

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1036

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE NO. 1021 BY REPEALING THE FINAL PUD DEVELOPMENT PLAN ON FILE IN THE OFFICE OF THE CITY CLERK; ESTABLISHING NEW STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; 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-1 (Planned Unit Development) plan for Southport East Replat Seven is amended for the following described real estate, to wit:

LEGAL DESCRIPTION

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.

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. "Developer" shall mean R.S. Land, Inc.; its successors and assigns.
- B. "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.
- C. "Landscaping Easement" shall mean that area adjacent to the street right-of-way providing for required street trees and landscape material.
- D. "Open Space" shall mean anything on the site except buildings, parking lots and vehicular circulation areas, generally pervious, but may include well landscaped pedestrian plazas.
- E. "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, conceptual PUD Site Plan and PUD Plan narrative.
- F. "Plat" or "the Plat," shall mean the final plat approved by the City Council.
- G. "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 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 Ordinance No. 1021 as Exhibit "C".
- H. "Subdivision" shall mean the 5.456 acres of land described in Section 1 above, to be known as "Southport Village."

Section 4. Conceptual PUD Site Plan

A conceptual site plan for each parcel shall be submitted to the City for approval prior to any

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lot development within said parcel.

Section 5. Allowed Uses

Unless otherwise provided in this Ordinance, all Permitted Uses 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
 - ii. Uses listed as exempt from property taxes under Neb. RS 77-202.

Section 6. Building Design Guidelines and Criteria

A copy of the Southport East Design Guidelines in the form approved and amended by the City as Exhibit "C" to Ordinance No. 1021, with the exception of Section 5.C. regarding Roofs, which is attached to this ordinance as Exhibit "1", and Appendix E regarding Interior Property Line Plantings, which is attached to this ordinance as Exhibit "2". 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. The Southport East Design Guidelines take the place of the City's Commercial Building Design Guide and Criteria dated September 15, 1999. The City Administrator shall make the final determination in the event of a conflict.

Section 7. Conditions of the PUD-1 District

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 permit. The Southport Village development shall comply with Section 5.15.04 of the Zoning Ordinance.

A. General Conditions

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

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

- 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 for the C-3, Gateway Corridor and PUD-1 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 for Lots 1-3, Southport East Replat Seven 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 abutting a shared

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access easement will be no closer than (10) feet from the back of the private street curb..

- 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 (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. Appendix E of the Southport East Design Guidelines regarding interior property line plantings and minimum 10 foot green space may be waived if the requirements of this section have been satisfied.
- d. Landscaping. Landscape will include the integration of recommended overstory and understory trees, shrubs and ornamental grasses per the Southport East Design Guidelines. A complete and detailed landscape plan is required prior to building permit approval to assure compliance with the vision of Southport Village 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 Southport East Design Guidelines.
- 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 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 and/or shared access easements, 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. 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

- 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 Section 7.06 of the Zoning Ordinance, or 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 multi-tenant flex buildings, 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,

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- 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 in accordance with the Southport East Design Guidelines. A lighting plan shall be submitted for review in conjunction with the building design and landscaping plan.
 - (7) Off-street loading areas shall not interfere with or impede the circulation or flow of traffic.

E. Signage

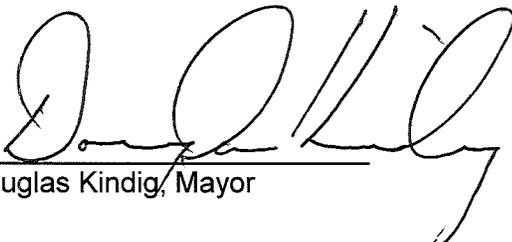
All signs may be permitted with approval of a sign permit based upon the adopted sign regulations, except as modified by the Southport East Design Guidelines.

Section 8. Amendment to this PUD Plan. Application for amendments to this PUD Plan may be made by the Developer as long as the applicant owns property within the Subdivision. This shall overwrite Section 5.15.09 of the Zoning Ordinance. Minor modifications may be made to the common area improvements with administrative approval by the City Administrator or designee. Major amendments shall be reviewed as per Section 5.15.05 of the Zoning Ordinance. Surrounding property owners within the Subdivision will be notified of proposed major amendments and be given an opportunity to provide comments.

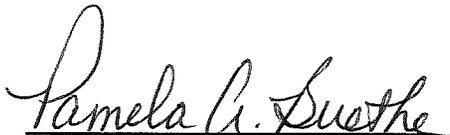
Section 9. This Ordinance shall be in full force and effect after its passage approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2007.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk

5. SOUTHPORT'S STYLE

I. GENERAL STYLE REQUIREMENTS

- A. Every building within the Southport development shall have an eclectic style that is weighted towards the historical which will give the development life and vitality from the complexity and detail of building forms, richness of materials and detailing, and commonality of materials and colors. Office buildings within Southport can develop a contemporary interpretation of the historically eclectic style. See the *Building Elements* section of this document for further clarification.

II. SPECIFIC STYLE REQUIREMENTS

- A. All buildings shall have a recognizable base, mid-façade (or middle), and cornice. Proportionally the mid-façade shall comprise the largest percentage of the building, followed by the base, which, in turn, is followed by the cornice.
1. A **recognizable base** can be achieved by, but not limited to:
 - a. Change in plane between the base and mid-façade
 - b. Change of material from the mid-façade.
 2. A **recognizable mid-façade** (middle) shall:
 - a. Be comprised of the main primary building material(s).
 3. A **recognizable cornice** can be achieved by, but not limited to:
 - a. Change in plane between the cornice and mid-façade.
 - b. Change of material from the mid-façade.

B. WINDOWS/ MULLIONS

1. In keeping with the historically weighted eclectic style selected for the Southport development, it is desirable that all window openings would be smaller scaled "punched" windows. Horizontal strip windows will not be allowed. However, in understanding the needs of modern day business, the following will also be allowed:
 - a. Office buildings: The mid-façade (middle) could entirely or partially be comprised of a curtain-wall window system.
 - b. Retail Buildings: May have larger scaled "store-front" type openings.
 - c. Flex Space Buildings: May have larger scaled "store-front" type openings.
2. All window mullions shall be natural aluminum in color.

C. ROOFS

1. All buildings shall have either flat roofs or pitched roofs.
 - a. Flat roofs shall have a slope of less than 1/12. They may be either adhered or ballasted. If adhered the membrane shall be in the lighter color ranges.
 - b. Pitched Roofs shall have a slope of 6/12 or greater. They shall be comprised of standing seam metal roofing of a color range that is complimentary to the main body color of the building façade and that is approved by the City.

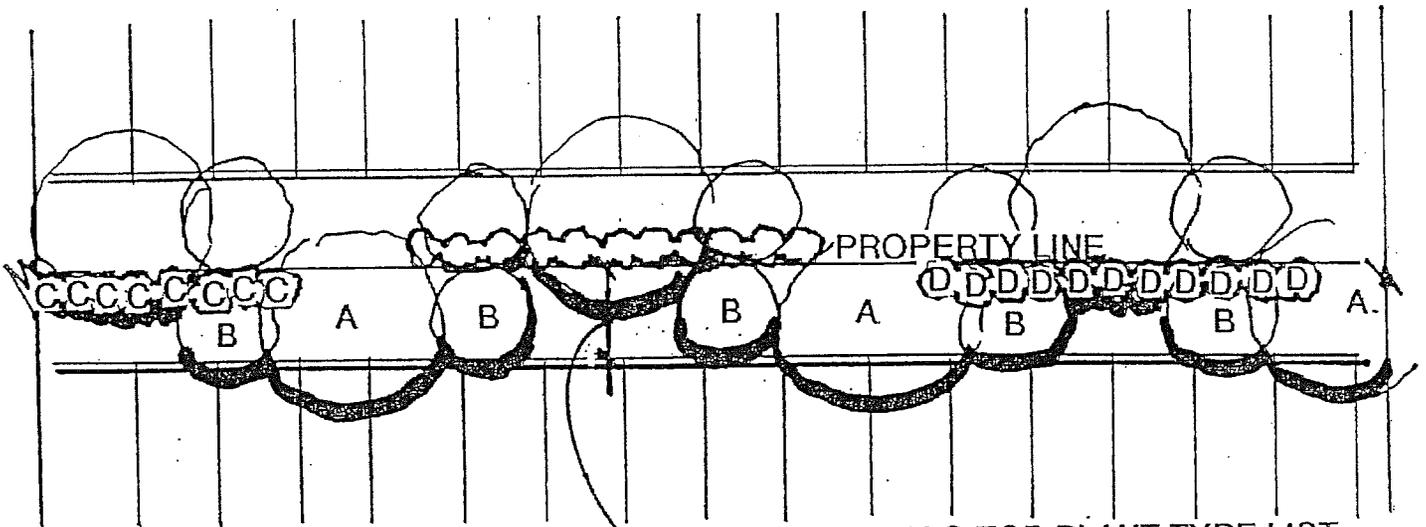
D. DIVERSITY OF BUILDING MATERIALS

- Every building shall have a minimum of (3) and a maximum of (5) primary and/or secondary building materials.

1. Office Building Requirements

16. APPENDIX E: Interior Property Line Plantings

APPENDIX E may be waived for Lots 1-3, Southport East Replat Seven if the requirements of the PUD Plan Section 7.B.c, Open Space/Buffer, have been satisfied.



SEE APPENDIX G FOR PLANT TYPE LIST
MINIMUM 10 FOOT GREEN SPACE
ALONG ALL INTERIOR PROPERTY LINES.

Scale 1"= 20'-0"