

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 15, 2014 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR PRELIMINARY PUD, LOTS 1 & 2, SOUTHPORT EAST REPLAT 4, AND LOTS 1 & 2, SOUTHPORT EAST REPLAT 10 (NW OF PORT GRACE & EASTPORT PKWY.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution has been prepared to approve the preliminary planned unit development (PUD) for approximately 9.64 acres located northwest of Port Grace Blvd. & Eastport Parkway.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider the preliminary planned unit development application by Southport Plaza, LLC, on approximately 9.64 acres currently platted as Lots 1 and 2, Southport East Replat 4, and Lots 1 and 2, Southport East Replat 10 (to be replatted as Lots 1 thru 4, Southport East Replat 13), generally located northwest of Port Grace Blvd. and Eastport Parkway.

The properties are currently zoned C-3 Highway Commercial/Office Park District with the Gateway Corridor Overlay District. The applicant has requested a rezoning to C-3 PUD (Planned Unit Development) to allow for the development of an additional lot without frontage on a dedicated right-of-way. Approval of the preliminary PUD plan will allow for the applicant to proceed with the replatting (proposed Lots 1 thru 4, Southport East Replat 13). Approval of the rezoning to the PUD will be finalized by ordinance at the time the final PUD plan and the replat are submitted to City Council.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 27, 2014, and unanimously recommended approval of the preliminary PUD plan to City Council.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN LOTS 1 & 2, SOUTHPORT EAST REPLAT 4, AND LOTS 1 & 2, SOUTHPORT EAST REPLAT 10 (NW OF PORT GRACE & EASTPORT PARKWAY)

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary planned unit development plan for Lots 1 and 2, Southport East Replat 4, and Lots 1 and 2, Southport East Replat 10; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary planned unit development plan; and

WHEREAS, on March 27, 2014, the La Vista Planning Commission held a public hearing and reviewed the preliminary planned unit development plan and recommended approval subject to the resolution of items identified by the city engineer and staff; and

WHEREAS, the items noted by the Planning Commission have been resolved and staff is recommending approval subject to the following:

1. Resolution of items listed in the review letter dated March 12, 2014  
(attached)

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary Planned Unit Development (PUD) plan for Lots 1 and 2, Southport East Replat 4, and Lots 1 and 2, Southport East Replat 10 be, and hereby is, approved subject to the items listed above.

PASSED AND APPROVED THIS 15TH DAY OF APRIL, 2014

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

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CASE NUMBER: 2014-PUD-01; 2014-SUB-01 FOR HEARING OF: April 15, 2014  
Report Prepared on: April 9, 2014

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Southport Plaza, LLC  
11717 Burt St. Suite 102  
Omaha, NE 68154

**B. PROPERTY OWNER:**

Southport Plaza, LLC  
11717 Burt St. Suite 102  
Omaha, NE 68154

**C. LOCATION:** West of Eastport Parkway and Port Grace Blvd.

**D. LEGAL DESCRIPTION:** Lot 1 and 2 Southport East Replat Four, Lots 1 and 2 Southport East Replat Ten.

**E. REQUESTED ACTION(S):** Rezoning to add the PUD overlay district (C-3 PUD, Gateway Corridor District ; Preliminary PUD Plan.

**F. EXISTING ZONING AND LAND USE:** C-3 – Highway Commercial /Office Park District, Gateway Corridor District (Overlay District); existing office buildings on Lots 1 and 2 Southport East Replat 4; existing commercial Strip Center on Lot 1 Southport East Replat 10; and Lot 2 Southport East Replat 10 is vacant.

**G. PURPOSE OF REQUEST:** Approval of a rezoning to C-3 PUD Gateway Corridor District , Preliminary PUD Plan.

**H. SIZE OF SITE:** 9.64 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property is relatively flat sloping gradually to the east. The current four lots are all or partially developed.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

1. **North:** C-3 Highway Commercial/Office Park, Gateway Corridor District; Lot 16 Southport East
2. **East:** TA Transitional Agriculture, Gateway Corridor District; Tax Lot 11 17-14-12
3. **South:** C-3 Highway Commercial/Office Park, Gateway Corridor District; Lot 11A Southport East Replat Five
4. **West:** C-3 Highway Commercial/Office Park, Gateway Corridor District; Outlot A Southport East

**C. RELEVANT CASE HISTORY:**

1. Southport East Replat Four was approved by City Council on November 15, 2005.
2. Southport East Replat Ten was approved by City Council on July 17, 2007.

**D. APPLICABLE REGULATIONS:**

1. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial /Office Park District
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development (Overlay District)
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates the area for commercial development.

**B. OTHER PLANS:** Not applicable.

**C. TRAFFIC AND ACCESS:**

1. The main access points for the properties will be an easement drive which connects to Eastport Parkway and Port Grace Blvd.
2. It was determined by the City Engineer that the existing traffic study would not have to be amended for the proposed actions.

**D. UTILITIES:**

1. The properties have access to water, sanitary sewer, gas, power and communication utilities along Eastport Parkway and Port Grace Blvd.

**IV. REVIEW COMMENTS:**

1. With approval of the Preliminary PUD, the applicant will also need to have the Replat and the Final PUD approved in order to commence the development process.
2. Design review will need to be finalized for any development within the PUD area as per the Southport East Design Guidelines.
3. Due to the size of the parcel involved, staff has accepted the scale of the PUD site plan, though Section 5.15.10 of the Zoning Ordinance requires the plat to be drawn at least to 100 scale.
4. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan (PCWSMP) for any development in the subject area. A permit will be required through the Permix website that is utilized by all Papillion Creek Watershed Partnership communities. A PCSWMP and a draft Maintenance Agreement has been provided in the draft Subdivision Agreement. The PCSWMP 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. STAFF RECOMMENDATION - Rezoning from C-3 to C-3 PUD and Preliminary PUD:**

Approval of Rezoning from C-3, Gateway Corridor Overlay to C-3 PUD, Gateway Corridor District and Preliminary PUD Plan for Lot 1 and 2 Southport East Replat Four, Lots 1 and 2 Southport East Replat Ten, subject to the satisfactory resolution of the following issues prior to City Council review:

1. Satisfactory resolution of the issues noted in the attached review letters.

**VI. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on March 27, 2014 and unanimously recommended approval of the Preliminary PUD to City Council, conditional on the satisfactory resolution of the issues noted in the review letter.

**VII. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Review reports from City Planner
3. Preliminary PUD Site Plan Maps

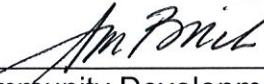
VII. **COPIES OF REPORT SENT TO:**

1. Jason Thielen, E&A Consulting Group, Inc.
2. Brad Underwood, Southport Plaza, LLC
3. Public Upon Request

Prepared by:

  
Christopher D. Johnson

Community Development Director

 4-10-14

Date



## Vicinity Map

### Southport East Replat 13 PUD

March 14, 2014  
CAS





February 21, 2014

Mr. Jason Thiellen  
E & A Consulting Group, Inc.  
330 North 117<sup>th</sup> St.  
Omaha, NE 68154

RE: Preliminary PUD, Preliminary Plat, Final Plat -Initial Review  
Southport East Replat Thirteen

Mr. Thiellen:

We have reviewed the documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the PUD and in the Subdivision Regulations for the Replat, the City has the following comments:

Preliminary PUD Review

1. Is the applicant proposing any variation to height, density, parking and setback requirements which would be allowed by Article 5.15.02.04? An example would be the width of sideyard setbacks on Lot 13 which becomes pretty narrow towards the front of the proposed lot and any cross parking between proposed Lots 3 and 4.
2. A schedule of construction needs to be submitted in accordance with Article 5.15.04.01 of the Zoning Regulations.
3. The existing and proposed vehicular ingress/egress easement areas need to be improved with 7-inch thick Portland cement concrete pavement or 10-inch asphaltic cement concrete pavement. This is consistent with Southport East Replat Four requirements and should be noted on the PUD site plan and covered in the subdivision agreement.
4. The property to be included in the PUD needs to be clarified. The notation of "PUD Boundary Line" on the Site Plan does not make it clear if Replat Four is part of the PUD or not as the line type used is not limited to just the perimeter. A note setting forth the lots to be included in the PUD needs to be provided for compliance with Article 5.15.05.05.

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5. A conceptual development plan has been submitted. The arrangement of proposed structure, parking areas, walks, etc., on this lot is depicted per Article 5.15.04.06. However, the south access off of Port Grace Boulevard does not line up with the access point provided within the Preliminary Plat. Landscaping review will be conducted at the time of development for lots 1,3,4, and 5 at the time of development.
6. The application needs to clarify if the parking requirements are being shared amongst four lots (Lots 1 & 2, Replat Four along with Lots 1 & 2, Replat Thirteen) or amongst each pair of lots. Also, unless stated otherwise, we will assume the code required parking requirements in Section 7.06 of the Zoning Ordinance are going to be followed. The City Engineer has previously recommend that the Site Plan contain a parking data table showing square feet of building space, use type, and required parking count for each of the six lots with notations of sharing where applicable, so that building permit applications can be reviewed accordingly.
7. The PUD Site Plan needs to the closest dimension of each building to the PUD boundary shown for compliance with Article 5.15.04.09.
8. Various vehicular access points to Port Grace Boulevard and Eastport Parkway are illustrated on the PUD Site Plan. These are a compilation of access points shown on the original Southport East final plat, the Southport East Replat Four final plat and the Southport East Replat Ten final plat. On the Southport East Replat Ten final plat there was a notation that one of two shown locations was to be used for access to Eastport Parkway. The northerly location has been developed, so the southerly location cannot be used and a notation on the PUD Site Plan is needed stating that the southerly location is no longer a valid access point. There is a remaining unused access point onto Port Grace Boulevard and the PUD Site Plan needs to indicate whether the applicant intends to use this access point or not.
9. The PUD Site Plan needs to address sidewalks, both on site and along public streets, to satisfy Article 5.15.04.15.
10. The preliminary PUD Site Plan needs to address Items 1, 2, 3, 4 and 9 (dumpster screening) per Article 5.15.05.02. The Site Plan also needs to include data to address Items 1, 3, 5, 6 and 7 of Article 5.15.05.03.
11. There needs to be a preliminary PUD plan showing existing and proposed sanitary sewer and storm sewers.
12. A legible copy of the detail of the emergency vehicle being used on the Emergency Vehicle Exhibit to identify the vehicular path through the site

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needs to be provided. Also need to have "Note 1" provided which is referenced on the plan but not set forth.

13. The required corner landscape feature needs to be illustrated on the PUD Site Plan and installation timing addressed in the construction schedule statement.

Final PUD

14. A Final PUD, in conformance with Article 5.15, will need to be provided.

Preliminary Plat Review

15. For compliance with Article 3.03.02 of the Subdivision Regulations, please add a note to the Preliminary Plat stating that no proposed grading is shown since grading will occur on each lot individually as they are developed. But, if this is not the case, then showing proposed grades will be needed along with a preliminary erosion control plan.
16. Identify names of Owners on the preliminary plat in accordance with Article 3.03.05.
17. The legal description needs to be revised to reflect the existing platted lots (not part of a lands section) per Article 3.03.06.
18. Show existing and proposed structures, parking lots, roadways, sewers and water mains (including fire hydrants) to address Article 3.03.07 and 3.03.10 requirements. This could be done by making reference to the appropriate preliminary PUD site plans containing such information. The alternative would be to add such to the preliminary plat which would require a larger drawing.
19. The front yard setback listed needs a footnote about the increase to 50 feet when parking is located in the front yard, unless the PUD proposes to modify that requirement.
20. Floodplain limits and elevations need to be shown on the preliminary plat.
21. In regards to erosion control identify by notation on the preliminary plat if each lot is to obtain its own grading permit or if a permit covering Lots 1,3 and 4 is proposed.
22. No traffic impact study is required since the site is already zoned and no change in uses beyond that allowed by the zoning category has been identified and no additional accesses have been proposed. However, if additional access to Eastport Parkway is proposed, then a traffic impact analysis may be required.

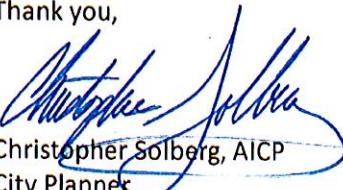
23. There needs to be submittal of a draft drainage plan and conceptual Post Construction Storm Water Management Plan to address Items 2 and 4 of Article 3.03.20.

Final Plat

23. Show and label the width of Eastport Parkway right-of-way.
24. Provide a letter stating that there are no mortgage holders to fulfill Article 3.05.11. This should come from the owner of the property.
25. There will need to be a staking bond of \$200 per lot submitted prior to releasing the final plat for recording.
26. A draft subdivision agreement needs to be submitted. This needs to address timing and payment for shared, private infrastructure as well as setting for the current tract connection fees per lot and storm water management fees per lot.
27. A draft common area maintenance agreement needs to be submitted.
28. There needs to be a notation on the final plat that the unused (and no longer permitted) access onto Eastport Parkway is being relinquished. Legal counsel and/or title company should advise whether a separate release document is required.

In order to be considered for review at the March 27, 2014 Planning Commission meeting, revised documents need to be provided by March 6, 2014 for final review. If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer



March 12, 2014

Mr. Jason Thielen  
E & A Consulting Group, Inc.  
330 North 117<sup>th</sup> St.  
Omaha, NE 68154

RE: Preliminary PUD, Preliminary Plat, Final Plat -Initial Review  
Southport East Replat Thirteen

Mr. Thielen:

We have reviewed the revised documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the PUD and in the Subdivision Regulations for the Replat, the City has the following comments:

Preliminary PUD Review

1. Comment #1 within the initial review letter dated February 21, 2014 was intended towards the review of necessary building setbacks rather than parking and drive side yard setback. A 25' parking setback may overly constrain future development.

In relation to the building setback, unless a request comes forth, the interior lot line setbacks for buildings would be 15 feet as required by the zoning regulations for C-3 and the front yard setback would be 25 feet (or 50 feet if parking occurs in front of the building).

2. The Site Parking Table on the PUD Site Plan needs to be amended to address the parking count ( required and provided) for the daycare and personal improvement uses currently occurring in the existing building on Lot 2, Replat 13 as they may exceed the requirements for the shown office usage.

Also, the data table shows the provided parking count of 84 stalls for Lots 1 and 2 of Replat 13. The site plan currently shows 58 existing parking stalls on these two lots, so there would need to be 26 additional stalls as part of the development of Lot 2, Replat 13 which may limit how much building can be constructed on this lot. The applicant needs to confirm through a note on the PUD Site Plan that development on Lot 2 can provide the additional 26 stalls needed to meet the stated stall count.

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3. The existing sanitary sewer service lines to the existing buildings on Lots 1 and 2 of Replat 4 need to be added to the PUD Site Plan.
4. Item 13 within the original Southport East subdivision agreement states that sidewalks along 120<sup>th</sup> Street (Eastport Parkway) may be deferred until the City determines that there is a need for their construction. A maximum time period for the installation for the public sidewalks and the corner feature should be a maximum of 5 years from the date of approval of the final plat. This will be noted in the review comments of the subdivision agreement.

Preliminary Plat Review

5. No additional comments.

Final Plat

6. A draft subdivision agreement has been submitted for review. Review comments for this agreement will be provided in the near future. Revisions to this document will need to be completed before City Council review of the Final Plat.
7. A draft common area maintenance agreement still needs to be submitted. Although this document does not get submitted to the Planning Commission for review, revisions to this document will need to be completed before City Council review of the Final Plat.
8. Notes 10 and 11 on the Final Plat should be removed as they are not actual conditions of the Final Plat and may change in the future anyway.
9. Please be advised, as per Section 7.02.07 of the Subdivision Regulations, the subdivider shall record the final plat with the County Register of Deeds within ninety (90) days from the date of approval of the plat by the City Council.

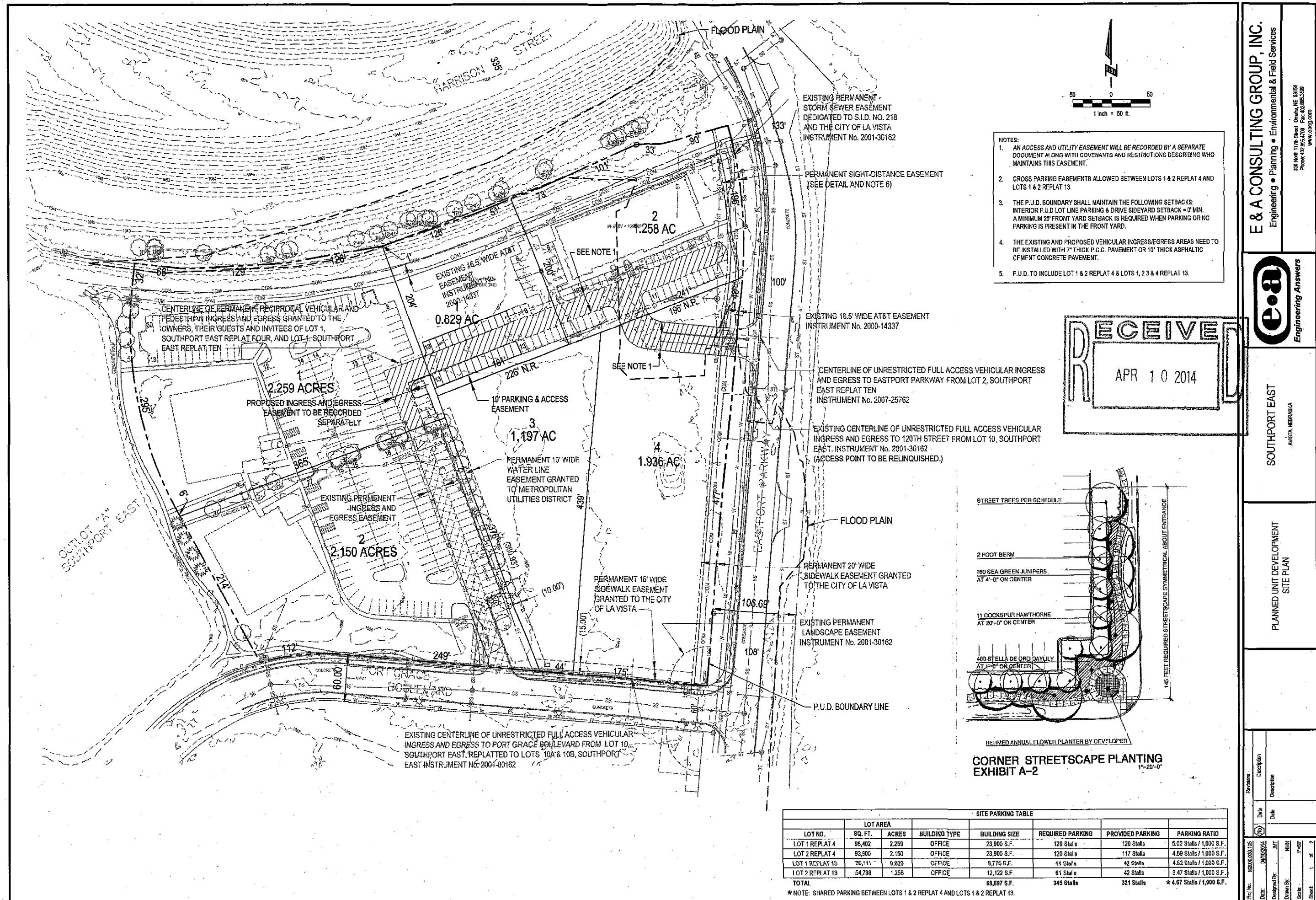
In order to be considered for review at the March 27, 2014 Planning Commission meeting, documents with the latest revisions need to be provided by Wednesday, March 19, 2014. Please provide 12 full size copies of the revised documents folded to approximately letter size along with a PDF copy for the Planning Commission packets. If you have any questions regarding these comments please feel free to contact me at any time.

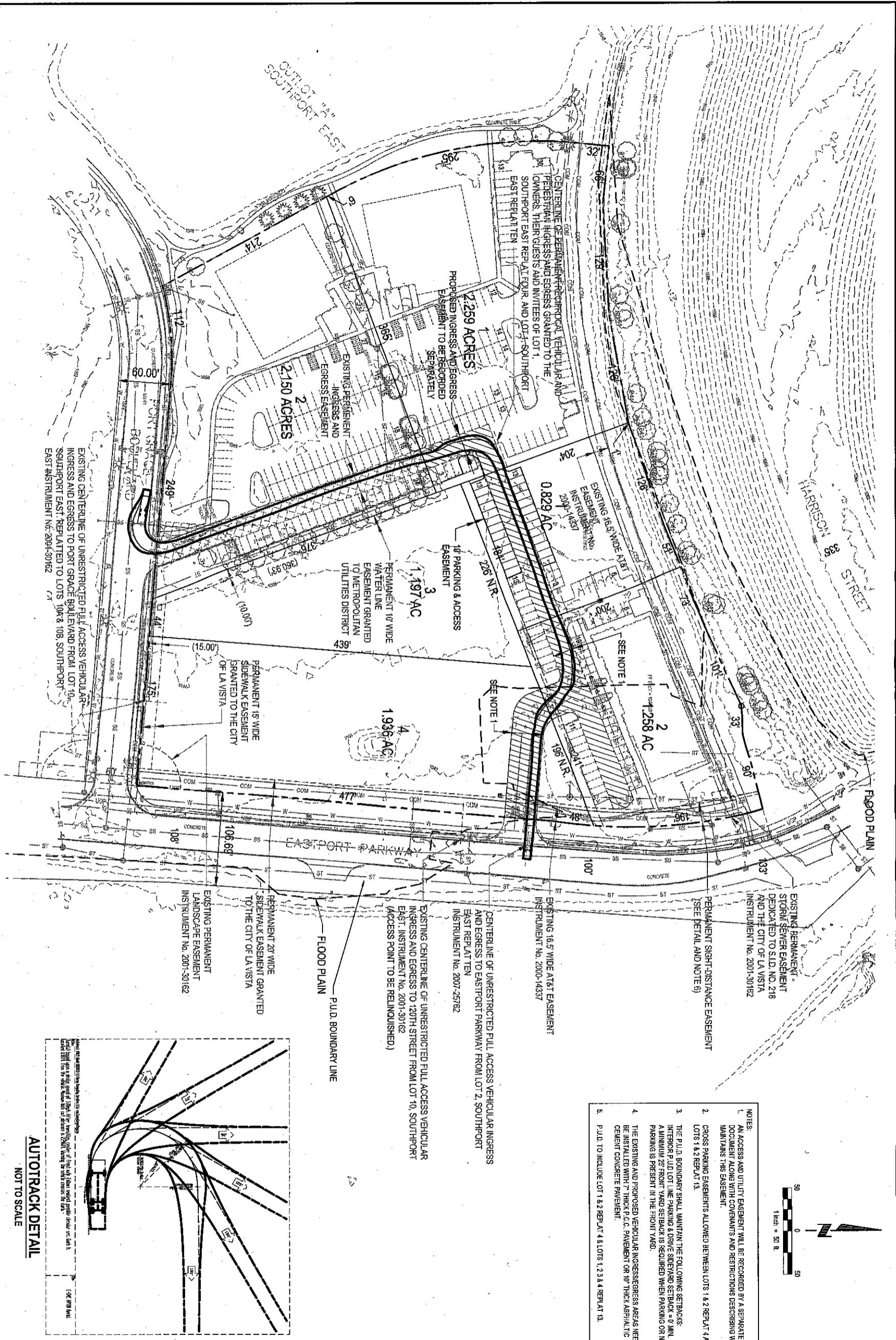
Thank you,

A handwritten signature in blue ink, appearing to read "Christopher Solberg, AICP".

Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer





Revisions		
(No)	Date	Description

PLANNED UNIT DEVELOPMENT  
EMERGENCY VEHICLE EXHIBIT

SOUTHPORT EAST  
LA VISTA, NEBRASKA



**E & A CONSULTING GROUP, INC.**  
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