

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JULY 17, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATIONS FOR REPLAT & ZONING TEXT AMENDMENT — SOUTH PORT EAST REPLAT TEN, LOTS 1 & 2 (PORT GRACE BLVD. & EASTPORT PARKWAY)	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

### SYNOPSIS

A public hearing has been scheduled and an ordinance and resolution have been prepared to consider a zoning text amendment to allow Child Care Centers as a conditional use in the C-3 Highway Commercial/Office Park District, and a replat of approximately 5.2 acres to be known as Lots 1 & 2 Southport East Replat Ten (a replat of Lot 10B, Southport East), located northwest of Port Grace Blvd. & Eastport Parkway.

### FISCAL IMPACT

None.

### RECOMMENDATION

Approval.

### BACKGROUND

A public hearing has been scheduled and an ordinance and resolution have been prepared to consider a zoning text amendment to allow child care centers as a conditional use in the C-3 Highway Commercial/Office Park District, and a replat of approximately 5.2 acres to be known as Lots 1 & 2 Southport East Replat Ten, generally located northwest of Port Grace Blvd. & Eastport Parkway. The property is currently zoned C-3 Highway Commercial/Office Park District with the Gateway Corridor Overlay District.

According to the City's Zoning Ordinance, the intent of the C-3 District is for large scale commercial and office park development. The applicant proposes to replat the property to create two lots, one of which would be the site of a child care center. The C-3 District does not list child care centers however this use is a permitted use in the C-1 and C-2 Districts. Staff recommends that the Zoning Ordinance be amended to allow Child Care Centers as a conditional use in the C-3 District, as follows:

#### **5.12.03 Permitted Conditional Uses:**

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
- 5.12.03.05 Coffee Kiosks.
- 5.12.03.06 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.08 Convenience store with limited fuel sales.

5.12.03.09	Churches and temples.
5.12.03.10	Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
5.12.03.11	Department Stores.
5.12.03.12	Retail trade centers.
5.12.03.13	Shopping centers.
5.12.03.14	Commercial Strip Shopping Center.
5.12.03.15	Outlet Shopping Center.
5.12.03.16	Health Clubs and tanning salon, not including uses defined in Adult Establishment.
5.12.03.17	Health Recreation Facilities, not including uses defined in Adult Establishment.
<b>5.12.03.18</b>	<b><i>Child care center.</i></b>

If this amendment is approved, the applicant will be required to apply for a conditional use permit to operate a child care center.

A replat application has also been submitted which would replat approximately 5.2 acres currently known as Lot 10B, Southport East, into two lots to be known as Southport East Replat Ten.

City Engineer John Kottmann and staff have reviewed the application and have the following comments:

1. An additional full access point is proposed from Eastport Parkway. Review of the site distance for this access will require a site distance easement to ensure that landscaping or other site improvements do not obstruct this sight line.
2. A note shall be added to the plat as follows: "One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations.
3. Access to Lot 1 shall be served by an access easement (see Plat note #5). A waiver is needed to Section 4.15 to allow access by easement only. A condition of this waiver will be that both Port Grace and Eastport Parkway shall be utilized for vehicular access points.
4. No direct vehicular access will be allowed from either lot to Harrison Street.
5. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
6. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
7. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

The Planning Commission held a public hearing on June 21, 2007 and recommended approval of the replat subject to the resolution of the items identified by the City Engineer and staff. The Planning Commission further recommended approval of the zoning text amendment to allow child care centers in the C-3 District as a conditional use.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1 AND 2, SOUTHPORT EAST REPLAT TEN, BEING A REPLATTING OF LOT 10B, SOUTHPORT EAST, A SUBDIVISION LOCATED IN THE EAST ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Southport East Replat Ten Subdivision; and

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

WHEREAS, on June 21, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

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, Southport East Replat Ten, being a replatting of Lot 10B, Southport East, a subdivision located in the East ½ of Section 18, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northwest of Port Grace Blvd. & Eastport Parkway be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. An additional full access point is proposed from Eastport Parkway. Review of the site distance for this access will require a site distance easement to ensure that landscaping or other site improvements do not obstruct this sight line.
3. A note shall be added to the plat as follows: "One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations.
4. No direct vehicular access will be allowed from either lot to Harrison Street.
5. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
6. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
7. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

BE IT FURTHER RESOLVED that a waiver of Section 4.15 of the Subdivision Regulations, regarding Design Standards, Lots, be granted subject to the following:

1. Access to Lot 1 shall be served by an access easement (see Plat note #5); and
2. Both Port Grace Blvd. and Eastport Parkway shall be utilized for vehicular access points via driveway connections between the lots in Replat Ten and Replat Four.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF JULY 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 5.12.03 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.12.03 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Section 5.12.03. Section 5.12.03 of Ordinance No. 848 is hereby amended to read as follows:

**5.12.03 Permitted Conditional Uses:**

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
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- 5.12.03.16 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.17 Health Recreation Facilities, not including uses defined in Adult Establishment.
- 5.12.03.18 *Child care center.***

SECTION 2. Repeal of Section 5.12.03 as Previously Enacted. Section 5.12.03 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF JULY 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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**CITY OF LA VISTA  
PLANNING DIVISION**

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CASE NUMBER:

FOR HEARING OF: June 21, 2007

Report Prepared on June 11, 2007

**I. GENERAL INFORMATION**

- A. APPLICANT:** Brad Underwood, Real Estate Brokerage Co.
- B. PROPERTY OWNER:** Southport Investors, LLC
- C. LOCATION:** The site is located northwest of Eastport Parkway and Giles Road.
- D. LEGAL DESCRIPTION:** Lot 10B, Southport East
- E. REQUESTED ACTION(S):** Replat and Zoning Text Amendment
- F. EXISTING ZONING AND LAND USE:**  
C-3, Highway Commercial / Office Park District; PUD-1, Planned Unit Development; and Gateway Corridor District; the property is currently undeveloped.
- G. PURPOSE OF REQUEST:** The proposal is to replat Lot 10B of Southport East into Lots 1 and 2 of Southport East Replat Ten.
- H. SIZE OF SITE:** 5.22 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Vacant
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. North:** Harrison Street, C-3, Southport East
  - 2. East:** TA/Sod Farm
  - 3. South:** C-3, Southport East Replat Five/PayPal
  - 4. West:** C-3, Southport East Replat Four/Southport Professional Buildings
- C. RELEVANT CASE HISTORY:** This lot was created through an administrative replat of Lot 10, Southport East.
- D. APPLICABLE REGULATIONS:**
  - 1.** Section 3.08, Subdivision Regulations, regarding Replats.

2. Section 4.15, Subdivision Regulations, regarding Design Standards, Lots.
3. Section 8.01, Subdivision Regulations, regarding Granting of Waivers.
4. Section 5.12, Zoning Ordinance, regarding C-3 Zoning District.
5. Section 5.17, Zoning Ordinance, regarding Gateway Corridor District.

### **III. ANALYSIS**

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.
- B. OTHER PLANS:** None.
- C. TRAFFIC AND ACCESS:**
  1. Vehicular access is proposed from Eastport Parkway. Access to Lot 1 shall be served by an access easement (see Plat note #5). A waiver is needed to Section 4.15 to allow access by easement only. A condition of this waiver will be that both Port Grace and Eastport Parkway shall be utilized for vehicular access points.
  2. No direct vehicular access will be allowed from either lot to Harrison Street.
  3. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
  4. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
- D. UTILITIES:** All utilities are available to the site.

### **IV. REVIEW COMMENTS:**

1. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.
2. The proposed zoning text amendment requests childcare centers to be added to the C-3 Zoning District as a permitted use. If this use is added, then staff recommends it should be added as a conditional use.

- V. STAFF RECOMMENDATION:** Approval of Southport East Replat Ten subject to addressing the items noted above and the items noted in the City Engineer's report.

### **VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Southport East Replat Ten Final Plat



3. City Engineer's comments

**VII. COPIES OF REPORT TO:**

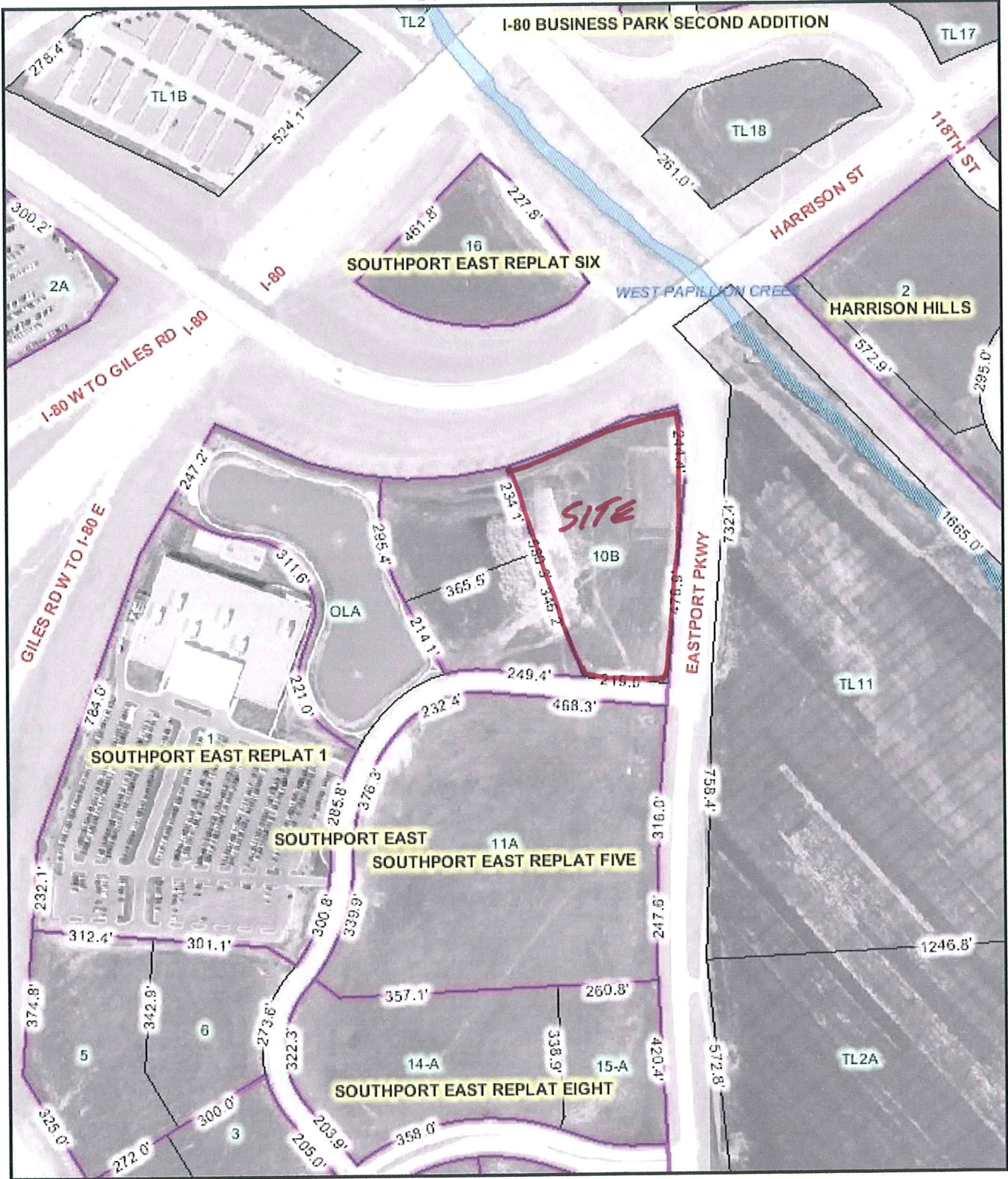
1. Brad Underwood, Applicant
2. Brad Weckerlin, E&A Consulting Group
3. Public Upon Request

MARCUS BAKER  
Prepared by: by AB

AM Baker 7-12-07  
Community Development Director Date

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Sarpy County Map



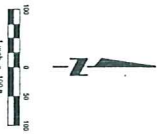
Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale  
1 inch = 373 feet



LOTS 1 & 2

A REMAPPING OF ALL OF LOT 108, SOUTHPORT EAST, A SUBDIVISION LOCATED IN THE EAST 1/2 OF SECTION 18, AND ALSO PART OF THE NW 1/4 OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARREY COUNTY, NEBRASKA.



TO CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON BOUNDARY OF THE WITHIN PLOT, AND THAT A BOUND HAS BEEN FURNISHED TO THE CITY OF LANSING TO ENSURE PLACING OF PERMANENT MONUMENTS AND STAKES AT ALL CORNERS OF ALL LOTS, STREETS, AND CORNER POINTS AND ENDS OF ALL ALIGVES TO SOUTHERN EAST RIVER TOWNSHIP LOTS NUMBERED AS SHOWN BY REFERENCE TO THE MAP OF SECTION 18, SUBDIVISION LOCATED IN THE EAST 1/2 OF SECTION 18, AND ALSO PART OF THE NW 1/4 OF SECTION 17 TOWNSHIP 14 NORTH RANGE 22 EAST OF THE 6TH T1L, STAFFY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

DA

This plot of SOUTHPORT EAST REPLANT TEN (lots numbered as shown) was approved by the

in accordance with the State Statutes of Victoria

City Clerk

May

APPROVAL OF SARDY COUNTY REGISTER OF DEEDS

Sampy County Register of Deeds	Date
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Know all men by these presents, that we, SOUTHPHORI INGENIOUS, LLC, owners of the property described in the Certificate of Survey and plat herein, have caused said plat to be subdivided into lots to be numbered and named as shown; and subdivision to be hereinafter known as SOUTHPHORI EAST MEET ATEN (the numbered lots shown), and we do hereby ratify and approve of the disposition of our property as shown on the plat, and we do hereby grant, assent, as shown on this plat, we do further grant a perpetual easement to the

[illegible]

MANAGING MEMBER

#### ACKNOWLEDGEMENT OF NOTARY

COUNTRY OF DOUGLAS

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned authority, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed. My commission expires \_\_\_\_\_.

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**Notary Public**

REVIEW OF SARPY COUNTY SURVEYOR

office of the Sarpy County Surveyor on this \_\_\_\_\_ day of \_\_\_\_\_,

Supply County Surveyor

Proj No:	P2000 030 015
Date:	04/23/2007
Designed By:	JOE
Drawn By:	LDO
Scale:	1" = 100'
Sheet	1 of 1

FINAL PLAT

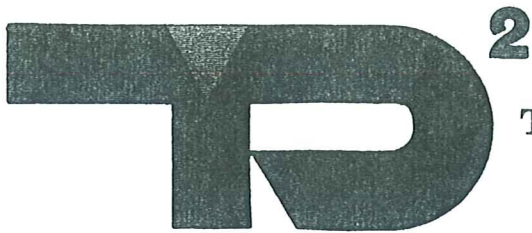
SOUTHPORT EAST REPLAT TEN  
LA VISTA, NEBRASKA



**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154  
PHONE: (402) 895-4700 FAX: (402) 895-2599  
WWW.BBCO.COM





THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

June 4, 2007

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

ROBERT E. DREESSEN, P.E.	TIMOTHY T. PAPSTEIN, P.E.
NELSON J. HYMANS, 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.	

RE: 2007 Minor & Administrative Plat Reviews  
Southport East Replat Ten  
Review of Revised Submittal  
TD<sup>2</sup> File No. 171-344.6

Mr. Baker:

I have reviewed the revised final plat that you provided me on June 1, 2007, which bears a revision date of May 30, 2007. This revised plat addressed Comment No. 9 in my May 14, 2007 letter. The revised plat also contains an additional full access point onto Eastport Parkway which is a change proposed by the applicant. I received via e-mail a drawing from John Meng-Frecker showing adequate sight distance for this revised location, however, it will require a sight distance easement to ensure that landscaping or other site improvements do not obstruct this sight line. The plat now shows two full access points onto Eastport Parkway, but only one can be used. Therefore, I recommend that a note be added to the plat as follows:

6. One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations shown.

Based on our discussions at the Community Development staff meeting on June 1, 2007, I recommend that the development plans for these lots contain two vehicular access points. The applicant should consider connecting to the access road in Southport East Replat Four or utilizing the access point to Port Grace Boulevard.

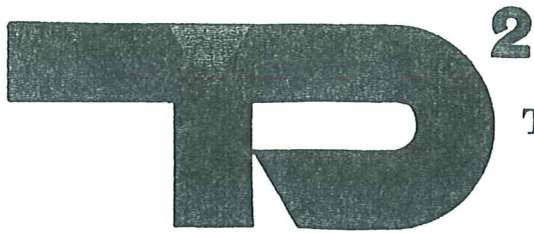
Prepared by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File



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

May 14, 2007

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

RE: Proposed Zoning Text Amendment  
Childcare Centers in C-3  
2007 Rezoning & Use Permit Reviews  
City of La Vista  
TD<sup>2</sup> File No. 171-345.6

Mr. Baker:

I have reviewed the request to allow Childcare Centers in the C-3 zoning district. I do not have an objection to this revision, but I recommend that it be a conditional use. The reason for this recommendation is to take into consideration the types of adjacent uses that might exist, to evaluate where play areas should be located, and what types of screening should be included in view of the adjacent uses.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File

ROBERT E. DREESSEN, P.E.	TIMOTHY T. PAPSTEIN, P.E.
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