

# Memorandum



**To:** Planning Commission Members  
**CC:** Staff  
**From:** Ann Birch, Community Development Director  
**Date:** 05/11/2007  
**Re:** May 17, 2007 Planning Commission Meeting

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**Agenda Item 4A:** An amendment to the PUD Plan for Lots 1-10, Southport East Replat Six, located in Section 18, T-14-N, R12-E, of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located at Eastport Parkway and Giles Road.

The public hearing was continued from the April 19<sup>th</sup> meeting to consider amendments proposed by staff to the PUD Plan for Southport East Replat Six. The original PUD Plan was drafted by the developer of Replat Six, however as staff has worked with the plan several provisions have been noted which conflict with the Southport East Design Guidelines. In general, the sections of the plan governing setbacks, landscaping and signage have been revised; other revisions are proposed for the sake of simplicity, consistency of language, or were unnecessary (such as some of the definitions).

A new application has recently been received for a replat and PUD site plan amendment for a portion of this area. This request is also on the May 17<sup>th</sup> Planning Commission agenda. In order to avoid multiple amendments to the PUD plan for this area, staff is recommending this draft be combined with the proposed PUD amendments for Southport East Replat Nine so that they are consistent.

**Staff Recommendation Item 4A:** Approve subject to staff updates during the meeting.

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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 ~~Lot 3 Lots 1 thru 10~~, Southport East Replat ~~Two-Six~~ is developed for the following described real estate, to wit:

### LEGAL DESCRIPTION

See ~~exhibit~~ 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 21.088 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. ~~A.~~ "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.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.

G.C. “Landscaping Easement” shall mean that area adjacent to the street right-of-way providing for required street trees and landscape material.

H.

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.

I.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 ~~placesplazas~~, ~~pool~~ decks and ~~rooftop~~ gardens.

J.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 S~~ landscaping, ~~site~~ Plan and PUD Plan narrative.

K.F. “Plat” or “the Plat,” shall mean the final plat approved by the City Council.

L.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 this Agreement as Exhibit “~~C~~B” hereto.

M.H. “Subdivision” shall mean the 21.088 acres of land described in Exhibit “A” hereto, to be known as “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 East PUD (Planned Unit Development), marked Exhibit “B”.

#### Section 54. Conceptual PUD 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 65. 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 Center 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 76. 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 "CB". 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 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 make the final determination which design criteria is applicable in the event of a conflict, between the two documents reference herein.

#### Section 87. Conditions of the PUD-1 District

Section 5.15 of the La Vista Zoning Ordinance No. 848 includes the PUD -1 Planned Unit Development Overlay District (PUD) and establishes certain regulations and guidelines pertaining to accompanying information required on a Plat plat, Site site Plan plan and/or conditional use permits. The Southport Center All uses shall adhere to the underlying zoning district except as herein provided. development shall comply with Section 5.15.04 of the Zoning Ordinance.

##### A. General Conditions

The Parcel Identification Map and Conceptual PUD Site Plan incorporates commercial uses (office, and retail and restaurants) on Lots 1-10.

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

- i. The intent of the design and layout ~~of this development (for Lots 1-10), Southport East Replat Six~~ 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 ~~(those not abutting a street right-of-way) abutting a shared access easement~~ will be no closer than (10) feet of the property line ~~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 berthing 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 per the Southport East Design Guidelines. 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. 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 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 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. 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 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 improvements constructed on each lotmulti-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 shielded so as to prevent illumination of adjacent properties in accordance with the Southport East Design Guidelines. A lighting plan shall be submitted from for review in conjunction with any site plan 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 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 by the Southport East Design Guidelines.

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, ad 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.

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 fifteen (15) 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 98. 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 \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20062007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Rita M. Ramirez/Pamela A. Buethe, CMC  
City Clerk