

AGENDA ITEM 4 A

MAYFAIR REPLAT 6

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2012-SUB-05

FOR HEARING OF: September 20, 2012
Report Prepared on: September 12, 2012

I. GENERAL INFORMATION

- A. APPLICANT:**
Harwood Pizza Building, LLC
15615 Pacific Street
Omaha, NE 68118
- B. PROPERTY OWNER:**
Harwood Pizza Building, LLC
15615 Pacific Street
Omaha, NE 68118
- C. LOCATION:** 96th Street and Brentwood Dr.
- D. LEGAL DESCRIPTION:** Lot 8A Mayfair 2nd Addition, Replat 2; Lot 7B Mayfair 2nd Addition, Replat One
- E. REQUESTED ACTION(S):** Replatting of Lot 8A Mayfair 2nd Addition, Replat 2; Lot 7B Mayfair 2nd Addition, Replat One
- F. EXISTING ZONING AND LAND USE:** C-1, Shopping Center
Commercial, Gateway Corridor Overlay District
- G. PURPOSE OF REQUEST:** Replat for the development of Retail
business or service establishment as per Section 5.10.02.06 of the Zoning
Ordinance.
- H. SIZE OF SITE:** 2.62 Acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Proposed Lots 1 and 2 are
relatively flat, vacant lots north of the existing Alegent Health Clinic.

- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** C-1 Shopping Center Commercial/Mayfair commercial area.
 - 2. **East:** R-2 Two-Family Residential/Villas at Southwind.
 - 3. **South:** C-1 Shopping Center Commercial/ Mayfair commercial area (Alegent Health Clinic)
 - 4. **West:** C-1 Shopping Center Commercial/Mayfair commercial area.
- C. RELEVANT CASE HISTORY:** Not applicable.
- D. APPLICABLE REGULATIONS:**
 - 1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial
 - 2. Section 5.17 of the Zoning Regulations – Gateway Corridor (Overlay District)
 - 3. Section 3.08 of the Subdivision Regulations – Replots

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. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted with the platting of Mayfair 2nd Addition Replat One. There was also a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2nd Addition Replat One. It was recently learned that the property owners repealed that blanket easement grant. No new shared ingress/egress or utility easements are shown on the proposed plat. The repeal of the blanket pedestrian easement has left an existing, curvilinear pedestrian sidewalk along 96th Street lying partially on the lots without an easement. A pedestrian easement will need to be granted to the City of La Vista for public usage of this sidewalk. The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed and no traffic impact study is needed for this replatting. However, the applicant needs to be aware that a recent traffic impact study has indicated that a traffic signal at the intersection of 96th Street and Robin Plaza (private access road at south side of proposed Lot 2) is

likely to meet signal warrants in the next few years. Since this intersection with 96th Street involves private commercial roadway accesses on both the east and west side of 96th Street, this signal will be installed by the City, when warranted, and costs will be assessed to the benefitted commercial properties on each side of 96th Street. Since this is not a public or private, shared infrastructure improvement to be constructed by the Subdivider of this Subdivision, the need for a draft subdivision agreement is not triggered by Article 3.03.15 of the Subdivision Regulations.

2. The development on these lots will need to include sidewalks along the existing private roadway. Such sidewalks should be 5 feet wide. An easement allowing for the public usage of these sidewalks will need to be provided.

D. UTILITIES:

1. Sanitary sewer exists along the west side of the property under the existing private roadway. The sanitary sewer has existing stubouts to both lots.
2. The original subdivision agreement provided for SID 195 making payment of a tract sewer connection fee in the amount of \$3600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3600 per acre fee back to SID 195.
3. 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 conceptual Post Construction Storm Water Management Plan and drainage plan needs to be submitted as required by Items 2 and 4 of Article 3.03.20 of the Subdivision Regulations. It is recognized that detailed building plans for both lots are not available at this time. The conceptual plan needs to address the whether each lot will have its own stormwater management measures or whether there will be shared solutions. A menu of BMPs applicable to meeting the water quality and peak flow attenuation needs to be set forth in the conceptual plan. A draft Post Construction Storm Water Management Maintenance Agreement and Easement needs to be submitted as part of the replatting submittal.

4. The Papillion Creek Watershed Partnership storm water management fee set forth in the City of La Vista Master Fee Schedule is not applicable to this property. As noted in the Master Fee Schedule the fee is collected when set forth in a subdivision agreement for new development or significant redevelopment. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements which is not proposed in this application.

IV. REVIEW COMMENTS:

1. The applicant has been notified that there are special regulations relating to the Gateway Corridor (Overlay District) that will affect the building and site design process.

V. PLANNING COMMISSION RECOMMENDATION:

Approval of Mayfair Second Addition Replat 6 subject to the satisfactory resolution of the following issues prior to City Council review:

1. An easement document for the pedestrian sidewalk along 96th Street needs to be submitted, reviewed and ready to record prior to releasing the final plat for recording. It has been illustrated on the revised final plat with a notation that says "See Recorded Document", no document has been submitted at this time.
2. An easement for public usage of sidewalks to be constructed along the private roadways is to be provided.
3. The City will need to be provided documentation of the releases of utility easement rights along the previous interior lot line prior to releasing the final plat for recording.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Preliminary Plat, Final Plat
3. Engineer's Report

VII. **COPIES OF REPORT SENT TO:**

1. Doug Kellner, Thompson, Dreessen & Dorner
2. Jeff Harwood, Harwood Pizza Building LLC
3. Public Upon Request



9/14/12

Prepared by:

Community Development Director

Date



Vicinity Map

Mayfair 2nd Addition Replat Six

09/13/12
CAS





August 17, 2012

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

RE: Application for Replat-Initial Review
Mayfair 2nd Addition Replat Six (Replat of Lots 8A & 7B)

Chris:

I have reviewed the replat application package that you sent to me in a transmittal dated August 8, 2012. The proposal would replat Lot 8A, Mayfair 2nd Addition Replat Two and Lot 7B of Mayfair 2nd Addition Replat One into two lots to be known as Lots 1 and 2, Mayfair 2nd Addition Replat Five as proposed by the applicant. The first comment I have is that the name should be changed to Mayfair 2nd Addition Replat Six since an application for Replat Five was received several months ago and is in the review process. While this prior application has not yet been recorded, the application is still under consideration and would create a conflict in names if the process is finalized and the plat is recorded. I offer the following comments:

TRAFFIC & ACCESS:

1. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted with the platting of Mayfair 2nd Addition Replat One. There was also a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2nd Addition Replat One. It was recently learned that the property owners repealed that blanket easement grant. No new shared ingress/egress or utility easements are shown on the proposed plat. The repeal of the blanket pedestrian easement has left an existing, curvilinear pedestrian sidewalk along 96th Street lying partially on the lots without an easement. A pedestrian easement will need to be granted to the City of La Vista for public usage of this sidewalk. The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed and no traffic impact study is needed for this replatting. However, the applicant needs to be aware that a recent traffic impact study has indicated that a traffic signal at the intersection of 96th Street and Robin Plaza (private access road at south side of proposed Lot 2) is likely to meet signal warrants in the next few years. Since this intersection with 96th Street involves private commercial roadway accesses on

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

both the east and west side of 96th Street, this signal will be installed by the City, when warranted, and costs will be assessed to the benefitting commercial properties on each side of 96th Street. Since this is not a public or private, shared infrastructure improvement to be constructed by the Subdivider of this Subdivision, the need for a draft subdivision agreement is not triggered by Article 3.03.15 of the Subdivision Regulations.

2. The development on these lots will need to include sidewalks along the existing private roadway. Such sidewalks should be 5 feet wide.

UTILITIES & DRAINAGE:

3. Sanitary sewer exists along the west side of the property under the existing private roadway. The sanitary sewer has existing stubouts to both lots.
4. The original subdivision agreement provided for SID 195 making payment of a tract sewer connection fee in the amount of \$3600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3600 per acre fee back to SID 195.
5. 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 conceptual Post Construction Storm Water Management Plan and drainage plan needs to be submitted as required by Items 2 and 4 of Article 3.03.20 of the Subdivision Regulations. It is recognized that detailed building plans for both lots are not available at this time. The conceptual plan needs to address whether each lot will have its own stormwater management measures or whether there will be shared solutions. A menu of BMPs applicable to meeting the water quality and peak flow attenuation needs to be set forth in the conceptual plan. A draft Post Construction Storm Water Management Maintenance Agreement and Easement based on the a prototype document that can be found at <http://www.papiopartnership.org/resources/documents/PCSMPPMaintenanceAgreement-LaVista.pdf> needs to be submitted as part of the replatting submittal.
6. The Papillion Creek Watershed Partnership storm water management fee set forth in the City of La Vista Master Fee Schedule is not applicable to this property. As noted in the Master Fee Schedule the fee is collected when set forth in a subdivision agreement for new development or significant redevelopment. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements which is not proposed in this application.

PRELIMINARY PLAT REVIEW:

7. The preliminary plat was reviewed for compliance with Section 3.03 of the Subdivision Regulations. Items requiring further information are listed in the foregoing comments. Certain items are not applicable due to the nature of the proposed replat.

FINAL PLAT REVIEW:

8. The final plat was reviewed for compliance with Section 3.03 of the Subdivision Regulations. Comments from that review are as follows:
 - a. The name of the plat needs to be changed as noted above.
 - b. Releases from utility companies for easement rights along the original interior lot line location need to be provided prior to obtaining signed mylars from the City for recording.

PLAT APPLICATION & MISC:

9. The plat application document has the "Other" box checked and noted as a Minor Subdivision Plat. This application is a "Replat" application.
10. Provide a copy to the City of any existing or proposed private protective covenants affecting this property.
11. The applicant should be aware of that there are special regulations relating to the 96th Street sub-area overlay district that will affect the building and site design process.

I recommend that the applicant revise and resubmit documents to address the items listed above.

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



John M. Kottmann
City Engineer

MAYFAIR 2nd ADDITION REPLAT SIX

LOTS 1 AND 2

BEING A REPLATTING OF LOT 8A, MAYFAIR 2nd ADDITION REPLAT TWO AND LOT 7B,
MAYFAIR 2nd ADDITION REPLAT ONE, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA.

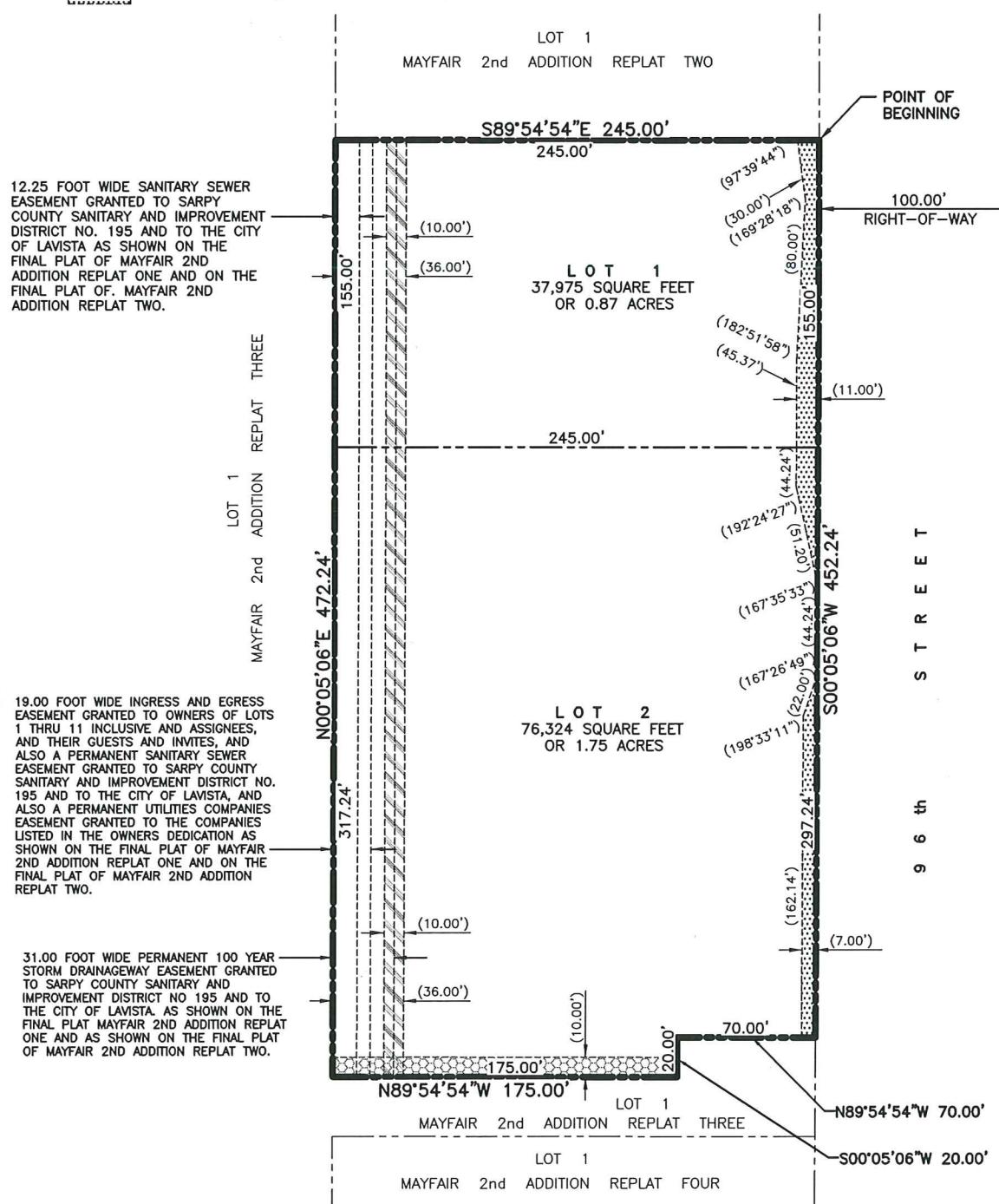
INGRESS AND EGRESS EASEMENT GRANTED TO OWNERS OF LOTS 1 THRU 11 INCLUSIVE AND ASSIGNEES, AND THEIR GUESTS AND INVITES, AND ALSO A PERMANENT SANITARY SEWER EASEMENT GRANTED TO SARPY COUNTY S.I.D. NO. 195 AND TO THE CITY OF LAVISTA, AND ALSO A PERMANENT UTILITIES COMPANIES EASEMENT GRANTED TO THE COMPANIES LISTED IN THE OWNERS DEDICATION AS SHOWN ON THE FINAL PLAT OF MAYFAIR 2nd ADDITION REPLAT ONE.

UTILITY EASEMENT GRANTED TO THE OMAHA PUBLIC POWER DISTRICT, U.S. WEST COMMUNICATIONS AND ANY FRANCHISED CABLE TELEVISION PROVIDER RECORDED AS INSTRUMENT NO. 2001-26587.

SIDEWALK EASEMENT (SEE RECORDED DOCUMENT).

NOTES

1. DIMENSIONS AND ANGLES SHOWN IN PARENTHESIS PERTAIN TO EASEMENTS.
2. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 96th STREET FROM EITHER LOT 1 OR 2.



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS MAYFAIR 2nd ADDITION REPLAT SIX, LOTS 1 AND 2, BEING A REPLATTING OF LOT 8A, MAYFAIR 2nd ADDITION REPLAT TWO AND LOT 7B, MAYFAIR 2nd ADDITION REPLAT ONE, BOTH SUBDIVISIONS IN SARPY COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NE CORNER OF SAID LOT 8A; THENCE S00°05'06"W (ASSUMED BEARING) 452.24 FEET ON THE EAST LINES OF SAID LOTS 8A AND 7B TO THE SE CORNER OF SAID LOT 7B; THENCE N89°54'54"W 70.00 FEET ON THE SOUTH LINE OF SAID LOT 7B; THENCE S00°05'06"W 20.00 FEET ON THE SOUTH LINE OF SAID LOT 7B; THENCE N89°54'54"W 175.00 FEET ON THE SOUTH LINE OF SAID LOT 7B TO THE SW CORNER THEREOF; THENCE N00°05'06"E 472.24 FEET ON THE WEST LINES OF SAID LOTS 7B AND 8A TO THE NW CORNER OF SAID LOT 8A; THENCE S89°54'54"E 245.00 FEET ON THE NORTH LINE OF SAID LOT 8A TO THE POINT OF BEGINNING.



JAMES D. WARNER,
NEBRASKA RLS 308

AUGUST 3, 2012
DATE:

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, HARWOOD PIZZA BUILDING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS AND SECURITY NATIONAL BANK OF OMAHA, BEING THE MORTGAGE HOLDERS, OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS MAYFAIR 2nd ADDITION REPLAT SIX, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK, QC, 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, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN 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.

SECURITY NATIONAL BANK OF OMAHA

HARWOOD PIZZA BUILDING, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY

BY:
GARY D. PETERSON, VICE PRESIDENT

BY:
JEFF HARWOOD, MEMBER

ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA COUNTY OF SARPY

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2012 BY JEFF HARWOOD, MEMBER OF HARWOOD PIZZA BUILDING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, ON BEHALF OF SAID COMPANY.

ACKNOWLEDGEMENT OF NOTARY STATE OF NEBRASKA COUNTY OF SARPY

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2012 BY GARY D. PETERSON, VICE PRESIDENT OF SECURITY NATIONAL BANK OF OMAHA, ON BEHALF OF SAID BANK.

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 SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS ____ DAY OF ____, 2012.

SARPY COUNTY TREASURER



Job No.: A1725-101A
Drawn By: RJR
Reviewed By: JDW
Date: AUGUST 3, 2012
LaVista Book: 15
Pages: 54-56

Sheet Title

SARPY COUNTY
FINAL PLAT

Sheet Number

SHEET 1 OF 1

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com

MAYFAIR 2nd ADDITION REPLAT SIX
LOTS 1 AND 2