

AGENDA ITEM 4 B

SOUTHWIND REPLAT THREE

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER:

FOR HEARING OF: November 17, 2011

Report Prepared on: November 11, 2011

I. GENERAL INFORMATION

A. APPLICANT:

Kimley-Horn and Associates, Inc.
2550 University Ave West, Ste 238N
St. Paul, MN 55114

B. PROPERTY OWNER:

Walmart Real Estate Business Trust
2001 SE 10th Street
Bentonville, AR 72716

C. LOCATION: Northeast of 96th Street and Giles Road

D. LEGAL DESCRIPTION: Lot 177, Southwind

E. REQUESTED ACTION(S): Replatting of Lot 177 into two lots and providing for right-of-way dedication.

F. EXISTING ZONING AND LAND USE: C-1, Shopping Center
Commercial

G. PURPOSE OF REQUEST: Development of one lot for Food Sales (General) as per 5.10.02.06 of the Zoning Ordinance; creation of separate lot for further development, provision of right-of-way dedication for traffic improvements.

H. SIZE OF SITE: 10.66 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: Existing Lot 177 is a relatively flat, vacant lot behind the existing Casey's General Store.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. North:** R-3 High Density Residential/Southwind Villas Apartments
- 2. East:** R-1 Single-Family Residential and R-2 Two-Family Residential/Villas at Southwind
- 3. South:** R-2 - Single-Family Residential (Medium-Density) (Papillion)

4. **West:** C-1 Shopping Center Commercial/Mayfair commercial area (Alegent Clinic under construction)

C. RELEVANT CASE HISTORY: Not applicable.

D. APPLICABLE REGULATIONS:

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial
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 Commercial development.

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. The original platting of Southwind identified the permissible access points to this property. The proposed development plan is utilizing the permitted access points. At the City's request a traffic impact study was conducted. As a result of this study a northbound right-turn bay is warranted at the full access point onto 96th Street. The applicant is proposing to construct a right-turn bay.
2. There is an existing cross easement on the property for ingress and egress to serve this property as well as the existing commercial property on Lots 178 and 179 abutting the site on the south. The existing cross easement will need to be modified in geometry and a common area maintenance agreement acceptable to the City to ensure that the shared ingress and egress is adequately maintained must be provided. 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 City obtained the services of Felsburg, Holt, & Ullevig (FHU) to review the Traffic Impact Analysis as they have traffic engineering experience. FHU has reviewed a revised submittal and approved of the Traffic Impact Analysis in a November 1, 2011 email.

E. UTILITIES:

1. Sanitary sewer is available to serve proposed Lot 1 along its easterly and southerly perimeter. Sanitary sewer for proposed Lot 2 is shown to be provided by a separate sanitary sewer extension across Lot 1. An easement across Lot 1 will need to be provided.
2. The property presently has access to water, gas, power and communication utilities.

IV. REVIEW COMMENTS:

1. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A Post Construction Storm Water Management Plan has been provided and a draft Maintenance Agreement has been provided in the draft Subdivision Agreement. The PCSMP will be reviewed in detail as part of the review process through the Permix web site, but the concept of using an extended detention basin to serve both lots is acceptable.

V. PLANNING COMMISSION RECOMMENDATION:

Approval Southwind Replat 3.

VI. ATTACHMENTS TO REPORT:

1. Preliminary Plat, Final Plat
2. Vicinity Map

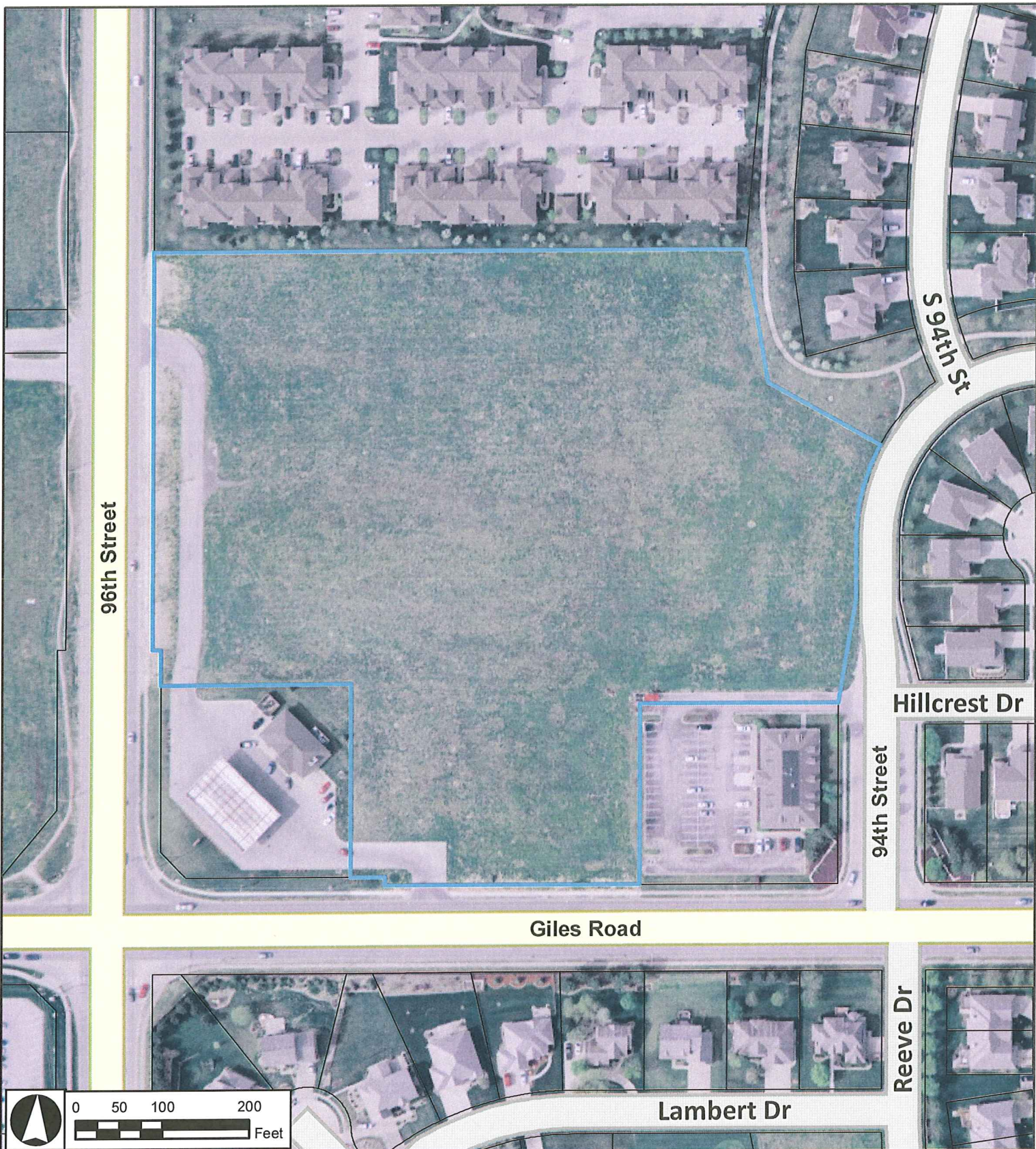
VII. COPIES OF REPORT SENT TO:

1. Wil Matzek, Kimley-Horn and Associates, Inc.
2. Larry Jobeun, Fullenkamp, Doyle & Jobeun
3. Public Upon Request

Prepared by:

Community Development Director

Date

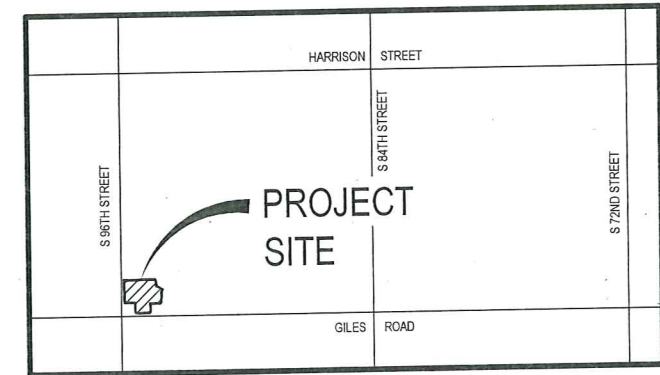
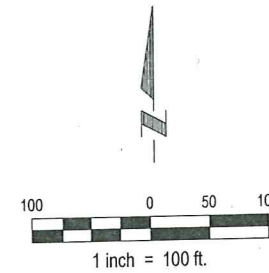
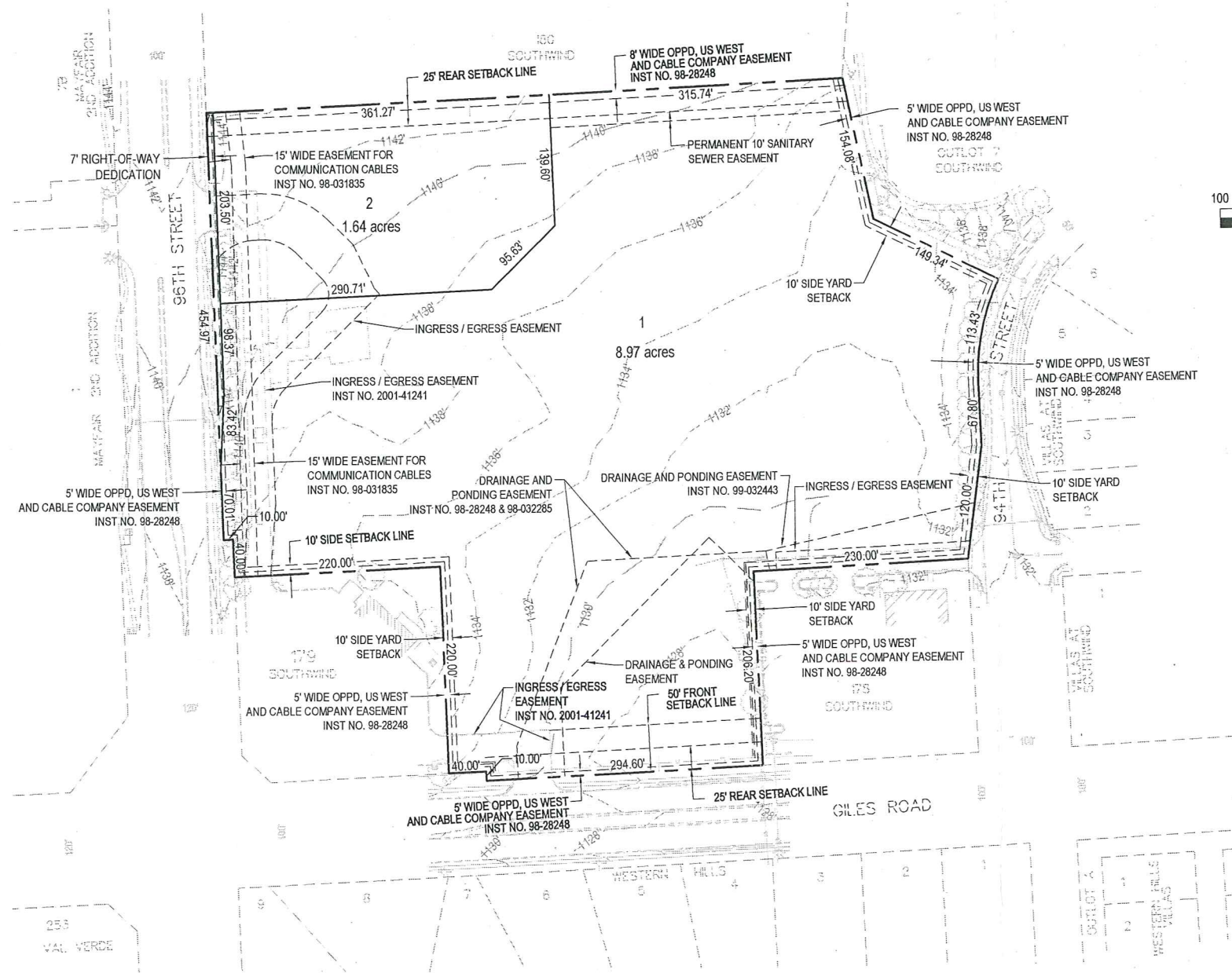


Subject Area Map

Southwind Replat 3

November 17, 2011
CAS





VICINITY MAP

LEGAL DESCRIPTION

BEING A REPLAT OF LOT 177, SOUTHWIND, A SUBDIVISIONS LOCATED IN THE SW 1/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., SARPY COUNTY, NEBRASKA.

SAID TRACT CONTAINS AND AREA OF 464,226 SQUARE FEET OR 10.66 ACRES MORE OR LESS.

OWNER / SUBDIVIDER

BHI DEVELOPMENT
GERALD TORCZON, PRESIDENT
11205 S. 150th Street, Ste 100
Omaha, NE 68138

ZONING

EXISTING: C-1
PROPOSED: C-1

NOTES:

1. A PERMANENT RECIPROCAL INGRESS AND EGRESS, SIDEWALK, PARKING AND PEDESTRIAN EASEMENT GRANTED TO PRIVATE PARTIES PURSUANT TO A SEPARATE INSTRUMENT, AND SUBJECT TO THE TERMS THEREOF, AS RECORDED IN THE OFFICE OF DEEDS OF SARPY COUNTY, NEBRASKA.
2. THERE IS AN EXISTING DRIVEWAY WITH FULL ACCESS TO 96TH FROM LOT 2, SOUTHWIND REPLAT THREE, THAT BENEFITS LOT 2, SOUTHWIND REPLAT THREE, AND LOT 179, SOUTHWIND, INST. NO. 2001-41241, AS MODIFIED IN THE INSTRUMENT REFERENCED IN NOTE 2, ABOVE.
3. EXISTING RIGHT-IN / RIGHT-OUT ONLY ACCESS TO GILES ROAD FROM LOT 1, SOUTHWIND REPLAT THREE, SAID ACCESS WILL ALSO BENEFIT LOT 179, SOUTHWIND INST. NO. 98-28248

LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- BUILDING ENVELOPE
- 1120 --- EXIST. MAJOR CONTOURS
- 1122 --- EXIST. MINOR CONTOURS
- EXIST. STORM SEWER
- EXIST. SANITARY SEWER

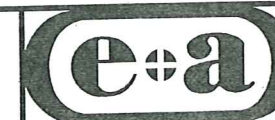


Proj No:	P2011.182.013
Date:	10/04/2011
Designed By:	MAW
Drawn By:	TRH/RPF
Scale:	1" = 100'
Sheet	1 of 2

Revisions	
(No)	Date

PRELIMINARY PLAT
Sheet 1 of 2

SOUTHWIND REPLAT THREE
LA VISTA, NEBRASKA



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 895-4700 FAX: (402) 895-3599
www.eacg.com

SOUTHWIND REPLAT THREE

LOTS 1 AND 2 INCLUSIVE

BEING A REPLAT OF LOT 177, SOUTHWIND, A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., SARPY COUNTY, NEBRASKA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, BHI INVESTMENT CO., INC., OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND EMBRACED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS SOUTHWIND REPLAT THREE (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THE PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK COMMUNICATIONS AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS 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 SOUNDS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEPTION ON; OVER, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT-FOOT (8) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN-FOOT (16) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE-DESCRIBED ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT OF OMAHA AND BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

BHI INVESTMENT CO., INC.

MUTUAL OF OMAHA BANK

BY: GERALD L. TORCZON, PRESIDENT

BY:

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF SARPY

ON THIS _____ DAY OF _____, BEFORE ME A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED GERALD L. TORCZON, PRESIDENT OF BHI INVESTMENT CO., INC., PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS PRESIDENT OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA
COUNTY OF SARPY

ON THIS _____ DAY OF _____, BEFORE ME A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED _____ OF MUTUAL OF OMAHA BANK, PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS PRESIDENT OF SAID CORPORATION.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

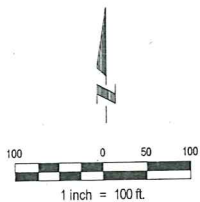
THIS PLAT OF SOUTHWIND REPLAT THREE (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY PLANNING COMMISSION ON THIS _____ DAY OF _____.

CHAIRMAN OF LA VISTA CITY PLANNING COMMISSION

REVIEW OF SARPY COUNTY SURVEYOR

THIS PLAT OF SOUTHWIND REPLAT THREE (LOTS NUMBERED AS SHOWN) WAS REVIEWED BY THE OFFICE OF THE SARPY COUNTY SURVEYOR ON THIS _____ DAY OF _____.

SARPY COUNTY SURVEYOR



LEGEND

- BOUNDARY LINE
- LOT LINE
- EXISTING EASEMENTS
- PROPOSED EASEMENTS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AS SOUTHWIND REPLAT THREE. I CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF THE LOT BEING PLATTED.

SAID TRACT OF LAND CONTAINS AND AREA OF 464,226 SQUARE FEET OR 10.66 ACRES MORE OR LESS.

JASON HEADLEY

L.S. 604

DATE

ACCEPTANCE BY LA VISTA CITY COUNCIL

THIS PLAT OF SOUTHWIND REPLAT THREE (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ON THIS _____ DAY OF _____, IN ACCORDANCE WITH THE STATE STATUTES OF NEBRASKA.

ATTEST

CITY CLERK

MAYOR

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 SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

DATE

COUNTY TREASURER

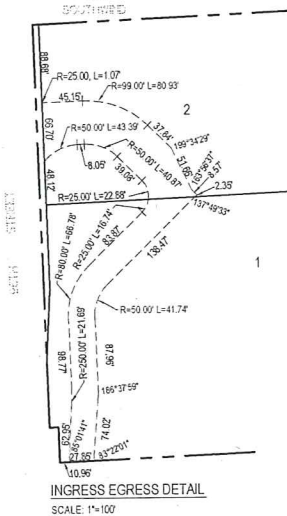
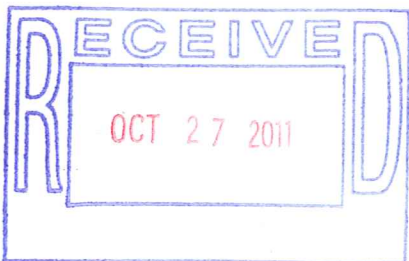
ACCEPTANCE BY SARPY COUNTY REGISTER OF DEEDS

RECORDED ON THIS _____ DAY OF _____.

SARPY COUNTY REGISTER OF DEEDS

NOTES:

- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- A PERMANENT RECIPROCAL INGRESS AND EGRESS, SIDEWALK, PARKING AND PEDESTRIAN EASEMENT GRANTED TO PRIVATE PARTIES PURSUANT TO A SEPARATE INSTRUMENT, AND SUBJECT TO THE TERMS THEREOF, AS RECORDED IN THE OFFICE OF DEEDS OF SARPY COUNTY, NEBRASKA.
- THERE IS AN EXISTING DRIVEWAY WITH FULL ACCESS TO 96TH FROM LOT 2, SOUTHWIND REPLAT THREE, THAT BENEFITS LOT 2, SOUTHWIND REPLAT THREE, AND LOT 179, SOUTHWIND, INST. NO. 2001-41241, AS MODIFIED IN THE INSTRUMENT REFERENCED IN NOTE 2, ABOVE.
- EXISTING RIGHT-IN / RIGHT-OUT ONLY ACCESS TO GILES ROAD FROM LOT 1, SOUTHWIND REPLAT THREE, SAID ACCESS WILL ALSO BENEFIT LOT 179, SOUTHWIND INST. NO. 98-28248
- EASEMENT TO BE VACATED WITH SEPARATE DOCUMENT AFTER PLAT IS RECORDED.



INGRESS EGRESS DETAIL

SCALE: 1"=100'

