

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1021

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE.

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, the C-3 (Zoning District) zoning on the following described real estate, to wit:

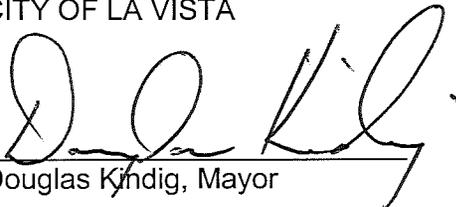
LOTS 1-3, SOUTHPORT EAST REPLAT SEVEN, BEING A REPLATTING OF LOT 1, SOUTHPORT EAST, A SUBDIVISION LOCATED IN PART OF THE SOUTH ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED NE OF EASTPORT PARKWAY & GILES ROAD

is hereby overlaid with a PUD-1 (Planned Unit Development) zone as indicated in the plan previously approved by the La Vista Planning Commission, concerning such described real estate. Said overlay does not change the underlying C-3 zoning on said real estate as authorized in the PUD plan. The Final PUD development plan as submitted by the owner(s) is hereby approved and shall be filed in the office of the City Clerk.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2007.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk

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PUD PLAN

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-1 (Planned Unit Development) plan for Southport East is developed for the following described real estate, to wit:

LEGAL DESCRIPTION

See exhibit "A" attached hereto and made a part hereof.

Section 2. This document provides for a PUD plan for development of a planned commercial center that will service not only the city, but also the surrounding market area. Such commercial center is characterized by attached and free-standing retail, lodging, office, dining and entertainment establishments served by parking areas, and uniquely located on a tract of land that has an area of approximately 5.456 acres. The regulations contained in this Ordinance will facilitate development in a planned, orderly fashion so as to protect the public health, safety, and general welfare. All grading, installation of infrastructure, development and build out shall be in strict accordance with the provisions of this Ordinance, except as shall be amended by the City Council in the required manner. The underlying commercial zoning district regulations shall continue to be applicable, except as provided for in this Ordinance and the attached exhibits.

Section 3. Definitions

Unless a contrary intent is clearly indicated herein, the following words and phrases shall have the following meanings, regardless of whether or not capitalized:

- A. "Anchor Store" shall mean a store containing not less than 35,000 square feet of gross leasable floor area that is part of, or attached to, the shopping center.
- B. "Developer" shall mean R.S. Land, Inc.; its successors and assigns.
- C. "Enclosed Mall" shall mean the enclosed mall portion of the project, exclusive of Anchor Stores.
- D. "Flex Space" shall mean a generic term for smaller footplate buildings combining light manufacturing and warehousing uses with storefront retailing. Usually having a limited amount of large rear door access and a significant retail appearance to the front.
- E. "Free Standing building" shall refer to any building or similar structure other than the Enclosed Mall that houses a single tenant or owner, each of whom conducts a separate business within that building or similar structure.
- F. "Gateway Corridor District" or "La Vista Gateway Corridor District" shall mean the City's overlay zoning district establishing basic site and building development criteria to be implemented within the boundaries of the overlay district.
- G. "Landscaping Easement" shall mean that area adjacent to the street right-of-way providing for required street trees and landscape material.
- H. "Multiple-attached Building" shall refer to any building or similar structure that houses more than a single tenant or owner, and in which numerous, discrete business activities are conducted.
- I. "Open Space" shall mean anything on the site except buildings, parking lot and vehicular circulation, generally pervious, but may include well landscaped pedestrian places, pools, pool decks and roof gardens.
- J. "Planned Unit Development Plan" shall mean a plan developed and approved that outlines certain provisions for the property and its uses. Such plan shall consist of the final plat, design guidelines, landscaping, etc.
- K. "Plat" or "the Plat," shall mean the final plat approved by the City Council.
- L. "Southport East Design Guidelines" shall mean the specific guidelines jointly developed, agreed to and amended by Developer and City for the Subdivision for the purpose, among others, of creating cohesiveness and ensure quality of materials, aesthetics and maintenance upon which all tenants and owners can rely and to ensure

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view continuity and creation of a sense of place through the use of common elements of site and architecture, a copy of which is attached to this Agreement as Exhibit "C" hereto.

- M. "Subdivision" shall mean the 5.456 acres of land described in Exhibit "A" hereto, to be known as "Southport Village."

Section 4. Parcel Identification Map

Attached hereto and made a part of this PUD plan for parcel delineation is the parcel Identification Map for the Southport East PUD (Planned Unit Development), marked Exhibit "B".

Section 5. Conceptual Site Plan

A conceptual site plan for each parcel shall be submitted to the City for approval prior to any lot development within said parcel.

Section 6. Allowed Uses

Unless otherwise provided in this Ordinance, all Permitted and Permitted Conditional Uses allowed within the C-3 Highway Commercial/Office Park District shall be allowed in Southport Village except as modified below:

- A. The following uses shall be prohibited:
- i. Automobile/motor vehicle sales

Section 7. Building Design Guidelines and Criteria

The developer shall present to City for its review and approval or modification specific design criteria in the form of the "Southport East Design Guidelines" as the design criteria to be utilized in the Subdivision. A copy of the Southport East Design Guidelines in the form approved and amended by the City is attached to this PUD Plan as Exhibit "C". All applications shall adhere to requirements of the approved PUD Plan and Design Guidelines. Prior to issuance of a building permit, the City, Developer and the applicant shall have mutually agreed upon a specific design plan that complies with such criteria. Generally, the Southport East Design Guidelines of the PUD Plan take the place of Appendix A, B, and C of the City's Commercial Building Design Guide and Criteria dated September 15, 1999. The City Administrator shall determine which design criteria is applicable in the event of a conflict between the two documents reference herein.

Section 8. Conditions

Section 5.15 of the La Vista Zoning Ordinance No. 848 includes the Planned Unit Development Overlay District (PUD) and establishes certain regulations and guidelines pertaining to accompanying information required on a Plat, Site Plan and/or conditional use permits. All uses shall adhere to the underlying zoning district except as herein provided.

A. General Conditions

The Parcel Identification Map and Conceptual Site Plan incorporate commercial uses (office, retail, and lodging) on Lots 1-3.

In addition, the following general site plan criteria shall be integrated into and made part of the Southport Village PUD.

- i. All subdivisions, public streets, public street rights-of-way and general development shall adhere to the standards and design criteria set forth in the La Vista Subdivision Regulations and the most current design standards adopted by the City of La Vista pertaining thereto unless otherwise stated within this PUD Plan and Southport East Design Guidelines.
- ii. Unless otherwise specified herein, the development of the Southport Village PUD shall comply with the applicable La Vista Zoning District Regulations or any other applicable City Codes.

B. Land Use Design Criteria

Unless provided otherwise in this PUD Plan, all general use regulations, performance standards and provisions set forth in the La Vista Zoning Ordinance

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for the appropriate commercial zoning districts shall apply to any development within the identified area. The negative elements of such uses as loading docks, heating, ventilation, or air conditioning (HVAC) units, or similar electrical or mechanical appurtenances shall be designed to be screened and buffered from view by the general public through the use of architectural features or earth berming and landscaping.

- i. The intent of the design and layout of this development (Lots 1-10) is to develop retail and office center(s) and/or individual businesses.
 - a. Building Height. Within these lots, permitted building heights will be a maximum of fifty-five (55) feet above the average finished grade of the ground at the perimeter of the building.
 - b. Building Setback. No part of any free standing or multiple-attached building shall be erected within ten (10) feet of the property line. The front yard, side yard and rear yard set backs will be no closer than (10) feet of the property line.
 - c. Open Space/Buffer. The minimum required open space for each lot in this Parcel shall be equal to at least twenty-five percent (25%) of the gross area of the lot. Parking areas, except for driveways shall be effectively screened from general public view by incorporating the natural landscape and topography with the introduction of permanent earth berming of no less than two and one half (2 1/2) feet above the top of curb of the adjacent public street. In any case, all parking areas shall include landscape areas, islands, screens, etc., equal to not less than ten percent (10%) of the total paved area. Such landscaped areas may be included as part of the 25% total open space. Landscaped islands within the parking area shall have ground cover of sodded grass, shrubs or other acceptable living plant material, unless the City specifically approves an alternate ground cover as part of the site plan review.
 - d. Landscaping. Landscape will include the integration of recommended overstory and understory trees, shrubs and ornamental grasses (Exhibit D) throughout. The minimum landscaping required shall be two (2), 2-2 1/2 " caliper trees and five(5), shrubs or ten (10) clump ornamental grasses at 18-24" in height per one thousand (1,000) square feet of open space in each lot of the Parcel. The minimum height of coniferous trees shall be six (6) feet and may be counted as 2-2 1/2 inch caliper. These are minimum requirements. A complete and detailed landscape plan is required prior to building permit approval to assure compliance with the vision of Southport Center Development and its approved guidelines.
 - e. Signage. All signs identifying the project may be permitted with approval of a sign permit based upon the adopted sign regulations and design guide except as modified herein.
 - f. Public Spaces. Feature lakes, detention pond areas, easements for public amenities, sidewalks within open areas, pedestrian plazas and paved outdoor spaces (excluding parking lots) are encouraged in order to link commercial areas with pedestrian plazas and to create interaction.

C. Commercial, Office and Mixed Use Site Design Guidelines

Off-street parking should be behind or beside the building when possible. Buildings should be arranged to create view corridors between pedestrian destinations within and adjacent to the site including building entrances and open spaces. The corners of street intersections, particularly site entries, should be distinguished by special landscape or architectural treatments. The use of alternate paving materials to designate pedestrian traffic areas from vehicular use areas and travel lanes is strongly encouraged. The design of all streets and parking lots shall permit the travel of the fire department's vehicle access requirements. Overhead doors and loading docks shall be totally screened from public streets. When possible, the integration of storm drainage and detention should be designed to enhance the public space.

D. Access and Off-Street Parking

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- i. Access. Driveways shall be located so that no undue interference with the free movement of road traffic will result, to provide the required sight distance, and to provide the most-favorable driveway grade. Access points within the development shall be limited to what is shown on the final plat and subdivision agreement. Any deviation from this shall require the approval of the City.
- ii. Off-Street Parking. Parking on lots in the identified area shall be provided based on the aggregate ratio of four and a half (4.5) off-street parking spaces per one thousand (1,000) square feet of gross leasable floor area of improvements constructed on each lot, unless off-site/public parking is utilized with approval of the city.
 - a. Landscaping.
 - (1) Off-street parking areas containing twenty-five (25) or more parking spaces shall provide internal landscaping, other than that required in a buffer zone or along street frontages, and shall be protected by a concrete curb.
 - (2) Landscape islands a minimum of seven (7) feet in width shall be provided at the end of all parking rows. In addition, landscape islands a minimum of seven (7) feet in width shall be provided throughout the parking lots such that no parking space is farther than one hundred twenty (120) feet away from any landscaped space.
 - (3) Required trees shall be located to minimize potential damage to vehicles, to insure adequate sight distance, and the maneuvering of emergency vehicles within the development and each lot.
 - (4) The internal landscaped areas shall be located to direct traffic, dispersed throughout the lot to improve site aesthetics, and installed so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
 - (5) Parking areas shall be screened, recessed, or otherwise constructed and located so as to prevent the glare from automobile headlights illuminating adjacent properties and to minimize negative views from public streets.
 - (6) Parking area lighting shall be shielded so as to prevent illumination of adjacent properties. A lighting plan shall be submitted for review in conjunction with any site plan.
 - (7) Off-street loading areas shall not interfere with or impede the circulation or flow of traffic.

E. Signage

All signs may be permitted with approval of a sign permit based upon the adopted sign regulations, except as modified herein. To the extent that the provisions of this PUD Plan conflict with or are more restrictive than similar provisions provided in the La Vista Zoning Ordinance, the provisions of this PUD Plan shall control.

This Ordinance recognizes that because of the size and scope of the project, and because access will be obtained to the development via large public arterial streets, the project has an extraordinary need for flexibility in the signage regulations applicable thereto.

- i. Project Directory Signs. Project Directory Signs shall be allowed on the internal roadways of the subdivision to help facilitate movement through and around the development. The sign area, setback, and number of project directional signs located within the development shall be determined in conjunction with the issuance of the sign permit for the development. The Project Directory Signs may contain directional information about the location of individual businesses within the development, and such information may be set forth the name of the business and use logos, service marks, or stylized letters that are identified with that business. Any Project Directory Sign may contain the Developer's logo for the development.

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- ii. Center Identification Signs. Multi-tenant buildings, multi-attached buildings and free standing buildings as part of a mall in the identified area may be allowed to advertise on center Identification signs. Such signs shall be a maximum of twenty-four (24) feet in height and contain a maximum of one hundred fifty (150) square feet of signage. Center identification signs may be allowed for individual users to identify their location off of internal streets or driveways with the approval of a sign permit. Such signs may include logos; located at least twenty (20) feet from the street right-of-way and ten (10) feet from the property line; and at not more than one per entrance.
- iii. Monument Signs. Monument signs for free standing buildings in the identified area shall not exceed ten (10) feet in height. Such signs may include logos; located at least ten (10) feet from the street right-of-way and ten (10) feet from the property line; and at not more than one per street frontage.

Section 9. Amendment to this PUD Plan. Application for amendments to this PUD plan may be made only by the Developer as long as it holds ownership of any portion of Southport East Replat Seven. This shall overwrite Section 5.15.09 of the 2001 La Vista Nebraska zoning ordinance. Minor modifications may be made to the common area improvements with administrative approval by City of La Vista staff.

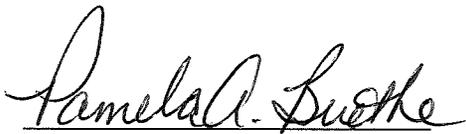
Section 10. That this Ordinance shall be in full force and effect after its passage approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY, 2007.

CITY OF LA VISTA


Douglas Kindig, Mayor

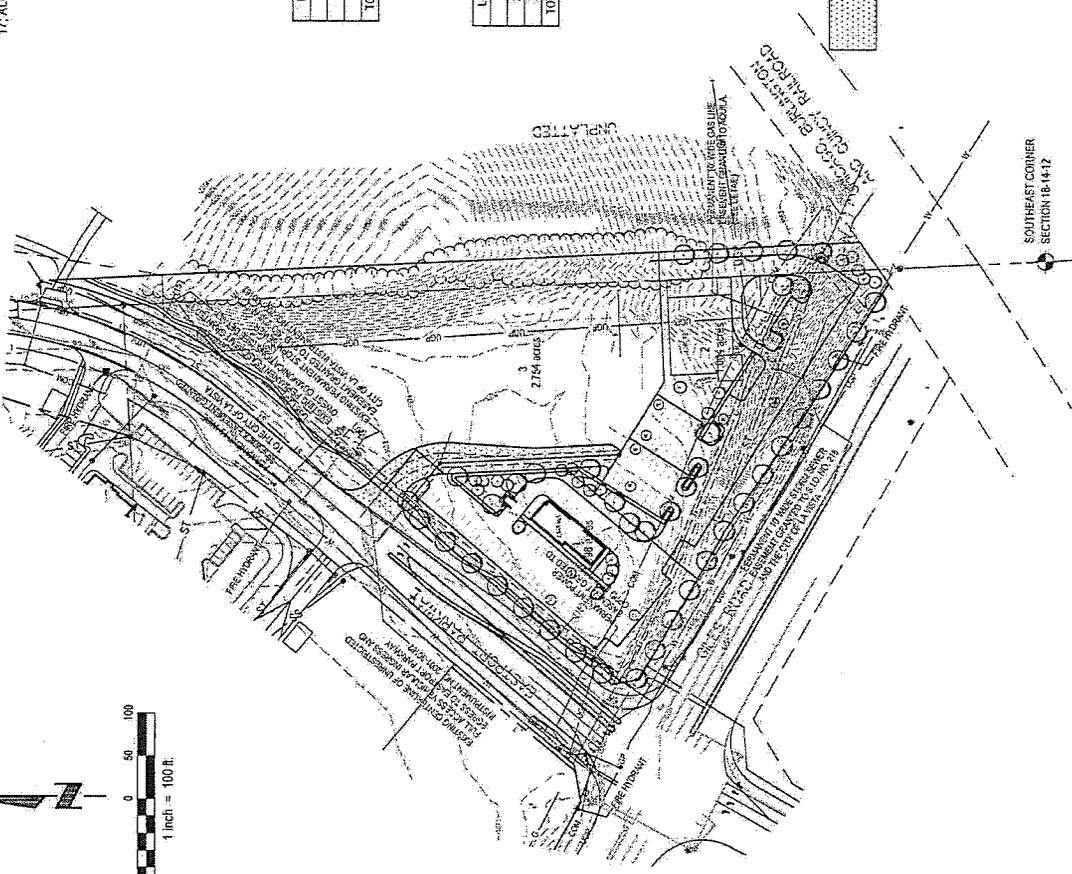
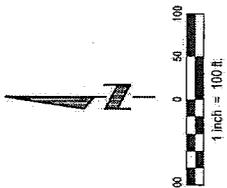
ATTEST:


Pamela A. Buethe, CMC
City Clerk

SOUTHPORT EAST REPLAT SEVEN

LOTS 1 THRU 3 INCLUSIVE

A REPLATING OF LOT 1, SOUTHPORT EAST, A SUBDIVISION LOCATED IN PART OF THE EAST 1/2 OF SECTION 18, AND ALSO BEING A PLATTING OF TAX LOT 17, A TAX LOT LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SAND SECTION 18; AND ALSO BEING A PLATTING OF VACATED 120TH STREET RIGHT-OF-WAY LOCATED IN SAID SE 1/4 OF THE SE 1/4 OF SECTION 18, AND ALSO THE SW 1/4 OF SECTION 17; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARY COUNTY, NEBRASKA.



LOT #	AREA
1	1,029.38 SQ. FT.
2	1,804.88 SQ. FT.
3	2,734.00 SQ. FT.
TOTAL	5,568.26 SQ. FT.

BUILDING COVERAGE			
LOT #	AREA	BLDG.	% COV.
1	41,829 SQ. FT.	2,845 SQ. FT.	6.8 %
2	69,070 SQ. FT.	6,000 SQ. FT.	8.6 %
3	119,965 SQ. FT.		
TOTAL	230,864 SQ. FT.		

OPEN SPACE			
LOT #	AREA	OPEN	% OPEN
1	47,829 SQ. FT.	18,746 SQ. FT.	39.2 %
2	69,070 SQ. FT.	26,520 SQ. FT.	38.5 %
3	119,965 SQ. FT.		
TOTAL	237,864 SQ. FT.		

PARKING SPACES	
REQUIRED	AVAILABLE
1	14
2	31
3	82
TOTAL	

COMMON AREA ROAD
(TO BE PAVED WITH NOT LESS THAN 7 INCH THICK PORTLAND CEMENT PAVEMENT TO A WIDTH OF AT LEAST 25 FEET)

- NOTES:
1. LOT 3 SHALL HAVE UNLIMITED ACCESS TO THE COMMON AREA ROAD.
 2. LOTS 1, 2, AND 3 MAY BE DEVELOPED AS ALLOWED IN THE CURRENT ZONING DISTRICT.
 3. SITE PLAN, INCLUDING BUILDINGS SHOWN ON LOTS 1 & 2 ARE FOR CONCEPTUAL USE ONLY.
 4. THE SIDEWALK ALONG EASTPORT PARKWAY TO BE PAVED 6 INCHES THICK AND 4 FEET WIDE.

Revisions	
Date	By
12/19/2005	JBE
02/02/2007	LJD

Proj No: 200003029
Date: 1/11/2005
Designed By: JBE
Drawn By: LJD
Scale: 1" = 100'
Sheet 1 of 1

PUD PLAN

SOUTHPORT EAST REPLAT SEVEN
LA VISTA, NEBRASKA



E&A CONSULTING GROUP, INC.
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