

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 Lots 1 thru 3, Southport East Replat Seven is developed for the following described real estate, to wit:

LEGAL DESCRIPTION

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

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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, 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.

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Deleted: "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. ¶

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Deleted: "Enclosed Mall" shall mean the enclosed mall portion of the project, exclusive of Anchor Stores. ¶

<#>"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. ¶

<#>"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. ¶

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Deleted: "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. ¶

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consist of the final plat, design guidelines, conceptual PUD Site Plan and PUD Plan narrative.

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F. "Plat" or "the Plat," shall mean the final plat approved by the City Council.

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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 "B" hereto.

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

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Section 4. 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.

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¶ 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". ¶

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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.

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Section 6. Building Design Guidelines and Criteria

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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 "B". 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.

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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.

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A. General Conditions

The Conceptual PUD Site Plan incorporate commercial uses (office, retail 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 berthing and landscaping.

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- 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 access easement

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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.

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.

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Deleted: 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.

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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.

Deleted: The design of all streets and parking lots shall permit the travel of the fire department's vehicle access requirements.

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.

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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.~~

(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. 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 _____, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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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. ¶

<#>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. ¶

<#>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. ¶

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Deleted: 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. ¶

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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.

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.

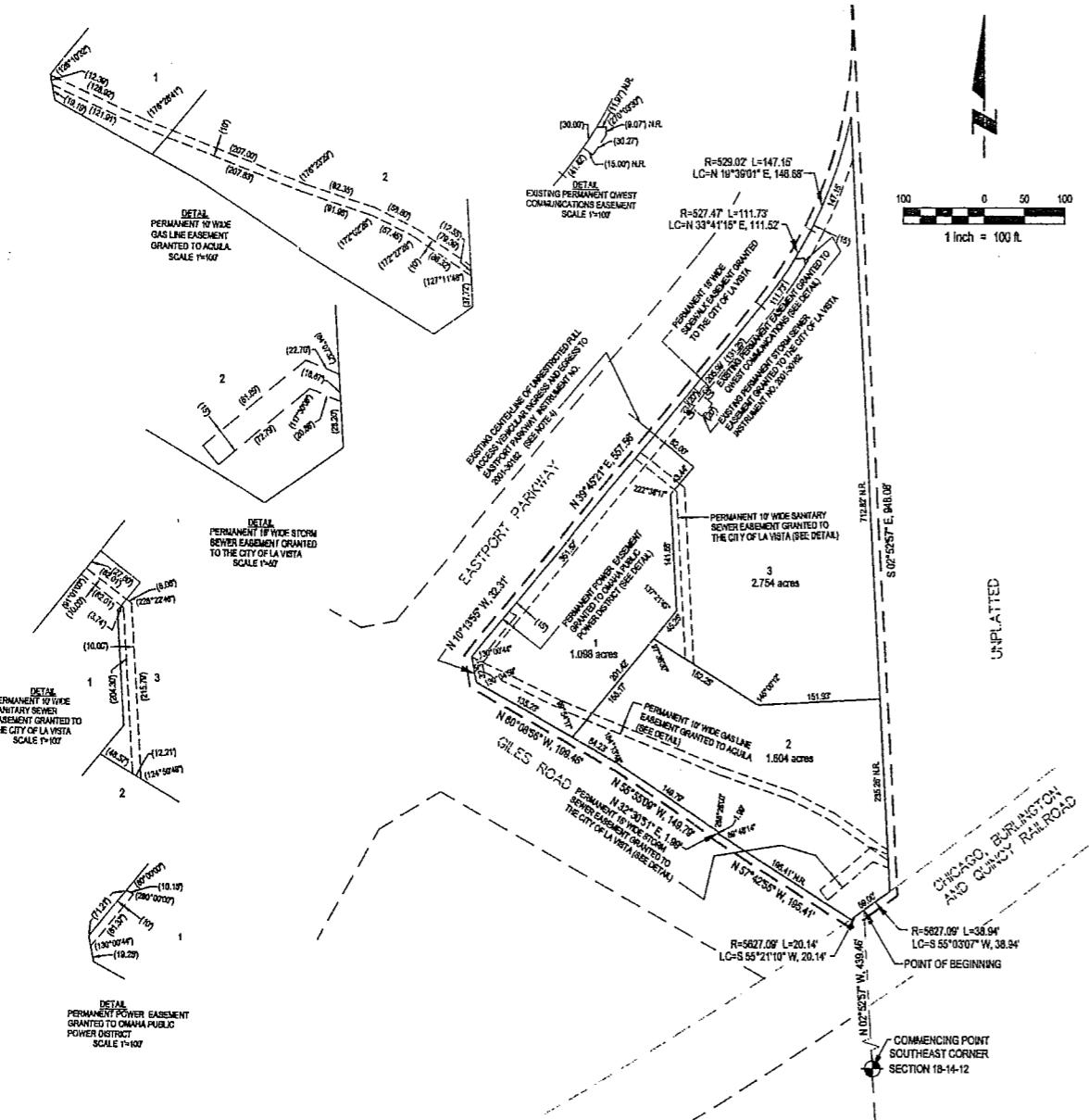
Amendment to this PUD Plan Application for amendments to this PUD plan may be made only by the Developer as long as it holds ownership of any portion of Southport East Replat Seven. This shall overwrite Section 5.15.09 of the 2001 La Vista Nebraska zoning ordinance. Minor modifications may be made to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

Section 10. That

SOUTHPORT EAST REPLAT SEVEN

LOTS 1 THRU 3 INCLUSIVE

A REPLATTING 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 SAID 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., SARPY COUNTY, NEBRASKA.



NOTES:

- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
- ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
- DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO EASTPORT PARKWAY OR GILES ROAD FROM ANY LOTS ABUTTING SAID STREETS, EXCEPT AS NOTED & SHOWN.
- A PERMANENT RECIPROCAL VEHICULAR INGRESS AND EGRESS, AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 3 INCLUSIVE, THEIR GUESTS AND INVITÉS OVER ALL OF SAID LOTS 1 THRU 3 INCLUSIVE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 3 INCLUSIVE, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED.
- A PERMANENT STORM SEWER AND DRAINAGEWAY EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 3 INCLUSIVE OVER ALL OF SAID LOTS 1 THRU 3 INCLUSIVE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 3 INCLUSIVE, WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED.

COUNTY TREASURER'S CERTIFICATE

This is to certify that I find no regular or special taxes due or delinquent against the property described in the Surveyor's Certificate and embraced in this plat as shown by the records of this office.

DATE _____ County Treasurer _____

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

This plat of SOUTHPORT EAST REPLAT SEVEN (Lots numbered as shown) was approved by the City Planning Commission on this _____ day of _____.

Chairman of La Vista City Planning Commission

ACCEPTANCE BY LA VISTA CITY COUNCIL

This plat of SOUTHPORT EAST REPLAT SEVEN (Lots numbered as shown) was approved by the City Council of the City of La Vista, Nebraska, on this _____ day of _____, in accordance with the State Statutes of Nebraska.

ATTEST _____
City Clerk _____

Mayor _____

REVIEW OF SARPY COUNTY SURVEYOR

This plat of SOUTHPORT EAST REPLAT SEVEN (Lots numbered as shown) was reviewed by the office of the Sarpy County Surveyor on this _____ day of _____.

Sarpy County Surveyor _____

APPROVAL OF SARPY COUNTY REGISTER OF DEEDS
Recorded on this _____ day of _____

Sarpy County Register of Deeds _____ Date _____

DEDICATION

Know all men by these presents that we, RS LAND, INC., owners of the property described in the Certification of Survey and embraced within the plat has caused said land to be subdivided into lots and streets to be numbered and named as shown, said subdivision to be hereafter known as SOUTHPORT EAST REPLAT SEVEN (lots numbered as shown), and we do hereby ratify and approve of the disposition of our property as shown on the plat, and we do hereby dedicate to the public for public use, the streets, avenues, and circles, and we do hereby grant easements as shown on this plat, we do further grant a perpetual easement to the Omaha Public Power District, Qwest Communications and any company which has been granted a franchise to provide a cable television system in the area to be subdivided, their successors and assigns, to erect, operate, maintain, repair and renew poles, wires, cables, conduits and other related facilities, and to extend thereon wires or cables for the carrying and transmission of electric current for light, heat and power and for the transmission of signals and sounds of all kinds including signals provided by a cable television system, and the reception on, over, through, under and across a five-foot (5') wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen-foot (16') wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. Said sixteen-foot (16') wide easement will be reduced to an eight-foot (8') wide strip when the adjacent land is surveyed, platted and recorded, and we do further grant a perpetual easement to Metropolitan Utilities District of Omaha and Aquila, Inc., their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five-foot (5') wide strip of land abutting all streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

In witness whereof, we do set our hand.

RS LAND, INC.

Ronald E. Smith, President

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTRY OF SARPY)

On this _____ day of _____ before me, the undersigned, a Notary Public in and for said County, personally came Ronald E. Smith, President of RS LAND, INC., who is personally known to be the identical person whose name is affixed to the Dedication on this plat and acknowledged the same to be his voluntary act and deed as such officer of said corporation.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Public _____

SOUTHPORT EAST REPLAT SEVEN
LA VISTA, NEBRASKA

FINAL PLAT

E&A CONSULTING GROUP, INC.

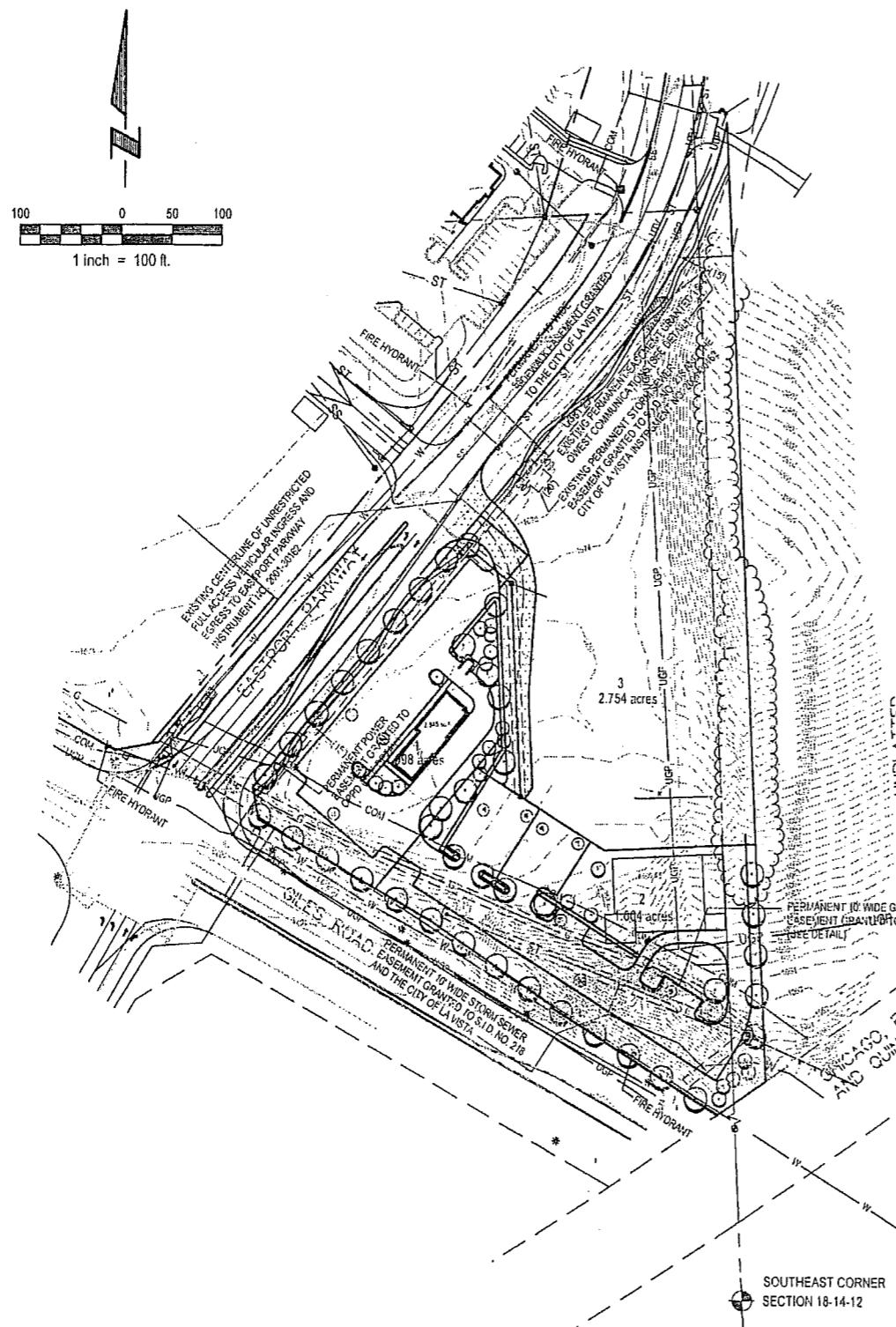
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 855-5595 FAX: (402) 855-5596
www.eag.com

SOUTHPORT EAST REPLAT SEVEN

LOTS 1 THRU 3 INCLUSIVE

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LOT #	AREA
1	1.098 acres
2	1.604 acres
3	2.754 acres
TOTAL	5.456 acres

BUILDING COVERAGE

LOT #	AREA	BLDC	% COV.
1	47,829 SQ. FT.	2,845 SQ. FT.	5.9 %
2	69,870 SQ. FT.	6,000 SQ. FT.	8.6 %
3	119,964 SQ. FT.		
TOTAL	237,663 SQ. FT.		

OPEN SPACE

LOT #	AREA	OPEN	% OPEN
1	47,829 SQ. FT.	18,756 SQ. FT.	39.2 %
2	69,870 SQ. FT.	26,900 SQ. FT.	38.5 %
3	119,964 SQ. FT.		
TOTAL	237,663 SQ. FT.		

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.

	REQUIRED	AVAILABLE
1	14	53
2	33	82
3		
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)

Proj No:	2000030.29	Revisions	
Date:	11/13/2006	No	Date
Designed By:	JDE	1	12/19/2006
Drawn By:	LDD	2	02/02/2007
Scale:	1" = 100'		
Sheet	1	of	1

PUD PLAN

SOUTHPORT EAST REPLAT SEVEN
LA VISTA, NEBRASKA



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

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