

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 21, 2010 AGENDA

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT — LOTS 1 & 2, BROOK VALLEY BUSINESS PARK REPLAT 4	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing was held by the Council on September 21, 2010, and the resolution was tabled to approve a replat application for Lots 1 and 2, Brook Valley Business Park Replat Four (a replat of Lots 33C and 55A, Brook Valley Business Park), generally located southwest of 109th Avenue and Olive Street.

FISCAL IMPACT

None.

RECOMMENDATION

Approve.

BACKGROUND

On September 21, 2010, the City Council held a public hearing to consider a replat application for Lots 1 and 2, Brook Valley Business Park Replat Four (a replat of Lots 33C and 55A, Brook Valley Business Park), generally located southwest of 109th Avenue and Olive Street. The application was submitted by one of the property owners, Zych Drywall, Inc. Both properties are zoned I-2, Heavy Industrial; the lots are developed as Zych Drywall and All About Storage.

The purpose of the proposed replat is to provide additional land to the rear of Lot 55A (Zych Drywall) in exchange for a utility easement to 109th Avenue granted to Lot 33C (All About Storage).

The resolution was tabled pending completion of the following conditions:

1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.
2. The applicant must submit a letter from the utility company stating they are agreeable to the proposed easement arrangement in order to extend gas service across proposed Lot 1 to reach Lot 2. This must be provided prior to Council consideration.
3. The applicant must submit a letter from the Burlington Northern Santa Fe (BNSF) railroad stating they will release the easement across proposed Lot 1 once it is replatted. The letter must also state BNSF has no interest in the remaining easement north of proposed Lot 1. This must be provided prior to Council consideration.

With the exception of #1, these items have now been addressed (a detailed staff report is attached).

On August 19, 2010, the Planning Commission unanimously recommended approval of the proposed replat to Council subject to the conditions as outlined.

K:\APPS\City Hall\CNCLRPT\10file\10 CD Brook Valley Bus Replat 4rev.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A REPLAT OF PART OF LOT 33C, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE $\frac{1}{4}$ AND IN THE SE $\frac{1}{4}$ OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., AND ALSO LOT 55A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE $\frac{1}{4}$, SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a Replat for Part of Lot 33C, Brook Valley Business Park, a subdivision located in the NE $\frac{1}{4}$ and in the SE $\frac{1}{4}$ of Section 17, Township 14 North, Range 12 East of the 6TH P.M., and also Lot 55A, Brook Valley Business Park, a subdivision located in the NE $\frac{1}{4}$, Section 17, Township 14 North, Range 12 East of the 6TH P.M., Sarpy County, Nebraska, to be replatted as Lots 1 and 2, Brook Valley Business Park Replat Four; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat plat; and

WHEREAS, on August 19, 2010, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Part of Lot 33C, Brook Valley Business Park, a subdivision located in the NE $\frac{1}{4}$ and in the SE $\frac{1}{4}$ of Section 17, Township 14 North, Range 12 East of the 6TH P.M., and also Lot 55A, Brook Valley Business Park, a subdivision located in the NE $\frac{1}{4}$, Section 17, Township 14 North, Range 12 East of the 6TH P.M., Sarpy County, Nebraska, being replatted as Lots 1 and 2, Brook Valley Business Park Replat Four, generally located southwest of 109th Avenue and Olive Street, be, and hereby is, approved subject to the resolution of the following item identified by the City Engineer:

1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER:

FOR HEARING OF: December 21, 2010
Report Prepared on: December 15, 2010

I. GENERAL INFORMATION

A. APPLICANT:

Zych Drywall, Inc.
7102 S. 109th Ave.
La Vista, NE 68128

B. PROPERTY OWNER:

Zych Drywall, Inc.
7102 S. 109th Ave.
La Vista, NE 68128

Store It Now, LLC
11109 Olive St,
La Vista, NE, 68128

C. LOCATION: South 109th Avenue and Olive Street

D. LEGAL DESCRIPTION: Part of Lot 33C, Brook Valley Business Park,
and also Lot 55A, Brook Valley Business Park

E. REQUESTED ACTION(S): Replatting of the lots in order to dedicate
0.544 acres to Lot 55A.

F. EXISTING ZONING AND LAND USE: I-2, Heavy Industrial

G. PURPOSE OF REQUEST: Re-platting of the two properties, providing
additional land to the existing Lot 55A, in exchange for a utility easement from
Olive Street to the existing Lot 33C.

H. SIZE OF SITE: Lot 55A - 1.167 acres; Lot 33C - 13.831 acres;

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Existing Lot 55A is flat. The
portion of Lot 33C that is proposed to be dedicated is moderate to steeply
sloping downward towards the remainder of the relatively flat Lot 33C.
Lot 55A contains Zych Drywall's business offices. Lot 33C contains All
About Storage, a self storage facility.

- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** I-2 Industrial
 - 2. **East:** I-2 Industrial
 - 3. **South:** I-2 Industrial
 - 4. **West:** I-2 Industrial
- C. RELEVANT CASE HISTORY:** Previous administrative plats have required the applicant to proceed through the replat process.
- D. APPLICABLE REGULATIONS:**
 - 1. Section 5.14 of the Zoning Regulations – I-2, Heavy Industrial
 - 2. Section 3.08 of the Subdivision Regulations – Replats

III. ANALYSIS

- A. COMPREHENSIVE PLAN:** The Future Land Use Plan of the Comprehensive Plan designates the area for industrial development.
- B. OTHER PLANS:** None.
- C. TRAFFIC AND ACCESS:**
 - 1. An ingress/egress easement across proposed Lot 2 is needed for the city to have vehicular access for maintenance of an existing public sanitary sewer that is across the south end of Lot 2. The route and granting of this easement has been agreed upon.
- D. UTILITIES:** All utilities exist on the site. As discussed in III(C), an access easement has been agreed upon for the existing public sanitary sewer.

IV. REVIEW COMMENTS:

- 1. One of the reasons for this replatting is that an easement will be provided over proposed Lot 1 to provide for a gas service to the existing facility on proposed Lot 2. The applicant has provided a letter, dated October 6, 2010, stating their understanding that the approval of the replat does not allow them to secure a gas line easement under the existing railroad right-of-way. The letter also acknowledges that Metropolitan Utilities District (MUD) will not provide gas service until the railroad easement has been officially released or the applicant has been given permission in writing to allow the crossing of said easement.

A December 6, 2010 letter from Jones Lang LaSalle, the property manager for BNSF Railway Company, stating that it approves of the replat as presented with the natural gas line easement that overlays the current BNSF easement.

- 2. Any development on these lots that meet the definition of “significant redevelopment” as set forth in Chapter 154 of the City Municipal Code will be required to provide Post Construction Storm Water Management facilities.
- 3. The proposed development on Lot 1 may impact existing storm and sanitary sewers and may impact existing drainage paths. Prior to the issuance of any

building permit on Lot 1, a drainage study addressing drainage paths for all storms up to 100-year events will be required.

4. The applicant for Lot 55A was required to submit a letter stating that he understands that if the BNSF does not release the spur track easement, he may not be able to utilize the additional property being added to Lot 55A in the manner that he desires. This letter has been submitted.

V. STAFF RECOMMENDATION:

Approval of the replat contingent on City Engineer approval of easement location prior to presentation to City Council.

VI. RECOMMENDATION OF PLANNING COMMISSION:

Approval of the replat with the following conditions:

1. The granting of an ingress/egress easement across proposed Lot 2, in a location approved by the City, for the City to have vehicular access for maintenance of an existing public sanitary sewer.
2. The applicant needs to provide a letter from the utility company that they are agreeable to the proposed easement arrangement to provide gas service across Lot 1 to reach Lot 2. This must be provided prior to the City Council consideration.
3. The applicant needs to submit a letter from Burlington Northern Santa Fe (BNSF) railroad stating that they will release the easement across the proposed Lot 1 once it is replatted. The letter will also note that BNSF will have no interest in the remaining easement north of the proposed Lot 1. This must be provided prior to City Council consideration.

VII. ATTACHMENTS TO REPORT:

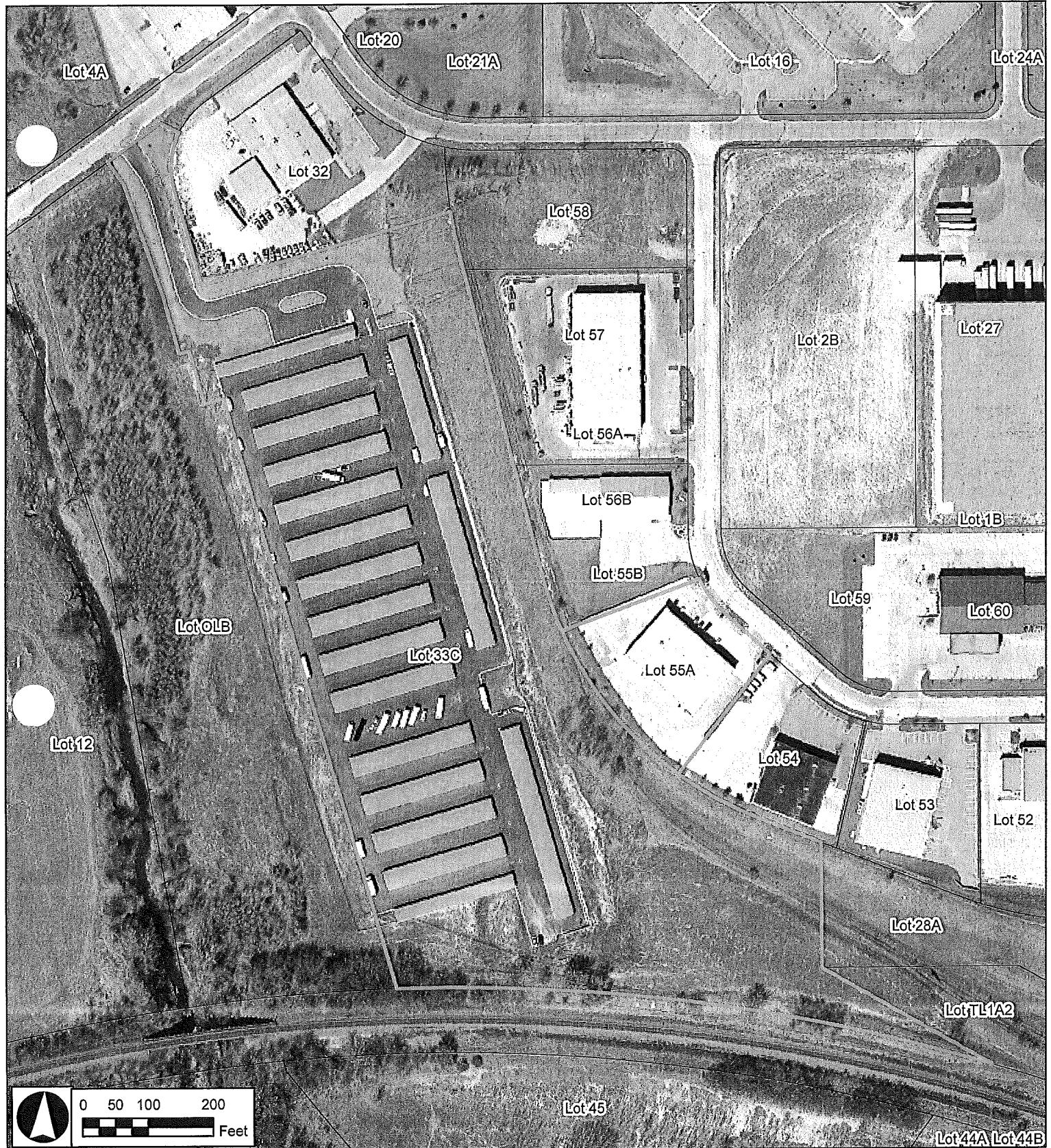
1. Vicinity Map
2. Final Plat
3. Letter from Ron Zych dated August 9, 2010
4. Letter from Craig M. Wolf dated October 6, 2010
5. Letter from Geoff Beckett dated December 6, 2010

VIII. COPIES OF REPORT SENT TO:

1. Ron Zych, Zych Drywall
2. Larry Courtnage, Store It Now, LLC
3. Jason Thielen, E&A Consulting Group
4. Public Upon Request

Chris Solberg
Prepared by:

Am Bmz *12-16-10*
Community Development Director Date



Vicinity Map

Brook Valley Replat 4

August 4, 2010
CAS



August 9, 2010

City of La Vista
Planning Department
8116 Park View Blvd
La Vista, NE 68128

RE: Brook Valley Business Park
Replat 4

To Whom It May Concern:

I Ron Zych owner of Lot 55A understand that the City of La Vista is not responsible for the release of the Burlington Northern Railroad easement located at the rear of my lot.

I understand that the approval of the above referenced project does not allow me to build a new building over the existing railroad easement until the Burlington Northern Railroad officially releases the easement on my property.

Ron Zych

A handwritten signature in black ink, appearing to read "Ron Zych".

October 6, 2010

City of La Vista
Planning Department
8116 Park View Blvd
La Vista, NE 68128

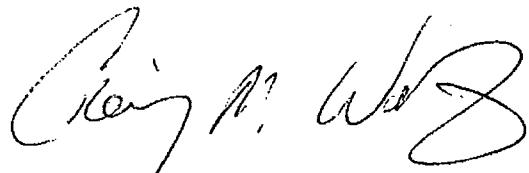
RE: Brook Valley Business Park
Replat 4

To Whom It May Concern:

I Craig M. Wolf manager of Lot 33C understand that the City of La Vista is not responsible for the release of the Burlington Northern Railroad easement or for allowing permission to cross said easement for additional utility services located adjacent to the rear of my lot.

I understand that the approval of the above referenced project does not allow me to secure a gas line easement under the existing railroad until Burlington Northern Railroad officially releases the easement or agrees in writing to allow crossing said easement for gas service.

I also understand that the Metropolitan Utility District (MUD) will not provide gas service until the railroad easement has been officially released or I have been given permission in writing to allow the crossing of said easement.



Craig M. Wolf
Manager



Jones Lang LaSalle Americas, Inc.
3017 Lou Menk Drive Suite 100 Fort Worth Texas 76131-2800
tel +1 817 230 2600 fax +1 817 306 8129

December 6, 2010

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

Dear Mr. Solberg:

As a follow up to the 09/21/10 letter written by Don Bratton, Senior Transaction Manager, Jones Lang LaSalle, Mr. Ron Zych thru his representative, E & A Consulting Group, Inc., is attempting to re-plat land within a BNSF Railway Company ("BNSF") easement. This re-plat contains a natural gas easement which overlays the current BNSF easement. BNSF approves of the re-plat, as long as the re-plat displays and memorializes the BNSF easement.

Please note, The BNSF easement is in process of being released to Mr. Zych and until BNSF actually signs the Release of Easement Agreement and the accompanying Quitclaim Deed, there is no formal consent from BNSF to a release.

Please call me if you have any questions. Jones Lang LaSalle is acting as property manager for the BNSF Railway Company.

Sincerely,

A handwritten signature in black ink that reads "Geoff Beckett".

Geoff Beckett
Transaction Manager
Jones Lang LaSalle Americas, Inc.
geoff.beckett@am.jll.com