

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

FOR HEARING OF: November 19, 2009
Report prepared on November 10, 2009

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 5-foot side yard setbacks; 7 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. The final PUD plan and the Subdivision Agreement for the development identified a side yard setback requirement of 7 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 5-foot side yard setbacks. Seven feet is currently required. The developer has stated the additional 4 feet will allow for a 3-car garage, ranch-style home to be built on some of the smaller lots.
2. The engineer for the applicant has submitted calculations (see attachment) regarding the required open space for the development. The requirement in the PUD regulations regarding a minimum of 30% open space is met with the reduced side yard setbacks. (However the areas which qualify to be calculated as open space according to the Zoning Ordinance should be discussed in the future.)
3. Other residential subdivisions which allow for a 5-foot side yard setback include: Cimarron Woods, Southwind and Val Verde. The R-1 district regulations list the minimum side yard setback at 5 feet.
4. The applicant has submitted a draft amendment to the Subdivision Agreement which establishes the modification to the side yard setback, and also identifies a minimum square footage for the houses to be constructed in the subdivision.
The amendment should be revised to identify which lots it will apply to.

V. STAFF RECOMMENDATION:

1. APPROVAL the amendment to the final PUD plan to allow for 5-foot side yard setbacks, and
2. APPROVAL the amendment to the Subdivision Agreement with revision as noted in staff report.

VI. ATTACHMENTS TO REPORTS:

1. Vicinity Map
2. Open Space Calculations
3. Amendment to Residential Subdivision Agreement and Planned Unit Development

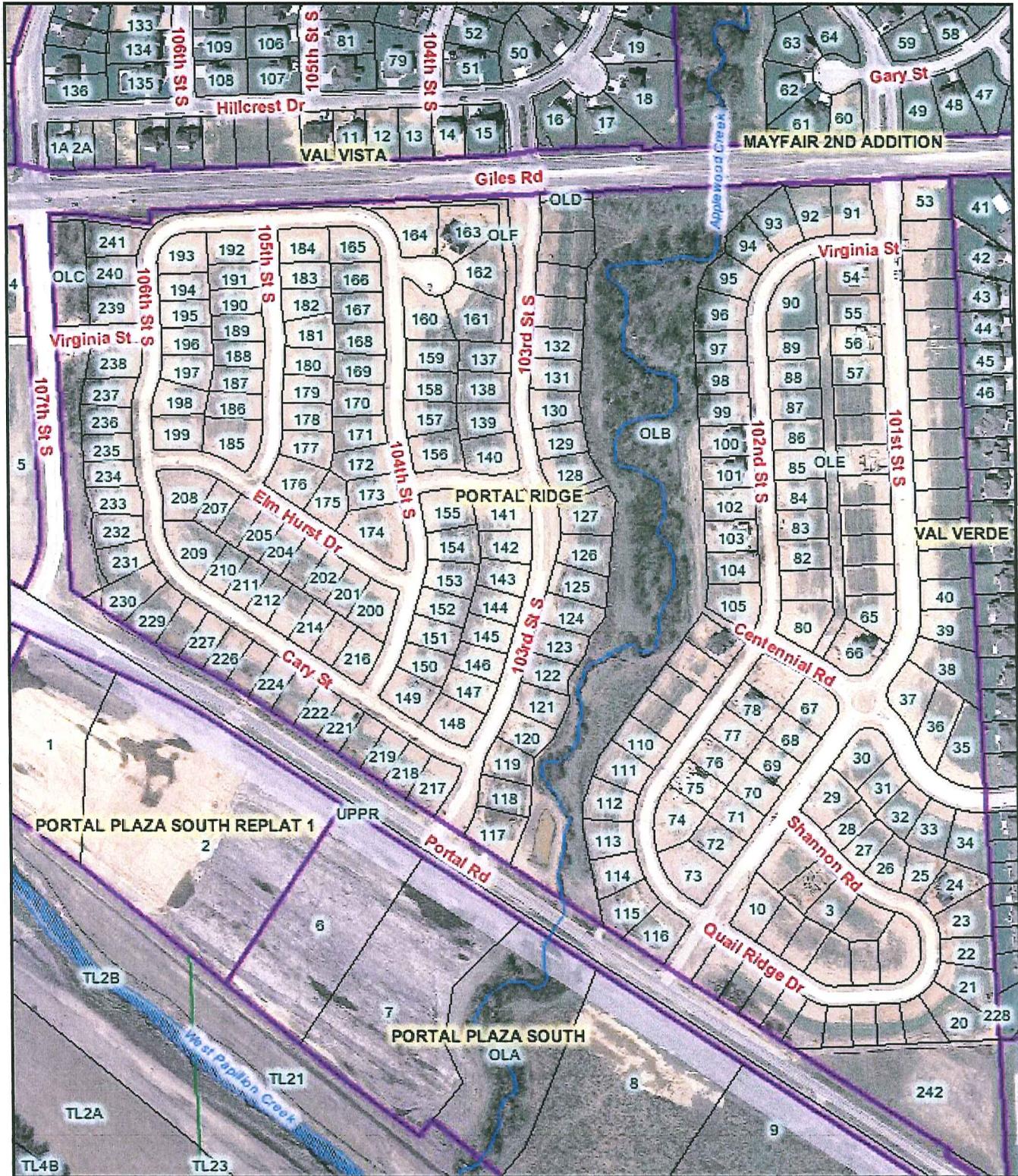
VII. COPIES OF REPORT TO:

1. Tim Young, Boyer Young Development
2. John Fullenkamp, Fullenkamp, Doyle & Jobeun
3. Mark Westergard, E & A Consulting Group
4. Michelle Morehouse, 8515 S. 102nd Street
5. Public Upon Request

MB
Prepared by:

Ann Bril *11-12-09*
Community Development Director Date

Sarpy County, Nebraska



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 = 360 feet

PORTAL RIDGE OPEN SPACE CALCULATIONS

10/19/2009(Added Notes 11/2/09)

	ORIGINAL PLAT WITH 7' SIDEYARDS (ACRES)	2009 PUD WITH 5' SIDEYARDS (ACRES)
PARK / BUFFERS(SEE NOTE 1)	12.4	12.4
SINGLE FAMILY, TOWNHOME TO SETBACK LINES	<u>49.5</u>	<u>47.9</u>
TOTAL OPEN SPACE (X)	61.9	60.3
GROSS SITE AREA (Y)	88.5	88.5
% OPEN SPACE (X / Y)	69.94%	68.14%

NOTES

1 Parks / Buffers

Outlot A	0.869 Acres
Outlot B	9.871 Acres
Outlot C	0.514 Acres
Outlot D	0.06 Acres
Outlot E	0.697 Acres
Outlot F	<u>0.564</u> Acres
	12.575 Acres

2 To calculate the open space on lots, the front(25'), rear(25') side(5') and street side(25') setbacks were considered to be open space.

3 The gross site area if the platted tract area of Portal Ridge.

**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 side yard setback requirements set forth in paragraph 19 of the Agreement shall be amended from 7 to 5 feet on the lots described in the Preliminary Statement above.
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 _____ 2009.

CITY OF LA VISTA, NEBRASKA

By: _____

ATTEST:

APPROVED AS TO FORM:

City Clerk

By: _____
City Attorney

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

On this _____ day of _____, 2009, 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:

By: _____
City Attorney

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)ss.
COUNTY OF SARPY)

On this _____ day of _____, 2009, 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