

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2007 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT — LOTS 1 & 2, BROOK VALLEY BUSINESS PARK REPLAT 2 (NW OF 108 TH & EMILINE)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared to consider a replat application for Lots 1 & 2, Brook Valley Business Park Replat 2 (a replat of Lot 13A, Brook Valley Business Park), generally located northwest of 108th & Emiline Streets.

FISCAL IMPACT

None.

RECOMMENDATION

Approve.

BACKGROUND

A public hearing has been scheduled to consider an application for a replat of Lot 13A, Brook Valley Business Park into two lots (totaling one acre). The property is zoned I-2 Heavy Industrial. The application was submitted by Ron Westergard on behalf of Cornhusker Car Washes, Inc.

The eastern portion of the site (proposed Lot 2) is currently the location of a car wash; the western portion is vacant (proposed Lot 1). The purpose of the replat is to make an additional lot available for development within the I-2 district guidelines.

City engineer John Kottmann and staff have reviewed the application for the proposed replat and have the following comments:

1. Addressing of Lot 1 and Lot 2 needs to be corrected to show addresses from Emiline Street.
2. Minimum setbacks may be difficult to achieve with new industrial development on a relatively small lot, especially given the recorded easements on the property. New buildings will be required to meet setbacks in the zoning district.
3. A drainage plan will be required when a building permit is requested on Lot 1; an erosion control plan is also required.
4. A tract sewer connection fee will be required when a building permit is requested for Lot 1.

The Planning Commission held a public hearing on September 20, 2007, and recommended approval of the proposed replat subject to the resolution of items identified by the City Engineer and staff as it complies with the zoning and subdivision regulations.

I:\BRENDA\WORD\COUNCIL\06 Memos\Southport East Replat 3.doc

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF A REPLAT FOR LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 2, BEING A REPLAT OF LOT 13A, BROOK VALLEY BUSINESS PARK, LOCATED IN THE NE ¼ OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED AT 108TH STREET AND EMILINE STREET.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Lots 1 and 2, Brook Valley Business Park Replat 2; and

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

WHEREAS, on September 20, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat proposal and has recommended approval with the following comments from the City Engineer and staff:

1. Addressing of Lot 1 and Lot 2 needs to be corrected to show addresses from Emiline Street.
2. Minimum setbacks may be difficult to achieve with new industrial development on a relatively small lot, especially given the recorded easements on the property. New buildings will be required to meet setbacks in the zoning district.
3. A drainage plan will be required when a building permit is requested on Lot 1; an erosion control plan is also required.
4. A tract sewer connection fee will be required when a building permit is requested for Lot 1.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1 and 2, Brook Valley Business Park Replat 2, being a replat of Lot 13A, Brook Valley Business Park, located in the NE ¼ of Section 17, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, generally located at 108th Street and Emiline Street be, and hereby is, approved subject to the satisfactory resolution of all identified items as approved by the City Administrator and City Attorney.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER:

FOR HEARING OF: December 4, 2007
Report Prepared on November 27, 2007

I. GENERAL INFORMATION

- A. APPLICANT:** Ron Westergard, Cornhusker Car Washes, Inc.
- B. PROPERTY OWNER:** Cornhusker Car Washes, Inc
- C. LOCATION:** The site is located at 108th and Emiline Street.
- D. LEGAL DESCRIPTION:** Lot 13A, Brook Valley Business Park
- E. REQUESTED ACTION(S):** Replat / Subdivision into two lots
- F. EXISTING ZONING AND LAND USE:**
I-2 Heavy Industrial; the property currently has a building for a car wash.
- G. PURPOSE OF REQUEST:** The proposal is to replat Lot 13A of Brook Valley Business Park into Lot 1 (0.35 acres) and Lot 2 (0.65 acres) of Brook Valley Business Park Replat 2.
- H. SIZE OF SITE:** 1 acre

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Car wash constructed on the eastern portion of Lot 13A.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** I-2, Kwik Shop
 - 2. **East:** I-2, Rotella's Italian Bakery, Inc.
 - 3. **South:** I-2, Brook Valley Business Park
 - 4. **West:** I-2, Brook Valley Business Park
- C. RELEVANT CASE HISTORY:** None
- D. APPLICABLE REGULATIONS:**
 - 1. Section 3.08, Subdivision Regulations, regarding Replats.
 - 2. Section 4.15, Subdivision Regulations, regarding Design Standards, Lots.
 - 3. Section 5.14, Zoning Ordinance, regarding I-2 Zoning District.

III. ANALYSIS

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for Industrial uses.
- B. OTHER PLANS:** None. Future plans for Lot 1 are unknown.
- C. TRAFFIC AND ACCESS:**
1. An existing access allows ingress / egress to Emiline Street.
 2. A second access to Emiline Street may be possible for Lot 1.
- D. UTILITIES:** All utilities are available to the site.

IV. REVIEW COMMENTS:

1. Addressing of Lot 1 and Lot 2 needs to be corrected to show addresses from Emiline Street.
2. Minimum setbacks may be difficult to achieve with new industrial development on a relatively small lot, especially given the recorded easements on the property. New buildings will be required to meet setbacks in the zoning district.
3. A drainage plan will be required when a building permit is requested on Lot 1; an erosion control plan is also required.
4. A tract sewer connection fee will be required when a building permit is requested for Lot 1.

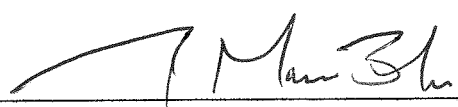
V. PLANNING COMMISSION RECOMMENDATION: Approval of Brook Valley Business Park Replat 2 subject to addressing the review items noted.

VI. ATTACHMENTS TO REPORT:

1. Brook Valley Replat 2 Final Plat
2. Brook Valley Replat 2 Preliminary Plat
3. City Engineer's comments

VII. COPIES OF REPORT TO:

1. Ron Westergard
2. Chris Dorner, Thompson, Dreesen & Dorner, Inc.
3. Public Upon Request


Prepared by:


Community Development Director

11-27-07
Date

NOV 29 2007

BROOK VALLEY BUSINESS PARK REPLAT 2

LOTS 1 AND 2
BEING A REPLATING OF LOT 13A, BROOK VALLEY BUSINESS PARK,
A SUBDIVISION IN SARDY COUNTY, NEBRASKA.

ACCEPTANCE BY LA VISTA PLANNING COMMISSION
THIS PLAT OF BROOK VALLEY BUSINESS PARK REPLAT 2 WAS APPROVED BY THE LA VISTA
PLANNING COMMISSION THIS DAY OF 2007.

ACCEPTANCE BY LA VISTA CITY COUNCIL
THIS PLAT OF BROOK VALLEY BUSINESS PARK REPLAT 2 WAS APPROVED BY THE CITY COUNCIL
OF THE CITY OF LA VISTA, NEBRASKA, THIS DAY OF 2007 IN ACCORDANCE WITH
THE LAWS OF THE STATE OF NEBRASKA.

CHAMBERSON, LA VISTA PLANNING COMMISSION

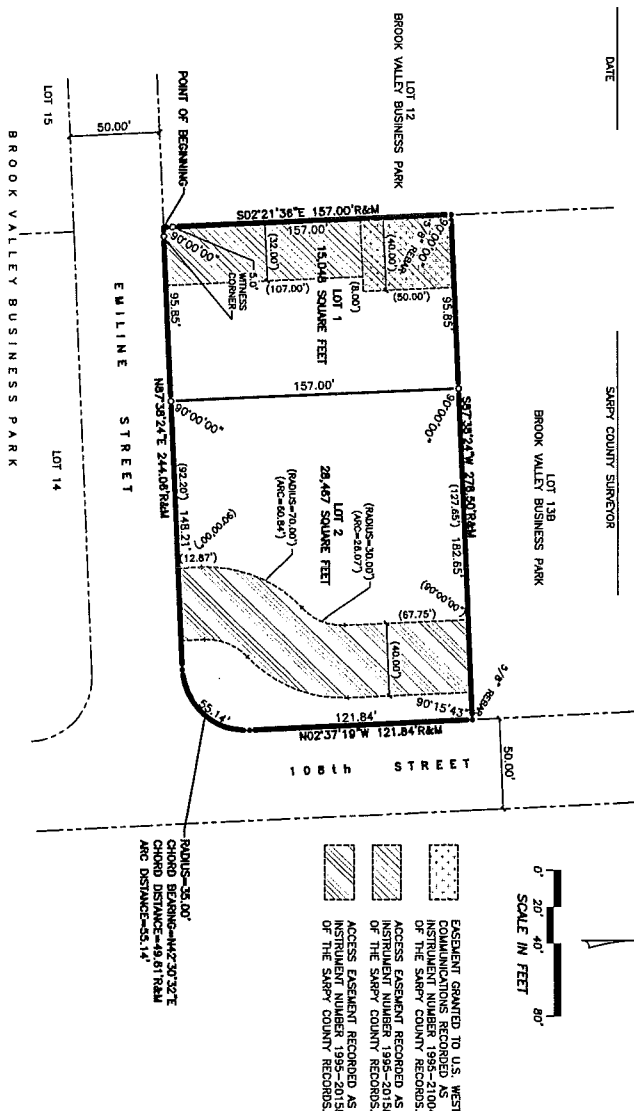
ATTEST: CITY CLERK MAYOR

REVIEW BY SARDY COUNTY SURVEYOR
THIS PLAT OF BROOK VALLEY BUSINESS PARK
REPLAT 2 WAS REVIEWED BY THE SARDY COUNTY
SURVEYOR.

DATE SARDY COUNTY SURVEYOR

LEGEND

- CORNERS FOUND
- (3/4" O/P UNLESS NOTED)
- CORNERS SET
- (5/8" REBAR W/ O/P STAMPED T02 IS 507)



0' 20' 40' 80'
SCALE IN FEET

- EASEMENT GRANTED TO U.S. WEST
COMMUNICATIONS RECORDED AS
INSTRUMENT NUMBER 1995-21004
OF THE SARDY COUNTY RECORDS.
- ACCESS EASEMENT RECORDED AS
INSTRUMENT NUMBER 1995-20156
OF THE SARDY COUNTY RECORDS.
- ACCESS EASEMENT RECORDED AS
INSTRUMENT NUMBER 1995-20156
OF THE SARDY COUNTY RECORDS.

SURVEYOR'S CERTIFICATE

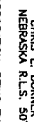
I HEREBY CERTIFY THAT A BOUNDARY SURVEY WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION FOR THE SUBDIVISION
DESCRIBED HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY
AND THAT A 5/8" REBAR WITH A PLASTIC CAP STAMPED T02 IS 507 HAS BEEN SET AT ALL CORNERS WITHIN SAID
SUBDIVISION. THE SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEBRASKA AND THE
SARDY COUNTY RECORDS. THE SURVEYOR'S CERTIFICATE IS FILED FOR RECORD IN THE SARDY COUNTY RECORDS
AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 13A, THENCE N87°28'28"E 244.06 FEET ON THE SOUTH
LINE OF SAID LOT 13A, THENCE N02°37'19"W 121.84 FEET ON THE SOUTHERLY LINE OF SAID LOT 13A, ON A 35.00 FOOT RADUS
CURVE TO THE LEFT, CHORD BEARING N42°30'32"E, CHORD DISTANCE 48.81 FEET, AN ARC DISTANCE OF 25.14 FEET TO
THE SOUTHWEST CORNER OF SAID LOT 13A, THENCE S87°28'28"E 244.06 FEET ON THE NORTH LINE OF SAID LOT 13A TO THE NORTHWEST CORNER
THEREOF, THENCE S02°21'36"E 157.00 FEET ON THE WEST LINE OF SAID LOT 13A TO THE POINT OF BEGINNING,
CONTAINING 43,515 SQUARE FEET.

JUNE 29, 2007

DATE

CHRS E. DORNER

NEBRASKA R.L.S. 507



DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT WE, CORNHISHER CAR WASHES, INC., A NEBRASKA CORPORATION, BEING THE
OWNERS AND WELLS FARGO BANK, N.A., BEING THE MORTGAGE HOLDER, 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 BROOK VALLEY BUSINESS PARK REPLAT 2 AND BE DO HEREBY
DEDICATE AND CONVEY TO THE PUBLIC, SARDY COUNTY, NEBRASKA, A SUBDIVISION IN SARDY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS
FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 13A, THENCE N87°28'28"E 244.06 FEET ON THE SOUTH
LINE OF SAID LOT 13A, THENCE N02°37'19"W 121.84 FEET ON THE SOUTHERLY LINE OF SAID LOT 13A, ON A 35.00 FOOT RADUS
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THEREOF, THENCE S02°21'36"E 157.00 FEET ON THE WEST LINE OF SAID LOT 13A TO THE POINT OF BEGINNING,
CONTAINING 43,515 SQUARE FEET.

CORNHISHER CAR WASHES, INC.

WELLS FARGO BANK, N.A.

BR: RONALD F. WESTERHARD, PRESIDENT

BR: GERARD J. DIEMER, VICE PRESIDENT

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 2007 BY
RONALD F. WESTERHARD, PRESIDENT OF CORNHISHER CAR WASHES, INC., A NEBRASKA CORPORATION, ON
BEHALF OF SAID CORPORATION.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DAY OF 2007 BY
GERARD J. DIEMER, VICE PRESIDENT OF WELLS FARGO BANK, N.A., ON BEHALF OF SAID BANK.

NOTARY PUBLIC

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 THIS
DAY OF 2007.

DEPUTY

SARDY COUNTY TREASURER

SCALE:	1" = 40'
DATE:	JUNE 29, 2007
DRAWN BY:	RJR
CHECKED BY:	CEB
REVISION	

BROOK VALLEY BUSINESS PARK REPLAT 2

FINAL PLAT

THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
PHONE: 402.330.8860 FAX: 402.330.8866 EMAIL: TD2@TDDCO.COM
WEBSITE: WWW.TD2CO.COM

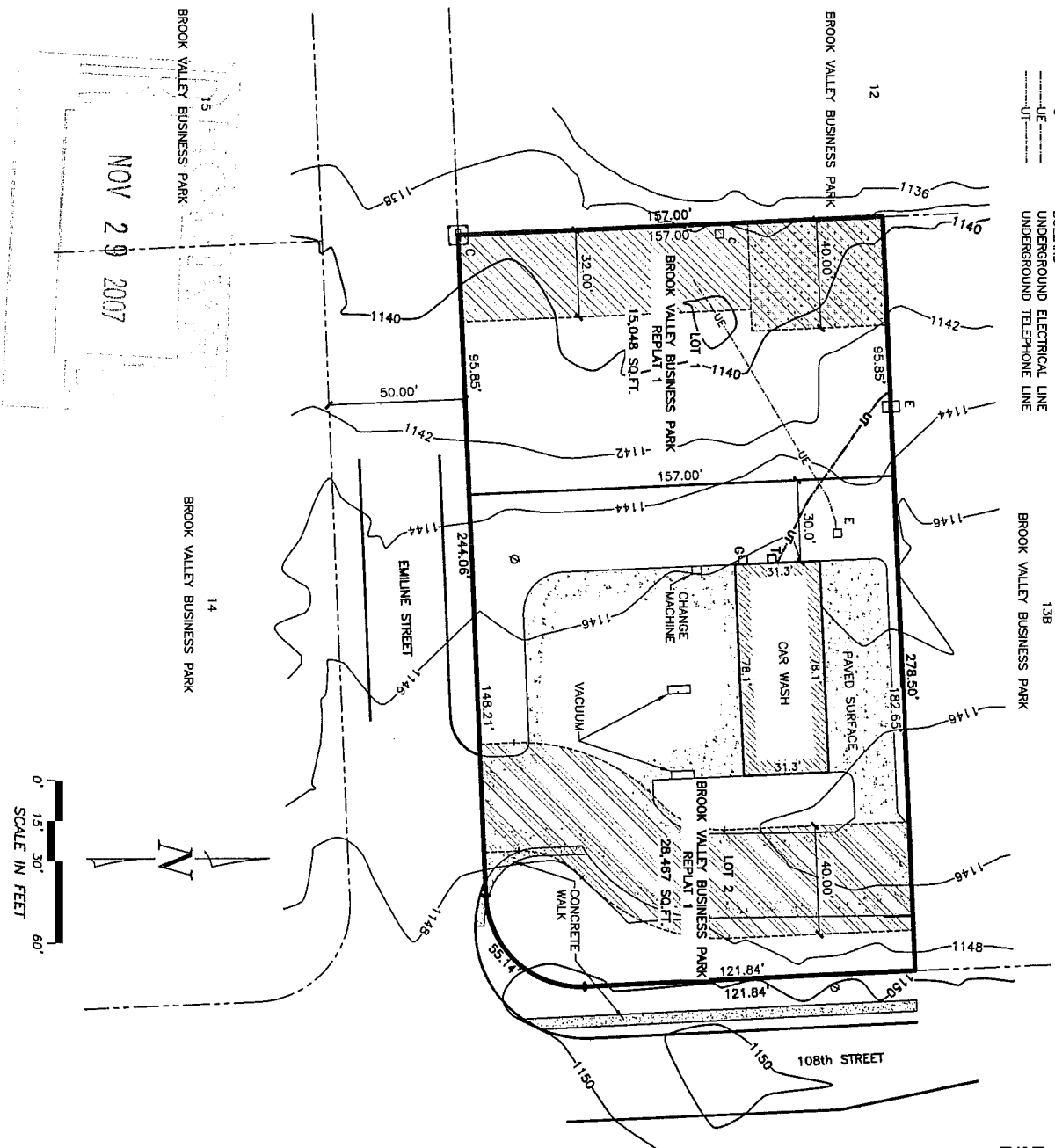
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BROOK VALLEY BUSINESS PARK REPLAT 2

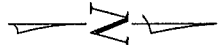
LOTS 1 AND 2
BEING A REPLAT OF LOT 13A, BROOK VALLEY BUSINESS PARK,
A SUBDIVISION IN SARPY COUNTY, NEBRASKA

LEGEND

- LIGHT POLE
- ELECTRICAL PEDESTAL
- TELEPHONE PEDESTAL
- CABLE TV PEDESTAL
- BOLLARD
- UNDERGROUND ELECTRICAL LINE
- UNDERGROUND TELEPHONE LINE



0' 15' 30' 60'
SCALE IN FEET



NOV 29 2007

LEGAL DESCRIPTION

LOT 13A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION
IN SARPY COUNTY, NEBRASKA.

NOTES

1. CONTOURS SHOWN HEREON ARE BASED ON SARPY COUNTY GIS INFORMATION AND ARE SHOWN AT 2' INTERVALS.
 2. ALL REQUIRED UTILITIES EXIST.
 3. EXISTING ZONING IS I-2. PROPOSED ZONING IS I-2.
- MINIMUM SETBACK REQUIREMENTS:
- FRONT YARD SETBACK..... 35 FEET
SIDE YARD SETBACK..... 30 FEET
REAR YARD SETBACK..... 25 FEET

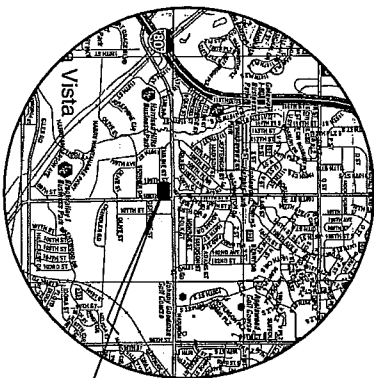
ENGINEER

THOMPSON, DREESSEN & DORNER, INC.
10836 OLD MILL ROAD
OMAHA, NEBRASKA 68154

DEVELOPER

RON WESTERGARD
11738 NORTH 173rd CIRCLE
BENNINGTON, NEBRASKA 68007

- EASEMENT GRANTED TO U.S. WEST COMMUNICATIONS RECORDED AS INSTRUMENT NUMBER 1995-21004 OF THE SARPY COUNTY RECORDS.
- ACCESS EASEMENT RECORDED AS INSTRUMENT NUMBER 1995-20158 OF THE SARPY COUNTY RECORDS.
- ACCESS EASEMENT RECORDED AS INSTRUMENT NUMBER 1995-20158 OF THE SARPY COUNTY RECORDS.



VICINITY MAP

PROJECT SITE

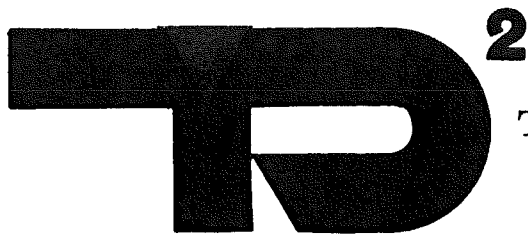


THOMPSON, DREESSEN & DÖRNER, INC.
Consulting Engineers & Land Surveyors
10836 OLD MILL ROAD OMAHA, NEBRASKA 68154
PHONE: 402.330.8860 FAX: 402.330.5866 EMAIL: TD2MAIL@TD2CO.COM
WEBSITE: WWW.TD2CO.COM

BROOK VALLEY BUSINESS PARK REPLAT 2

PRELIMINARY PLAT

SCALE:	1"=30'
DATE:	JULY 3, 2007
DRAWN BY:	MRS
CHECKED BY:	CED
REVISION	



THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors

August 20, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: 2007 Minor & Administrative Plat Reviews
Brook Valley Business Park Replat 2
Review of Proposed Replat
TD² File No. 171-344.8

ROBERT E. DREESSEN, P.E.	TIMOTHY T. PAPSTEIN, P.E.
NELSON J. HYMAN, P.E.	MICHAEL J. SMITH, L.S.
JAMES D. WARNER, L.S.	TROY J. NISSEN, P.E., S.E.
CHARLES E. RIGGS, P.E.	DOUGLAS E. KELLNER, P.E.
KA "KIP" P. SQUIRE III, P.E., S.E.	KEVIN L. TRUE, L.S.
JOHN M. KOTTMANN, P.E.	GARY A. NORTON, P.E.
ARTHUR D. BECCARD, P.E.	BRIAN L. LODES, P.E.
JOSEPH G. KOSINOVSKY, P.E.	KURTIS L. ROHN, P.E.
DOUGLAS S. DREESSEN, P.E.	JEFFREY L. THOMPSON, P.E.
DEAN A. JAEGER, P.E.	DAREN A. KONDA, P.E.
RICHARD M. BROYLES, L.S.	MICHAEL T. CANIGLIA, L.S.
DAVID H. NEEF, L.S.	JEREMY T. STEENHOEK, P.E.
RONALD M. KOENIG, L.S.	JOSHUA J. STORM, P.E.
CHRIS E. DORNER, L.S.	

Mr. Baker:

I have reviewed the above-referenced final plat as requested. For the record, please be aware that this document was prepared by other personnel in this office. I had no participation in the preparation of the document and I have reviewed this plat for conformance to the subdivision regulations in the same manner as any other submittal.

It is my opinion that this application can be treated as a replat and a separate submission of the preliminary and final plats is not required. After review of the documents attached to your transmittal of August 15, 2007, I have the following comments:

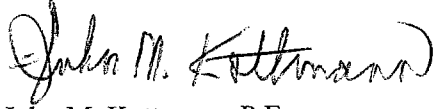
1. The existing structure on proposed Lot 2 is currently addressed on 108th Street. This would make the north side of the existing building a side yard. The existing building is approximately 28 feet from the north line of the lot by scaling the preliminary plat. Current side yard requirements are 30 feet. At the time this structure was constructed the side yard requirements were 25 feet. So, the existing structure constitutes an existing, non-conforming use. An alternative to address the situation would be to address the building off of Emiline Street. If this were done then the existing building would meet current zoning regulations with the proposed replatting.
2. The applicant should be aware that when a building permit is taken for any development on proposed Lot 1, a drainage plan will be required that demonstrates the ability to pass drainage across the site from the existing property to the north (the Kwik Shop) that presently drains across this lot.
3. The applicant should be aware that the tract sewer connection fee will apply to the proposed Lot 1, whenever a building permit is requested on that lot.

Mr. Marcus Baker
August 20, 2007
Page 2

Although the proposed Lot 1 is very small, it does not violate any zoning regulators. I have no objections to the approval of this replat, subject to the comments noted above.

Prepared by,

THOMPSON, DREESSEN & DORNER, INC.

A handwritten signature in black ink, appearing to read "John M. Kottmann". The signature is written in a cursive, flowing style.

John M. Kottmann, P.E.

JMK/jlf

cc: File