

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1013

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCES NO. 948, 970, AND 1004, AND THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO REPEAL ORDINANCES NO. 948, 970 AND 1004 AS PREVIOUSLY ENACTED; 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 West is amended for the following described real estate, to wit:

LEGAL DESCRIPTION

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

Section 2. The current PUD-1 plan was approved by Ordinance No. 948 on December 21, 2004, and amended by Ordinance No. 970 on November 15, 2005, and Ordinance No. 1004 on September 5, 2006. The final PUD-1 plan is hereby amended to provide for the development of a planned regional commercial center that will service not only the city, but also the surrounding market area. Such commercial center is characterized by a single major structure, along with both 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 149.443 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 and industrial 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. "Big Box Retail Store" shall mean a store that is typically a one-story warehouse building with a height of 30 feet or more, simple and rectangular in construction, ranging in size from 75,000 to 260,000 square feet, and which may include fast-food restaurants, other accessory retail uses, and limited services with an entrance inside the primary retail establishment. It is generally a stand-alone building with a large parking lot or part of a larger shopping center. Four major types of big box stores include: large general merchandise stores, specialized product stores, outlet stores, and warehouse clubs.
- C. "Developer" shall mean Southport West Partners, LLC, SPW Partners LLC, Cabela's Retail INC, JQH La Vista CY Development LLC, Heritage Westwood La Vista LLC, their successors and assigns, and the City of La Vista, Nebraska.
- D. "Enclosed Mall" shall mean the enclosed mall portion of the project, exclusive of Anchor Stores.
- 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.

ORDINANCE RECORD

Ordinance No. 1013

No. 728—REDFIELD & COMPANY INC., OMAHA

- G. "Hotel and Convention Center" shall mean a Hotel and Conference Center proposed to be constructed on Lot 1, Southport West Replat Two.
- H. "Landscaping Easement" shall mean that area adjacent to the street right-of-way providing for required street trees and landscape material.
- I. "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.
- J. "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.
- K. "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.
- L. "Plat" or "the Plat," shall mean the final plat approved by the City Council.
- M. "Southport West 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 this Agreement as Exhibit "C" hereto.
- N. "Subdivision" shall mean the 149.443 acres of land described in Exhibit "A" hereto, to be known as "Southport West Subdivision."

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 West 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 on Parcels 1 and 2 except as modified below:

- A. The following uses shall be prohibited:
 - i. More than two fast food establishments with drive-thrus.
 - ii. More than one convenience store with limited fuel sales.
 - iii. Automobile/motor vehicle sales.
 - iv. Uses listed as exempt from property taxes under Neb. RS 77-202.
- B. The following uses shall be permitted only as an accessory use to an Anchor Store:
 - i. Automotive repair or service.
 - ii. Fuel sales (passenger vehicles).
 - iii. Horse and pet storage, except for overnight stay.

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 West Design Guidelines" as the design criteria to be utilized in the Subdivision. A copy of the Southport West 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 West 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

ORDINANCE RECORD

Ordinance No. 1013

No. 728—REDFIELD & COMPANY INC., OMAHA

September 15, 1999. The City Administrator shall determine which design criteria is applicable in the event of a conflict between the two documents referenced 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 and retail) on Parcel 2.

In addition, the following general site plan criteria shall be integrated into and made part of the Southport West 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 West Design Guidelines.
- ii. Unless otherwise specified herein, the development of the Southport West 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 appropriate commercial and industrial zoning districts shall apply to any development within Parcels 1 and 2. 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. Parcel 1. The intent of the design and layout of Parcel 1 (Lot 1, Southport West Replat Two) is to develop a hotel(s) and conference center.
 - a. Building Height. Within these lots, permitted building heights will be a maximum of one hundred (100) feet above the average finished grade of the ground at the perimeter of the building or as allowed by the Federal Aviation Administration (FAA).
 - b. Building Setback. No part of any building eight (8) stories or under in height shall be erected within sixty (60) feet of the property line. No part of any building over eight (8) stories in height shall be erected within one hundred twenty-five (125) feet of the property line.
 - c. Open Space/Buffer. The minimum required open space 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 ½) 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. Landscaping will include the integration of recommended overstory and understory trees, shrubs and grasses (Exhibits "C" and "D") throughout. Two (2) trees and five (5) shrubs or ten (10) clump ornamental grasses per one thousand (1,000) square

ORDINANCE RECORD

Ordinance No. 1013

No. 728—REDFIELD & COMPANY INC., OMAHA

feet of required open space. Twenty percent (20%) of all required trees shall be a minimum of 3-3 ½ inch caliper. Eighty percent (80%) of all required trees shall be a minimum of 2-2 ½ inch caliper. The minimum height of coniferous trees shall be six (6) feet and may be counted as 2-2 ½ inch caliper. Required shrubs and ornamentals grasses shall be a minimum of 18-24" in height. These are minimum requirements. Landscaping along Westport Parkway and throughout parking lots shall be consistent with Exhibit "C". A complete and detailed landscape plan is required prior to building permit approval to assure compliance with the vision of Southport West 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.
- ii. Parcel 2. The intent of the design and layout of Parcel 2 (Lots 1-4, 15, 16, 19, 20, and 23-27, Southport West; Lots 1-3, Southport West Replat One; and Lots 2 and 3, Southport West Replat Two) 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 seventy-five (75) feet above the average finished grade of the ground at the perimeter of the building or as allowed by the FAA.
 - b. Building Setback. No part of any free standing or multiple-attached building shall be erected within fifty (50) 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 ½) 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 grasses (Exhibits "C" and "D") throughout. The minimum landscaping required shall be two (2), 2-2 ½ " 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 ½ inch caliper. These are minimum requirements. Landscaping along Westport Parkway and Southport Parkway and throughout parking lots shall be consistent with Exhibit "C". A complete and detailed landscape plan is required prior to building permit approval to assure compliance with the vision of Southport West 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 in order to link commercial areas with pedestrian plazas and to create interaction.

C. Commercial, Office and Mixed Use Site Design Guidelines

Buildings in Parcel 2 should be located on the setback line with no parking between the building and street right-of-way along Westport Parkway, unless otherwise oriented to access roads in a campus design or developed in conjunction with designated public /city owned parking properties. Off-street parking should be behind or beside the building when possible. Buildings should

ORDINANCE RECORD

Ordinance No. 1013

No. 728—REDFIELD & COMPANY INC., OMAHA

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

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 Parcels 1 and 2 should 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, fires 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. See Exhibits "E-1" and "E-2" for proposed site signage and example locations.

ORDINANCE RECORD

Ordinance No. 1013

No. 728—REDFIELD & COMPANY INC., OMAHA

- i. Subdivision Signs. Two subdivision signs not to exceed fifty (50) square feet and fifteen (15) feet in height shall be allowed at each of the three (3) main entrances. Architectural elements of such signs shall not exceed maximum height for structures in the respected zoning district. The usage of such signs shall be limited to identification of the development itself. Such signs shall be setback a minimum of twenty (20) feet from the property line.
- ii. Identification Sign. One electronic message sign of no greater than twenty-five (25) feet in height may be allowed along the Interstate for City, conference and/or subdivision information, including events and business identification. Such sign shall be setback a minimum of twenty (20) feet from the property line and located upon a dedicated easement. Such sign shall not be of such intensity as to adversely affect adjacent properties or vehicular traffic.
- iii. Project Directory Signs. Project Directory Signs shall be allowed on the internal roadways, access roads, traffic lanes, walkways, sidewalks, access ways and trails 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 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 and/or name for the development.
 - a. Vehicular Directory Signs. Vehicular Directory Signs shall not exceed ten (10) feet in height or twelve (12) feet in width with a maximum of eighty (80) square feet of sign area.
 - b. Pedestrian Directory Signs. Pedestrian Directory Signs shall not exceed ten (10) square feet per sign face with a maximum of four sign faces per structure. If attached to a light pole, the sign must have at least an eight (8) foot clearance between the level of the grade or sidewalk and the bottom of the sign face support structure.
- iv. Center Identification Signs. Multi-tenant buildings, multi-attached buildings and free standing buildings as part of a mall in Parcel 2 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.
- v. Monument Signs. Monument signs for free-standing buildings in Parcel 2 shall not exceed twenty (20) feet in height. 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 street frontage.
- vi. Wall Signs – Big Box Retail Stores. Wall signs for big box retail stores may be erected on each exterior wall at a rate of three (3) square feet of sign area per one (1) lineal foot of exterior wall on a continuous plane, not to exceed ten percent (10%) of the wall area or one thousand (1,000) square feet, whichever is less. All signage constructed as wall signs may incorporate logos, service marks, and stylized letters that are identified with that business into the wall sign. Accent features of a wall sign may extend above the building fascia by no more than thirty percent (30%) of the overall height of the sign or ten (10) feet, whichever is less. No wall sign shall extend above the highest point of the building structure. Temporary advertising or promotional signage attached to exterior walls or windows shall be allowed only with an approved temporary sign permit issued under the Sign Regulations.
- vii. Incidental On-Site Directional Signs. Incidental On-Site Directional Signs, such as signs indicating exits, loading areas and parking areas, shall be consistent in design and color, or incorporate aesthetic features compatible with the architecture of the building, and shall not exceed six (6) square feet of sign area per sign.
- viii. Art Elements. Art elements shall be encouraged provided that said element does not include text that identifies a particular tenant or store. Staff shall review all proposals and determine whether the proposal is in compliance prior to installation. Art elements shall not include logos, be recognizable as part of a corporate identity, draw attention to or otherwise advertise, identify or have a

ORDINANCE RECORD

Ordinance No. 1013

No. 728—REDFIELD & COMPANY INC., OMAHA

mental connection to any one use, person, product, business, establishment, or service.

- ix. Cart Corrals. Cart corrals shall be permanent fixtures and constructed with masonry, stone or block. No signage shall be located on the cart corrals.

SECTION 9. Repeal of Ordinances 948,, 970 and 1004 as Previously Enacted. Ordinances 948 , 970 and 1004 as previously enacted are hereby repealed.

Section 10. 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 11. That this Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

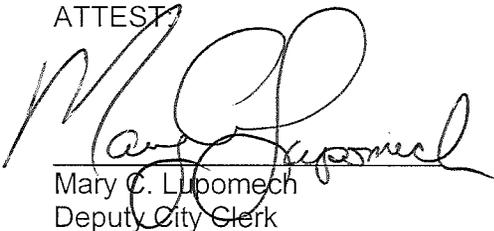
PASSED AND APPROVED THIS 23RD DAY OF OCTOBER, 2006.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST



Mary C. Lubomech
Deputy City Clerk

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