

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2021 AGENDA

Subject:	Type:	Submitted By:
FINAL PLAT — LOT 1 I-80 BUSINESS PARK 2 ND ADDITION REPLAT 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

SYNOPSIS

A resolution has been prepared to approve the Final Plat for Lot 1 I-80 Business Park 2nd Addition Replat 1 and to provide a waiver from Section 4.20 of La Vista's Subdivision Regulations.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A Final Plat application has been submitted by Dorwill, LLC for approximately 29,564 square feet (or 0.68 acres), located northwest of the intersection of S. 118th Street and Harry Anderson Ave., to combine Lot 1 I-80 Business Park 2nd Addition with two pieces of former right-of-way into one lot described at Lot 1 I-80 Business Park 2nd Addition Replat 1. The purpose of the request is to combine the parcels into one lot to create more buildable area for a potential small light industrial building. The Preliminary Plat associated with this proposal was approved by City Council on January 5, 2021. The applicant has also requested a waiver from Section 4.20 of La Vista's Subdivision Regulations which requires that the minimum distance between the edge of the sidewalk and curb be six (6) feet, as meeting this requirement on the northeast corner of the lot is impractical due to site and elevation constraints. A detailed staff report is attached.

The Planning Commission held a meeting on January 7, 2021 and voted unanimously to recommended approval of both the waiver from Section 4.20 of La Vista's Subdivision Regulations and the Final Plat, as the requests are consistent with La Vista's Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE FINAL PLAT FOR A REPLAT OF LOT 1 I-80 BUSINESS PARK 2ND ADDITION AND PT HARRY ANDERSEN AVE ADJ TO LOT 1 I-80 BUSINESS PARK 2ND ADDITION LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 17, T14, R12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND PT STATE ROW ADJ TO LOT 1 I-80 BUSINESS PARK 2ND ADDITION LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 18, T14, R12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, TO BE REPLATTED AS LOT 1 I-80 BUSINESS PARK 2ND ADDITION REPLAT 1 LOCATED IN SECTIONS 17 AND 18, T14, R12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owner of the above described pieces of property has made application for approval of a final plat as presented at this meeting for Lot 1 I-80 Business Park 2nd Addition Replat 1 ("Final Plat"); and

WHEREAS, the La Vista Board of Adjustment determined that sufficient evidence was presented, including unique attributes of the property, to grant requested variances from certain setback requirements of the La Vista Zoning Ordinance; and

WHEREAS, due to the unique attributes of the property including elevations, terrain, and topography, the Final Plat application also includes a request for a waiver from a provision of Section 4.20 of the Subdivision Regulations that requires a minimum distance of six (6) feet between edge of sidewalks and curbs ("Minimum Sidewalk Setback") with respect to a section of the sidewalk on the northeast corner of the property; and

WHEREAS, waivers under the Subdivision Regulations may be granted upon determining that:

- i. There are unique circumstances or conditions affecting the property that are not merely for the convenience or profit of the Subdivider;
- ii. The waivers are necessary for the reasonable and acceptable development of the property in question; and
- iii. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties ("Requirements for a Waiver").

WHEREAS, the City Engineer has reviewed the Final Plat and request for a waiver; and

WHEREAS, on January 7, 2021, the La Vista Planning Commission reviewed the requests and voted unanimously to recommended approval of both the waiver of the Minimum Sidewalk Setback of Section 4.20 of the Subdivision Regulations with respect to the particular section of sidewalk, and the Final Plat;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Requirements for a Waiver are satisfied and a waiver of Section 4.20 of the Subdivision Regulations regarding the Minimum Sidewalk Setback shall be granted, provided a minimum setback shall be established by the property owner for this section of sidewalk to the satisfaction of the City Engineer prior to release of the Final Plat for recording or issuance of a building permit.

BE IT FURTHER RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Final Plat for Lot 1 I-80 Business Park 2nd Addition, Pt Harry Andersen Ave Adj to Lot 1 I-80 Business Park 2nd Addition, and Pt State Row Adj to Lot 1 I-80 Business

Park 2nd Addition, to be replatted as Lot 1 I-80 Business Park 2nd Addition Replat 1, a subdivision located in the northwest ¼ of the northwest ¼ of Section 17, and the northeast ¼ of the northeast ¼ of Section 18, both in Township 14, Range 12E, generally located northwest of the intersection of S. 118th Street and Harry Anderson Avenue, be, and hereby is approved, subject to the recording of the Final Plat.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PSFP20-0002;

FOR HEARING OF: JANUARY 19, 2021
REPORT PREPARED ON: JANUARY 8, 2021

I. GENERAL INFORMATION

A. APPLICANT:

Dorwill, LLC
Attn: Richard Essi
8231 S. 107th Street
La Vista, NE 68128

B. PROPERTY OWNER:

Dorwill, LLC
8231 S. 107th Street
La Vista, NE 68128

C. LOCATION: Northwest of the intersection of S. 118th Street and Harry Anderson Avenue;

D. LEGAL DESCRIPTION: Lot 1 I-80 Business Park 2nd Addition, Pt Harry Andersen Ave Adj To Lot 1-80 Business Park 2nd Addition, and Pt State Row Adj To Lot 1 I-80 Business Park 2nd Addition.

E. REQUESTED ACTION(S): Approval of a Final Plat to combine Lot 1 I-80 Business Park 2nd Addition with two small pieces of former right-of-way sold by the State of Nebraska in 2019 to create Lot 1 I-80 Business Park 2nd Addition Replat 1.

F. EXISTING ZONING AND LAND USE: I-1 Light Industrial, Gateway Corridor District (Overlay District), and FF/FW Flood Plain District (Overlay District).

G. PURPOSE OF REQUEST: Create a larger parcel to allow for the potential development of a 2,800 square foot industrial building with two tenant bays. One bay would be used by the owner and one would be leased out.

H. SIZE OF SITE: 29,564 square feet (0.68 acres).

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes downward to the south and to the west.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	NA; Interstate 80 Right of Way	NA; Interstate 80 Right of Way	Interstate-80
East	Industrial	I-1 Light Industrial, Gateway Corridor District (Overlay District)	Vacant land
South	Industrial	I-1 Light Industrial, Gateway Corridor District (Overlay District), and FF/FW Flood Plain District (Overlay District)	Progressive Casualty Insurance Company Building
West	Industrial	I-1 Light Industrial, Gateway Corridor District (Overlay District), and FF/FW Flood Plain District (Overlay District)	Interstate-80

C. RELEVANT CASE HISTORY:

1. Dorwill, LLC submitted an application on August 4, 2020 to the La Vista Board of Adjustment for three variances from setback requirements in the La Vista Zoning Ordinance, noting the hardships associated with the small buildable area on the lots in question and a utility easement that runs through them. The La Vista Board of Adjustment granted the following three variances from Section 5.13.05 of the La Vista Zoning Ordinance to Dorwill, LLC on September 2, 2020:
 - i. Front yard setback along S. 118th Street reduced from 35 feet to 30 feet;
 - ii. Removal of the 60 foot setback requirement for front yards with parking in the front of the property; and
 - iii. Reduction in the side yard setback along the west lot line from 30 feet to 15 feet.

D. APPLICABLE REGULATIONS:

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Section 5.18 of the Zoning Regulations – FF/FW Flood Plain District (Overlay District)
4. Section 7.17 of the Zoning Regulations – Landscaping Requirements
5. Article 8 of the Zoning Regulations – Board of Adjustment

III. ANALYSIS

A. **COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map designates this property for industrial development. This proposal is consistent with the comprehensive plan.

B. **OTHER PLANS:** N/A.

C. **TRAFFIC AND ACCESS:**

1. The property will have driveway access off of S 118th Street.
2. No future direct access shall be permitted onto Harry Anderson Avenue.
3. Vehicle traffic to the site will be very limited. The owner intends to use one of the two bays to store equipment and supplies for his construction business, RE Contracting. The owner also anticipates leasing the adjacent bay for a similar, low traffic generating use.
4. The minimum distance between the edge of a sidewalk and the curb shall be six (6) feet, per Section 4.2 of La Vista's Subdivision Regulations. The applicant has requested a waiver from Section 4.2 of the Subdivision Regulations to allow for a reduction in this distance for a section of the sidewalk on the northeast corner of the property due to site and elevation constraints. Section 8.01 of La Vista's Subdivision Regulations authorizes the Planning Commission to recommend and the City Council to grant waivers from the subdivision regulations after determining the following:
 - i. There are unique circumstances or conditions affecting the property that are not merely for the convenience or profit of the Subdivider;
 - ii. The waivers are necessary for the reasonable and acceptable development of the property in question; and
 - iii. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

Staff find the waiver request reasonable as setting the sidewalk to the minimum 6' offset from the back of the curb would be difficult due to the existing terrain and topography. The City Engineer is working with the applicant to determine an appropriate distance for the sidewalk offset in the event that the waiver request is granted.

D. UTILITIES:

1. The property will have access to water, sanitary sewer, gas, power and communication utilities.

E. PARKING REQUIREMENTS:

1. Any future development on Lot 1 I-80 Business Park 2nd Addition Replat 1 will be required to meet La Vista's parking requirements.

IV. REVIEW COMMENTS:

- A. The building design for the proposed 2,800 square foot industrial flex building is currently under review through the City's design review process as required for developments within the Gateway Corridor Overlay District. The applicant has received initial comments from the City's third-party design review architect.
- B. Prior to issuance of final building permits, the applicant will need to submit a full drainage study for review by the City Engineer. The applicant will also need to gain approval of the FAA due to the proximity of the site to the Millard Airport.
- C. Stormwater management fees and sewer connection fees will be paid with permit fees when the building permits are issued.

V. STAFF RECOMMENDATION – WAIVER FROM SECTION 4.2 OF LA VISTA'S SUBDIVISION REGULATIONS:

Staff recommends approval of the waiver from Section 4.2 of the Subdivision Regulations to allow for a reduction in the six-foot sidewalk offset requirement for the northeast corner of Lot 1 I-80 Industrial Park 2nd Addition Replat 1.

VI. STAFF RECOMMENDATION – FINAL PLAT:

Staff recommends approval of the Final Plat for Lot 1 I-80 Industrial Park 2nd Addition Replat 1, as the request is consistent with La Vista's Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance.

VII. PLANNING COMMISSION RECOMMENDATION – WAIVER FROM SECTION 4.2 OF LA VISTA'S SUBDIVISION REGULATIONS:

The La Vista Planning Commission met on January 7, 2021 and voted unanimously to recommend approval of the waiver from Section 4.2 of the Subdivision Regulations to allow for a reduction in the six-foot sidewalk offset requirement for the northeast corner of Lot 1 I-80 Industrial Park 2nd Addition Replat 1.

VIII. PLANNING COMMISSION RECOMMENDATION – FINAL PLAT:

The La Vista Planning Commission met on January 7, 2021 and voted unanimously to recommend approval of the Final Plat for Lot 1 I-80 Industrial Park 2nd Addition Replat 1, as the request is consistent with La Vista's Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance.

IX. ATTACHMENTS TO REPORT:

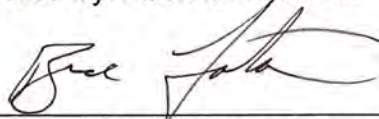
- A. Vicinity Map
- B. Review Letters
- C. Final Plat

X. COPIES OF REPORT SENT TO:

- A. Rich Essi, Dorwill, LLC
- B. Public Upon Request



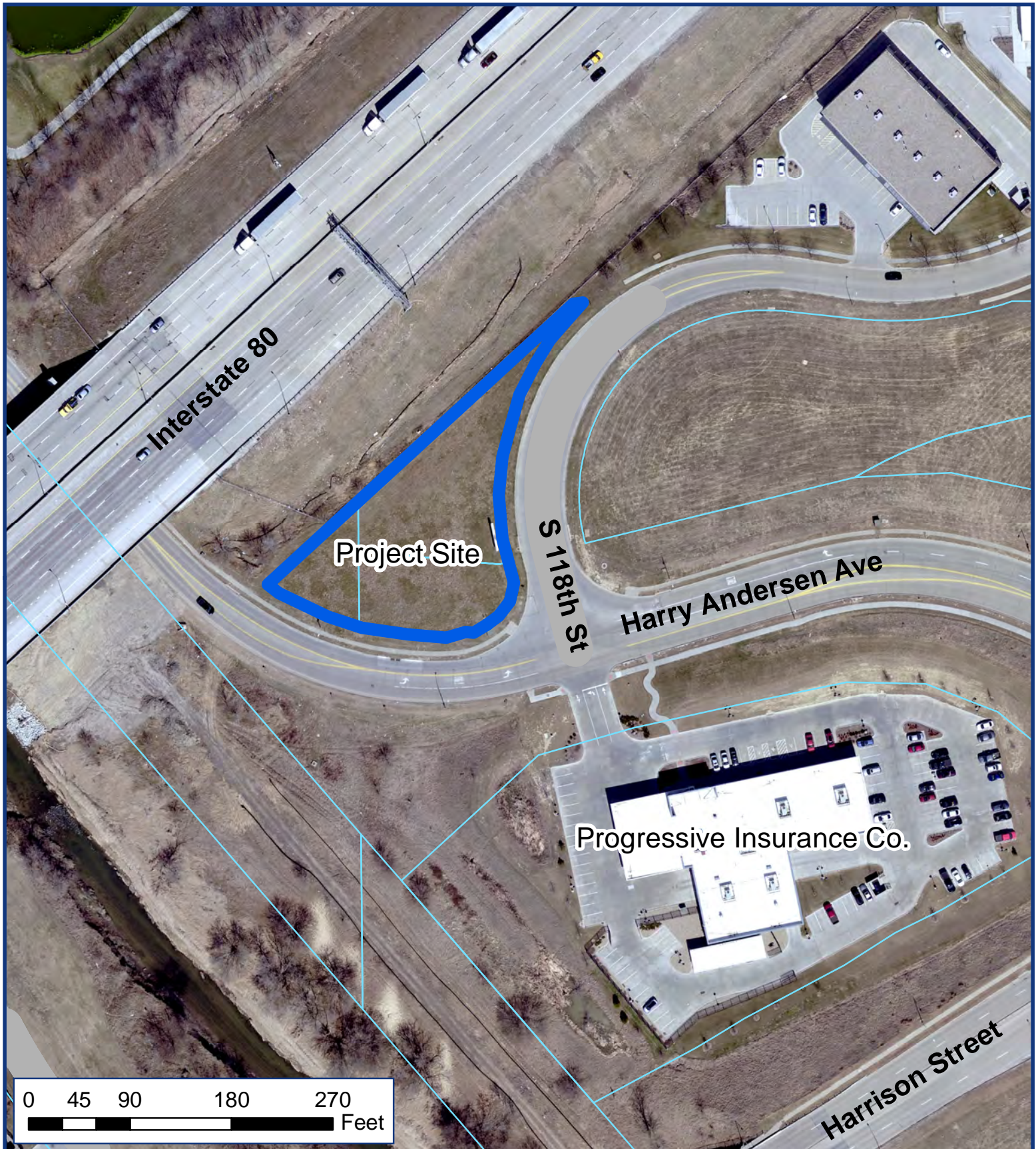
Prepared by: Assistant Planner



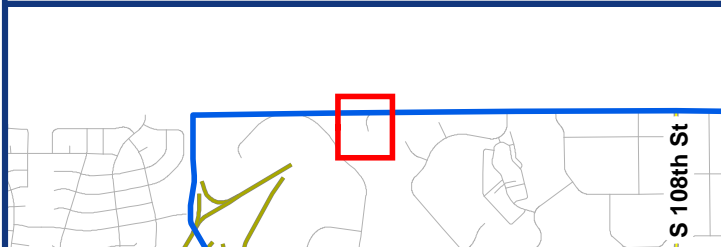
Community Development Director

1/8/2021

Date



Final Plat Vicinity Map



Dorwill, LLC
Lot 1 I-80 Business Park 2nd Add.

12/21/2020 CB





October 14, 2020

Dorwill, LLC
Attn: Rich Essi
8231 S 107th Street
La Vista, NE 68128

RE: Final Plat – Initial Review
I-80 Business Park 2nd Addition Replat 1

Mr. Essi,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Section 3.05.11 – Please revise the dedication block to be consistent with Section 10.01 of La Vista’s Subdivision Regulations.
2. Section 3.05.12 – Please revise the County Treasurer block to be consistent with Section 10.07 of La Vista’s Subdivision Regulations.
3. Section 3.05.14 – Please revise the City Council block to be consistent with Section 10.04 of La Vista’s Subdivision Regulations.
4. Section 3.05.18 – If a lending institution is part of the transaction, an approval block should be provided for the institution as well.
5. General comment – Please remove the City Engineer Title Block. The City Engineer’s signature is not required.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

6. General Comment – No direct access to Harry Anderson Avenue will be permitted. Please add a statement to plat document.
7. General Comment - Please reference the attached letter from the Sarpy County Surveyor and make the corrections as necessary.
8. General Comment – Please keep in mind that the building design will need to be approved through the City's Design Review process prior to application for building permits.

Please submit 3 full size revised copies of the plat and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

If you have any questions regarding these comments, please feel free to contact me at any time. Thank you,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc: Christopher Solberg, Deputy Community Development Director
Bruce Fountain, Community Development Director
Pat Dowse, City Engineer
Jeff Daharsh, Cornerstone Surveying, LLC
Roger Doehling, LYNC Architecture

Enclosure



November 4, 2020

Dorwill, LLC
Attn: Rich Essi
8231 S 107th Street
La Vista, NE 68128

RE: Final Plat – Second Review
I-80 Business Park 2nd Addition Replat 1

Mr. Essi,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Subdivision Regulations, the City has the following comments:

1. Section 3.05.01 – Please make the name of the subdivision in emboldened text.
2. Section 3.05.11 – If there are no mortgage holders, a statement from the title company is to be provided. Otherwise, if there is a lending institution, please add a lending institution title block per Section 3.05.18.
3. Section 10.04 – The “Acceptance by La Vista City Council” approval block reads “in accordance with the State Statues of Nebraska”, please change the word Statues to Statutes.
4. General Comment: Please also include the variance details that you included in the Preliminary Plat Site Paving Plan in the notes section on the Final Plat.

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402.331.1051 F

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402.331.3455 P
402.331.0299 F

Please resubmit digitally to the City for further review. If you are able to resubmit by Tuesday, November 10th and adequately address these comments, this item may be placed on the Planning Commission Agenda for the November 19th, 2020 meeting. If this timeline is not feasible or if there are remaining items, the next Planning Commission meeting will be on December 3, 2020.

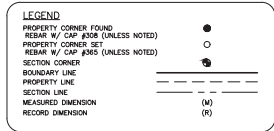
If you have any questions regarding these comments or the timeline, please feel free to contact me at any time. Thank you,

A handwritten signature in blue ink that reads "Cale Brodersen". The signature is fluid and cursive, with a long horizontal line extending to the right.

Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

cc: Christopher Solberg, Deputy Community Development Director
Bruce Fountain, Community Development Director
Pat Dowse, City Engineer
Jeff Daharsh, Cornerstone Surveying, LLC
Roger Doehling, LYNC Architecture
Brad Blakeman, Blakeman Engineering

BEING A REPLAT IN THE CITY OF LA VISTA,
SARPY COUNTY, NEBRASKA



1. NO DIRECT ACCESS SHALL BE PERMITTED ONTO INTERSTATE 80 FROM LOT 1.
2. NO DIRECT ACCESS SHALL BE PERMITTED ONTO HARRY ANDERSON AVENUE FROM LOT 1.
3. BUILDING VARIANCE TO SECTION 513.05 OF LA VISTA ZONING ORDINANCE ON 9/02/2020.
 - FRONT YARD SETBACK ALONG 108TH STREET REDUCED FROM 35 FEET TO 30 FEET.
 - REMOVAL OF 60 FOOT SETBACK REQUIREMENT FOR FRONT YARDS WITH PARKING IN FRONT OF PROPERTY.
 - SIDE YARD SETBACK ALONG WEST LOT LINE REDUCED FROM 30 FEET TO 15 FEET.