

**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 REZONING AND REPLAT — SOUTH PORT EAST REPLAT ELEVEN, LOTS 1-3 & OUTLOT A (EASTPORT PARKWAY & GILES RD.)	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution and ordinance have been prepared to approve a rezoning of approximately 0.0789 acres of land from TA Transitional Agriculture to C-3 Highway Commercial/Office Park District, and a replat of approximately 5.5 acres to be known as Lots 1-3 & Outlot A, Southport East Replat Eleven (a replat of Lots 1-3 Southport East Replat Seven), located east of Eastport Parkway and Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled and a resolution and ordinance prepared for the Council to consider a rezoning of approximately 0.078 acres of land from TA Transitional Agriculture to C-3 Highway Commercial/Office Park District, and replat application for approximately 5.5 acres referred to as Southport East Replat Eleven, generally located east of Eastport Parkway and Giles Road. The applications have been submitted by Ron Smith on behalf of RS Land, Inc. and Roger and Carol Bargstadt.

The purpose of the replat is to add approximately 6 feet of land along the east side of the previous plat, Southport East Replat Seven, and to create an outlot of equal area to the north. This outlot is intended to allow future access to the property to the east. The replat also adjusts interior lot lines from the previous plat. The request for the rezoning from TA to C-3 is necessary to adjust the zoning boundary six feet to the east to coincide with the replat boundary.

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

1. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
2. The plat needs to note the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six.

3. No direct vehicular access will be allowed to Giles Road.
4. Pedestrian accesses from Eastport Parkway and between the lots shall be integrated into the design of each lot.
5. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
6. A revised drainage plan must be submitted.

The Planning Commission held a public hearing on June 21, 2007 and recommended approval of the replat and rezoning subject to addressing the items noted above and the items noted in the City Engineer's report.

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

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; 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. Approval of Rezoning. On June 21, 2007, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended the zoning of said tract be changed from "TA" Transitional Agriculture to "C-3" Highway Commercial/Office Park District. On July 17, 2007, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the La Vista Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Section 3.02 of the La Vista Zoning Ordinance, the following described tract of land is hereby rezoned from "TA" Transitional Agriculture to "C-3" Highway Commercial/Office Park District, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "TA" Transitional Agriculture to "C-3" Highway Commercial/Office Park District:

(metes & bounds description or exhibit)

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 17TH 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

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 1-3 AND OUTLOT A, SOUTHPORT EAST REPLAT ELEVEN, BEING A REPLATTING OF LOTS 1-3, SOUTHPORT EAST REPLAT SEVEN, 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 Eleven 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 1-3 and Outlot A, Southport East Replat Eleven, being a replatting of Lots 1-3, Southport East Replat Seven, 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 east of Eastport Parkway & Giles Road 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. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
3. The plat needs to notate the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six.
4. No direct vehicular access will be allowed to Giles Road.
5. Pedestrian accesses from Eastport Parkway and between the lots shall be integrated into the design of each lot.
6. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
7. A revised drainage plan must be submitted.

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

CITY OF LA VISTA

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:** Ron Smith, RS Land, Inc.
- B. PROPERTY OWNERS:** Ron Smith Lot 1 and 3;  
Roger and Carol Bargstadt, Lot 2
- C. LOCATION:** The site is located east of Eastport Parkway & Giles Road.
- D. LEGAL DESCRIPTION:** Lots 1-3, Southport East Replat Seven,  
generally located at the corner of Eastport Pkwy. and Giles Rd.
- E. REQUESTED ACTION(S):** Replat and Rezoning
- 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 however has been graded and an internal road is being constructed.
- G. PURPOSE OF REQUEST:** The proposal is to replat Lots 1-3 of Southport East Replat Seven into Lots 1-3 and Outlot A of Southport East Replat Eleven. An outlot is being created for future access to the property to the east, and an additional 6 foot wide parcel which is currently zoned TA Transitional Agriculture is being added on the east side of the subdivision.
- H. SIZE OF SITE:** 5.5 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Vacant
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. North:** C-3, Southport East Replat Two and Six/Hampton Inn & Suites; vacant
  - 2. East:** TA/Sod Farm
  - 3. South:** C-3, Papio Valley Business Park
  - 4. West:** C-3, Intersection of Eastport Parkway and Giles Road

- C. **RELEVANT CASE HISTORY:** This property was recently replatted as Southport East Replat Seven; a PUD Plan and ordinance have also been approved for this site.
- D. **APPLICABLE REGULATIONS:**
  - 1. Section 3.08, Subdivision Ordinance, regarding Replats.
  - 2. PUD Plan for Southport East Replat Seven.
  - 3. Section 5.12, Zoning Ordinance, regarding C-3 Zoning District.
  - 4. 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:** Southport East Replat Seven PUD Plan.
- C. **TRAFFIC AND ACCESS:**
  - 1. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
  - 2. No direct vehicular access will be allowed to Giles Road.
  - 3. Pedestrian accesses from Eastport Parkway and between the lots should be integrated into the design of each lot.
- D. **UTILITIES:** All utilities are available to the site.

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

- 1. The replat adds approximately 6 feet of land along the east side of the previous plat, Southport East Replat Seven, and creates an outlot of equal area (0.08 acres) to the north. The outlot is intended to allow future access to the property to the east.
- 2. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
- 3. The rezoning from TA Transitional Agriculture is necessary to adjust the zoning boundary six feet to the east. This will insure that the properties are completely within the C-3 District.

V. **STAFF RECOMMENDATION:** Approval of Southport East Replat Eleven 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 Eleven Final Plat
3. City Engineer's comments

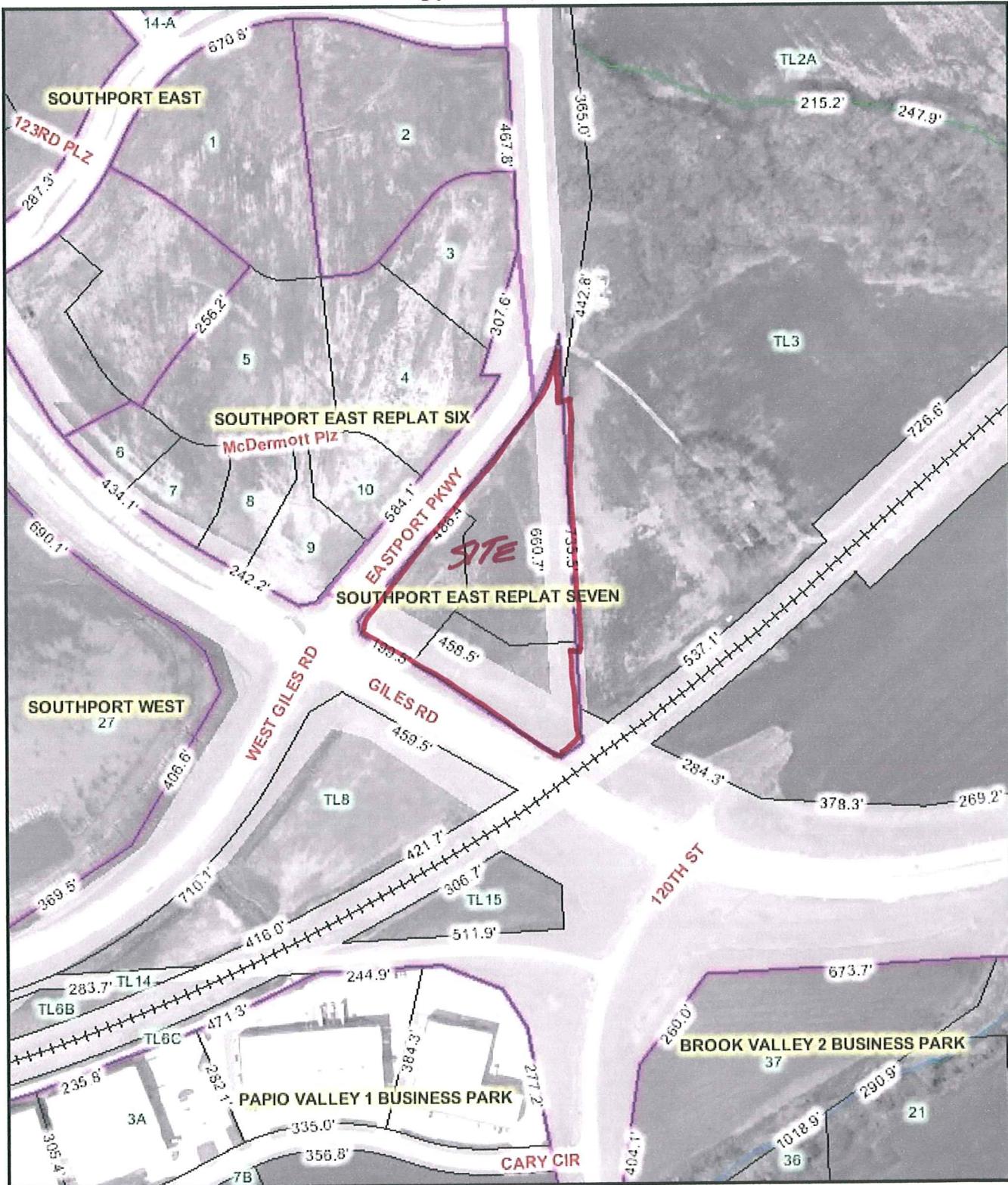
**VII. COPIES OF REPORT TO:**

1. Ron Smith, Applicant
2. Jeff Elliott, 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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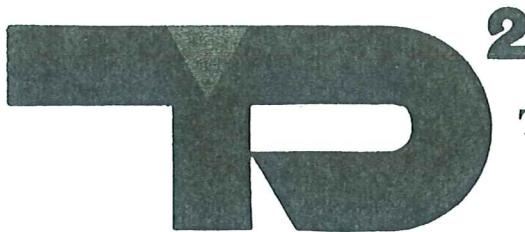
## Sarpy County Map



***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 = 336 feet





# THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

May 30, 2007

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

ROBERT E. DREESSEN, P.E.  
NELSON J. HYMANS, P.E.  
JAMES D. WARNER, L.S.  
CHARLES E. RIGGS, P.E.  
KA "KIP" P. SQUIRE III, P.E., S.E.  
JOHN M. KOTTMANN, P.E.  
ARTHUR D. BECCARD, P.E.  
JOSEPH G. KOSINOVSKY, P.E.  
DOUGLAS S. DREESSEN, P.E.  
DEAN A. JAEGER, P.E.  
RICHARD M. BROYLES, L.S.  
DAVID H. NEEF, L.S.  
RONALD M. KOENIG, L.S.  
CHRIS E. DORNER, L.S.

TIMOTHY T. PAPSTEIN, P.E.  
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KEVIN L. TRUE, L.S.  
GARY A. NORTON, P.E.  
BRIAN L. LODES, P.E.  
KURTIS L. ROHN, P.E.  
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MICHAEL T. CANIGLIA, L.S.  
JEREMY T. STEENHOEK, P.E.  
JOSHUA J. STORM, P.E.

RE: Southport East Replat Eleven  
Replatting of Part of Replat Seven  
Initial Review of Revised Submittal  
TD<sup>2</sup> File No. 171-333.3

Mr. Baker:

I have reviewed the proposed final plat that you provided me under your transmittal dated May 22, 2007. The submittal included:

- Final Plat with revision date May 21, 2007

I offer the following comments:

## TRAFFIC & ACCESS

1. This replat adds a 6 feet wide strip of land along the east side of the plat and creates an outlot of equal area. Therefore, there is no increase in the developable area and no need for a revised traffic impact study.
2. Perimeter sidewalks will be required as the lots are built upon. Sidewalks along Eastport Parkway will need to be 6 inches thick, at least 4 feet wide, and located with a minimum distance of 6 feet between back of curb and edge of walk. The Southport East design guidelines will also apply to the design of the public sidewalks. A 15 feet wide sidewalk easement was granted along Eastport Parkway with Replat Seven and has been illustrated on this plat. Provide additional sidewalk easement to encompass the sidewalk circle at the southwest corner of Lot 2.
3. A blanket ingress/egress easement is proposed over all of the proposed lots except for those portions occupied by buildings. This will provide access to proposed Lots 2 & 3, which do not have permitted access points to Eastport Parkway. Section 4.15 of the Subdivision Regulations requires each proposed lot to have vehicular access by means of a public street or approved private street. An approved private street was provided in the previous PUD process for Replat Seven.
4. The plat needs to note the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six. The amendment to subdivision agreement for this replatting should provide for the relocation of the existing farm drive approach to this location when there is any change in use in Tax Lot 3 in the SW ¼ of Section 17-14-12 or proposed Lot 1 utilizes the access point in Outlot A.

UTILITIES & DRAINAGE

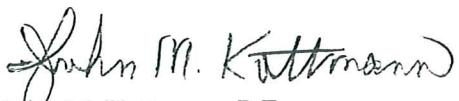
5. The proposed lots will be able to individually access all utilities in Eastport Parkway or the common area improvements addressed in the previous Replat Seven subdivision agreement.
6. Article 3.08.05 of the Subdivision Regulations requires the submittal of a drainage plan as part of the replatting process. While this plan is likely to be much the same as the plan submitted for Replat Seven, it still needs to be submitted to meet the requirements and will be helpful to keep records complete for future reference.

MISCELLANEOUS

7. This proposed replat qualifies as a replat that allows for a waiver of separate submittal of a final and preliminary plat. Article 3.08.04 of the Subdivision Regulations requires a concurrent preliminary plat. However, Article 3.08.08 implies that a preliminary plat is not required if the guidelines of Article 3.09.03 do not apply. The guidelines of Article 3.09.03 do not apply and therefore it is my opinion that a preliminary plat does not need to be submitted.
8. An amendment to subdivision agreement is needed to restate the tract sewer connection fees for the revised lot sizes, address re-allocation of common area improvement costs, sharing in the reconstruction of Eastport Parkway, and address relocation of the existing farmhouse drive approach as noted above.
9. The applicant should identify that the balance of Tax Lot 3 in the SW ¼ of Section 17-14-12, from which the 6 feet is being taken, exceeds 10 acres in size. If it does not, then it would need to be included in the platting.
10. 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.
11. The applicant should be aware that Outlot A, by definition, is unbuildable and no building permits will be issued on this parcel.

I recommend that the final plat of Southport East Replat Eleven be approved contingent upon the applicant addressing the items in this letter, which require responses and any other issues that you may identify. The City Attorney should prepare an amendment to the Subdivision Agreement as he determines necessary, prior to this case moving forward to City Council.

Prepared by,



John M. Kottmann, P.E.  
THOMPSON, DREESSEN & DORNER, INC.

JMK/jlf

cc: File