

AGENDA ITEM 4 B

AMENDMENT TO PORTAL RIDGE PUD PLANNING COMMISSION MEETING

JULY 15, 2010



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

FOR HEARING OF: July 15, 2010
Report prepared on July 2, 2010

I. GENERAL INFORMATION

A. APPLICANT:

Boyer Young Development
9719 Giles Road
La Vista, NE 68128

B. PROPERTY OWNER:

Boyer Young Development
9719 Giles Road
La Vista, NE 68128

C. LOCATION:

101st & Giles Road

D. LEGAL DESCRIPTION:

Portal Ridge, a subdivision in Section 21, Township 14N, Range 12E of the 6th P.M., Sarpy County, NE

E. REQUESTED ACTION(S):

Amendment of the Final Planned Unit Development (PUD)
Amendment to Residential Subdivision Agreement

F. EXISTING ZONING AND LAND USE:

R-1 PUD, Single-Family Residential Planned Unit Development
Subdivision partially developed.

PURPOSE OF REQUEST:

Amend the PUD to allow for 23-foot street side yard setbacks on certain vacant lots; 25 feet is currently required.

G. SIZE OF SITE:

88.532 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

New subdivision with existing homes, homes under construction and vacant lots for development.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Val Vista subdivision; R-1 Single-Family Residential
2. **East:** Val Verde subdivision; R-1 Single-Family Residential
3. **South:** Portal Plaza South subdivision (City of Papillion)
4. **West:** Portal Plaza subdivision (City of Papillion)

C. REVELANT CASE HISTORY:

Ordinance No. 993 approved the PUD Overlay District on Lots 1-242 and Outlots A-F, Portal Ridge. Approved PUD allowed for 25 foot front and rear setbacks, 7 feet side yard and waived the lot width and lot area requirements. Reductions were approved in exchange for significant increases in greenspace. Amendment approved to reduce side yard setbacks to 5 feet.

D. APPLICABLE REGULATIONS:

Section 5.15, Zoning Ordinance, regarding the PUD Planned Unit Development District.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan identifies this area for medium density residential development.

B. OTHER PLANS:

Not applicable.

C. TRAFFIC AND ACCESS:

Not applicable.

D. UTILITIES:

Not applicable.

IV. REVIEW COMMENTS:

1. The developer of this subdivision has requested an amendment to the final PUD plan and Subdivision Agreement to allow for 23-foot side yard setbacks on certain lots. Twenty-five is currently required. The developer has stated the additional 2 feet will allow for a ranch-style home to be built on some of the smaller corner lots.
2. Prior to the platting of Portal Ridge, amendments were made to the Zoning Ordinance to provide regulations for any new development to meet the following:
 - 30 foot front and rear yard setbacks
 - 10 foot side yard setback
 - Street side yard setback to match front/rear setback
 - 70 foot minimum lot width
 - 7,000 square foot minimum lot area

3. The original PUD was approved to allow for 25 foot front and rear setbacks, 7 feet side yard setback and waived the lot width and lot area requirements. This amendment was approved in exchange for significant increases in greenspace. A recent amendment approved the reduction of the side yard setback to 5 feet from 7 feet.

V. STAFF RECOMMENDATION:

1. DISAPPROVAL of the amendment to the final PUD plan to allow for 23-foot street side yard setbacks.

VI. ATTACHMENTS TO REPORTS:

1. Vicinity Map
2. Engineer's Report
3. Application for Amendment to Residential Subdivision Agreement and Planned Unit Development

VII. COPIES OF REPORT TO:

1. Tim Young, Boyer Young Development
2. Mark Westergard, E & A Consulting Group
3. Public Upon Request

Charter School
Prepared by:
An Trí 7-8-10
Community Development Director Date

\\\lvdcfp01\users\Community Development\CSolberg\Planning Commission\Staff Reports\10memos\Recommendation Report - Portal Ridge.doc





July 7, 2010

Mr. Christopher Solberg
City Planner
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

RE: Application to Amend PUD
Portal Ridge Subdivision-Corner Lot Setback

Chris:

I have reviewed the application you provided from Boyer-Young Development requesting an amendment to their PUD to change the "street side yard" from 25 feet to 23 feet or 20 feet.

I am not in favor of the proposed reduction of the street side yard setback to 23 feet. The PUD for Portal Ridge has already provided for significant reductions below the basic zoning regulations for the R-1 zoning district. The basic regulations for R-1 require 30 feet front and rear setbacks, 10 feet side yards, 70 feet wide lots and minimum 7,000 square feet lots. The original PUD and the previous amendment have allowed for 25 feet front and rear setbacks, 5 feet side yard and waived the lot width and lot area requirements. These reductions were made in exchange for significant greenspace being provided in the overall subdivision. In the current zoning regulations, there is no street side yard category for subdivisions created after the zoning ordinance was rewritten and all street frontages are treated as front yards.

Since other recent residential PUD projects (Cimarron Woods and Giles Corner) have used 25 feet for the front and rear setback requirements, I do not see adequate reason to reduce the setback.

Please feel free to contact me if you have questions about my recommendations.

John M. Kottmann
City Engineer

Cc file

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



PLANNING & ZONING APPLICATION

CITY OF LA VISTA

8116 PARK VIEW BLVD., LA VISTA, NE 68128

402-331-4343

Check Application/s Submitted:

<input type="checkbox"/> Comprehensive Plan Amendment	<input checked="" type="checkbox"/> Administrative Plat	<input type="checkbox"/> Preliminary P. U. D.
<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Preliminary Plat*	<input type="checkbox"/> Final P.U.D.
<input type="checkbox"/> Zoning/Subdivision Amendment	<input type="checkbox"/> Revised Preliminary Plat	<input type="checkbox"/> Building Design Review
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Conditional Use Permit Amendment	<input checked="" type="checkbox"/> Replat or Small Tract Sub.	<input checked="" type="checkbox"/> Other: <u>PUD Amendment</u>
<input type="checkbox"/> Tower Development Permit	<input type="checkbox"/> Vacation of Plat	

*A pre-application meeting is required prior to submittal.

A. General Information

1. APPLICANT

Name: Boyer - Young Dev. Contact: Tim Young
Address: 9719 Giles Rd
City/State/Zip: La Vista NE 68128
Phone/Fax: 334-3690 - 334-3688
Email address: Tyoung @ Boyer young. com

2. PROPERTY OWNER (If not the same as applicant above):

Name: _____ Contact: _____
Address: _____
City/State/Zip: _____
Phone/Fax: _____
Email address: _____

3. ENGINEER/SURVEYOR OR ARCHITECT:

Name: E+A Contact: Mark Westergaard
Address: _____
City/State/Zip: _____
Phone/Fax: 895-4700
Email address: _____

4. PRIMARY PROJECT CONTACT (applicant, representative, or other):

Name: Tina Young Contact: _____
Address: 9719 GILES RD
City/State/Zip: LA VISTA
Phone/Fax: 334-3696
Email address: T.young @ Boyer Young . CO

- If more than one property owner or developer is involved, please attach additional names and addresses to this application.
- The contact person will receive all staff correspondence.

Twelve additional, pre-folded (8.5 x 11) copies of each site plan/plat is required with your submittal.

Please note that your application will not be accepted or there may be a delay in processing by the Community Development Department if any of the required information or materials are missing or improperly presented. In order to ensure that a complete application is provided and to avoid unnecessary delays in processing, please remember to submit the appropriate submittal requirements, i.e., signed application, fees, exhibits and/or site plans, special studies if applicable and signed checklist. If you have any questions regarding this application or required materials, please contact the Community Development Department at (402) 331-4343 between 8:00 a.m. and 4:30 p.m., Monday through Thursday, and on Friday, 8:00 a.m. to Noon.

5. Certification:

An application may be filed only by the owner(s) of the property or by a person with the power of attorney from the owner authorizing the application, or by the attorney-at-law representing the owner.

Indicate your authority.

I (We) (am) (are) the sole owner(s) of the property.

P I have the power of attorney from the property owner(s) authorizing the application and a copy of the authorization is attached.

I am the attorney at law representing the owner(s) and a copy of the authorization is attached.

Signature

Print Name

Address

Signature

Print Name

Address

NOTE: ALL APPLICATIONS MUST HAVE THE CURRENT PROPERTY OWNER'S SIGNATURE(S), OR THE PERSON WITH THE PROPER POWER OF ATTORNEY SIGNATURE, NOTARIZED BY A CERTIFIED NOTARY PUBLIC (ATTACH IF NECESSARY)

6. Affiliated Application:

An applicant may wish to increase the property considered under this application to include surrounding

owners. By signing below, an adjoining property owner can state their intent to be party to this application (attach additional sheet if necessary). A legal description must also be attached for each property owner.

Signature	Print Name	Address
-----------	------------	---------

Signature	Print Name	Address
-----------	------------	---------

B. Project Information:

1. Subdivision Name: PORTAL RIDGE
2. Project Location: 1/4 1/4 Section _____, T_____, R_____, Sarpy County, Nebraska
General Location: 101 & GILES
3. Project/Property Address (if known): _____
4. Area: _____ (acres)
5. Future Land Use Designation (Comprehensive Plan): _____
6. Proposed Land Use Designation (if applicable): _____
7. Existing Zoning Designation: (attach additional sheet if necessary)

Zoning	Acres	Lots	Units	Density
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total	_____	_____	_____	_____

8. Proposed Zoning Designation: (attach additional sheet if necessary)

Zoning	Acres	Lots	Units	Density
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total	_____	_____	_____	_____

9. Present Use of the Land: SINGLE FAMILY RES
10. Proposed Request: TO REDUCE SIDE SIDE YARD
From 25' TO 23' or 20'

11. If commercial/industrial/office or multi-family residential:

- a. Number & Type of units/buildings: _____
- b. Total building coverage (footprint): _____ square feet.
- c. Total Open Space: _____ square feet.
- d. Total paved impervious area: _____ square feet

e. Total building floor area: _____ gross square feet.

f. Total number of parking spaces: Provided _____ Covered _____ Uncovered _____

g. Total number of persons employed or intended to be regularly employed on the site during the maximum working shift _____.

12. Building Height: _____ feet _____ stories.

13. If single family residential:

- Number of units/lots: 241 _____
- Minimum lot frontage as measured at building setback line: _____
- Minimum lot size: _____ square feet
- Average lot size: _____ square feet

14. Attach Legal Description of Property and Surveyor's Certificate.

15. Attach list of Property Owners located within 300 feet of proposed project. (Must be prepared by a title company and in label-ready format).

16. Attach site plan and/or other documents that illustrate this request.

17. Include appropriate application fee.

18. For public hearing presentation, overhead transparencies or other approved form of projected illustrations identical to any display boards being used are required.

For Office Use Only

Project Case Number _____

Planning Commission _____

Published _____

Action: _____

Date Complete Application Received _____

City Council _____

Published: _____

Action: _____

Check Number/Amount _____

Posted on Property: _____

Notice to School District: _____

Other Comment(s): _____



Boyer-Young

9719 GILES ROAD
LAVISTA, NE 68128
334-3690 • (FAX) 596-2811
WWW.BOYERYOUNG.COM

**Attention: Ann Birch
The City of La Vista
La Vista City Hall:
8116 Park View Boulevard
La Vista, NE 68128**

Ann,

The following is a recap of our request to go from a 25 foot street side yard requirement to a 23 foot street side yard requirement in the Portal Ridge Subdivision.

- As you may know in the past, we have developed Val Verde and Val Vista in the city of La Vista. Both subdivisions have less side street requirements than the 25 foot.
- This past winter, we requested to go from a 7 foot to a 5 foot side yard requirement in Portal Ridge which planning and council approved and we are currently building larger homes in the Portal Ridge area.
- One of the reasons we are requesting the 23 foot set back on the street side is we only gained 2 feet on our corner lots in the Portal Ridge area when we went from 7 foot to a 5 foot side yard. It did not address the additional street side set back. We have since sold and put on contract, 4 home sites that are on corners. We are asking that the City of La Vista allows for the 23 foot set back on the street side rather than 25 foot making the building envelope consistent with the rest of Portal Ridge.
- This request will provide the custom builders of the area more room with more asset valuation to build larger homes.
- The 5 foot side yard requirement that was approved this past winter from the 7 foot side yard requirement has allowed for larger homes to be built. We feel that the same will happen in thus will have some consistency in the lots envelope sizes. Should you allow the street side yard set back to go in capture that additional 2 feet from 25 to 23 feet. Should you want to make it 20 foot and be consistent with other areas of your city, we most certainly are in agreement to that. Since we have a few homes sites that are currently pending with custom homes sold that are available to start, we would ask for your immediate attention on this issue.

Thank you in advance for your prompt attention,

Tim Young
President Boyer Young Development

**AMENDMENT TO
RESIDENTIAL SUBDIVISION AGREEMENT
(Portal Ridge Subdivision)
PUD-1 PLANNED UNIT DEVELOPMENT**

THIS AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT is made and entered into by and between the CITY OF LA VISTA, NEBRASKA (hereinafter referred to as "La Vista"), SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA.

PRELIMINARY STATEMENT

SID #276 and La Vista did, on or about October 11, 2006 execute a Residential Subdivision "Agreement" to provide for a PUD-1 Planned Unit Development located on approximately 88.532 acres south of 101st and Giles Road to be known as Portal Ridge.

That the Portal Ridge, lots have had potential home buyers who have requested larger three car garage homes, particularly ranch style which cannot be accommodated on the said lots with the existing side yard restrictions resulting in lost sales and/or smaller homes with reduced valuations.

It is in the best interests and would be mutually advantageous to all parties to make certain amendments to the Agreement to accommodate such requests.

NOW THEREFORE, in consideration of, and based on the foregoing Preliminary Statement , the parties hereto agree that:

1. The corner side yard setback requirements set forth in paragraph 19 of the Agreement shall be amended from 25 to 23 feet on the following described lots, to-wit:

Lots 1, 10, 11, 29, 30, 37, 53, 54, 66, 67, 73, 74, 79, 80,
90, 91, 116, 117, 140, 141, 148, 149, 155, 156, 160, 164,
165, 174, 176, 184, 185, 192, 193, 199, 200, 208, 216, 217,
238 and 239 Portal Ridge, a sub-division as surveyed,
platted and recorded in Sarpy County, Nebraska.

2. The minimum square footage ("sf") of each residence constructed in the Portal Ridge subdivision exclusive of basements, garages and breezeways shall be as follows:

a. Ranch	1500 sf.
b. One and ½ and two story	1800 sf.

All other terms and conditions contained in the original agreement attached hereto as Exhibit "A" shall remain in full force and effect.

Executed by the City of La Vista, Nebraska, this _____ day of _____ 2010.

CITY OF LA VISTA, NEBRASKA

By: _____

ATTEST:

APPROVED AS TO FORM:

City Clerk

By: _____
City Attorney

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)ss.
)

On this _____ day of _____, 2010, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____, personally known by me to be the Mayor of the City of La Vista and _____, to me personally known to be the City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Amendment to Residential Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

WITNESS my hand and Notarial Seal the day and year last above written

Notary Public

CITY OF LA VISTA, NEBRASKA

By:

ATTEST:

APPROVED AS TO FORM:

City Clerk

By: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)ss.
)

On this _____ day of _____, 2010, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista, and Rita Ramirez, to me personally known to be the City Clerk of the City of La

Vista, and the identical persons whose names are affixed to the foregoing Amendment to Subdivision Agreement

SANITARY AND IMPROVEMENT DISTRICT NO.
276 OF SARPY COUNTY, NEBRASKA

By: _____
ATTEST: _____ Chairman
Clerk

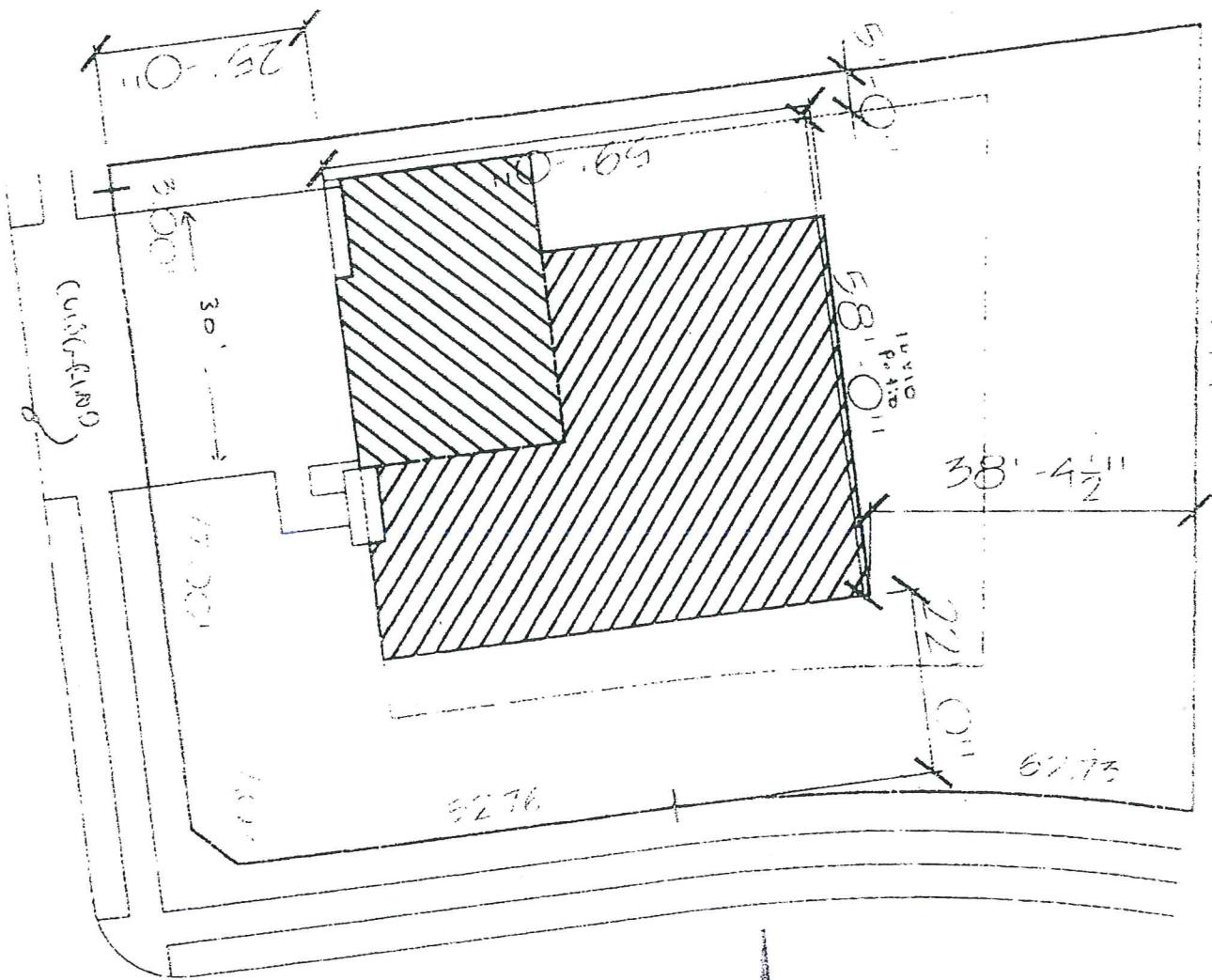
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)ss.
)

On this _____ day of _____, 2010, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____, personally known by me to be the Chairman of Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, and _____, to me personally known to be the Clerk of said District, and the identical persons whose names are affixed to the foregoing Amendment to Subdivision Agreement, and they acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said District.

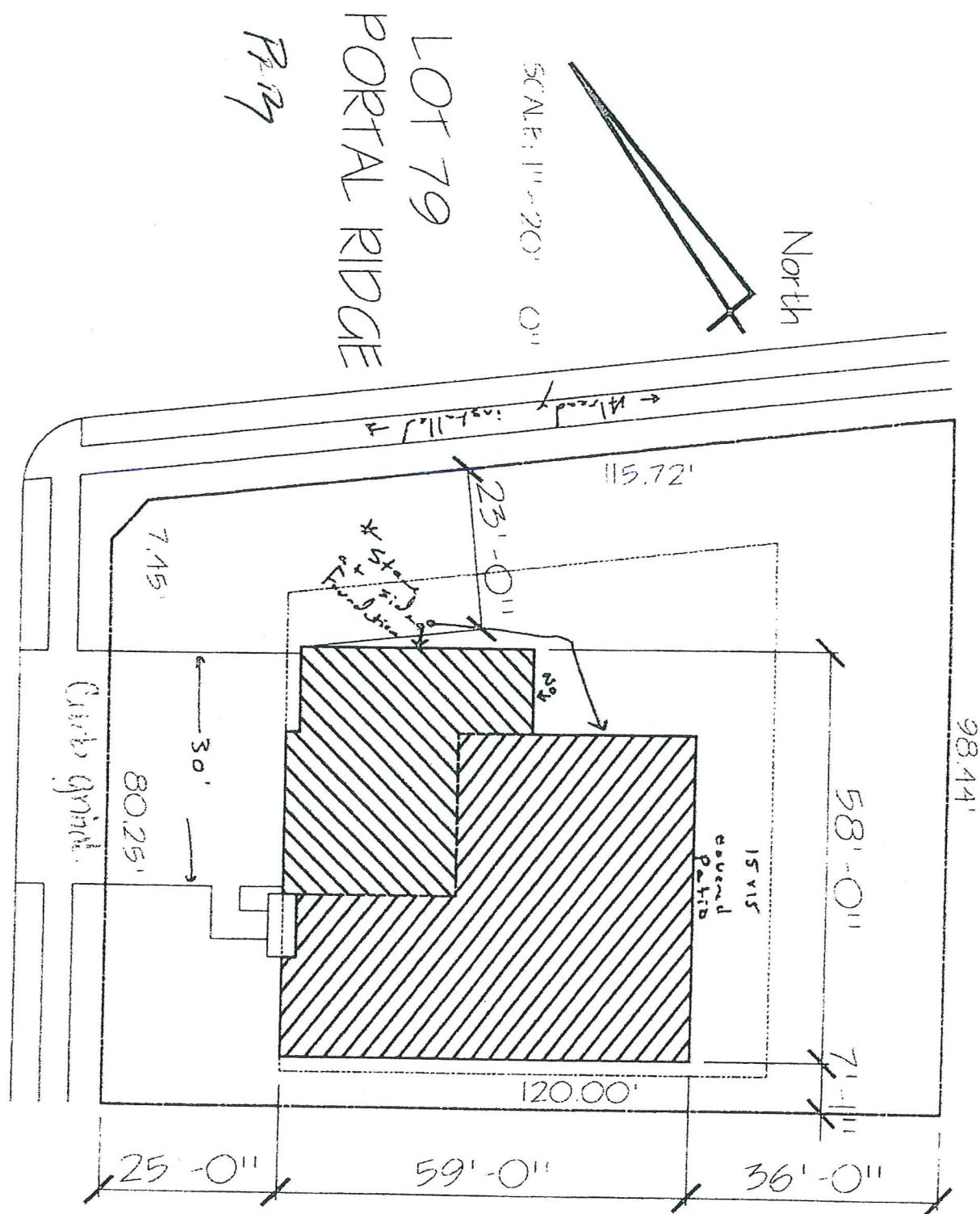
WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public



Lot 199
PORTAL RIDGE
Sketch

Omaha title . com .



closed

PORTAL RIDGE

LOT 11

SCALE: 1" = 20' - 0"

North

