

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 5, 2010 AGENDA**

Subject:	Type:	Submitted By:
AMENDMENT TO PUD PLAN & AMENDMENT TO SUBDIVISION AGREEMENT – PORTAL RIDGE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance prepared to amend the final planned unit development plan (PUD), and a resolution has been prepared to amend the subdivision agreement to allow for 5-foot side yard setbacks on certain lots in the Portal Ridge subdivision.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider amendments proposed by the developer to allow for 5-foot side yard setbacks on certain lots in the Portal Ridge subdivision.

The original PUD plan for the Portal Ridge subdivision required 7-foot side yard setbacks. The developer has requested an amendment to the PUD plan and Subdivision Agreement to allow for 5 feet on the majority of the vacant lots (157 lots out of a total of 242 platted in the subdivision). 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. The amendment to the Subdivision Agreement also provides for a minimum square footage of each residence to be constructed on these lots (see additional detail in the staff report attached).

The Planning Commission held a public hearing on November 19, 2009, and recommended approval of the amendment to the PUD plan to allow for the 5-foot side yard setbacks and approval of the amendment to the Subdivision Agreement with revisions as noted in the staff report.

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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE NO. 933 BY ESTABLISHING NEW SETBACK STANDARDS FOR CERTAIN LOTS; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. In accordance with Section 5.15 of the La Vista Zoning Ordinance No. 848, the final PUD plan for the Portal Ridge subdivision is amended for the following described real estate, to wit:

LEGAL DESCRIPTION

LOTS 4, 10-14, 16-18, 20, 22, 25-28, 30, 32, 34, 35, 37-50, 62, 64, 67, 68, 70, 71, 73, 74, 79, 81, 83-89, 91-93, 95, 108, 110-112, 114-121, 123, 133, 135-155, 158-160, 165-184, 186-192, 194-197, 199-207, 210-230, 233-236 AND 238-241 PORTAL RIDGE, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA

Section 2. This document provides for the interior side yard setback as established in the final PUD plan to be amended from seven feet to five feet on the above-described lots. Said amendment does not change the underlying R-1 zoning on said real estate as authorized in the PUD plan.

Section 3. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF JANUARY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge; and

WHEREAS, the City has approved an amendment to the final PUD plan to allow for a five-foot interior side yard setback on the following lots: Lots 4, 10-14, 16-18, 20, 22, 25 – 28, 30, 32, 34, 35, 37-50, 62, 64, 67, 68, 70, 71, 73, 74, 79, 81, 83-89, 91-93, 95, 108, 110-112, 114-121, 123, 133, 135-155, 158-160, 65-184, 186-192, 194-197, 199-207, 210-230, 233-236 and 238-241 Portal Ridge, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the January 5, 2010, City Council meeting for Portal Ridge be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS 5TH DAY OF JANUARY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

FOR HEARING OF: January 5, 2010
Report prepared on December 28, 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 on certain vacant lots; 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 on certain lots. 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 also identifies which lots it applies to.

V. STAFF RECOMMENDATION:

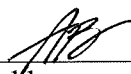
1. APPROVAL the amendment to the final PUD plan to allow for 5-foot side yard setbacks, and
2. APPROVAL the amendment to the Subdivision Agreement with revision as noted in staff report.

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



Prepared by:

 12-28-09

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 interior side yard setback requirements set forth in paragraph 19 of the Agreement shall be amended from 7 to 5 feet on the following described lots, to-wit:

Lots 4, 10-14, 16-18, 20, 22, 25-28, 30, 32, 34, 35, 37-50, 62,
64, 67, 68, 70, 71, 73, 74, 79, 81, 83-89, 91-93, 95, 108, 110-112,
114-121, 123, 133, 135-155, 158-160, 165-184, 186-192,
194-197, 199-207, 210-230, 233-236 and 238-241 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 _____ 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:

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 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: [Signature]
Chairman

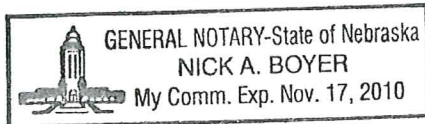
ATTEST: _____
Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)ss.

On this 28 day of DECEMBER, 2009, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Tim Younker, 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.



[Signature]
Notary Public