

# ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1319

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE 1045 WITH RESPECT TO LOTS 1-4 SOUTHPORT EAST REPLAT NINE, AND ORDINANCE 1020 WITH RESPECT TO LOTS 14A AND 15A, SOUTHPORT EAST REPLAT EIGHT; ESTABLISHING 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 PUD (Planned Unit Development) for Lots 1-4 Southport East Replat Nine, and the PUD (Planned Unit Development) for Lots 14A and 15A Southport East Replat Eight, are each amended, and combined into a single PUD, for the following described real estate, to wit:

### LEGAL DESCRIPTION

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

Section 2. The PUD plan is hereby adopted to provide for the 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 various parking areas. 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, with respect to: Lot 1 Southport East Replat Nine, McDermott Gen3 Properties, LP, and Patrick McDermott; Lot 2 Southport East Replat Nine, John Hoich and Michael McDermott; Lot 3 Southport East Replat Nine, The Lund Company Partnership; Lot 4 Southport East Replat Nine, John Hoich and Michael McDermott; Lot 14A Southport East Replat Eight, Lund Southport 14, LLC; and Lot 15A Southport East Replat Eight, Lund Southport 76, LLC, and Lund Southport 24, LLC, their respective 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 lot and vehicular circulation, generally pervious, but may include well landscaped pedestrian places, pools, pool decks and roof gardens.
- 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, landscaping, etc.

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- F. "Plat" or "the Plat," shall mean the final plat approved by the City Council or an administrative plat approved by staff.
- 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. 1019 as Exhibit "C".
- H. "Subdivision" shall mean the 17.0077 acres of land described in Section 1 above, which shall continue to be a part of the "Southport Center."

## 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 Center Amended PUD (Planned Unit Development), marked as Exhibit "B".

## Section 5. Conceptual Site Plan

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

## Section 6. Building Design Guidelines and Criteria

A copy of the Southport East Design Guidelines in the form approved and amended by the City is attached to Ordinance No. 1019 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. The Southport East Design Guidelines take the place of the Appendix A, B, and C of the City's Commercial Building Design Guide and Criteria dated September 17, 2013. The City Administrator shall determine which design criteria is applicable in the event of a conflict between the two documents referenced herein.

## Section 7. 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

In addition, the following general site plan criteria shall be integrated into and made part of the Southport Center Amended 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 Center Amended 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

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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, 2 and 4, Southport East Replat Nine is to develop retail, restaurant(s), hotel(s) and office center(s) and/or individual businesses; Lot 3, Southport East Replat Nine is to develop retail, restaurant(s), hotel(s), office center(s), individual businesses, and/or parking lots to service other Lots as an accessory use as authorized by C-3 zoning designation; Lots 14A and 15A, Southport East Replat Eight is to develop retail, restaurant(s), hotel(s) 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. Unless otherwise approved by the City Council as part of a PUD Plan.
  - 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 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 percent (20%) of the gross area of the lot. Except as to Lot 3, Southport East Replat Nine, all 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 20% 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. Landscaping 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 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 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 to link commercial areas with pedestrian plazas and to create interaction.

## C. Commercial, Office and Mixed Use Site Design Guidelines

Except with respect to Lot 3, Southport East Replat Nine, which Lot may be utilized as a parking lot (accessory use) for the benefit and use of Lots 14A and 15A Southport East Replat Eight, 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

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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. It shall be the City Administrator who shall determine which design criteria is applicable in the event of a conflict between the two documents referenced herein.

## 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 plan referenced on Exhibit "B". Any deviation from this shall require the approval of the City.
- ii. Off-Street Parking. Except with respect to Lot 3, Southport East Replat Nine, which Lot may be utilized as a parking lot (accessory use) for the benefit and use of Lots 14A and 15A Southport East Replat Eight, parking on lots 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, 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.

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7. Off-street loading areas shall not interfere with or impede the circulation or flow of traffic.

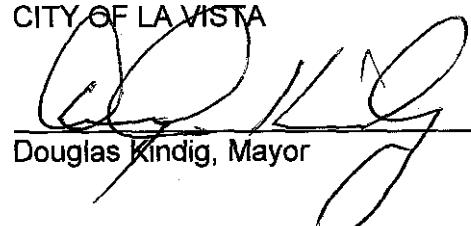
E. Signage

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. 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.

**Section 8. Severability Clause.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section 9.** 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 19TH DAY OF DECEMBER, 2017.

CITY OF LA VISTA  
  
Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk

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## EXHIBIT A LEGAL DESCRIPTION

LOTS 1-4, SOUTHPORT EAST REPLAT NINE, SUBDIVISIONS LOCATED IN THE SE  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED SE OF GILES ROAD AND SOUTHPORT PARKWAY.

AND

LOTS 14A AND 15A, SOUTHPORT EAST REPLAT EIGHT, A SUBDIVISION LOCATED IN THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>th</sup> P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED NE OF SOUTHPORT PARKWAY & PORT GRACE BOULEVARD.

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EXHIBIT B  
Parcel Identification Map for the Southport Center Amended PUD

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## EXHIBIT C Southport East Design Guidelines