

## **AGENDA ITEM 4 B**

**Mayfair Replat 5**



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2012-SUB-01

FOR HEARING OF: October 18, 2012  
Report Prepared on: October 10, 2012

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Buland Group Construction  
6173 Center Street  
Omaha, NE 68106

**B. PROPERTY OWNER:**

L&B Properties, LLC  
6173 Center Street  
Omaha, NE 68106

**C. LOCATION:** Northwest of 96<sup>th</sup> Street and Giles Road

**D. LEGAL DESCRIPTION:** Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three

**E. REQUESTED ACTION(S):** Replat of Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three

**F. EXISTING ZONING AND LAND USE:** C-1 – Shopping Center Commercial, Vacant

**G. PURPOSE OF REQUEST:** Replat of Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three to split the property into three separate lots for development.

**H. SIZE OF SITE:** 8.17 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** Existing Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three is relatively flat. Slopes along the eastern lot line increase northward. Slopes along the northern lot line increase eastward.

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

1. **North:** R-1 Single-Family Residential; Mayfair Replat One / Single Family Residential
2. **East:** C-1 Shopping Center Commercial; Mayfair 2<sup>nd</sup> Addition / Mix of Commercial and Vacant uses
3. **South:** C-1 Shopping Center Commercial; Mayfair 2<sup>nd</sup> Addition Replat Three / Vacant
4. **West:** C-1 Shopping Center Commercial; Mayfair 2<sup>nd</sup> Addition Replat One/ Vacant



**C. RELEVANT CASE HISTORY:**

1. Mayfair 2<sup>nd</sup> Addition Replat Three was approved September 19, 2006.

**D. APPLICABLE REGULATIONS:**

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center
2. Section 5.17 of the Gateway Corridor District (Overlay District)
3. Section 3.08 of the Subdivision Regulations – Replats

**III. ANALYSIS**

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

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

**C. TRAFFIC AND ACCESS:**

1. Vehicular access is provided to the property over a private roadway that was established in an ingree/egress easement granted with the platting of Mayfair 2nd Addition Replat One. It was learned during the review of the initial replat application that the Mayfair Replat One property owners repealed a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2nd Addition Replat One. During the review of the initial replat application a great deal of effort was spent in discussing provisions for future access between this property and the property to the west, Lot 11A. The result of that effort was to include language in the subdivision agreement. Similar language should be included in the subdivision agreement as follows.

"L&B agrees that the City retains the right to require an access easement to be located on Lot 2 of Mayfair 2<sup>nd</sup> Addition, Replat Five benefitting Lot 11, Mayfiar 2<sup>nd</sup> Addition Replat One. The right to require such access easement will expire or be limited (as the case may be) upon approval by the City of the site for Lot 2. Such acces easement, if needed, would be located so as to cause the least detriment to Lot 2. The centerline of the access easement will not be located closer than 150 feet to the centerline of Robin Plaza."

2. The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed and no traffic impact study is needed for this replatting. However,

the applicant needs to be aware that a recent traffic study has indicated that a traffic signal at the intersection of 96th Street and Robin Plaza (private access road at the southeast corner of proposed Lot 1 leading to 96th Street) is likely to meet signal warrants in the next few years. Since this intersection with 96th Street involves private commercial roadway accesses on both the east and west sides of 96th Street, this signal will be installed by the City, when warranted, and costs will be assessed to the benefitted commercial properties on each side of 96th Street. There is acknowledgement of this in the draft subdivision agreement.

**D. UTILITIES:**

1. Sanitary sewer exists along the east side of the property under the existing private roadway. The sanitary sewer was not stubbed out to this property due to the original development showing a larger lot to be served from the south. The preliminary plat drawings that have been submitted indicate that each lot is able to gain access to the existing sanitary sewer in the private roadway with an individual service to each lot and that a shared sanitary sewer (common area improvement) will not be required to provide this service. If Lot 2 is subdivided in the future this may not be the case and is one of the reasons that the City is requesting elsewhere in this review that the subdivision agreement contain provisions disallowing administrative subdivision of Lot 2 in the future.
2. The original subdivision agreement provided for SID 195 making the payment of a tract sewer connection fee in the amount of \$3,600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3,600 per acre fee back to SID 195.
3. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual Post Construction Storm Water Management Plan was submitted as part of the replat submittal as Exhibit "D". Note No. 4 on Exhibit "D" appears to be in conflict with the notations on Exhibit "B" that the Developer will install the backbone 36-inch storm sewer up to the south lot line of Lot 2. The backbone storm sewer needs to be installed by the Developer as noted on Exhibit "B" and Note No. 4 on Exhibit "D" revised. This storm sewer needs to be installed or covered by an acceptable performance guarantee by the



Developer prior to recording the plat. A detailed Post Construction Storm Water Management Plan and Maintenance Agreement will be required as each lot is built upon.

4. A storm water drainage study needs to be provided as part of the preliminary plat submittal. This will be a limited study to illustrate the drainage areas and assumptions made for the proposed 36-inch storm sewer noted on Exhibit "B".
5. The Papillion Creek Watershed Partnership storm water management fee will be applicable to this property and will be collected at the time of building permits on each lot at the rate of \$4,000 per acre. This fee is applicable when set forth in a subdivision agreement for new development or significant redevelopment as stating in the Master Fee ordinance. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements. At a minimum there will be shared common area storm sewer improvements in this subdivision.

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

1. A subdivision agreement will be needed to address shared drainage facilities, extension of sanitary sewer or sewer stubs, shared private roadway construction, payment of tract sewer connection fees, payment of storm water management fees, and other typical subdivision agreement topics.
2. The draft Post Construction Storm Water Maintenance Agreement needs to identify how the maintenance of any shared water quality Best Management Practices (BMPs) will be performed and allocated between lot owners.
3. The applicant is strongly encouraged to use Portland cement concrete pavement for any shared ingress-egress pathways. This request is made since shared private roadways in commercial developments in the City have historically been a maintenance problem when constructed of asphalt.

**V. PLANNING COMMISSION RECOMMENDATION:**

Approval of Mayfair 2<sup>nd</sup> Addition Replat Five, subject to the satisfactory resolution of the following issues prior to City Council review:

1. Satisfactory resolution of the aforementioned issues regarding the replat and subdivision agreement, with review and approval by the City Engineer and the City Attorney.

**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Preliminary Plat Maps
3. Final Plat Map
4. Initial review report from City Engineer

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

1. Larry Buland, Buland Group
2. Matt Sutton, The Schemmer Associates
3. Public Upon Request

---

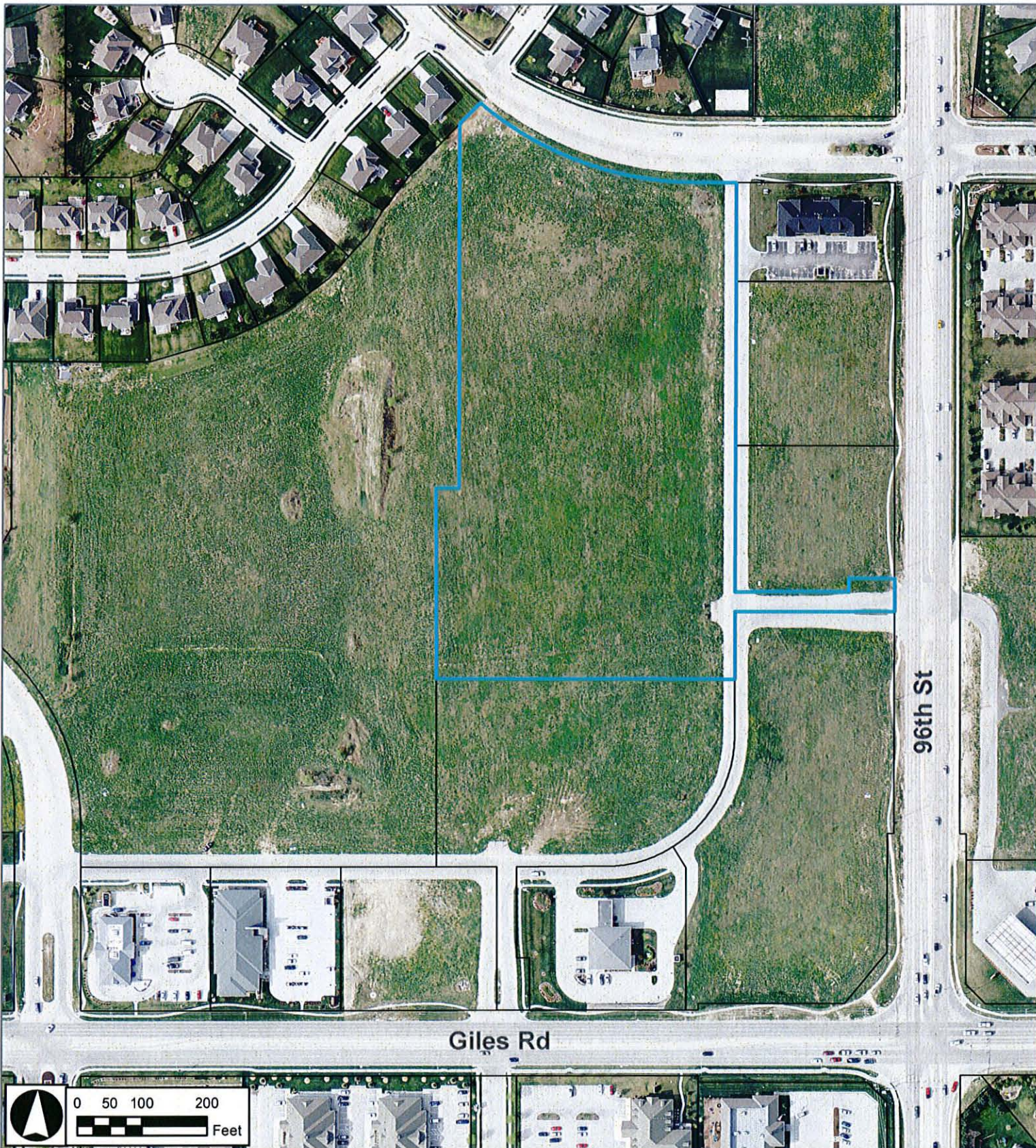
Prepared by:

---

Community Development Director

Date





## Mayfair 2nd Addition - Replat Five

### Replat of Lot 1 Mayfair 2nd Addition Replat Three

April 11, 2012  
CAS







LAND SURVEYOR'S CERTIFICATE

I hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on 11/15/11, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

MARK W. FREDRICKSON, RLS #592

DATE

LEGAL DESCRIPTION

Being a replat of Lot 1, Mayfair 2nd Addition Replat Three, located in the Southeast One-Quarter of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska. Being more particularly described as follows: Beginning at the Northeast corner of said Lot 1, thence South 00°13'43" West (assumed bearing) for 622.28 feet; thence South 89°46'17" East for 175.00 feet; thence North 00°13'43" East for 20.00 feet; thence South 89°46'17" East for 70.00 feet; thence South 00°13'43" West for 50.00 feet along the West Right-of-Way line of 96th Street; thence North 89°46'17" West for 245.00 feet; thence South 00°13'43" West for 104.09 feet; thence North 89°46'16" West for 459.09 feet; thence North 00°09'02" East for 291.27 feet; thence South 89°56'11" East for 35.18 feet; thence North 00°09'02" East for 552.92 feet; thence North 44°36'38" East for 44.83 feet; thence the following two (2) courses along the South Right-of-Way line of Brentwood Drive: (1)Southeasterly along a 516.00 foot radius curve to the left for 358.95 feet with a long chord bearing South 69°49'51" East, 351.76 feet (2)South 89°46'17" East for 63.04 feet to the Point of Beginning. Above described tract contains 8.17 acres, more or less.

DEDICATION

Known all men by these presents that I, Larry G. Buland, owner of the property described in the Surveyor's Certification and embraced within the plat has caused said land to be subdivided into lots and streets to the be numbered and named as shown, said subdivision to be hereafter know as MAYFAIR 2nd ADDITION REPLAT FIVE (lots numbered as shown), and I do hereby ratify and approve of the disposition of my property as shown on the plat, and I do hereby grant easements as shown on this plat, I do further grant a perpetual easement to the Omaha Public Power District, Qwest, Century Link, 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, cables, conduits, and other related facilities, and to extend thereon wires or for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under, and across a five foot (5') wide strip of land abutting all front and side boundary lot lines; an eight foot (8') wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. Said sixteen foot (16') wide easement will be reduced to an eight foot (8') wide strip when the adjacent land is surveyed, platted and recorded, and we do further grant a perpetual easement to Metropolitan Utilities District of Omaha and Black Hills Energy, their successors and assigns, to erect, install, operate, maintain, repair, and renew pipelines, hydrants, and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under, and across a five foot (5') wide strip of land abutting all streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

In witness whereof, I do set our hand this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

L & B PROPERTIES, LLC

Larry G. Buland, President

DATE

ACKNOWLEDGMENT OF NOTARY

State of \_\_\_\_\_ }

County of \_\_\_\_\_ }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, the undersigned notary public, qualified and commissioned in and for said county and state, personally appeared: \_\_\_\_\_, personally known by me to be the identical person whose name is affixed to the dedication and he did acknowledge the execution thereof to be his voluntary act and deed.

NOTARY PUBLIC

DATE

PLANNING COMMISSION APPROVAL

This plat of MAYFAIR 2nd ADDITION REPLAT FIVE was approved by the La Vista Planning Commission.

CHAIRPERSON, LA VISTA PLANNING COMMISSION

DATE

REVIEW BY SARPY COUNTY PUBLIC WORKS

This plat of MAYFAIR 2nd ADDITION REPLAT FIVE was reviewed by the office of the Sarpy County Surveyor.

COUNTY SURVEYOR / ENGINEER

DATE

COUNTY TREASURERS CERTIFICATION

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyors Certificate and embraced in this plat as shown by the records of this office.

COUNTY TREASURER

DATE

APPROVAL OF LA VISTA CITY COUNCIL

This Plat of Mayfair 2nd Addition Replat Five was approved by the City Council of the City of La Vista, Nebraska on this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_, in accordance with the State Statutes of Nebraska.

MAYOR

ATTEST: CITY CLERK

LIEN HOLDER CONSENT

The undersigned holder of that certain lien against the real property described in the plat known as MAYFAIR 2nd ADDITION REPLAT FIVE (hereinafter "Plat"), said lien being recorded in the Office of the Register of Deeds of Sarpy County, Nebraska as Instrument No. \_\_\_\_\_, (hereinafter "Lien"), does hereby consent to the dedication of and subordinate the lien to any utility (sewer, water, electric, cable TV, telephone, natural gas) easements, or streets or roads, pedestrian way easements, and access easements and relinquishments of access, dedicated to the public, all as shown on the Plat, but not otherwise. The undersigned confirms that it is the holder of the lien and has not assigned the lien to any other person.

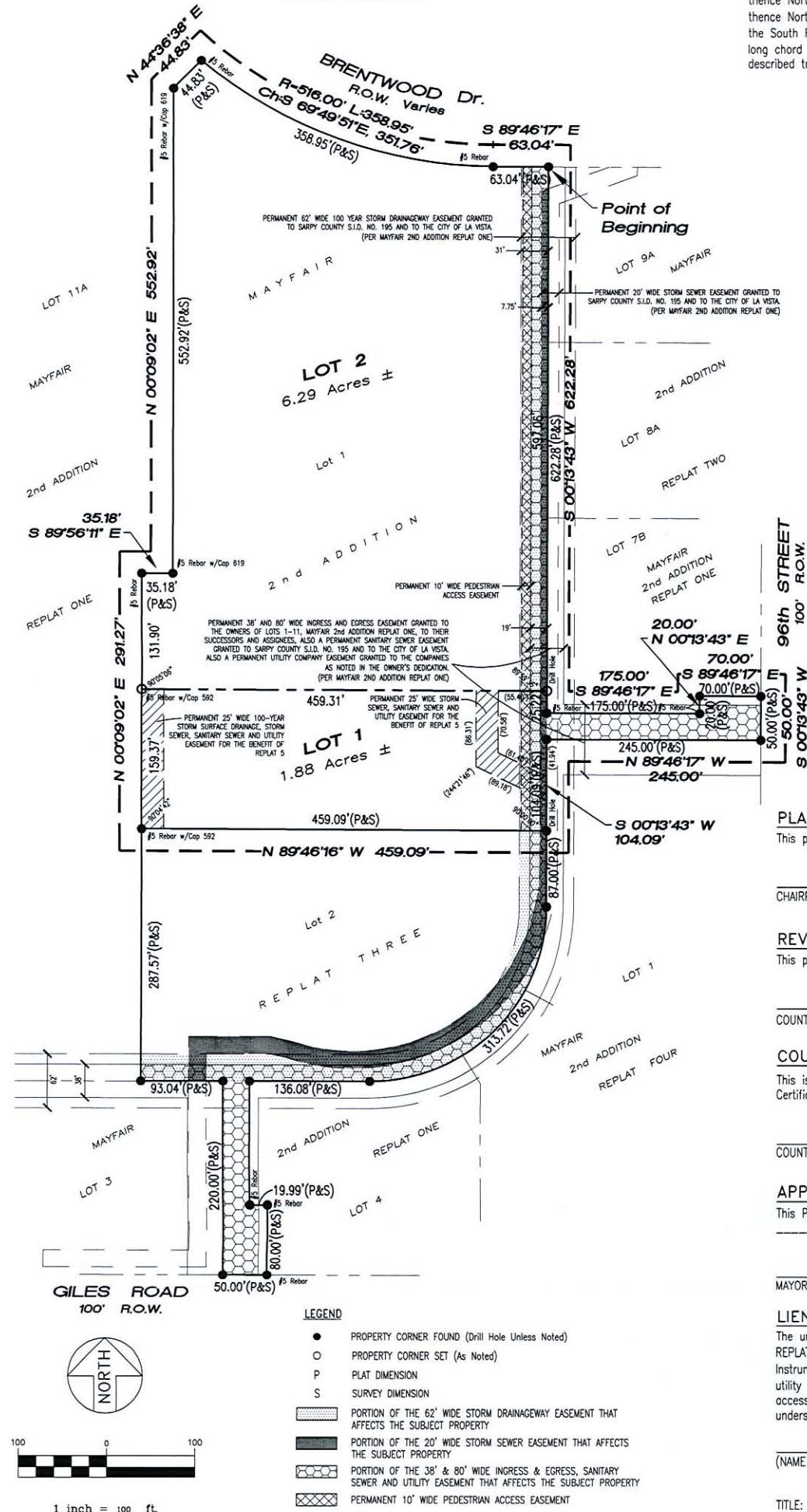
(NAME OF LIEN HOLDER)

By: \_\_\_\_\_

TITLE: \_\_\_\_\_

PRINT THE NAME OF THE INDIVIDUAL

MAYFAIR 2nd ADDITION REPLAT FIVE  
BEING A REPLAT OF LOT 1, MAYFAIR 2nd ADDITION REPLAT THREE, LOCATED  
IN THE SOUTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 14 NORTH,  
RANGE 12 EAST OF THE 6th P.M., SARPY COUNTY, NEBRASKA.  
LOTS 1 AND 2



JOB NO.  
06165.004

SHEET  
1-1

1 OF 1

MAYFAIR 2nd ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA.

FINAL PLAT

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

THIS DRAWING IS BEING  
MADE AVAILABLE BY THE  
SCHEMMER ASSOCIATES  
INC. (TSA), FOR USE, ON  
ACCORDANCE WITH  
TSA'S AGREEMENT FOR  
SERVICES ONLY. NO  
RESPONSIBILITY OR  
LIABILITY FOR ANY USE  
OF THIS DRAWING BY  
ANY PARTY THEREOF  
EXCEPT IN ACCORDANCE  
WITH THE TERMS OF  
AGREEMENT.

BK: 2011-1  
DATE: 09/24/12

DESIGNED

DRAWN CUG

CHECKED MWF

BY

DATE

BY

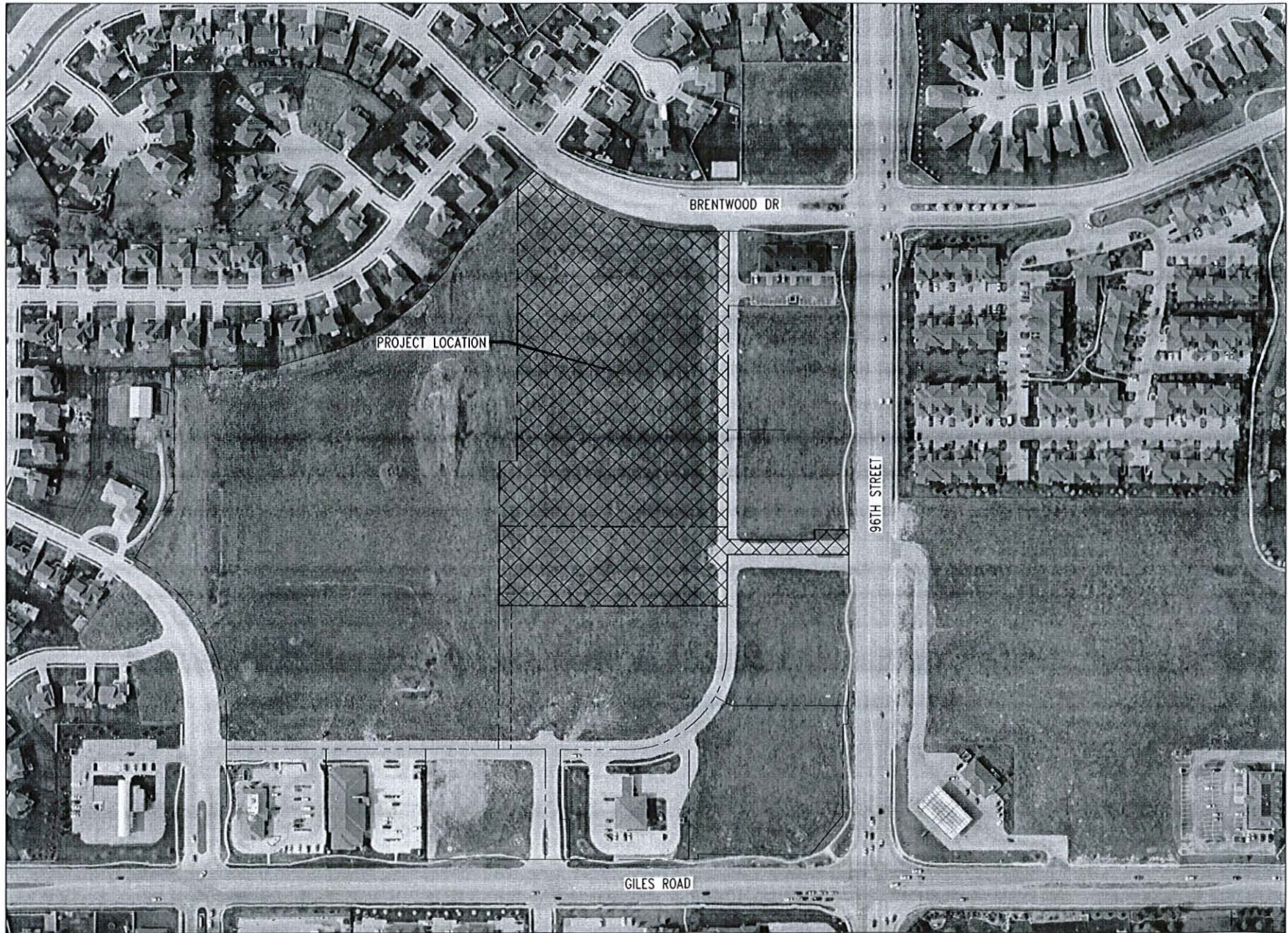
APP

REVISIONS



RECEIVED  
OCT 10 2012

# MAYFAIR 2ND ADDITION REPLAT FIVE PRELIMINARY PLAT



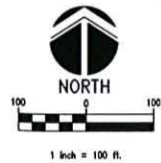
## DRAWING INDEX

0	COVER SHEET
EXHIBIT "EP-1"	EXISTING SITE PLAN
EXHIBIT "PP-1"	PRELIMINARY PLAT
EXHIBIT "B"	IMPROVEMENT PLAN
EXHIBIT "D"	CONCEPTUAL POST CONSTRUCTION STORM WATER MANAGEMENT PLAN
EXHIBIT "D-MAP"	PRELIMINARY DRAINAGE MAP

OWNER/SUBOWNER:  
L & B PROPERTIES, LLC  
6173 CENTER STREET  
OMAHA, NE 68106  
ENGINEER/SURVEYOR:  
THE SCHEMMER ASSOCIATES  
1044 NORTH 115TH STREET, SUITE 300  
OMAHA, NE 68154

## LOCATION MAP

SCALE: 1"=100'



LEGAL DESCRIPTION:  
Being a replat of Lot 1, Mayfair 2nd Addition Replat Three, located in the Southeast One-Quarter of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska. Being more particularly described as follows: Beginning at the Northeast corner of said Lot 1, thence South 00°13'43" West (assumed bearing) for 622.28 feet; thence South 89°46'17" East for 175.00 feet; thence North 00°13'43" East for 20.00 feet; thence South 89°46'17" East for 70.00 feet; thence South 00°13'43" West for 50.00 feet along the West Right-of-Way line of 96th Street; thence North 89°46'17" West for 245.00 feet; thence South 00°13'43" West for 104.09 feet; thence North 89°46'17" West for 450.00 feet; thence North 00°09'02" East for 291.27 feet; thence South 89°56'11" East for 35.18 feet; thence North 00°09'02" East for 552.92 feet; thence North 44°36'58" East for 44.83 feet; thence the following two (2) courses along the South Right-of-Way line of Brentwood Drive: (1) Southeast along a 516.00 foot radius curve to the left for 358.95 feet with a long chord bearing South 89°49'51" East, 351.76 feet (2) South 89°46'17" East for 63.04 feet to the Point of Beginning. Above described tract contains 8.17 acres, more or less.

DESIGNED:	DATE:	BY:	DESCRIPTION:
OM	09/25/2012		
REVISIONS:	DATE:	BY:	DESCRIPTION:
DR			
CHK			
CHECKED:			
MS			

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

MAYFAIR 2ND ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA

COVER SHEET

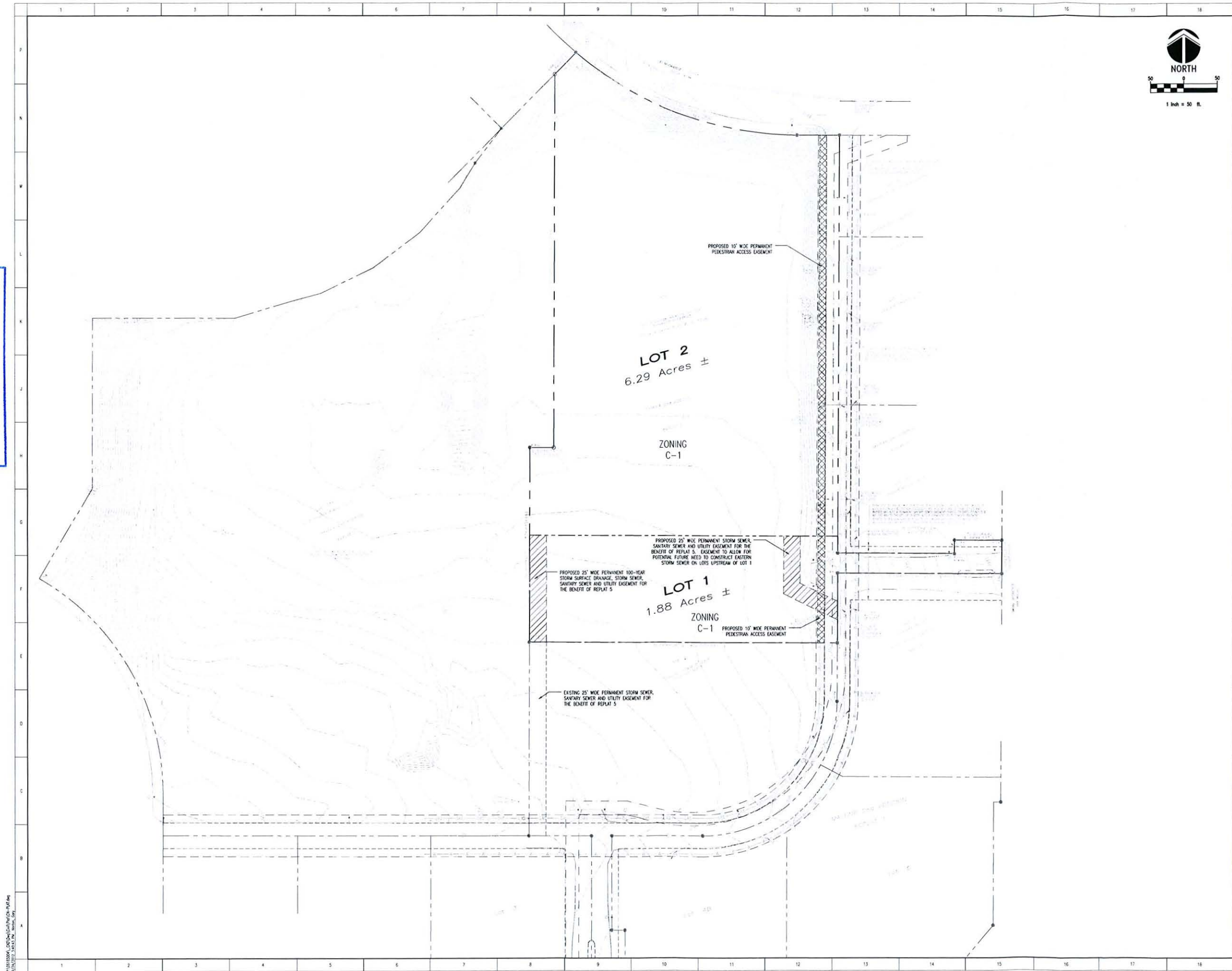
PROJECT NO.: 06165.004







RECEIVED  
OCT 10 2012



DESIGNED: DM DATE: 09/25/2012  
DRAWN: DM  
CHECKED: MS  
ISSUE DATE: 09/25/2012  
REVISIONS: NONE  
BY: DESCRIPTION:

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

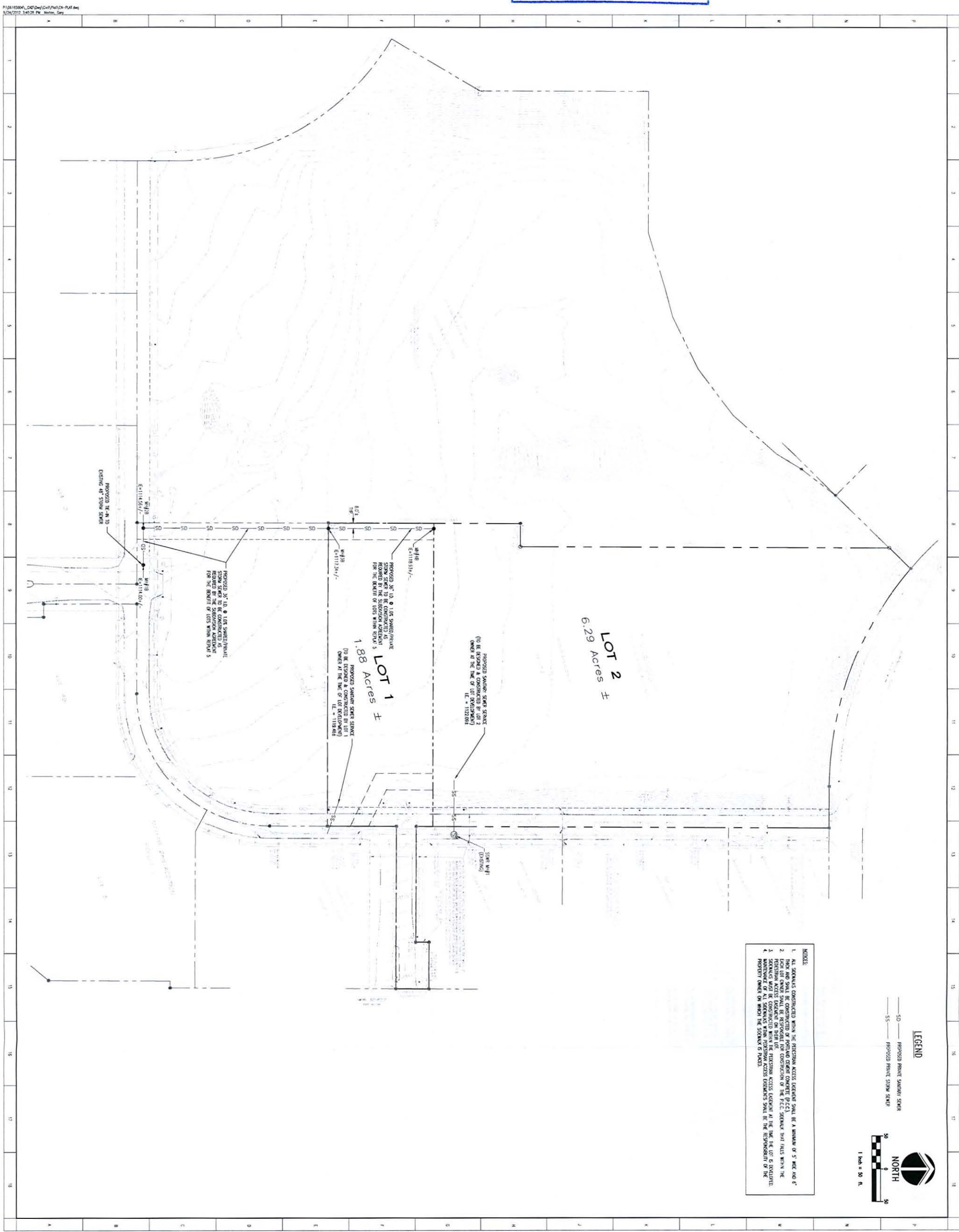
MAYFAIR 2ND ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA

PRELIMINARY PLAT

PROJECT NO.: 06165.004

EXHIBIT "PP-1"





**EXHIBIT "B"**

PROJECT NO.: 06165.004

MAYFAIR 2ND ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA

---

IMPROVEMENT PLAN

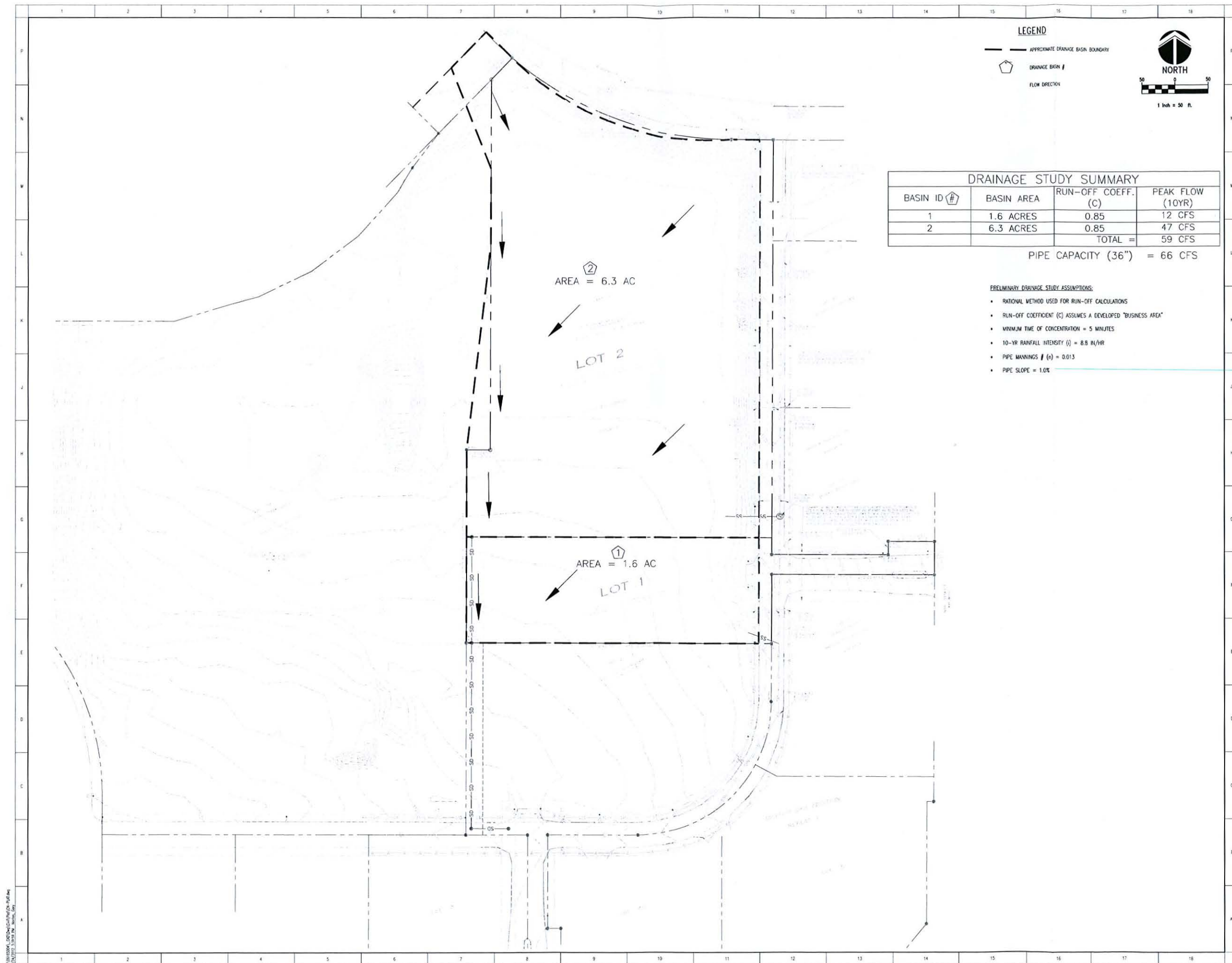
**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

DESIGNED: **GAN** ISSUE DATE: **09/25/2012**  
 REVISIONS:  
 DRAWN: **DJK** No.: DATE: BY: DESCRIPTION:  
 CHECKED: **MS**

THIS DRAWING IS BEING  
 USED AS PART OF THE  
 PROJECT. IT IS THE  
 PROPERTY OF THE  
 COMPANY AND IS NOT  
 TO BE REPRODUCED OR  
 TRANSMITTED IN ANY  
 FORM OR BY ANY  
 MEANS, ELECTRONIC  
 OR MECHANICAL,  
 INCLUDING PHOTOCOPYING,  
 RECORDING, BY ANY  
 INFORMATION STORAGE  
 AND RETRIEVAL SYSTEM,  
 OR BY ANY INFORMATION  
 TRANSMISSION SYSTEM,  
 WITHOUT PERMISSION  
 IN WRITING FROM THE  
 COMPANY.



RECEIVED  
OCT 10 2012



DRAINAGE STUDY SUMMARY			
BASIN ID #	BASIN AREA	RUN-OFF COEFF. (C)	PEAK FLOW (10YR)
1	1.6 ACRES	0.85	12 CFS
2	6.3 ACRES	0.85	47 CFS
TOTAL =			59 CFS

PIPE CAPACITY (36") = 66 CFS

PRELIMINARY DRAINAGE STUDY ASSUMPTIONS:

- RATIONAL METHOD USED FOR RUN-OFF CALCULATIONS
- RUN-OFF COEFFICIENT (C) ASSUMES A DEVELOPED "BUSINESS AREA"
- MINIMUM TIME OF CONCENTRATION = 5 MINUTES
- 10-YR RAINFALL INTENSITY (i) = 8.8 IN/HR
- PIPE MANNINGS (n) = 0.013
- PIPE SLOPE = 1.0%

DESIGNED:	DATE:	BY:	DESCRIPTION:
DM	09/24/2012		
DR			
CK			
MS			

**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

MAYFAIR 2ND ADDITION REPLAT FIVE  
SARPY COUNTY, NEBRASKA

PRELIMINARY DRAINAGE MAP

PROJECT NO.: 06165.004

D-MAP





September 18, 2012

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

RE: Revised Application for Replat-Initial Review  
Mayfair 2<sup>nd</sup> Addition Replat Five

Chris:

I have reviewed the revised replat application and materials that you sent to me in your transmittal dated September 11, 2012. The proposed replat plat would replat Lot 1, Mayfair 2<sup>nd</sup> Addition Replat Three into two lots to be known as Lots 1 and 2, Mayfair 2<sup>nd</sup> Addition Replat Five. I offer the following comments:

**TRAFFIC & ACCESS:**

1. Vehicular access is provided to the property over a private roadway that was established in an ingress/egress easement granted with the platting of Mayfair 2<sup>nd</sup> Addition Replat One. It was learned during the review of the initial replat application that the Mayfair Replat One property owners repealed a blanket easement for vehicular ingress and egress along with a pedestrian easement over Lots 1 through 11 of the platting of Mayfair 2<sup>nd</sup> Addition Replat One. During the review of the initial replat application a great deal of effort was spent in discussing provisions for future access between this property and the property to the west, Lot 11A. The result of that effort was to include language in the subdivision agreement. I recommend that similar language be included in the subdivision agreement as follows:

"L&B agrees that the City retains the right to require an access easement to be located on Lot 2 of Mayfair 2<sup>nd</sup> Addition, Replat Five benefitting Lot 11, Mayfair 2<sup>nd</sup> Addition Replat One. The right to require such access easement will expire or be limited (as the case may be) upon approval by the City of the site for Lot 2. Such access easement, if needed, would be located so as to cause the least detriment to Lot 2. The centerline of the access easement will not be located closer than 150 feet to the centerline of Robin Plaza."

The proposed use of the property is consistent with the existing zoning and commercial use of the property was considered when the infrastructure was installed and no traffic impact study is needed for this replatting. However, the applicant needs to be aware that a recent traffic impact study has

**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



indicated that a traffic signal at the intersection of 96<sup>th</sup> Street and Robin Plaza (private access road at the southeast corner of proposed Lot 1 leading to 96<sup>th</sup> Street) is likely to meet signal warrants in the next few years. Since this intersection with 96<sup>th</sup> Street involves private commercial roadway accesses on both the east and west sides of 96<sup>th</sup> Street, this signal will be installed by the City, when warranted, and costs will be assessed to the benefitted commercial properties on each side of 96<sup>th</sup> Street. There is acknowledgment of this in the draft subdivision agreement.

2. The development on these lots will need to include sidewalks along the existing private roadway. Such sidewalks should be 5 feet wide. Since the blanket easement for pedestrian access was eliminated there will need to be a grant of a pedestrian easement to the public along the private roadway to allow for usage of the sidewalk.

#### UTILITIES & DRAINAGE:

3. Sanitary sewer exists along the east side of the property under the existing private roadway. The sanitary sewer was not stubbed out to this property due to the original development showing a larger lot to be served from the south. The preliminary plat drawings that have been submitted indicate that each lot is able to gain access to the existing sanitary sewer in the private roadway with an individual service to each lot and that a shared sanitary sewer (common area improvement) will not be required to provide this service. If Lot 2 is subdivided in the future this may not be the case and is one of the reasons that I am requesting elsewhere in this review that the subdivision agreement contain provisions disallowing administrative subdivision of Lot 2 in the future.
4. The original subdivision agreement provided for SID 195 making payment of a tract sewer connection fee in the amount of \$3600 to the City at the time of the original platting. The fee has since increased to \$5,973. When these lots are built upon, the applicants will need to pay the current fee rate to the City and the City will reimburse the \$3600 per acre fee back to SID 195.
5. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual Post Construction Storm Water Management Plan was submitted as part of the replat submittal as Exhibit "D". Note No. 4 on Exhibit "D" appears to be in conflict with the notations on Exhibit "B" that the Developer will install the backbone 36-inch storm sewer up to the south line of Lot 2. The backbone storm sewer needs to be installed by the Developer as noted on Exhibit "B" and Note No. 4 on Exhibit "D" revised. This storm sewer needs to be installed or covered by an acceptable performance guarantee by the Developer prior to recording the plat. A detailed Post Construction Storm Water Management Plan and a Maintenance Agreement will be required as each lot is built upon.
6. A storm water drainage study needs to be provided as part of the preliminary plat submittal. This will be a limited study to illustrate the drainage areas and assumptions made for the proposed 36-inch storm sewer noted on Exhibit "B".
7. The Papillion Creek Watershed Partnership storm water management fee will be applicable to this property and will be collected at the time of building permits on each lot at the rate of \$4,000 per acre. This fee is applicable when set forth in a subdivision agreement for new development or



significant redevelopment as stated in the Master Fee ordinance. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements. At a minimum there will be shared common area storm sewer improvements in this subdivision.

PRELIMINARY PLAT REVIEW:

9. There is a proposed 25 feet wide "permanent storm sewer, sanitary sewer, and utility easement for the benefit of Replat 5" shown on the easterly end of proposed Lot 1 on Exhibit "PP-1". Since Exhibit "B" notes each lot getting its own sanitary sewer service and a shared storm sewer will be built on the west end of Lot 1, an explanation as to the need for this easement should be provided.

FINAL PLAT REVIEW:

10. The final plat needs to address provision of easement rights for utility companies to serve the lots by notation or illustration or addition of language to the dedication.
11. The adjacent subdivision names to the west, north and east of the property need to be added.
12. Include an illustration and grant of a pedestrian easement for a sidewalk along the private roadway on the east end of Lots 1 and 2.
13. A common area maintenance agreement for the shared storm sewer, as well as any other shared infrastructure, needs to be provided. An acceptable draft maintenance agreement needs to be provided prior to City Council consideration and a signed copy must be provided prior to releasing the final plat mylars for recording.
14. A major storm, storm sewer and utility easement is indicated as existing along the west side of Lot 2, Mayfair 2<sup>nd</sup> Addition Replat Three (Lazlo property). A copy of the executed and recorded easement needs to be provided.

PLAT APPLICATION, ESTIMATE, SUBDIVISION AGREEMENT & MISC:

15. I did not receive a plat application for review, but assume that one was submitted. That document needs to indicate that any infrastructure improvements will be privately funded. This would apply to any shared drainage facilities, extension of sewer stubs, etc.
16. Provide a copy to the City of any existing or proposed private protective covenants affecting this property.
17. A revised draft Subdivision Agreement was submitted. In the first WHEREAS paragraph, change the reference from three lots to two lots. Revise the second paragraph of Section 2 to include a sentence as noted in Item 1 of this review. Add an article to the agreement noting that Lot 2 will



not be considered for an administrative subdivision in the future. This is due to the potential for creation of a lot that will not have direct access to sanitary sewer service and the need to provide for an extension of the shared storm sewer.

18. Revise the layout of the final plat drawing to provide a 5 inch by 2 ½ inch blank space in the upper right corner to allow the Sarpy Register of Deeds a space in which to affix their recording stamp.

I recommend that the applicant revise and resubmit documents to address the items listed above.

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

A handwritten signature in black ink, reading "John M. Kottmann". The signature is written in a cursive style with a large, stylized "J" and "K".

John M. Kottmann  
City Engineer