

FACTSHEET

TITLE: CHANGE OF ZONE NO. 05061B

Southwest Village PUD

(Hwy 77 and West Denton Rd.)

BOARD/COMMITTEE: Planning Commission

APPLICANT: Nebraska Horsemen's Benevolent
& Protective Association

RECOMMENDATION: Approval (8-0: Weber
Corr, Cornelius, Harris, Hove, Beecham,
Sunderman and Lust voting 'yes'; Scheer
absent).

STAFF RECOMMENDATION: Approval

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None

REASON FOR LEGISLATION: To amend the development plan of the Southwest Village Planned Unit
Development to adjust sign locations on property generally located at Hwy. 77 and West Denton Road.

DISCUSSION/FINDINGS OF FACT:

1. The purpose of this change of zone is to amend the PUD to amend the references of "ground" signs and "pole" signs to freestanding sign; clarify regulation of wall signs and "center identification" sign and allow freestanding signs to be allowed per the height of the district, and eliminate the original ten foot height limitation, on property generally located at Hwy. 77 and West Denton Road.
2. The staff recommendation is to approve this change of zone request based upon the "Analysis" as set forth on p.4-5, concluding that the proposed changes to the sign package for this development are consistent with the Zoning Ordinance, 2040 Comprehensive Plan and the design standards associated with this development. There will be no adverse impact on property within the PUD or adjacent to the PUD.
3. On February 18, 2015, this application appeared on the Consent Agenda of the Planning Commission.
4. On February 18, 2015, the Planning Commission voted 8-0 to recommend approval of this amendment to the PUD.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: February 23, 2015

REVIEWED BY: David R. Cary, Acting Director of Planning

DATE: February 23, 2015

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for February 18, 2015 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No.05061B

PROPOSAL: Revise the development plan to change references of “ground” signs and “pole” signs to freestanding sign; clarify regulation of wall signs; clarify regulation of “center identification” sign and allow freestanding signs to be allowed per the height of the district, eliminating the original ten foot height limitation.

LOCATION: This Planned Unit Development(PUD) is generally located at Highway 77 and West Denton Road.

LAND AREA: Approximately 237 acres

EXISTING ZONING: B-2 Planned Unit Development

CONCLUSION: The proposed changes to the sign package for this development are consistent with the Zoning Ordinance, 2040 Comprehensive Plan and the design standards associated with this development. There will be no adverse impact on property within the PUD or adjacent to the PUD.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: That part of lot 23 NE lying north of the creek inside the Lincoln City Limits; Lot 20, 21, 24, 25, 27, 29 and 30 I.T.; all located in the NE ¼ of Section 22-9-06; Outlot C and E Southwest Village Addition; Outlots A and B, Southwest Village 1st Addition all located in the SE ¼ of Section 15-09-06, Lancaster County, Nebraska

EXISTING LAND USE: Most of the parcels in the PUD are vacant with the exception of the Horse Racing Facility south of West Denton Road

SURROUNDING LAND USE AND ZONING:

North: AG Agricultural; Farm Land

South: AG Agricultural; Farm Land

East: AG Agricultural; Tree Farm, Highway 77 and Farm Land

West: R-4 and R-3 Residential; one single family residential unit

AGR Agricultural Residential; Acreges

AG Agriculture; Farm Land

HISTORY:

June 12, 2006

City Council approved a change of zone (CZ05061) for a Planned Unit Development overlay and for a change of zone from AG Agricultural District and AGR Agricultural Residential to B-2 Planned Neighborhood Business to allow approximately 160 dwelling units and approximately 1,300,000 square feet of office, retail, commercial and industrial floor area. City Council also approved the annexation (AN05014) of 463.8 acres of property generally located at South Folsom Street and West Denton Road.

September 24, 2012

The Southwest Village Planned Unit Development (PUD) was amended to show a horse race course, simulcast facility, barns and accessory buildings to the southwest of 1st Street and West Denton Road; to allow all B-2 zoning district conditional and special permitted uses as permitted uses; to show a new AG area by eliminating the R-5 area and moving the I-3 area, and to waive the requirement for all of 1st Street to be paved.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as commercial and industrial in the Future Land Use Map of the 2040 Comprehensive Plan.(page 1.8)

Existing businesses flourish and there are opportunities for new businesses within Lincoln and the incorporated communities. The Plan provides new employment locations and supports retention of existing businesses.(page 1.3)

Residential, commercial, and industrial development takes place in the City of Lincoln and within incorporated towns. This ensures that there are convenient jobs and a healthy tax base to support public safety, infrastructure and other services within the communities. While location in the cities and towns of the county is a priority, unique site requirements of a business may necessitate consideration of other suitable and appropriate locations in the county.(page 1.3)

LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens.(page 1.4)

Natural features such as tree masses in areas for future development are integrated into new development to provide for green spaces within the built environment. (Page 1.4)

Guiding Principles for Mixed Use Redevelopment (page 6.2)

- Target existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and more efficiently utilize existing infrastructure.
- Occur on sites supported by adequate road and utility capacity.
- Be located and designed in a manner compatible with existing or planned land uses.
- Enhance entryways when developing adjacent to these corridors.
- Incorporate and enhance street networks with multiple modes of transportation in order to maximize access and mobility options.

- Encourage residential mixed use for identified corridors and redeveloping Regional, Community, Neighborhood, and Mixed Use Office Centers identified as nodes.

TRAFFIC ANALYSIS: Although S. 1st Street is designated as a future minor arterial, today it is only paved from the intersection of S. 1st and West Denton to the south for approximately 900 feet then tapers into a gravel road. In Phase II, when the horse race course is built, the developer will rebuild S. 1st Street to the southernmost access point of the race course.

Folsom Street, south of W. Denton Road is a short collector street providing access for the race course and the property to the west access to W. Denton Road. North of West Denton Road Folsom Street is a four lane arterial.

The Nebraska Department of Roads (NDOR) is completing plans to upgrade Highway 77, including a revised Highway 77/West Denton Road/Warlick Blvd interchange.

West Denton Road is a two-lane urban street. The Comprehensive Plan designates it as a principal arterial to be built as a four-lane with center turn lane. West Denton Road 1,000' west of the interchange will be improved as a four-lane arterial street as part of the State highway project.

REGIONAL ISSUES: The approved PUD is currently a mostly undeveloped area within the City of Lincoln corporate City Limits. Land to the west and north of the PUD are shown as future urban residential lots that are in the Tier 1 Priority A and B areas. This means that although the area inside the city limits is ready for development the area outside the city limits likely won't develop for another 15 to 20 years. The land south of the PUD (south of Cardwell Branch creek) is shown as Tier 2 in the Comprehensive Plan meaning development is not expected to happen in this area for at least another 30 years.

AESTHETIC CONSIDERATIONS: This development is adjacent to Highway 77 which is considered a Primary Entryway Corridor into the City of Lincoln in the 2040 Comprehensive Plan. All buildings within the Southwest Village PUD shall be subject to the Architectural Design Standards (included in the development plan). Each building's elevations shall be first submitted to the Developer's Coordinating Architect for review and approval. Then a letter of approval from the Developer's Coordinating Architect (which shall describe how the elevations conform to the Architectural Design Standards) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit.

ANALYSIS:

1. The Southwest Village Planned Unit Development was approved by City Council in 2006 as a mixed use commercial and residential development.

2. The City Sign Ordinance was updated in 2009. In that update the terms “ground” and “pole” signs were replaced with “freestanding” sign and a new term was introduced called a “center” sign. The language in the existing Southwest Village Development Plan reflects language that was in the zoning ordinance prior to the 2009 update.
3. This PUD has three different development areas, I-3, B-2 and AG. These individual areas generally follow zoning regulations associated with the I-3, B-2 and AG zoning districts. Specific deviations from these regulations are described in the development plan.
4. The development plan as approved in 2003 prohibited pole signs. This means that freestanding signs could be no more than 10 feet tall. This amendment would eliminate the old terms “pole” and “ground” signs and replace them with freestanding and center sign. The freestanding signs will go from a maximum height of 10 feet to a maximum height of 18 feet. Center signs will be allowed to be as tall as 35 feet. These heights are consistent with what is allowed in the B-2 and I-3 zoning districts today. This amendment also clarifies that the I-3 utilizes the 1 center sign per frontage provision rather than the 2 per entrance.
5. To mitigate the impact of allowing taller signs, the following language was added to page 25 of the development plan. *“All freestanding and center identification signs will have the appearance of a solid base. The width of such base shall be at least one-third (1/3) of the maximum width of the sign. The base shall be of a non-porous material such as metal, brick or stone.”*
6. Other revisions to the development plan include format changes. The original plan listed the Parking, Sign and Architectural Design Standards separately in each of the three zoning areas. These have been consolidated and are now discussed in the General Regulations section.
7. A table was also added to the development plan to make the provisions regarding freestanding signs easier to read. The table reflects the height and area regulations for freestanding signs and it allocates where the center signs will be located.
8. This amendment does not request any adjustments to the standards of the B-2 or I-3 zoning districts. A previous amendment designated that the signs in the AG zoned area would meet the freestanding sign requirements of the B-2 zoning district.

This approval eliminates references to “ground” signs and “pole” signs and replaces them with the term freestanding sign; clarifies regulation of wall signs; clarifies regulation of “center identification” signs and allows freestanding signs to be permitted per the B-2 or I-3 zoning District standards.

Prepared by:
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ceichorn@lincoln.ne.gov

DATE: February 5, 2015

APPLICANT: Nebraska Horsemen's Benevolent & Protective Association
6406 South 150th Street
Omaha, NE 68137

CONTACT: Alan Wood
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CHANGE OF ZONE NO. 05061B

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

February 18, 2015

Members present: Lust, Hove, Beecham, Cornelius, Corr, Harris, Sunderman, and Weber;
Scheer absent.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 15001 and CHANGE OF ZONE NO. 05054B; CHANGE OF ZONE NO. 05061B, PRE-EXISTING PERMIT USE PERMIT NO. 3AE, and USE PERMIT NO. 15002.**

There were no ex parte communications disclosed.

At the request of Corr, Item 1.4, Use Permit No. 15002, was removed from the Consent Agenda and had separate public hearing.

Hove moved approval of the remaining Consent Agenda, seconded by Beecham and carried 8-0: Lust, Hove, Beecham, Cornelius, Corr, Harris, Sunderman, and Weber; Scheer absent.

Note: This is final action on Pre-Existing Use Permit No. 3AE and Special Permit No. 15004, unless appealed to the City Council within 14 days.



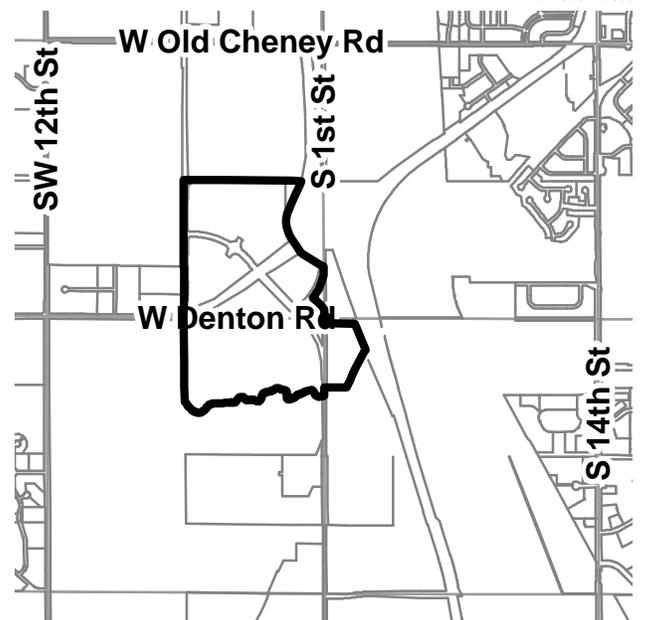
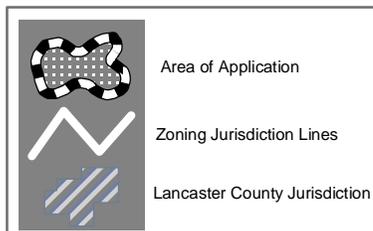
Change of Zone #: CZ05061B
Southwest Village PUD
S 1st St & W Denton Rd

2013 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Four Square Miles:
 Sec.15 T09N R06E
 Sec.14 T09N R06E
 Sec.22 T09N R06E
 Sec.23 T09N R06E



**Southwest Village
Planned Unit Development**

**DEVELOPMENT
PLAN**

Warlick Boulevard
& US Highway 77 Area

~~SEPTEMBER 26, 2012~~

MARCH 4, 2014

Introduction

Southwest Village Planned Unit Development (“PUD”) is located near U.S. Highway 77 and Warlick Boulevard. The PUD is intended to provide planned residential, office, retail, services, hotel and light industrial facilities as a mixed-use employment and commercial center in an attractive setting. The mixed use area would protect the 100 year flood prone areas and provide open space and other public amenities through the protection of a written conservation easement. The PUD is authorized and submitted as a planned unit development district pursuant to Chapter 27.60 of the Lincoln Municipal Code, as may be amended from time to time. The PUD includes three sub-areas:

- B-2 Area
- I-3 Area
- AG Area

The attached Site Map shows the property subject to the PUD (“Property”) and the three overlay sub-areas. The buildings located within the Property are required to comply with the Architectural Design Standards that are attached hereto as Exhibit “A”.

Development Plan

This Development Plan for the Southwest Village PUD (“Development Plan”) describes the regulatory land use provisions. The Development Plan is comprised of two parts: PUD Regulations and PUD Permit.

Part 1. PUD Regulations: The PUD Regulations have the following four sections:

- 1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village PUD;
- 1b. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area; and
- 1c. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area; and
- 1d. **AG Area:** Regulations applicable to those portions of the Property marked AG Area.

The PUD Regulations contain various references to Lincoln Municipal Code (“L.M.C.”) provisions and corresponding City of Lincoln Design Standards (“Design Standards”).

Part 2. PUD Permit: Architectural and engineering site maps and illustrations of the uses of the Property, including corresponding notes, shall apply to the Property (“PUD Permit”). The PUD Permit also designates AG “Conservation Use Areas” which are subject to written conservation easements in form substantially similar to the Conservation Easements attached hereto as Exhibit “B”. The Conservation Easement along the creek must be granted to the City prior to a building permit or final plat on any portion of the PUD located south of Schmidt Drive. The

Conservation Easement for flood storage and open space must be granted prior to approval of a building permit in Phase II as described on the PUD permit.

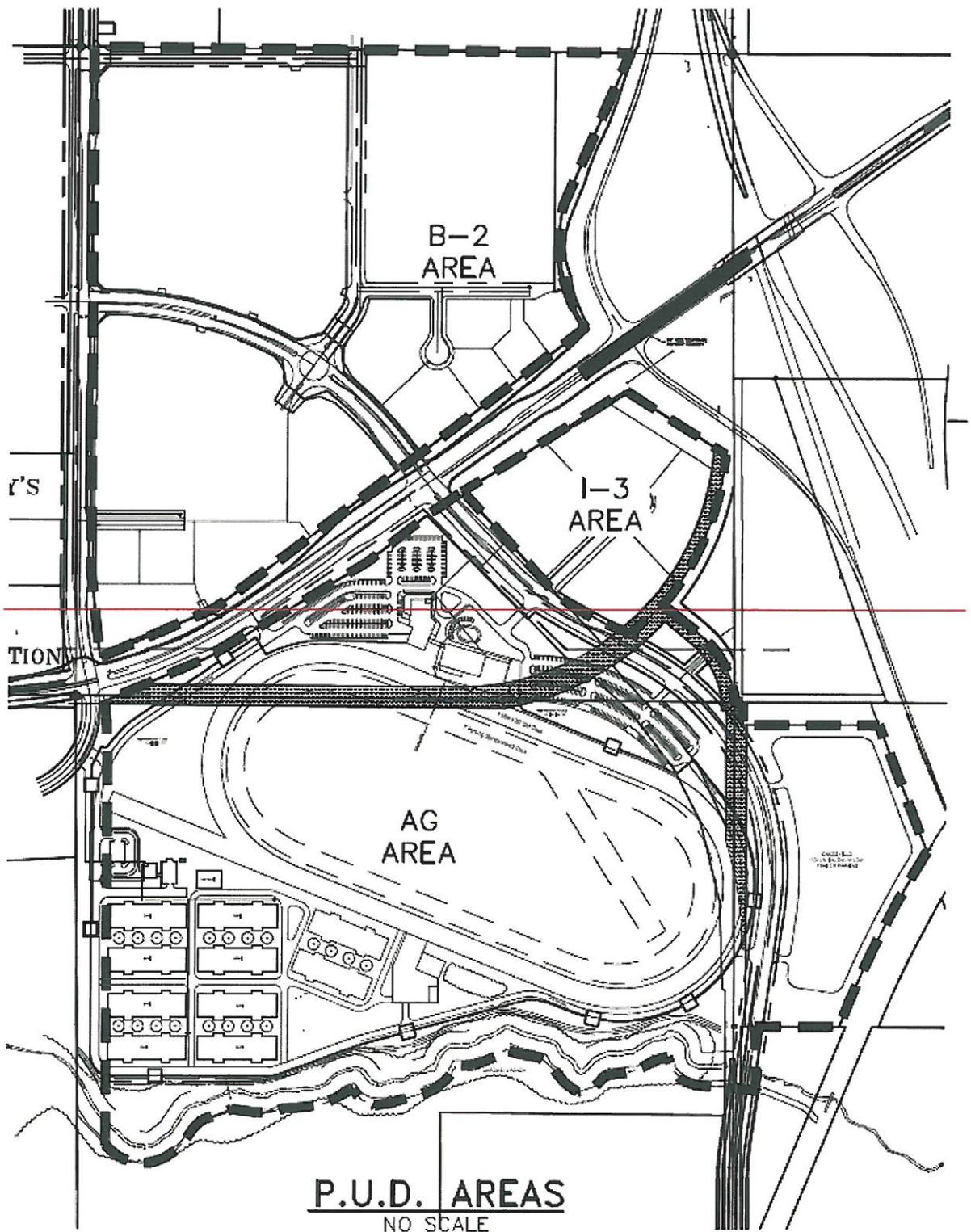
The Development Plan components modify the use limitations and regulations of the L.M.C. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, open space and other public spaces.

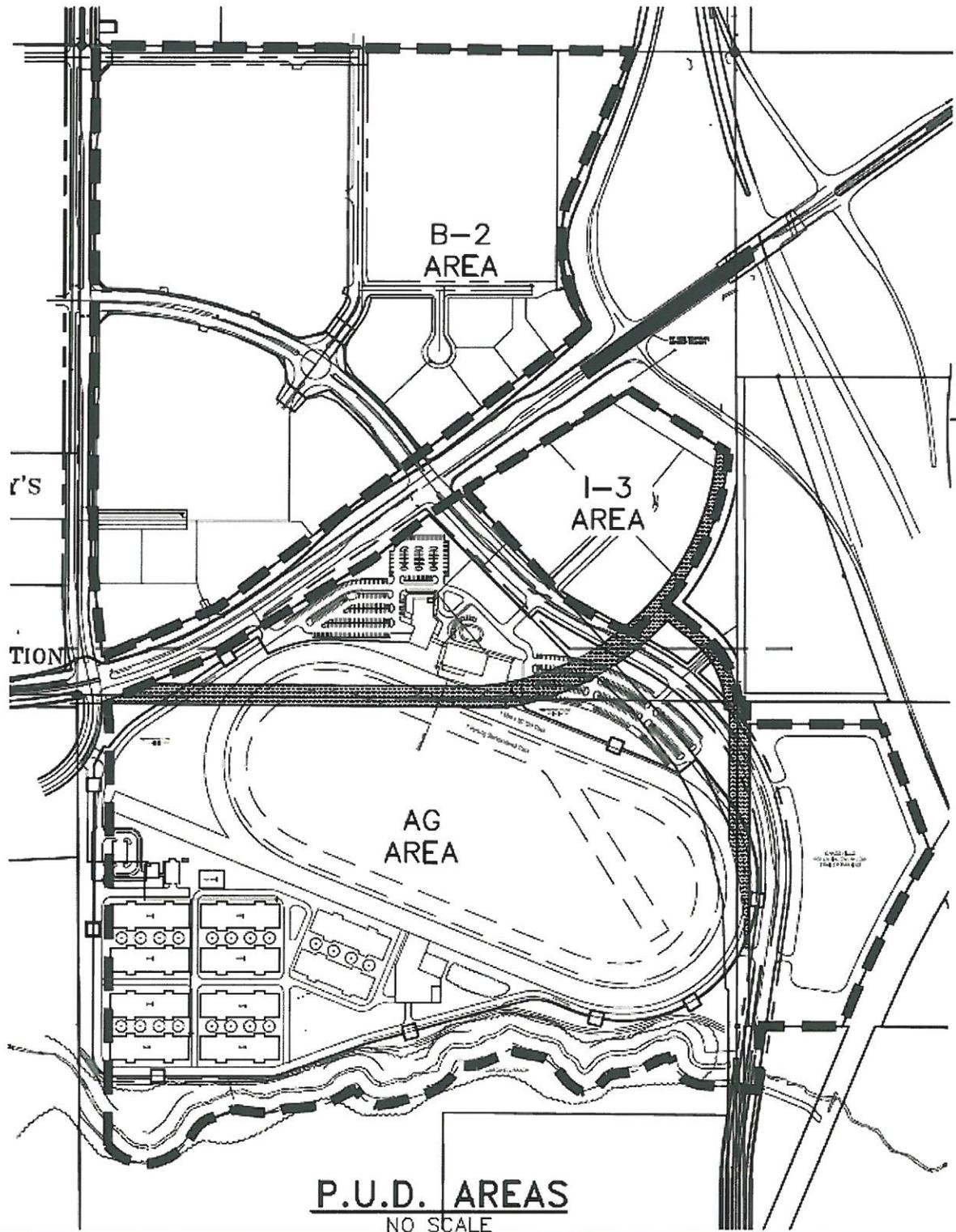
Southwest Village PUD

The Southwest Village PUD is authorized and approved as a planned unit development district pursuant to Chapter 27.60 of the L.M.C., as may be amended from time to time. A separate use permit is not necessary or required to permit any use permit use. This Southwest Village PUD will replace any required use permit under the L.M.C. and any applicable ordinances, regulations, codes, and design standards. Unless otherwise stated herein, a separate special permit is not required for any permitted special use.

After approval of the Southwest Village PUD, building permits, certificates of occupancy and final plats of the property will be issued or approved upon general compliance with the Development Plan as approved, or as amended. In circumstances where there are minor variations from the Development Plan, the Planning Director or his/her designee, shall review the proposal and determine if the proposal is in general conformance with the spirit and intent of the approved PUD. After the City Council has approved the PUD, the Planning Director is authorized to approve amendments to the Development Plan pursuant to L.M.C. §27.60.060. In circumstances where there are conflicts between the PUD Regulations and the PUD Permit, the PUD Permit shall control.

Site Plan





Part 1: PUD Regulations

The PUD Regulations are comprised of four sections:

- 1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village PUD;
- 1b. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area;
- 1c. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area; and
- 1d. **AG Area:** Regulations applicable to those portions of the Property marked AG Area.

Part 1a: Property PUD – General Regulations

These General Regulations are applicable for the entire Property comprising the Southwest Village PUD. Should the terms of these General Regulations and the Area Regulations conflict, these General Regulations shall control.

(a) **Definitions.**

(1) A “commercial building” shall mean an office, nonprofit religious, education, and philanthropic institutions, banks, savings and loan association, credit union, and finance companies.

(b) **General Regulations.** Any development, including building and open land uses, except farming and the sale of farm products, shall be prohibited on the Property prior to the approval of a PUD Permit in conformance with the requirements of this Development Plan.

(c) **Use Regulations.**

(1) Uses within the B-2 and I-3 Areas shall be a mix of uses and shall be governed by the following land use chart:

Uses	Floor Area (Square Feet)
Office and Industrial	300,000*
Commercial/Retail	700,000
Hotel/Motel	250 Rooms
Residential	250 dwelling units
Total	1,000,000**

*The PUD must have at least an aggregate of 300,000 square feet of office and/or light industrial uses.

**The B-2 and I-3 Areas shall not exceed an aggregate of 1,000,000 square feet of office, industrial and commercial/retail square feet.

(i) For purposes of the specific regulations described in this section, banks, savings and loan associations, credit unions, and finance companies may be counted as office use in paragraph (c)(1) above.

(ii) For purposes of the specific regulations described in this section, hotels and motels, up to the maximum 250 allowed rooms, shall not be counted towards the office, commercial/retail or industrial numbers stated in paragraph (c)(1) above.

(iii) For purposes of the specific regulations described in this section, dwellings located above the first story of a building shall not be counted as part of the 250 dwelling units permitted in paragraph (c)(1) above, if the first story of the building is used for a nondwelling use.

(iv) The chart attached hereto as Exhibit "C" and incorporated herein by this reference shall be completed in conjunction with each building permit issued within the PUD.

(2) Uses within the AG Area shall be governed by the following land use chart:

Uses	Floor Area (Square Feet)
Horse Racing Track, Grandstand and Related Facilities	
Commercial/Retail	60,000

In the event a horse racing track is not constructed within the AG Area, the following land use chart shall govern the AG Area; provided that, revised PUD Plans are submitted to the City and approved by administrative amendment:

Uses	Floor Area (Square Feet)
Office, Industrial and other Permitted Uses	200,000
Commercial/Retail	100,000*
Residential	160 dwelling units
Total	300,000

*The AG Area shall not exceed an aggregate of 100,000 square feet of commercial/retail square feet. The chart attached hereto as Exhibit "C" and incorporated herein by this reference shall be completed in conjunction with each building permit issued within the AG Area.

(d) **Specific Regulations.**

(1) The pedestrian system within the PUD will provide several entry points from the adjacent streets and adequate internal circulation for pedestrians and shall meet the City of Lincoln Pedestrian Design Standards.

(e) **Subdivision.**

(1) Southwest Village PUD Permit shall be deemed a preliminary plat.

(2) The PUD Permit shall meet the definition and usage of preliminary plat as that term is used in the L.M.C. The Development Plan includes the general form and contains the information typically required of a preliminary plat. The Planning Director may add or delete any informational requirements in order to determine potential impacts.

(3) Lot lines and lot numbers do not need to be submitted with the Southwest Village PUD. A total maximum number of dwelling units is stated on the

Southwest Village PUD. Instead, lot lines and lot numbers will be submitted with the final plat(s) and no amendments to the PUD will be necessary. The Southwest Village PUD, in conjunction with the final plat(s), will conform to the requirements of Chapter 26.15.

(4) Section 26.11.030 (b), (c) and (d), Staff Review of Preliminary Plat, shall not apply. Instead, per the PUD Ordinance (27.60.040) upon filing of a development plan, together with all maps, data and information required, the application shall be reviewed and a staff report shall be prepared for the Planning Commission.

(5) Section 26.11.110, Responsibilities for Improvements in Collector and Major Streets, is hereby modified so that the subdivider shall not have any responsibilities for Major Streets, except for the payment of Impact Fees or any alternative sums as provided in the Southwest Village Annexation Agreement.

(6) The property may be subdivided into lots of record, including horizontal air rights subdivision, provided the lots comply with the City Design Standards.

(f) **Development Plan Standards.**

(1) Pursuant to Section 26.23.125, Pedestrian Ways, block lengths may exceed 1000' in areas where the Southwest Village PUD is attempting to avoid crossing or connecting through the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village PUD and will not require a pedestrian way easement.

(2) Pursuant to Section 26.23.130, Block Sizes, block lengths may exceed 1320' in areas where the Southwest Village PUD is attempting to avoid crossing the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village PUD.

(3) Pursuant to Section 26.23.140, Lot, Southwest Village PUD's side lines of lots will be set to provide the best buildable area based on street patterns, conservation easement areas, Highway 77 and amenities on the site.

(g) **Sewer Design Standards.**

(1) Sanitary Design Sewer Design Standards, Section 2, Sanitary Sewer Policies Section shall be modified to allow a temporary force main and pump that is designed and operated pursuant to the City's temporary force main and pump policies.

(h) **Parking.**

(1) Parking within the PUD shall be regulated in conformance with Chapter 27.67.

(i) All parking within the B-2 Area shall be regulated in conformance with the B-2 Planned Neighborhood Business District.

(ii) All parking within the I-3 Area shall be regulated in conformance with the I-3 Employment Center District.

(iii) All parking within the AG Area shall be regulated in conformance with the AG Agricultural District.

(2) Parking spaces are permitted in any required rear yard; provided that there shall be a ~~five (5)~~ six (6) feet minimum ~~open space~~ landscape buffer between the lot line and the parking spaces.

(23) Notwithstanding any contrary provision stated in the L.M.C., all required B-2 Area and I-3 ~~Area~~ Area parking spaces shall be provided either (i) on the same lot as the use for which they are required, (ii) off-premise in the cross-parking easement area or (iii) shared parking pursuant to ~~Section~~ Chapter 27.67-~~040(f)~~.

(i) **Signage.**

(1) Off-premise signs (billboards) are prohibited within all areas of the PUD, except that ground freestanding signs which serve to advertise conducted business within the PUD but are off the premise on which the ground freestanding sign is located are permitted within the PUD. This provision does not allow any additional signs beyond the number allowed in the B-2, I-3 and AG Areas.

(2) ~~No pole~~ All wall signs shall be individual can letters. Color of letters is up to the Building Owner or Tenant.

(3) All freestanding and center identification signs will ~~be permitted~~ have the appearance of a solid base. The width of such base shall be at least one-third (1/3) of the maximum width of the sign. The base shall be of a non-porous material such as metal, brick or stone.

4) Signage within the PUD shall be regulated in conformance with Chapter 27.69 relating to the B-2 Planned Neighborhood Business District, except that freestanding signs shall be governed by the following table:

<u>AREA</u>	<u>SIGN TYPE</u>	<u>NUMBER OF PERMITTED SIGNS</u>	<u>INSIDE THE FRONT YARD</u>	<u>OUTSIDE THE FRONT YARD</u>
<u>B-2 and AG</u>	<u>FREESTANDING</u>	<u>1 per main building (The simulcast building, grandstand and stables may each be considered a main building for signage purposes.)</u>	<u>50 sq. ft. 12 ft. tall</u>	<u>100 sq. ft. 18 ft. tall</u>
<u>I-3</u>	<u>FREESTANDING</u>	<u>1 per business per frontage</u>	<u>50 sq. ft. 12 ft. tall</u>	<u>100 sq. ft. 18 ft. tall</u>
	<u>AND</u>			
<u>AG</u>	<u>CENTER</u>	<u>1 along West Denton Road or Southwest 1st Street frontage</u>	<u>50 sq. ft. 12 ft. tall</u>	<u>150 sq. ft. 35 ft. tall</u>
<u>B-2</u>	<u>CENTER</u>	<u>1 along West Denton Road frontage, 1 along Folsom Street frontage north of Amaranth Lane, and 1 along Highway 77 frontage</u>	<u>50 sq. ft. 12 ft. tall</u>	<u>150 sq. ft. 35 ft. tall</u>
<u>I-3</u>	<u>CENTER</u>	<u>1 along West Denton Road or Southwest 1st Street frontage</u>	<u>50 sq. ft. 12 ft. tall</u>	<u>150 sq. ft. 35 ft. tall</u>

- (j) Chapter 2.00 Sanitary Sewer Design Standards.
(1) Pursuant to Section 3, Design and Construction, no manholes shall exceed 15' deep and no sewer mains shall exceed 18' in depth, except for those sections of line extending under the U.S. Highway 77 and Warlick Boulevard interchange improvements.
- (k) Pursuant to Section 2, Policies, the distance between intersections of streets along the major streets will be a minimum of 1,000 feet and a maximum of a quarter mile, except for the section of major street between the Warlick Boulevard and South 1st Street intersection and the Cardwell Lane and South 1st Street intersection, which will be a minimum of 800 feet.

(l) Architectural Design Standards.

The buildings located within the PUD shall comply with and be subject to the Architectural Design Standards that are attached hereto as Exhibit "A".

(m) Grading and Land Disturbance Regulations.

Grading and land disturbance shall be regulated in conformance with the provisions of Chapter 27.81 of the L.M.C.

Part 1b: B-2 Area

Regulations applicable to those portions of the Property marked B-2 Area.

B-2 Area

This area is intended to provide a developing area for planned retail, service and office uses to serve neighborhoods. This area includes a PUD Permit to provide for the integration of the business area with adjacent residential areas and thus reduce the adverse impact on residential areas through enhanced design.

1. Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the B-2 Area.

2. General Purpose.

The regulations for the B-2 Area set forth in this chapter are established to permit the development of local retail shopping, services and office facilities and related activities which will provide for planned and controlled consumer services on a neighborhood level, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community

3. Permitted Uses.

All permitted uses, permitted conditional uses and permitted special uses allowed within the B-2 Planned Neighborhood Business District, as it currently exists and as it may be amended from time to time, shall be permitted uses within the B-2 Area. A building or premises in the B-2 Area may be used for any permitted use.

4. Accessory Uses.

Accessory uses permitted in the B-2 Area are accessory buildings and uses customarily incident to the permitted uses.

~~**5. Parking Regulations.**~~

~~All parking within the B-2 Area shall be regulated in conformance with the provisions of Chapter 27.67 relating to the B-2 Planned Neighborhood Business District.~~
(

~~**6. Sign Regulations.**~~

~~Signs within the B-2 Area shall be regulated in conformance with the provisions of Chapter 27.69 relating to the B-2 Planned Neighborhood Business District.~~

~~7. Grading and Land Disturbance Regulations.~~

~~Grading and land disturbance within the B-2 Area shall be regulated in conformance with the provisions of Chapter 27.81.~~

~~8. Height and Area Regulations.~~

~~The maximum height and minimum lot requirements within the B-2 Area shall be per Chapter 27.72 Height and Lot Regulations relating to the B-2 Planned Neighborhood Business District, with the exception of the required front yard, which shall be as shown on the Southwest Village PUD Site Plan.~~

~~9. Architectural Design Standards.~~

~~The buildings located within the B-2 Area shall comply with and be subject to the Architectural Design Standards that are attached hereto as Exhibit "A".~~

Part 1c: I-3 Area

Regulations applicable to those portions of the Property marked I-3 Area.

I-3 Area

1. Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the I-3 Area.

2. General Purpose.

The regulations for the I-3 Area set forth in this chapter are established to permit the development of attractive office and light industrial facilities as employment centers for location of plant facilities or headquarters of major employers. The I-3 Area is also intended to provide such employment centers with the surrounding support uses, including complementary office and retail use complementing the general land use pattern of the community and assisting the implementation of the adopted goals and polices of the community.

3. Use Regulations.

(a) A building or premises in the I-3 Area may be used for any permitted use allowed within the I-3 Employment Center District, as it currently exists and as it may be amended from time to time.

(b) A building or premises in the I-3 Area may be used for any permitted conditional use within the I-3 Employment Center District, as it currently exists and as it may be amended from time to time, that conforms with the conditions prescribed in the I-3 Employment Center District.

(c) A building or premises in the I-3 Area may be used for any permitted special use allowed within the I-3 Employment Center District, as it currently exists and as it may be amended from time to time, provided that a special permit for such use has been obtained in conformance with the requirements of the I-3 Employment Center District and L.M.C. Chapter 27.63, with the exception of the sale of alcoholic beverages for consumption on the premises and the sale of alcoholic beverages for consumption off the premises, which uses shall be permitted uses in the I-3 Area.

4. Accessory Uses.

Accessory uses permitted in the I-3 Area are accessory buildings and uses customarily incident to the permitted uses, except that early childhood care facilities and schools are not a permitted accessory use to a church in the I-3 Area. Accessory uses involving the open storage of materials or other articles shall only be allowed in areas enclosed or otherwise adequately screened from public view with an enclosure or screen at least six feet in height.

~~5. Parking Regulations.~~

~~All parking within the I-3 Area shall be regulated in conformance with the provisions of Chapter 27.67 relating to the I-3 Employment Center District.~~

~~6. Sign Regulations.~~

~~Signs within the I-3 Area shall be regulated in conformance with the provisions of Chapter 27.69 relating to the I-3 Employment Center District.~~

~~7. Grading and Land Disturbance Regulations.~~

~~Grading and land disturbance within the I-3 Area shall be regulated in conformance with the provisions of Chapter 27.81.~~

~~8~~ 5. **Height and Area Regulations.**

The maximum height and minimum lot requirements within the I-3 Area shall be per Chapter 27.72 relating to the I-3 Employment Center District, with the exception of the required front yard, which shall be as shown on the Southwest Village PUD Site Plan.

~~9. Architectural Design Standards.~~

~~The buildings located within the I-3 Area shall comply with and be subject to the Architectural Design Standards that are attached hereto as Exhibit "A".~~

Part 1d: AG Area

Regulations applicable to those portions of the Property marked AG Area.

AG AREA

1. Scope of Regulations.

The regulations set forth in this chapter, or elsewhere in this title when referred to in this chapter, are the district regulations in the AG agriculture district except as otherwise noted in the PUD.).

2. Permitted Uses.

A building or premises shall be permitted to be used for the following purposes in the AG Area:

- (a) Agriculture, except confined feeding facilities for livestock or poultry;
- (b) Horse racing track, grandstand, and related facilities;
- (c) Breeding, raising, management, and sale of horses;
- (d) Stables and riding academies;
- (e) Public uses: including but not limited to public parks, playgrounds, golf courses, and recreational uses; fire stations; public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school; and public utilities and utility distribution systems;
- (f) Stores and shops for sale of goods and merchandise at retail;
- (g) Restaurants;
- (h) Broadcast towers;
- (i) Pet cemeteries;
- (j) Veterinary facilities;
- (k) Recreational facilities;
- (l) Clubs;
- (m) Sale of alcoholic beverages for consumption on and off the premises;
- (n) Caretaker residence to be used in connection with the horse racing track and related facilities.

3. Permitted Conditional Uses.

A building or premises may be used for the following purposes in the AG Area in conformance with the conditions prescribed herein:

- (a) Tents and other temporary structures: Tents or other temporary structures shall be permitted for the temporary or seasonal sales of goods at retail under the following conditions:
 - (1) A tent or other temporary structure shall not reduce the amount of on-site parking to less than the minimum required;
 - (2) A tent or other temporary structure shall not remain on the premises for more than 180 consecutive days;

(3) A tent or other temporary structure shall comply with all applicable building and life safety codes;

A tent or other temporary structure need not be shown on the approved use permit site plan.

4. Accessory Uses.

Accessory uses permitted in the AG Area are accessory buildings and uses customarily incident to any of the permitted uses in the AG Area.

~~5. — Parking Regulations.~~

~~All parking within the AG Area shall be regulated in conformance with the provisions of Chapter 27.67 of the L.M.C. relating to the AG Agricultural District.~~

~~6. — Sign Regulations.~~

~~Signs within the AG Area shall be regulated in conformance with the provisions of Chapter 27.69 of the L.M.C. relating to the B-2 Planned Neighborhood Business District. The simulcast building, grandstand and stables may each be considered a main building for purposes of Chapter 27.69. In addition, the AG Area shall be considered a separate "Center" for purposes of Chapter 27.69.~~

~~7. — Grading and Land Disturbance Regulations.~~

~~Grading and land disturbance within the AG Area shall be regulated in conformance with the provisions of Chapter 27.81 of the L.M.C.~~

85. Height and Area Regulations.

Table 27.07.080(a)							
	Lot Area	Avg. Lot Width	Frontage	Req'd Front Yard	Req'd Side Yard	Req'd Rear Yard	Height
All Permitted Uses	14 acres	550'	550'	*	50'	50'	40'***

*The required front yard setbacks are shown on the Southwest Village PUD Site Plan.
**Except (i) as otherwise limited by the Architectural Design Standards, and (ii) a grandstand associated with a horse racing track may be up to 70' in height.

~~9. — Architectural Design Standards.~~

~~(a) — The buildings located within the AG Area shall comply with and be subject to the Architectural Design Standards that are attached hereto as Exhibit "A".~~

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Exhibit "A"

**ARCHITECTURAL DESIGN
STANDARDS**

**Southwest Village PUD
Warlick Boulevard & U.S. Highway 77
Lincoln, Nebraska**

1. DESIGN REVIEW PROCESS

All buildings within the Southwest Village PUD shall be subject to the Architectural Design Standards. Each building's elevation shall be first submitted to the Developer's Coordinating Architect for review and approval. Then a letter of approval from the Developer's Coordinating Architect (which shall describe how the elevations conform to the Architectural Design Standards) along with the building elevations shall be submitted to the Planning Director for review and approval, prior to issuance of a building permit. The Planning Director may waive any requirement described herein or approve building that may not meet the specific requirements of the Architectural Design Standards, but are consistent with sound community urban design elements.

2. DEFINITIONS

Appearance. The outward aspect visible to the public.

large rear door access and a retail appearance to the front.

Bufferyard. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. Various built landscape features may be included within the bufferyard that may include pedestrian walkways, retaining walls signage or utilities.

Landscape. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

City. City of Lincoln

Mechanical equipment. Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

Cohesiveness. Unity of composition between design elements of a building or a group of buildings and the landscape development.

Plant materials. Trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

Flex Space / Industrial Building. A generic term for uses combining light manufacturing and warehousing with store front retailing. Usually having a

Screening. Structure of planting that conceals from view from public ways the area behind such structure or planting.

Shrub. A multi-stemmed woody plant other than a tree.

permanent or temporary location on or in the ground.

Structure. Anything constructed or erected, the use of which requires

3. GEOGRAPHIC AREA

Reserved for future use.

4. SOUTHWEST VILLAGE VISION

It is anticipated that the B-2 and I-3 Areas will be built out with the following project types:

- Retail, Office and Commercial Buildings
- Flex Space Buildings and Light Industrial Buildings -Residential Buildings

It is anticipated that the AG Area will be built out with the following project types:

- Agricultural Facilities

These building types and land uses are described in the PUD Development Plan.

As a gateway development to the City of Lincoln, it is important for Southwest Village covenants pull the diverse project types listed above together into a development that has a sense of place and visual continuity created by common:

- Style
- Site Elements
- Building Materials
- Color Palettes

Each of the unifying elements listed above are discussed in more detail within their respective sections of this document.

5. THE STYLE OF SOUTHWEST VILLAGE

I. BUILDING MASSING

A. Walls

1. All facades of each building must be designed to be architecturally interesting through the use of massing and horizontal plane changes to create shadows and depth. Building elements such as covered arcades, stepping the facade or recessed entries are suggested to create this building massing requirements. Building facades not visible from public right of ways may provide less interesting design.

B. Roofs

1. If any building incorporates a sloping roof or awning structure, the slope of that roof or awning shall be 6/12 to provide consistency through the project. Building roofs in the AG Area that are located more than 600 feet from public right-of-way may provide a lower slope design.
2. All buildings that have “flat” or low slope roofs shall be parapetted to hide the ballasting from public view.

II. BUILDING MATERIALS WITHIN THE B-2 AND I-3 AREAS

A. Retail, Commercial and Office Buildings over 100,000 S.F. Footprint.

1. Building facades visible from the public right of ways shall be composed of following percentages of building material cumulated over all visible facades.
 - A. 50% or more but not to exceed 80%, Clay Brick or “Quick Brick” or equal, in the earth tone color ranges and Glass with natural aluminum mullions. Glass may be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.
 - B. 50% or less but not less than 20% Synthetic Stucco (EFIS), Painted Rock faced Concrete Block, Precast Concrete, or fiber cement board siding in the earth tones.
 - C. 10% of the façade may be a coordinating color material that is not listed in the previous material list.

B. Retail, Commercial and Office Buildings under 100,000 S.F., but more than 25,000 S.F.

1. Building facades visible from the public right of ways shall be composed of the following percentages of building material cumulated over all visible facades.
 - A. 75% or more, but not to exceed 90%, Clay Brick or “Quick Brick” or equal, in the earth tone color ranges and Clear Glass with natural aluminum mullions.
 - B. 25% or less, but not less than 10% Synthetic Stucco (EFIS), Painted Rock faced Concrete Block, Precast Concrete, wood siding or fiber cement board siding in the earth tones.
 - C. 10% of the façade maybe a coordinating color or material that is not listed in the previous material list.

C. Retail, Commercial and Office Buildings under 25,000 S.F.

- A. 90% or more Clay Brick in earth tone color ranges and glass with natural aluminum mullions. Glass may be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.
- B. 10% of the façade may be a coordinating color material that is not Clay Brick and Glass. Glass may be tinted or reflective of a density to conceal

interior furnishing in Office Buildings and Flex Space.

D. Flex Space Buildings or Industrial Buildings

1. Flex Space Building facades visible from the public right of ways shall be composed of the following building material cumulated over all visible facades.
 - A. 80% Decorative Block, "Quick Brick" or equivalent, or Brick and clear or tinted glass. Glass may be tinted or reflective of a density to conceal interior furnishing in Office Buildings and Flex Space.
 - B. 10% synthetic Stucco (EIFS), painted rock faced concrete block or laminated panels in natural aluminum color.
 - C. 10% of the façade maybe a coordinating color or material that is not listed as an accent to the design.
2. Facades of Flex Space Buildings not visible from public right of ways may be painted rock faced CMU.

E. Roof Materials for all Buildings other than residential

1. Any awning or sloping roof shall be constructed of standing seam metal, natural or faux tile.

F. Residential Buildings

1. Residential Building shall be composed of
 - A. At least 20% Clay Brick
 - B. No more than 20% Rock face CMU paint
 - C. Remainder Glass and Fiber Cement Board Siding
2. Building massing will be as follows:
 - A. Three story maximum height (45 feet)
 - B. The garage entrance would be setback from the main face of the building at minimum of six feet.
 - C. The streets would be 22 feet wide and the face of the garage would be setback 28 feet from the back of the curb of the private drive.
3. Roofing material shall be asphalt shingles.

III. BUILDING MATERIALS WITHIN THE AG AREA.

A. Agricultural Facility buildings over 1,000 Square Feet:

1. Building facades visible from the public right-of-ways and within 600 feet of said public right-of-way shall be composed of the following percentages of building material cumulated over all visible facades:
 - a. 70-80% integrally colored rock faced or burnished block, Clay Brick or "Quick Brick" or equal, in the earth tone color ranges. Glass may be tinted or reflective of a density to conceal interior furnishings.

- b. 10-20% Synthetic Stucco (EIFS), Stucco, integrally colored rock faced or burnished block, Precast Concrete, Laminated Panels, Wood Siding or Fiber Cement Board Siding in the earth tones.
 - c. 10% of the façade may be a coordinating or accent color material that is not listed in the previous material list.
- 2. Facades of buildings located more than 600 feet from a public right-of-way may be prefabricated metal buildings.
 - 3. Building massing for any structure located more than 600 feet from public right-of-way shall be restricted in general height to 24 feet. Any cupolas, clerestories, or architectural accent elements may extend above the 24 feet within reason.
 - 4. Any awning or sloping roof on a building located within 600 feet of public-right-of-way shall be constructed of standing seam metal, natural or faux tile.

6. SITE ELEMENTS

I. SITE REQUIREMENTS

- A. Public Sidewalks.
 - 1. All public right of ways shall be provided with a concrete walk per City of Lincoln standards. All buildings within Southwest Village must have pedestrian walkways and public walks connected to the perimeter.
- B. Buffering, a required Bufferyard plan is required.
- C. Interior Green Space
 - 1. A five foot wide green space shall be provided along all interior lot lines unless lots are combined.
 - 2. Parking lots shall be planted per City of Lincoln requirements. A minimum of 6% of the total parking lot area shall be pervious and planted with trees, shrubs and perennials.
- D. Plant Materials
 - 1. Plant Materials shall meet City of Lincoln's size standards.
- E. Roof Top Mechanical Screens. All roof top mechanical units shall be substantially screened from view from public right-of-ways through the use of permanent architectural screens that are integrated with the overall design of the building.
 - 1. The screen shall be constructed from the following:

- a. Building Materials listed for the building's project type.
 - b. Pitched roof elements comprised of standing seam metal roofing.
- F. Ground Level Mechanical Screens. All ground level mechanical units shall be screened from view from public right-of-ways through the use of architectural screens that are integrated with the overall design of the building.
 - 1. The screen shall be constructed from the following:
 - a. Building Materials listed for the building's project type.
- G. Refuse Screening. All trash or refuse receptacles shall be screened from view from public right-of-ways through the use of architectural screens that are integrated with the overall design of the building and located next to the building.
 - 1. The screen shall be constructed from the following:
 - a. Building Materials listed for the building's project type.
 - 2. If the refuse container is integrated with the dock area then the dock screening shall be sufficient.
- H. Dock Screening (No loading dock shall face a public R.O.W., without proper screening. All loading docks shall be screened from view from public right-of-ways through the use of one of the following:
 - 1. Architectural screens that are integrated with the overall design of the building.
 - a. The screen shall be constructed from the following:
 - Building Materials listed for the building's project.
 - 2. Landscape screen of a density to screen 80% of the dock area from view within 3 years of planting. View shall be 80% screened all 12 months of the year.

7. COLOR PALETTES

- In order to encourage a proper balance of vitality and cohesiveness within the Southwest Village development, color ranges have been developed. The inspiration for these color ranges is native Nebraska landscape colors. Any material or paint must coordinate with these sample color ranges. Ten percent (10%) of any facade may have an accent color that is compatible with these color ranges.

8. SIGNAGE

All signage shall comply with the City of Lincoln Sign Regulations, as modified by the Development Plan.

Signage requirements specific to the Southwest Village Development are as follows:

1. All wall signs shall be individual can letters. Color of letters is up to the Building Owner or Tenant.
- ~~2. No pole signs are allowed.~~
2. All freestanding and center identification signs will have the appearance of a solid base. The width of such base shall be at least one-third (1/3) of the maximum width of the sign. The base shall be of a non-porous material such as metal, brick or stone.

9. EXCEPTIONS

The following exceptions may be considered at the discretion of the City of Lincoln.

1. BUILDING MATERIAL EXCEPTION FOR RETAIL AND FLEX SPACE OFFICE BUILDINGS (not allowed for Office Buildings).
 - a. If the building is properly screened (landscape buffer, another building within a development, etc.) so that any given façade cannot be seen from a public right-of-way, then that specific façade may be constructed entirely of secondary Building materials as outlined for that specific building type.
2. BUILDING MATERIAL EXCEPTION FOR ALL BUILDING TYPES
 - a. If a particular building goes beyond the norm in complexity and detail of building forms and/or commonality of materials and colors, then the City may choose to relax the Building Material requirements (e.g. Let stucco or synthetic stucco (E.I.F.S.) become a primary building material).

Conservation Exhibit

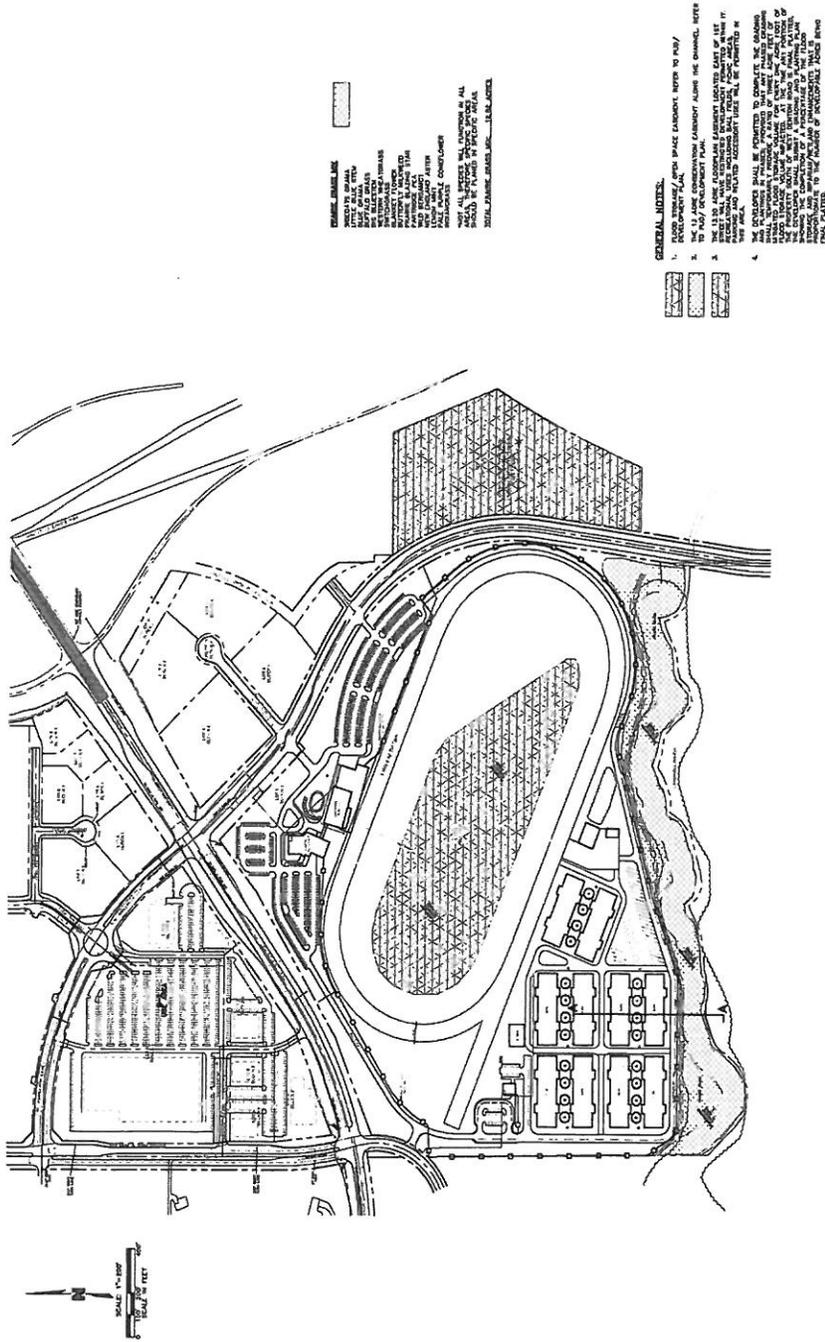


Exhibit "B"
CONSERVATION EASEMENTS

Exhibit "C"
LAND USE FOR
B-2 AND I-3 AREAS

Lot/Block/Addition	Square Footage of Commercial/Retail Use	Square Footage of Office and Industrial Uses	Hotel/Motel Rooms	Residential Dwelling Units
Total				

LAND USE FOR
AG AREA

Lot/Block/Addition	Square Footage of Commercial/Retail Use	Square Footage of Office, Industrial and Other Permitted Uses
Total		