

AGENDA ITEM 4C

**Replat - Gary and Debbie Pink No. 3 - Pink
Investments LLC**



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2016-SUB-01

FOR HEARING OF: February 18, 2016

Report Prepared on: February 9, 2016

I. GENERAL INFORMATION

A. APPLICANT:

Pink Investments LLC
4920 S. 66th Plaza
Omaha, NE 68177

B. PROPERTY OWNER:

Pink Investments LLC
4920 S. 66th Plaza
Omaha, NE 68177

C. LOCATION: Southwest of the intersection of Giles Road and West Giles Road.

D. LEGAL DESCRIPTION: Lot 2 Gary & Debbie Pink No. 2, Tax Lot 14 19-14-12, Tax Lot 8 18-14-12

E. REQUESTED ACTION(S): Replat of Lot 2 Gary & Debbie Pink No. 2 and a platting of Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12.

F. EXISTING ZONING AND LAND USE:

Lot 2 Gary & Debbie Pink No. 2: C-2 General Commercial with a Gateway Corridor Overlay (Overlay District); Vacant
Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12: C-3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District); Vacant

G. PURPOSE OF REQUEST: Replat the three lots listed in the request into four for the purpose of development.

H. SIZE OF SITE: 9.19 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property is currently vacant. The land has a gradual downward slope towards the southwest.

B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:

1. **North:** Southport West, C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District); Vacant

2. **East:** American National Bank and Summer Kitchen; C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District); Bank and Restaurant
3. **South:** Papio Valley Business Park; I-1 Light Industrial with a Gateway Corridor Overlay (Overlay District); Various Light Industrial uses.
4. **West:** Lot 2 Gary & Debbie Pink No. 2; C-2 General Commercial with a Gateway Corridor Overlay (Overlay District); Vacant

C. RELEVANT CASE HISTORY:

1. On December 17, 2010 the City approved of Gary and Debbie Pink No. 2, an Administrative Plat that created two lots, including Lot 1 Gary & Debbie Pink No. 2.

D. APPLICABLE REGULATIONS:

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial / Office Park District
3. Section 3.07 of the Subdivision Regulations – Replats

III. ANALYSIS

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

B. OTHER PLANS: Not applicable.

C. TRAFFIC AND ACCESS:

1. One access point exists along West Giles Road at the intersection of West Giles Road and South 125th Street. An access easement, dedicated via the plat, will allow internal circulation between the lots.
2. The proposed private, shared roadway will function as a cul-de-sac. Article 4.11 of the Subdivision Regulations limits cul-de-sacs to 300 feet in length. The proposed roadway will be approximately 1,000 feet long. The applicant has submitted a request for waiver of the maximum cul-de-sac length. The preliminary plat does not propose a turn-around. The subdivision agreement will need to include a requirement for development on Lot 4 to include turn-around provisions that would satisfy fire lane turn-around requirements. The development on Lot 4 may warrant consideration of secondary emergency access. This might be in the form of grass pavers.

3. The applicant has provided possible use data to the City Engineer to incorporate into a traffic study currently underway that includes the intersections of S 125th Street and West Giles Road, as well as West Giles Road and Giles Road. If a traffic signal is warranted at the intersection of S 125th Street and West Giles Road, geometric modifications may be necessary on the 125th Plaza approach that is part of this replat. Such modifications would be required to be included in the subdivision agreement.

D. UTILITIES:

1. The properties have access to water, sanitary sewer, gas, power and communication utilities along West Giles Road.

IV. REVIEW COMMENTS:

1. In regard to Article 3.03.15 of the Subdivision Regulations, a subdivision agreement needs to be prepared since proposed private, shared infrastructure improvements are involved and since the payment of tract sewer connection fees (aka interceptor fees) and stormwater management fees need to be addressed.
2. It appears that the grading disturbance to construct the shared private access road will likely be more than 1 acre. For compliance with Article 3.03.16 please include notes on Sheet C2.0 listing erosion control BMPs that will be used during construction. A formal submittal will be needed at a later date in Permix if the grading disturbance does exceed 1 acre.
3. The edge of pavement on the preliminary plat needs to be clarified. As a future right-turn bay is anticipated on West Giles Road at the intersection with Giles Road for eastbound traffic, it will need to be determined if there is enough existing right-of-way to fit the right-turn bay and sidewalks.
4. There will need to be language and an exhibit pertaining to a pedestrian corner feature at the intersection of Giles Road and West Giles Road that will be consistent with the Southport West and Southport East requirements at the other corners of this intersection. This will be required at the time of construction of any development on Lot 4 of the replat. Sidewalks will also be required along West Giles Road.
5. The applicant has submitted a request to waive Section 4.11 of the Subdivision Regulations through their response letter dated January 22, 2016. A copy of this letter has been attached for review. (See #7)

V. STAFF RECOMMENDATION – Waiver of Section 4.11 of the Subdivision Regulations:

Approval of the request for waiver of Section 4.11 of the Subdivision Regulations as the property is constrained by access control limitations along West Giles Road and Giles Road, prohibiting additional access points to the northern lots.

VI. STAFF RECOMMENDATION – Replat:

Approval of Gary & Debbie Pink No. 3 contingent upon approval of the waiver request and the finalization of a subdivision agreement prior to City Council review as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Staff Review Letter
3. Applicant Response Letter
4. Preliminary Plat Map
5. Final Plat Map

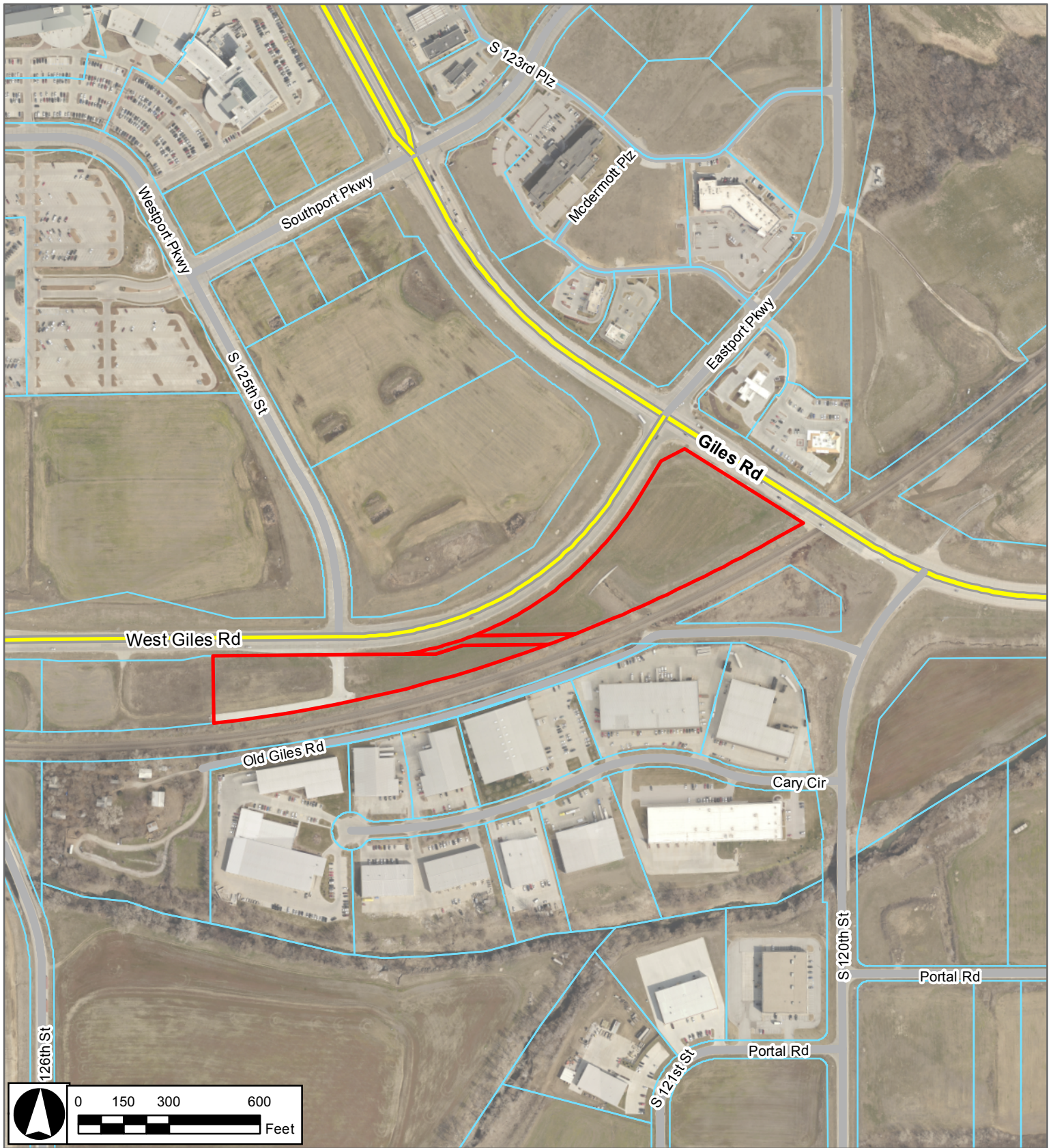
VIII. COPIES OF REPORT SENT TO:

1. Dean A. Jaeger, Thompson, Dreessen and Dorner, Inc.
2. John Pink, Pink Investments, LLC
3. Public Upon Request

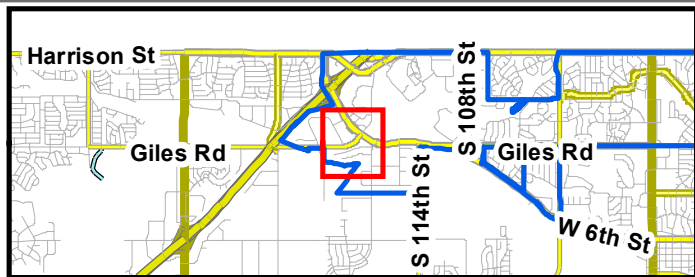
Prepared by: 


Community Development Director


Date



Project Vicinity Map



Gary and Debbie Pink No. 3

02-18-2016
CSB





January 19, 2016

Dean A. Jaeger, P.E.
Thompson, Dreessen & Dörner
10836 Old Mill Road
Omaha, NE 68154

RE: Preliminary and Final Plat – Initial Review
Gary & Debbie Pink No. 3 Replat

Mr. Jaeger,

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

Preliminary Plat

1. The existing contours need to be completed on proposed Lot 2. No proposed contours are shown which is acceptable if no regrading of the lots is proposed.
2. In regards to Article 3.03.10 some additions and revisions are needed. The storm sewer easement along the common line between Lots 3 and 4 needs to be shown and the width needs to be twice the depth of the pipe plus the diameter of the pipe in the piped portion and wide enough to contain the 100-year discharge in the open channel portion. The proposed roadway easement needs to be at least five feet back of curb on each side of the proposed paving to allow for operation and maintenance of the road. Since the road is proposed to be paved 25 feet wide, this would mean at least a 35 feet easement. There is a proposed low point in the private road that would seem to require a storm water easement for drainage facilities. Also, there is an existing storm sewer shown along and on the West Giles Road right of way and it appears to require an easement.
3. The locations of existing public water mains need to be shown on the preliminary plat per Article 3.03.07. Also, in the last few months the City has changed the name of Westport Parkway between Southport Parkway and West Giles Road to South 125th Street, so this name change need to be made on the preliminary and final plat drawings.
4. Per Article 3.03.14 please note the existing and proposed zoning on Sheet C1.0.
5. It appears that the grading disturbance to construct the shared private access road will likely be more than 1 acre. For compliance with Article 3.03.16 please include

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

notes on Sheet C2.0 listing erosion control BMPs that will be used during construction. A formal submittal will be needed at a later date in Permix if the grading disturbance does exceed 1 acre.

6. A traffic study for Costco is nearly complete and another traffic study for the Giles Road corridor related to the Nebraska Multi-Sports Complex is expected to get underway in the next few months. It does not appear that trip generation from this site has been specifically included in previous traffic studies. A separate study conducted for this development would not be beneficial except for examining signal warrants at 125th and West Giles intersection as part of the Costco traffic impact study. Staff's recommendation is for the applicant to provide an estimation of trip generation for weekday AM and PM peak hours as well as Saturday afternoon peak hours based on the land uses they anticipate may occur at this site. The City will then supply that information to Olsson Associates to include in the review of the signal warrants. The applicant has previously constructed a right-turn bay on eastbound West Giles to access the site.
7. The proposed private, shared roadway will function as a cul-de-sac. Article 4.11 of the Subdivision Regulations limits cul-de-sacs to 300 feet in length. The proposed roadway will be approximately 1,000 feet long. The applicant needs to request a waiver of the maximum cul-de-sac length. The preliminary plat does not propose a turn-around. The subdivision agreement will need to include a requirement for development on Lot 4 to include turn-around provisions that would satisfy fire lane turn-around requirements. The development on Lot 4 may warrant consideration of secondary emergency access. This might be in the form of grass pavers.
8. Some comments on the drainage study include:
 - a. The executive summary indicates that sizing of a bio-retention basin/swale has been done that resulted in peak flows for all storm events being at or below existing conditions. The size and location of the basin(s) need to be shown on the drainage map.
 - b. Copies of the Hydraflow printouts need to be included in the study which would include routing of storm events through detention basins to show how the peak flows in the executive summary were derived.
 - c. There is a low point in the proposed private roadway profile at Station 4+00. Please indicate on the drainage map how this low point is to be drained. Will there be an inlet and piping?
 - d. Please provide three, full-size copies of the drainage map.
9. There needs to be submittal of a conceptual Post Construction Storm Water Management Plan to address Items 2 and 4 of Article 3.03.20. This could be part of the response to Comment 8a above. A PCSMP permit will be required through the Permix web site and the conceptual plan needs to identify if each lot is to provide its own facilities or if shared facilities will be used to address this requirement.

Final Plat

1. The Westport Parkway street name needs to be changed as noted in Comment No. 3 above.
2. Provide a letter stating that there are no mortgage holders to fulfill Article 3.05.11. This can come from the owner of the property.
3. The legal description in the Surveyor's Certificate needs to state the total acreage at the end of the legal description per Article 3.05.15.

Subdivision Agreement

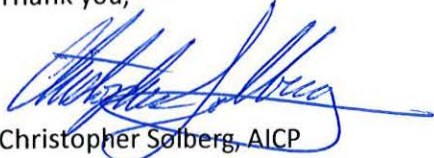
The draft subdivision agreement and other final documents are currently under review. Their comments on the document will be provided outside of the review process that leads up to the Planning Commission meeting as the Commission does not review these documents. However, working on the review and edit of these documents helps to ensure that they will be ready for City Council. Though staff has not completed a review of these documents at this time, some preliminary comments include:

1. There needs to be an itemized estimate and exhibits for the shared, private infrastructure including at least the roadway pavement, the sanitary sewer and drainage facilities to serve these lots. The estimated costs need to include engineering fees. Unless the applicant will construct the improvements prior to recording the plat, a bond will be required for not less than 110% of the estimated costs prior to recording the plat.
2. The draft subdivision agreement will also need to include an attachment and supporting language for the development of a landscaped corner entry feature that mirrors the feature on the east corner of Eastport Parkway and Giles Road (American National Bank), to be constructed at the time of development of the proposed Lot 4. Details to be provided in the forthcoming subdivision agreement review letter.
3. The existing common area maintenance agreement was submitted. This has yet to be reviewed in detail, but it may require amendments to make it applicable to the current proposal.

In order for the Replat to be considered for review at the February 18, 2016 Planning Commission meeting, revised plat documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by January 25, 2016 to ensure that the application stays on track for the review by Planning Commission.

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', written over the printed name.

Christopher Solberg, AICP
City Planner

Attachment

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

GARY & DEBBIE PINK NO. 3

LOTS 1, 2, 3 AND 4

BEING A REPLATING OF GARY & DEBBIE PINK NO. 2 A SUBDIVISION IN SARPY COUNTY, NEBRASKA AND A PLATTING OF THE CITY OF LA VISTA, NEBRASKA, BEING A REPLATING OF LOT 2, GARY & DEBBIE PINK NO. 2, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND A PLATTING OF TAX LOT 14 IN THE NORTH 1/2 OF THE NE 1/4 OF SECTION 19, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY AND A PLATTING OF TAX LOT 8 IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

NOTES

- DIMENSIONS AND ANGLES IN PARENTHESIS PERTAIN TO EASEMENTS.
- ANGLES SHOWN ADJACENT TO CURVES ARE MEASURED TO THE CHORD LINE.
- THERE SHALL BE NO DIRECT VEHICULAR ACCESS ONTO GILES ROAD OR WEST GILES ROAD EXCEPT AT THE CENTERLINE OF DRIVE LOCATION SHOWN HEREON.

APPROVED BY THE CITY OF LA VISTA PLANNING COMMISSION

THIS PLAT OF GARY & DEBBIE PINK NO. 3 WAS APPROVED BY THE CITY OF LA VISTA PLANNING COMMISSION OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY OF _____, 2016.

CHAIRMAN OF THE PLANNING COMMISSION

APPROVED BY THE CITY OF LA VISTA CITY COUNCIL

THIS PLAT OF GARY & DEBBIE PINK NO. 3 WAS APPROVED BY THE CITY OF LA VISTA CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ON THIS _____ DAY OF _____, 2016.

DOUGLAS KINDIG, MAYOR

PAMELA A. BUETHE, CITY CLERK

REVIEWED BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF GARY & DEBBIE PINK NO. 3 WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____, 2016.

SARPY COUNTY SURVEYOR/ENGINEER

DEED

I HEREBY CERTIFY THAT A BOUNDARY SURVEY WAS MADE UNDER MY DIRECT SUPERVISION FOR THE SUBDIVISION DESCRIBED HEREON AND THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS GARY & DEBBIE PINK NO. 3, LOTS 1, 2, 3 AND 4, BEING A REPLATING OF LOT 2, GARY & DEBBIE PINK NO. 2, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND A PLATTING OF TAX LOT 14 IN THE NORTH 1/2 OF THE NE 1/4 OF SECTION 19, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY AND A PLATTING OF TAX LOT 8 IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE N87°17'05"E (ASSUMED BEARING) 634.93 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER OF SAID TAX LOT 14;

THENCE NORTHEASTERLY ON THE NORTHWEST LINES OF SAID TAX LOTS 14 AND 8 ON A 1113.74 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N54°27'07"E, CHORD DISTANCE 920.69 FEET AN ARC DISTANCE OF 949.15 FEET;

THENCE N30°02'16"E 155.72 FEET ON THE NORTHWEST LINE OF SAID TAX LOT 8;

THENCE N59°29'30"E 88.38 FEET ON THE NORTHWEST LINE OF SAID TAX LOT 8;

THENCE S59°57'44"E 459.46 FEET ON THE NORTHEAST LINE OF SAID TAX LOT 8 TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY;

THENCE SOUTHWESTERLY ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY ON A 5627.09 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S59°21'05"W, CHORD DISTANCE 421.63 FEET AN ARC DISTANCE OF 421.73 FEET;

THENCE CONTINUING SOUTHWESTERLY ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY ON A 4659.46 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S71°29'20"W, CHORD DISTANCE 1647.08 FEET AN ARC DISTANCE OF 1655.77 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2;

THENCE N02°42'55"W 223.08 FEET ON THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

CONTAINING 19.19 ACRES MORE OR LESS

DECEMBER 28, 2015

DATE:



DAVID H. NEEF
NEBRASKA RLS 475

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, GARY L. PINK AND DEBORAH A. PINK, HUSBAND AND WIFE AND PINK INVESTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, BEING THE OWNERS 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 GARY & DEBBIE PINK NO. 3, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE 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 RELATED 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 THE FRONT AND SIDE BOUNDARY LOT LINES; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES. 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, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

GARY L. PINK

DEBORAH A. PINK

PINK INVESTMENTS, LLC,
A NEBRASKA LIMITED LIABILITY COMPANY

BY:

GARY L. PINK, PRESIDENT

ACKNOWLEDGEMENT OF NOTICE

STATE OF NEBRASKA)

COUNTY OF SARPY)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016 BY GARY L. PINK AND DEBORAH A. PINK, HUSBAND AND WIFE.

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTICE

STATE OF NEBRASKA)

COUNTY OF SARPY)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016 BY GARY L. PINK, PRESIDENT OF PINK INVESTMENTS, LLC, A NEBRASKA LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

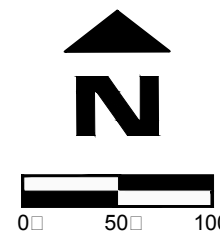
SARPY COUNTY CREATOR'S CERTIFICATE

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 _____, 2016.

SARPY COUNTY TREASURER

TREASURER'S SEAL

GARY & DEBBIE PINK NO. 3
LOTS 1, 2, 3 AND 4



Revision Dates

No.	Description	MM-DD-YY
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--	--	--
--	--	--

Job No.: A1042-120A

Drawn By: RJR

Reviewed By: DJN

Date: DECEMBER 28, 2015

Book: PIN GRADING INC

Pages: 1 TOTAL

Sheet Title

CITY OF LA VISTA,
NEBRASKA
FINAL PLAT

Sheet Number

SHEET 1 OF 1