



**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

AB

Prepared by:

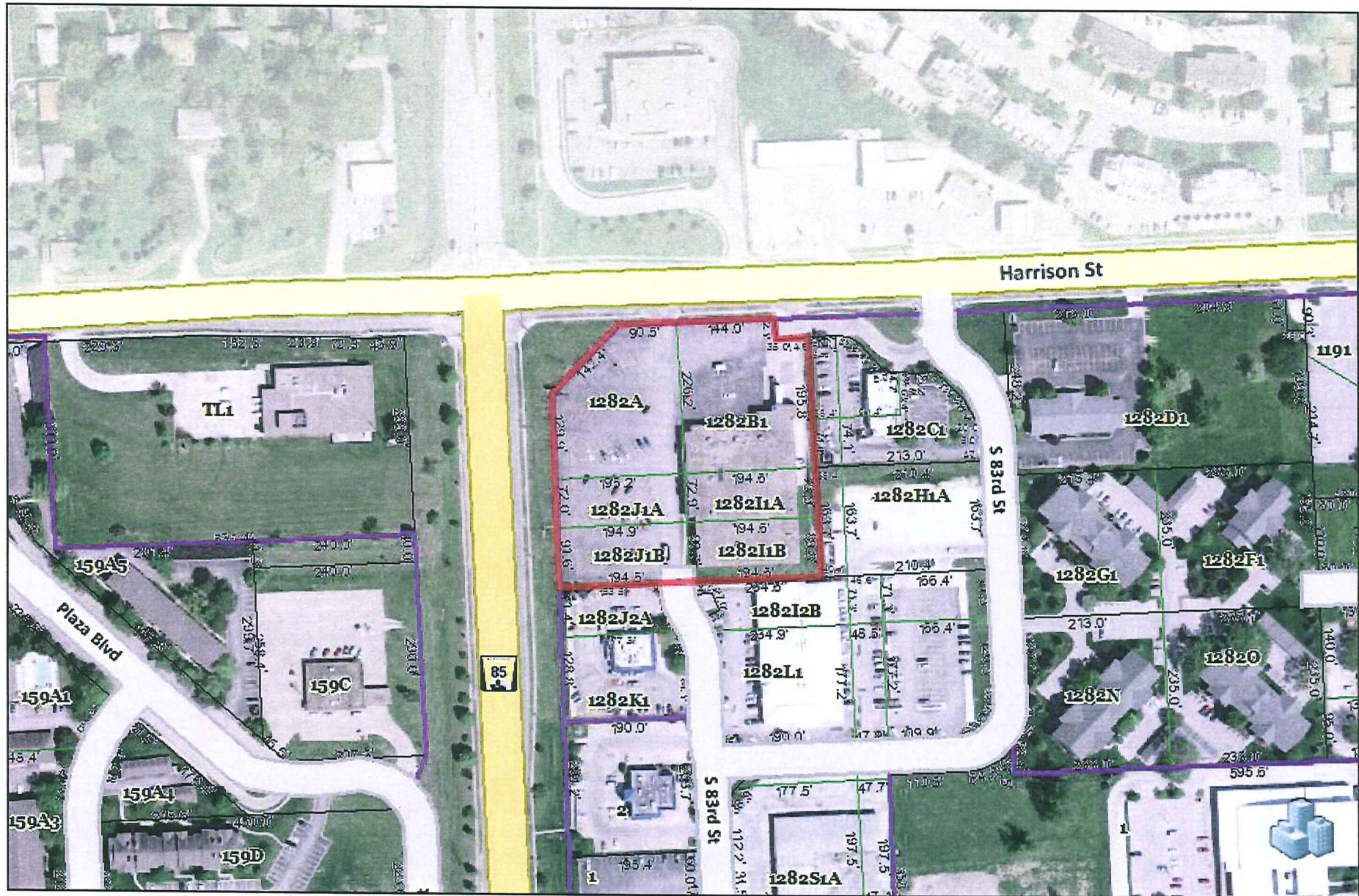
Am Pmik

Community Development Director

12-2-10

Date

Sarpy County, Nebraska

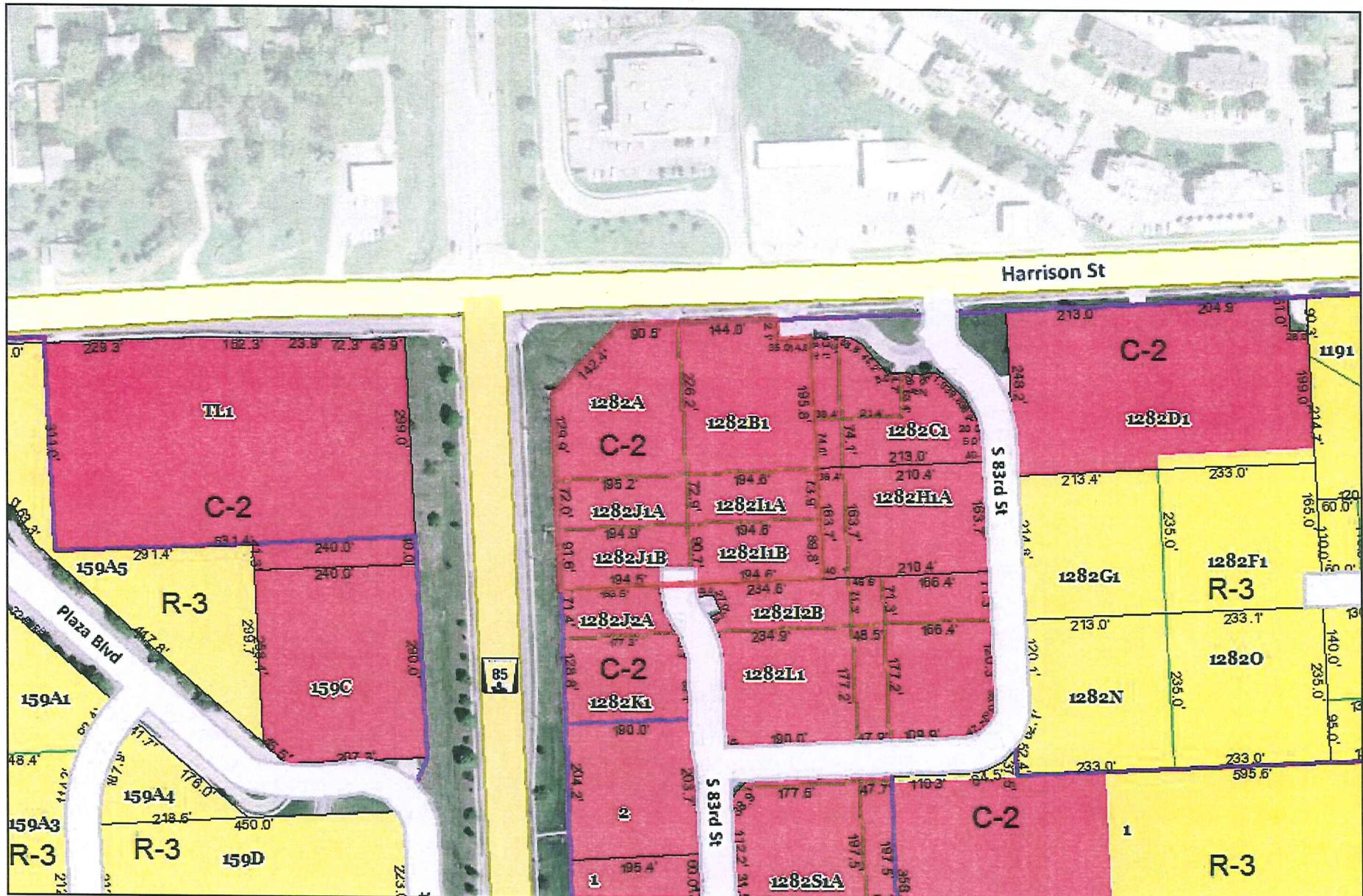


Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 200 feet

10/29/2010

Sarpy County, Nebraska



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10/29/2010



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.
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 and replaced 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 comments later in this letter.
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.
6. The property presently has access to water, gas, power and communication utilities.
7. The redevelopment on these lots will meet the definition of Significant Redevelopment as set forth in Chapter 154 of the City Municipal 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.
8. 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 first half inch of runoff from storm events, and limiting 10-year peak flows to no greater than 1.25 times existing conditions.

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:

10. What is shown as an "access easement" to the south of proposed Lot 2 is actually public right of way. This should be revised to identify it as public right of way to avoid confusion for those that make reference to these documents in the future.
11. 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 be constructed in this easement extension to the east line of Lots 1 and 2.
12. 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.

13. Provide a copy of Controlled Access Instrument No. 94-06090. This is needed so that the City can 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.
14. 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.

PLAT APPLICATION, ESTIMATE, SUBDIVISION AGREEMENT & MISC:

15. 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 phase services such as staking, testing, etc. Typically this would be 18% of construction costs. The estimate should note the funding source to be "private".
16. 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 \$4,000.00 per acre, collected by the City, and then paid to the Papillion Creek Watershed Partnership. Language will be provided by the City.
17. Some comments on the draft subdivision agreement provided 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 the proposed Lot 1. Lot 2 does not need to pay connection fees as it will be served by an existing sewer connection.
 - d. Include language providing for a letter or credit or other acceptable financial guarantee for construction of the right-turn deceleration lane if the plat is to be recorded prior to that 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:

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

18. The applicant needs to provide a truck path exhibit along the proposed shared access through these two lots along the proposed paving. This should be based on a tractor-trailer truck of the size that would be making 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.

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, P.E.
John M. Kottmann
City Engineer