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

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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, 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. "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

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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<#>"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.¶

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Deleted: "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 21.088 acres of land described in Exhibit "A" hereto, to be known as "Southport Center."

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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 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 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 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 PUD -1 Planned Unit Development Overlay District and establishes certain regulations and

guidelines pertaining to accompanying information required on a plat, site plan and/or conditional use permit. The Southport Center development shall comply with Section 5.15.04 of the Zoning Ordinance.

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A. General Conditions

The Conceptual PUD Site Plan incorporates commercial uses (office, 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 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 1-10, Southport East Replat Six is to develop retail and office center(s) and/or individual businesses.

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- 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 berthing 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 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 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

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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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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.

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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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Deleted: 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.

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<#>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.¶

<#>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 ... [1]

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- 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.

SOUTHPORT EAST REPLAT SIX 5 2006

LOTS 1 THRU 10 INCLUSIVE

BEING A REPLATTING OF LOT 3, SOUTHPORT EAST REPLAT TWO, A SUBDIVISION LOCATED IN THE SE 1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY AT ALL CORNERS OF ALL ANGLE POINTS AND ENDS OF ALL CURVES IN SOUTHPORT EAST REPLAT SIX, A SUBDIVISION LOCATED IN THE SE 1/4 OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3, SOUTHPORT EAST REPLAT TWO, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHPORT PARKWAY, AND THE WESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY, THENCE S02°52'7"E (ASSUMED BEARING) ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 3, SOUTHPORT EAST REPLAT TWO, A DISTANCE OF 467.82 FEET TO THE POINT OF INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY, AND THE WESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY, THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF EASTPORT PARKWAY, SAID LINE ALSO BEING SAID EASTERLY LINE OF LOT 3, SOUTHPORT EAST REPLAT TWO ON THE FOLLOWING DESCRIBED COURSES, THENCE S10°47'33"W, A DISTANCE OF 307.55 FEET; THE above-described addition. Said sixteen-foot (16') 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 Aqila, Inc. their successors and assigns, to erect, install, 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 all front and side boundary lots; an eight-foot (8') 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 Aqila, 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.

JOE McDERMOTT ASSOCIATES INC

By Joseph McDermott, President

John L. Hoich

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

On this _____ day of _____ before me, the undersigned, a Notary Public in and for said County, personally came Joseph McDermott, President, JOE McDERMOTT ASSOCIATES 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

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

On this _____ day of _____ before me, the undersigned, a Notary Public in and for said County, personally came John L. Hoich, 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.

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

Notary Public

ACCEPTANCE BY LA VISTA CITY COUNCIL

This plat of SOUTHPORT EAST REPLAT SIX (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

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

Sarpy County Register of Deeds Date

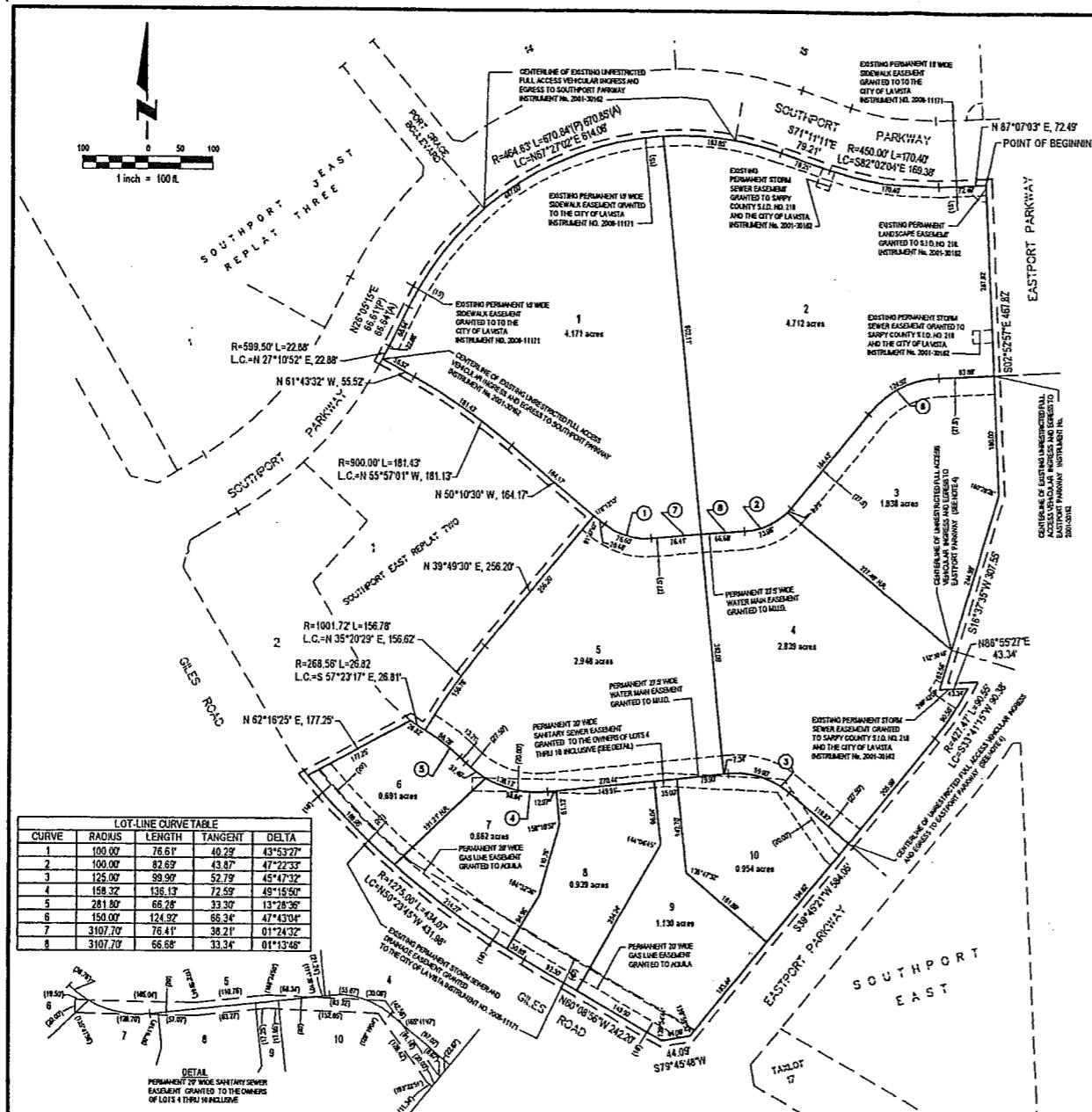
E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

SOUTHPORT EAST REPLAT SIX

LAWTON, NEBRASKA

FINAL PLAT

330 NORTH 11TH STREET OMAHA, NE 68104
PHONE (402) 462-4700 FAX (402) 462-5399
www.eaplan.com



NOTES:

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
2. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
4. EXISTING RESTRICTIONS, DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO SOUTHPORT PARKWAY, EASTPORT PARKWAY OR GILES ROAD FROM ANY LOTS ABUTTING SAID STREETS, EXCEPT AT THE LOCATIONS NOTED AND SHOWN. INSTRUMENT NO. 2001-30162, AND ALSO EXCEPT AS SHOWN AND NOTED ON THE COMMON LOT LINE OF LOTS 4 AND 10, AND LOTS 3 AND 4, SOUTHPORT EAST REPLAT SIX, TO EASTPORT PARKWAY.
5. A PERMANENT RECIPROCAL VEHICULAR INGRESS AND EGRESS, PARKING, SIDEWALK AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 10 INCLUSIVE, THEIR GUESTS AND INVITÉS OVER ALL OF SAID LOTS 1 THRU 10 INCLUSIVE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 10 INCLUSIVE WHICH ARE OCCUPIED BY BUILDINGS AS CONSTRUCTED.
6. A PERMANENT STORM SEWER AND DRAINAGEWAY EASEMENT IS GRANTED TO THE OWNERS OF LOTS 1 THRU 10 INCLUSIVE OVER ALL OF SAID LOTS 1 THRU 10 INCLUSIVE, EXCEPT THOSE PARTS OF SAID LOTS 1 THRU 10 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.

APPROVAL OF LA VISTA CITY PLANNING COMMISSION

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

Chairman of La Vista City Planning Commission

Ref. No.	Date	Officer	Date
200603.9	04/26/2006	JOE	5-17-06
		DET	2-9-06
		Drew Bc	1.00
		Scell	1-10-07
		Sheet	1-10-07

SEP 1 2006

