A, 1282-B1, 1282-B1A, 1282-B1B, 1282-B1A AND 1282-B1B.
ALL IN THE CITY OF LAVISTA, A SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER, SECTION 14, T14N, R12E, 6TH P.M.,
SARPY COUNTY, NEBRASKA

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREON AND THAT PERMANENT MONUMENTS WERE FOUND OR SET AT ALL BOUNDARY CORNERS AND THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

DESCRIPTION

PART OF LOT 1282, LAVISTA, IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST, THENCE NORTH 71°21'00\"/>

GARY D. THOMAS
P.L.S. NO. 363

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, THAT SUSAN SANDELMAN, TRUSTEE OF ESAN TRUST, BEING SOLE OWNERS OF THE LAND ENGRAVED WITHIN THIS PLAT AND DEBATED IN THE SURVEYOR'S CERTIFICATE, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NAMED AND NAMED AS SHOWN HEREON, SAID SUBDIVISION TO BE KNOWN HEREIN AS PARSELY PLACE, LOTS 1 AND 2, INCLUSIVE, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE, THE STREETS AS SHOWN HEREON, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE CHANNA PUBLIC POWER DISTRICT AND ANY TELECOMMUNICATIONS ENTITY OR OTHER CORPORATION TRANSMITTING COMMUNICATIONS AUTHORIZED IN THE AREA TO BE SUBDIVIDED TO USE THE CITY STREETS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, COMPUTERS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUND OF ALL KINDS AND THE RECEPTION OR, OVER, THROUGH, UNDER AND ACROSS A FIVE FOOT (5') WIDE STRIP OF LAND ADJUTING ALL FRONT AND SIDE BOUNDARY LOT LINES AND AN EIGHT FOOT (8') WIDE STRIP OF LAND ADJUTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS AND A SIXTEEN FOOT (16') WIDE STRIP OF LAND ADJUTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS THE TERM \"CORRIDOR LOT\" IS HEREON DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION, SAID SIXTEEN FOOT (16') WIDE EASEMENT WILL BE REDUCED TO AN EIGHT FOOT (8') WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED, AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE METROPOLITAN UTILITIES DISTRICT OF CHANNA, NEBRASKA, AND ITS SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS, AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES FOR THE TRANSMISSION OF GAS AND WATER THROUGH, AND ACROSS A FIVE FOOT (5') WIDE STRIP OF LAND ADJUTING ALL STREETS, AVENUES AND CIRCLES, NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT STRIPS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES HEREIN GRANTED.

SUSAN SANDELMAN
TRUSTEE OF ESAN TRUST

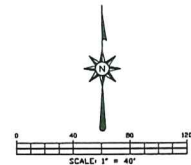
ACKNOWLEDGMENT OF NOTARY

STATE OF } NE.
COUNTY OF }

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED SUSAN SANDELMAN, THE TRUSTEE OF ESAN TRUST, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED AS SUCH OFFICER OF SAID CORPORATION.

WITNES MY HAND AND NOTARIAL SEAL, THE DAY AND YEAR LAST ABOVE WRITTEN.
NOTARY PUBLIC

- EXISTING EASEMENT OPPS & NORTHWESTERN BELL TELEPHONE EASEMENT
- EXISTING CROSS-EASEMENT AND COMMON FACILITIES AGREEMENT
- EXISTING CONTROLLED ACCESS
- NEW PERMANENT ACCESS EASEMENT



ACCEPTANCE BY THE LA VISTA PLANNING COMMISSION

THIS PLAT OF PARSELY PLACE WAS APPROVED BY THE LA VISTA PLANNING COMMISSION, OF THE CITY OF LA VISTA, NEBRASKA, ON THIS _____ DAY OF _____, 20____.

PLANNING COMMISSION CHAIRMAN

APPROVAL BY THE LA VISTA CITY COUNCIL

THIS PLAT OF PARSELY PLACE WAS APPROVED AND ACCEPTED BY THE LA VISTA CITY COUNCIL, OF THE CITY OF LA VISTA, NEBRASKA, ON THIS _____ DAY OF _____, 20____, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

MAYOR CITY CLERK

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE LAND SURVEYOR'S CERTIFICATE AND ENGRAVED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE, ON THIS _____ DAY OF _____, 20____.

SARPY COUNTY TREASURER

REVIEW OF THE SARPY COUNTY SURVEYOR'S OFFICE

THIS PLAT OF PARSELY PLACE (LOTS NUMBERED AS SHOWN) WAS REVIEWED BY THE OFFICE OF THE SARPY COUNTY SURVEYOR, ON THIS _____ DAY OF _____, 20____.

SARPY COUNTY SURVEYOR

APPROVAL OF SARPY COUNTY REGISTER OF DEEDS

RECORDED ON THIS _____ DAY OF _____, 20____.

SARPY COUNTY REGISTER OF DEEDS

PARSLEY PLACE
LOTS 1 & 2, INCLUSIVE
CITY OF LAVISTA, SARPY COUNTY, NEBRASKA

BOOK _____
PAGE 1-10
PROJECT NO. 100005
DATE OCTOBER 14, 2010

Tinkham Land Surveying, Inc.
9910 NORTH 48TH STREET, SUITE 208
OMAHA, NE 68132-1548
TELEPHONE (402) 431-2088



November 16, 2010

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

RE: Application for Replat-Initial Review
Parsley Place, Lots 1 & 2

Chris:

I have reviewed the application you provided from the Esan Trust requesting approval of a plat to replat various existing sublots of Lot 1282, La Vista subdivision for the purpose of redevelopment. I offer the following comments:

TRAFFIC & ACCESS:

1. There is controlled access abutting the property along Harrison Street and 84th Street. Two breaks in controlled access exist onto Harrison Street. The applicant is proposing to close one of these breaks which is closest to 84th Street which I fully support due to its close proximity to 84th Street and high operating speeds. At the City's request, the applicant is proposing to construct a right-turn deceleration lane to serve the existing access point at the northeast corner of proposed Lot 1.
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4. Sidewalk connections to the 84th Street and Harrison Street sidewalks will be required with the development plans for the lots.

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 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

UTILITIES & DRAINAGE:

5. There is sanitary sewer available along 84th Street to serve the proposed lots. The sewer abuts Lot 2 but is approximately 95 feet south of Lot 1 and does not abut Lot 1. It is possible for the proposed redevelopment on Lot 1 to reach the existing sewer with a private service. Since there is no other adjacent property that would benefit from extending the sanitary sewer in 84th Street further to the north, I do not see adequate reason to require extending the public sewer.
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PRELIMINARY PLAT REVIEW:

9. A couple of minor additions to the minor plat are needed to meet the content requirement per Section 3.03 of the Subdivision Regulations. Please add the names and addresses of the property owner and subdivider. Also, add a note saying "Existing and proposed zoning is C-2"

FINAL PLAT REVIEW:

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PLAT APPLICATION, ESTIMATE, SUBDIVISION AGREEMENT & MISC:

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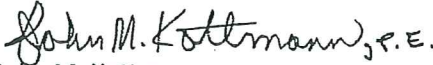
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	Total	\$ _____

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I recommend that the applicant revise and resubmit documents to address Items No. 9 through 18 listed above.

Please feel free to contact me if you have questions about my recommendations.


John M. Kottmann
City Engineer