

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 23, 2005 PLANNING COMMISSION MEETING

PROJECT #: Annexation #05014
Change of Zone #05061 - AG and AGR to B-2 PUD
Change of Zone #05062 - AG and AGR to R-3 and R-4

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Annexation and a change of zone for a B-2 planned unit development for approximately 1,300,000 square feet of office, commercial, and industrial floor area and approximately 150 dwelling units.

LOCATION: South Folsom Street and West Denton Road

LAND AREA: ANN#05014 - Approximately 463.8 acres.
CZ#05061 - Approximately 237 acres.
CZ#05062 - Approximately 99.14 acres.

CONCLUSION: The applicant must enter into both annexation and conservation easement agreements with the city. Subject to the conditions noted in the recommendation, these requests are consistent with the Zoning Ordinance and the Comprehensive Plan.

RECOMMENDATION:

ANN#05014	Conditional Approval
CZ#05061	Conditional Approval
CZ#05062	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

ANN#05014 - All or portions of Lot 7 I.T., Lot 46 I.T., Lot 73 I.T., and a portion of the SW 1/4 and the NW 1/4, all in Section 14-9-6, of the 6th P.M.; Lot 7 I.T. Lot 8 I.T. Lot 17 I.T., Lot 20 I.T., Lot 21 I.T. Lot 22 I.T. all in Section 15-9-6, of the 6th P.M.; Lot 20 I.T., in Section 22-9-6, of the 6th P.M. ; and Lot 49 I.T., in Section 23-9-6, of the 6th P.M.; and adjacent portions of Folsom Street, West Denton Road, South 1st Street, Warlick Blvd, U.S. Highway 77, and Union Pacific and Burlington Northern/Sante Fe Railroad rights-of-way, all in Lancaster County, Nebraska.

CZ#05061 - Lot 17 I.T., Lot 20 I.T., Lot 21 I.T. Lot 22 I.T., all in Section 15-9-6, of the 6th P.M.; Lot 20 I.T., in Section 22-9-6, of the 6th P.M.; and Lot 49 I.T., in Section 23-9-6, of the 6th P.M. ; all in Lancaster County, Nebraska.

CZ#05062 - Lot 7 I.T. and Lot 8 I.T., in Section 15-9-6, of the 6th P.M.,Lancaster County, Nebraska

EXISTING ZONING: AG, AGR

EXISTING LAND USE: Agriculture, residential.

SURROUNDING LAND USE AND ZONING:

North:	Agriculture	AG
South:	Agriculture, Residential	AG
East:	Agriculture, Residential, Wilderness Park	P, R-2
West:	Agriculture, Residential	AG, AGR

COMPREHENSIVE PLAN SPECIFICATIONS:

Pg. F25 - The Land Use Map designates a Community Center and Light Industrial Center at this location.

Pg. F27, F-31 - The area within the proposed annexation is within Priority Area A of Tier 1 of the City's Future Service Limit.

Pg. F38 - General Principles for all Commercial and Industrial Uses
Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Pg. F39 - Light Industrial (LI)

Size - Light Industrial areas should be a minimum of 50 acres in size, with larger planned centers preferred.

Description - Light Industrial centers are primarily for lighter manufacturing uses with some additional office and retail uses located within the center, such as the Chamber Industrial Tract at S. 14th & Old Cheney Road.

Spacing - Light Industrial areas should generally be distributed throughout the community. Particularly, new light industrial centers should be located in new growth areas of the city.

Pg. F45 - Community Centers (C)

Center Size - Community Centers may vary in size from 300,000 to nearly a million square feet of commercial space. Typically, new Community Centers will range from 300,000 to 500,000 square feet.

Description - Community Centers are intended to be smaller in scale and intensity of uses than Regional Centers and serve a more targeted market and geographic area. Community Centers tend to be dominated by retail and service activities, although they can also serve as campuses for corporate office facilities and other mixed-use activities. When properly located, some light manufacturing or assembly when accessory to an office function may be allowed. One or two department stores or "big box" retail operations may serve as anchors to the Community Center with smaller general merchandise stores located between any anchors or on surrounding site pads, such as Edgewood Shopping Center at S. 56th Street and Highway 2. Examples of existing single use centers are the office parks for Firethorn/ Lincoln Benefit Life Office Park at S. 84th & Van Dorn, and the State Farm Office Campus at S. 84th & O Street. Other centers may have more of a mix of retail, office and residential uses such as Williamsburg Village at S. 40th and Old Cheney Road.

Market Area - Community Centers can have a community wide appeal but primarily serve a geographic subarea within Lincoln and surrounding areas within the County. Depending on the mix of stores and other shopping opportunities in the area, existing Community Centers can have a market area that is quite extensive, even rivaling some Regional Centers.

Center Spacing - Community Centers should be located approximately two to three miles apart, depending upon their size, scale, function and area population.

Location Criteria - The general location of future Community Centers should be indicated in advance in the Comprehensive Plan. These locations are not intended to be site specific but rather to suggest a general area within which a Community Center might be developed. The Plan recognizes the strong need to further and support an evolving marketplace. Thus, the exact location of a Community Center should be designated in the Comprehensive Plan as part of the development review process. The community will not require market studies to determine the economic impact on existing development. However, new Regional and Community Centers will be generally sited in the Comprehensive Plan so that the potential impact on existing centers may be considered as part of the siting process.

Pg. F48 - Incentive Criteria - These criteria will serve as a guide to future actions until they are formalized and included in the zoning ordinance:

The center shall be located in a neighborhood with greater residential density, than is typical for a suburban area, and the center itself contains higher density residential uses (density above fifteen dwelling units per acre) integrated within the development. This criteria is mandatory for any center proposing to utilize the incentive.

Provide a significant mix of uses, including office, service, retail, residential and open space — far more than typical single use centers. Multi-story buildings are encouraged.

Integrate some light industrial or manufacturing uses within the center (does not apply to neighborhood centers).

Provide public amenities such as recreational facilities, significant open space, plazas, public squares and other types of public facilities or meeting areas.

Are supported by a street network with significant traffic capacity in the future, rather than on streets that already have significant commercial development.

Provide for even greater pedestrian orientation in their layout, physical arrangement of buildings and parking - buildings shall be oriented to pedestrians.

Provide for transit opportunities in the center design.

Pg. F57 - The Greenprint Challenge Implementation Principles

Seek early identification of areas to be preserved – While planning for future growth is integral to this Comprehensive Plan, it is equally important that environmental resource features be accorded similar attention. The community should invest planning resources into the early identification of those areas most valued as part of the Greenprint Challenge. This principle supports the notion of “getting ahead of the game” by knowing what resources are most valued, where they are located, and what actions should be made within the broader planning process to secure their future for the community.

Provide biological interconnection – Plants and animals do not exist in isolation. They interact with each other and reside within an integrated habitat. Implementation of the Comprehensive Plan needs to respect biological connections that exist today and provide responsive means for maintaining those associations.

Promote diversity of vegetation – Plants are a basic environmental building block. They provide habitat and food for animals, as well as aid in sustaining other vegetation that holds the soil and protects the water quality. Maintaining a diverse range of plants ultimately supports a healthier environment for all plants and animals.

Make “green space” an integral part of all environments – “Green space” can come in a wide variety of forms. The policies of the Comprehensive Plan should strive to incorporate such uses in the full range of urban and rural landscapes.

Prevent the creation of a “wall-to-wall city” through the use of green space partitions – As cities and villages expand, establishing corridors and districts of green should be part of the growth process. This often requires the advance delineation of these areas and the means for securing their on going maintenance.

Pg. F89 - Pedestrians -

Walking is an essential part of our daily activities, whether it be trips to work, shop, or play. Often pedestrian facilities are overlooked or merely added onto street improvement projects. However, to preserve and enhance the quality of life for Lincoln, consistent maintenance of the existing pedestrian system and additional facilities are needed. Planning and developing pedestrian facilities should consider many factors:

- Location of existing and planned activity centers and districts, such as shopping malls, older neighborhood centers, libraries, community centers and schools.
- Requirements from the Americans With Disabilities Act (ADA).
- Needs of a growing senior population.

Pg. F95 - Trail and Bicycle Facilities Plan - A future trail is shown extending along Cardwell Branch and along South Folsom Street.

UTILITIES: Sanitary Sewer - Sewer is not adjacent to this development. The developer is proposing to build and pay for a temporary pump station and force main to serve the area. Alternate routes A and B for the force main have been proposed as means to connect to the City system located near South 7th Street and Warlick Blvd. Funding to extend the trunk sewer from approximately South 7th Street and Old Cheney Road to South 1st Street and West Denton Road is shown in the six-year Capital Improvement Program (CIP) for the years 2008-2010. The developer is proposing to operate the temporary pump station until the City has constructed the trunk sewer to serve the area, after which time the force main will be abandoned.

Water - Water is not adjacent to this property. Funding to construct the water main in South Folsom Street to serve this site is shown in the CIP in years 2009-2010. The developer is proposing to construct this improvement, to be reimbursed later when the programmed City funds are available as part of the annexation agreement.

Electricity, Gas, Telephone - Additional easements are required to accommodate all proposed lots, but all these utilities can be provided to serve this development.

TRAFFIC ANALYSIS: The Nebraska Department of Roads (NDOR) is completing plans to upgrade Highway 77, including a revised Highway 77/West Denton Road/Warlick Blvd interchange. The right-of-way required to accommodate the revised interchange has been acquired and construction is scheduled to begin in 2010. The PUD reflects the revised street alignments for West Denton Road and South 1st Street, and also provides a temporary detour for West Denton Road and Highway 77 while the interchange is under construction.

West Denton Road is a two-lane asphalt rural street. The Comprehensive Plan designates it as a principal arterial to be built as a four-lane with center lane facility. However, no funds are programmed in the CIP to improve it. 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. The developer is proposing to build the north one-half of the remaining portion of West Denton Road to South Folsom Street, with the remaining two lanes to be built by the City at such time funds are available to construct it and reimburse the developer.

South 1st and South Folsom Streets are both county gravel roads, shown as minor arterial streets in the Comprehensive Plan. South Folsom is to be built as a four-lane with center turn lane facility, and South 1st Street is to be built as a two-lane with center turn-lane

facility. The developer is proposing to build the east one-half of South Folsom Street, with the remaining two lanes to be built by the City at such time funds are available. The developer is proposing to construct South 1st after the interchange is complete and to be reimbursed by the City in the future. There are no funds programmed in the CIP for improving these streets at this time. All streets internal to the development are private roadways, except Cardwell Drive which is a public street.

PUBLIC SERVICE: Areas annexed will receive all City services, including police and fire protection. The nearest fire stations are Station #4 at South 27th Street and Old Cheney Road, and Station #13 at West A Street and South Coddington Avenue.

ENVIRONMENTAL CONCERNS: Protection of the Cardwell Branch stream corridor and associated wetlands and sensitive areas.

AESTHETIC CONSIDERATIONS: The appearance of office, commercial and industrial buildings from Highway 77, considered a major entryway into the City.

ANALYSIS:

1. The PUD includes approximately 1,300,000 square feet of office, commercial, and industrial floor area. Part 1a of the development plan notes that the aggregate retail/service uses permitted in the PUD shall not exceed 800,000 square feet, and the PUD **may permit** an aggregate of office, hotels, motels, and industrial uses over 500,000 square feet. The I-3 area (approximately 68 acres) described in the development plan is designed for the LI center designation at this location. To comply with the 50 acre minimum area requirement in the Comprehensive Plan, a minimum of 500,000 square feet of appropriate uses must be designated. To comply with this requirement, Part 1a(c) must be amended to say that “the PUD **must** contain an aggregate of office, hotels, motels, and industrial uses over 500,000 square feet.”
2. The PUD includes an area designated ‘R-5 Uses’ at the southeast corner of the site plan. It shows a proposed layout for 80 townhome units on approximately 10 acres of land. Outside the PUD, but included in the annexation is approximately 100 acres proposed for R-3 and R-4 zoning. There is not a specific development plan associated with this area, however it is subject to the terms of the annexation agreement. Prior to subdividing, the land must be platted in compliance with Title 26 (Land Subdivision).
3. Much of the required infrastructure is not in place to serve this development. Funding for arterial street improvements is not in the six-year CIP, and while funding for water and sewer improvements to serve this site are, they are not programmed

until 2008-2010. The developer is proposing to construct the water main, two lanes in West Denton Road, and two lanes in South Folsom Street to serve the development to be reimbursed at such time as funding is available in the CIP. A temporary pump station and force main are to be used until the sanitary sewer main is extended to the site, at which time the force main will be abandoned. As a condition of the annexation, staff is recommending the owners enter into an annexation agreement with City which specifies these financial responsibilities and timing of improvements. Additionally, staff will recommend that a provision be added to the agreement limiting the amount of development that can occur prior to the adjacent arterial streets being fully constructed.

4. The temporary pump station proposes two routes. Public Works is recommending Route A because it is more accessible and for ease of construction. Required changes relative to the siting of the sewer line are also noted and must be corrected to the satisfaction of Public Works. It is noted that the facility must comply with City's Lift Station Policy. That policy is attached as an exhibit to the annexation agreement, and compliance with it is one of the terms of the agreement.
5. The Highway 77/Warlick Blvd interchange is scheduled to be rebuilt starting 2010. The right-of-way has been acquired by the State of Nebraska for the project, and the new design is shown on the PUD. A temporary ramp will be constructed to allow traffic on both Highway 77 and Warlick Blvd to detour the interchange while it is under construction.
6. Public Works notes that the driveway connection on the north side of West Denton Road, east of South Folsom Street is not needed based upon the traffic study. Due to the anticipated traffic volume on West Denton Road, Public Works recommends that the driveway be eliminated. Access to Lots 3, 4, 5, and 6, Block 2 is provided by the internal street network and from Gailyn Court. Public Works has also noted that the traffic study assumes certain improvements at the South 14th Street/Old Cheney Road intersection in its recommendations. Their review comments were being revised to address this issue but were not ready in time to be included with this report. The comments will be provided when they become available.
7. The left turn lanes in Cardwell Drive at the intersection of SW 4th Street do not meet standards for length. Street connections to Cardwell Drive need to be revised to provide adequate left and right turn lane lengths. Additionally, right turn lanes need to be shown in Folsom Street at the intersections with Cardwell Drive, Gailyn Road, and Cardwell Ridge Drive.
8. The proposed development is consistent with several of the incentive criteria for commercial centers in that it provides a mix of uses, integrate light manufacturing

uses, provides open space, and is supported by a street network with significant future capacity. The sidewalk/trail plan shows a proposed sidewalk plan for the center, but which does not go far enough to facilitate pedestrian access from the street network to buildings, to adjacent properties. Showing additional connections would facilitate pedestrian access and address another of the incentive criteria and help justify the amount of floor area shown.

9. There are wetlands, floodplain and sensitive areas associated with the Cardwell Branch creek, which is located near the south boundary of the PUD. The floodplain for the creek extends north past South 1st Street, land shown to be developed as part of the PUD. The developer is proposing to fill portions of the floodplain and in exchange grant a conservation easement over the remaining floodplain. Land protected by the conservation easement will be at a ratio of 2:1 to the floodplain being filled. Public Works must find that the mitigation standards are satisfied by the terms of the easement before it will be accepted.
10. Several corrections are noted and questions raised in the Public Works/Watershed Management review. These items must be addressed prior to consideration by City Council. Also, revisions to the draft conservation easement agreement are also noted, and as a condition of approval the agreement must be accepted by the City.
11. 911 Emergency Communications recommends that the street name Cardwell Road be changed.
12. The Health Department noted that a portion of the I-3 area is less than 300' away from the R-5 residential area. The development plan imposes restrictions on hazardous materials in the I-3 when less than 300' away, and the Health Department initially recommended that the definition of hazardous material in the development plan be revised consistent with the Department's. Since the initial review, staff has met and agreed to limit the types of uses 300' of the residential rather than limiting the storage of hazardous materials. This requirement is noted as a condition of approval.
13. The Comprehensive Plan shows the bike trail system extending along the Cardwell Branch. It is noted that a 20' easement along the north side of the creek must be shown to accommodate the trail. Details regarding the design, location, and street crossings must be provided to the Parks Department to demonstrate how the trail will built through this area.
14. The appearance of the center from Highway 77, an major entrance into the City was a concern. To address this, the notes on the plan state that "Outdoor storage and

garden centers are prohibited on the east side of any building located on Lot 2, Block 1.” The notes also state that those lots in the B-2 and I-3 areas adjacent to Highway 77 will be screened in an amount 1.5 times the amount required by City Design Standards.

15. The PUD also includes adjustments to setbacks in the R-5, B-2 and I-3 areas. The adjustment to setbacks internal to the site are typical for a commercial center and are appropriate. The R-5 area is surrounded by open space in a conservation easement and the setback adjustments in this area are also appropriate. The reduction in setbacks adjacent to public streets can be appropriate provided the reductions are offset by increased buffering and landscaping. Landscaping on all lots adjacent to public streets (South Folsom, West Denton Road, and Cardwell Drive) should be increased to 1.5 times the required amount consistent with amount provided along Highway 77.
16. Several minor revisions to the General Site Notes on Sheet 1 of 21 are noted, and are included in the conditions of approval for the PUD.

CONDITIONS OF APPROVAL:

ANN#05015

1. Revise the annexation agreement to include a phasing plan for the enhancement of the floodplain and wetlands.
2. The owners will enter into an annexation agreement with the City.

CZ#05061 Southwest Village PUD

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the site plan to show:
 - 1.1.1 Correct metes and bounds legal descriptions for the area of ANN#05014, CZ#05061, and CZ#05062.
 - 1.1.2 Add a note that states “THE LIFT STATION AND FORCE MAIN WILL COMPLY THE CITY’S LIFT STATION POLICY.”

- 1.1.3 Show the required turn lanes at the required lengths as noted by Public Works and Utilities.
- 1.1.4 Remove the driveway on the north side of West Denton Road between Cardwell Drive and South Folsom Street.
- 1.1.5 Show sanitary sewer force main using alternate Route A in an alignment satisfactory to Public Works and Utilities.
- 1.1.6 Revise the conservation easement planting plan to the satisfaction of Public Works and Utilities.
- 1.1.7 Show the minimum opening elevations for buildings for all lots adjacent to flow routes.
- 1.1.8 Delete the definition of hazardous materials in Section 27.51.090 of the development plan and the references to it, and revise the site plan by delineating the area within the I-3 area that is within 300' of the R-5 area and by adding a note that no building containing an industrial or warehouse use shall be located within that area.
- 1.1.9 Show any portion of Warlick Blvd west of Highway 77 as West Denton Road; correct the spelling to South Folsom Street; rename those streets which incorrectly use west and south designations, and use the name 'Cardwell' to the satisfaction of 911 emergency Communications.
- 1.1.10 Add a note that states: ALL OUTLOTS TO BE MAINTAINED BY THE DEVELOPER OR OWNERS ASSOCIATION."
- 1.1.11 Show a 20'-wide easement for the bike trail in a location and configuration to the satisfaction of the Parks Department including grade-separated crossings at West Denton Road and South Folsom Street.
- 1.1.12 Provide a cross-section of the trail and street on the east side of South Folsom Street.
- 1.1.13 Show additional sidewalk connections to the satisfaction of the Planning Department.
- 1.1.14 The surveyor and engineer certificates must be signed.

- 1.1.15 Revise the typical lot detail for the townhouses on Sheet 3 of 21 to show a dimension of 22' from the back of sidewalk to the garage.
- 1.1.16 Revise General Note #8 to read as follows: SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PUBLIC STREETS AND PRIVATE ROADWAYS.”
- 1.1.17 Revise General Note #15 to read as follows: LOTS MAY BE CREATED WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY IF THEY HAVE ACCESS TO A PUBLIC ACCESS EASEMENT.”
- 1.1.18 Delete General Note #17.
- 1.1.19 Revise General Note #19 to read as follows: EXISTING AND PROPOSED EASEMENTS TO BE DETERMINED AT THE TIME OF FINAL PLATTING.
- 1.1.20 Revise General Note #23 to read as follows: DETAILS OF ALL SIGNS, INCLUDING TYPE, HEIGHT AND SIZE WILL BE SUBMITTED SEPARATELY FOR REVIEW AT TIME OF SIGN PERMITS AND ARE NOT REQUIRED TO BE SHOWN ON THE PLAN. POLE AND OFF-PREMISE SIGNS ARE PROHIBITED.
- 1.1.21 Delete General Note #25, and revise the development plan to include the sale of alcohol for consumption on and off the premises as permitted uses in the B-2 and I-3 areas.
- 1.1.22 Revise General Note #27 to read as follows: LOTS 5 AND 6, BLOCK 2 SHALL BE RESTRICTED TO OFFICE AND BANK USES BY THE PUD.
- 1.1.23 Revise General Note #32 to read as follows: ALL BUILDINGS OVER 100,000 SQUARE FEET WITHIN THE PUD SHALL BE SUBJECT TO THE DESIGN CRITERIA. EACH BUILDING’S ELEVATIONS SHALL BE FIRST SUBMITTED TO THE LANDLORD’S COORDINATING ARCHITECT FOR REVIEW AND APPROVAL. THEN A LETTER OF APPROVAL FROM THE LANDLORD’S COORDINATING ARCHITECT STATING HOW THE BUILDING CONFORMS

TO THE DESIGN CRITERIA SHALL BE SUBMITTED ALONG WITH THE ELEVATION TO THE PLANNING DIRECTOR FOR REVIEW AND APPROVAL BY ADMINISTRATIVE AMENDMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

- 1.1.24 Add General Note #36 to read as follows: AT LEAST 120' OF R.O.W. SHALL BE DEDICATED AT THE TIME OF FINAL PLAT ON 1ST STREET, SOUTH OF WEST DENTON ROAD UNLESS LESS IS SHOWN IN THE COMPREHENSIVE PLAN.
- 1.1.25 Add General Note #37 to read as follows: ADDITIONAL R.O.W. FOR THE ROUDABOUT WILL BE PROVIDED IF REQUIRED BY FINAL GEOMETRIC DESIGN.
- 1.1.26 Add easements per 8/30/05 L.E.S review.
- 1.1.27 Add a land use/floor area table for the purpose of counting total floor area by land use type within the PUD per the development plan.
- 1.1.28 Revise General Note #13 to include the following statement: ANY AREAS ADJACENT TO SOUTH FOLSOM STREET, WEST DENTON ROAD, AND CARDWELL DRIVE WHERE REDUCED SETBACKS ARE SHOWN SHALL ALSO BE SCREENED BY A FACTOR OF 1.5 TIMES THE CITY OF LINCOLN DESIGN STANDARDS.”
- 1.1.29 Label Cardwell Lane as a private drive.
- 1.1.30 Revise Section 27.51.110 - Architectural Design Standards, of the development plan to also apply to the B-2 area.
- 1.2 Update the exhibits in the development plan with the correct legal descriptions.
- 1.3 Revise references in Part 1c (page 6) of the development plan to refer to paragraph c, not paragraph b. Revise Part 1a(c)(2) on page 6 of the development plan to read “THE PUD MUST HAVE AT LEAST AN AGGREGATE OF OFFICE AND INDUSTRIAL USES OVER 500,000 SQUARE FEET.”

- 1.4 Revise Part 1a(c)(4) on page 6 of the development plan to read "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 TOTAL AGGREGATE STATED IN PARAGRAPH (C)(1) ABOVE."
- 1.5 Revise the grading and drainage plan and conservation easement planting plan to the satisfaction of Public Works and Utilities Engineering Services and Watershed Management.
- 1.6 Provide written approval from the Nebraska Department of Roads of the interchange layout/detour plan.
2. This approval permits 1,300,000 square feet of office, commercial, and industrial floor area, hotels and motels up to 250 rooms, and up to 160 dwelling units with modifications to the Zoning Ordinance and Land Subdivision Ordinance as stated in the Development Plan.
3. The owners will enter into a conservation easement agreement with the City.
4. City Council approves ANN#05014.

General:

5. Before receiving building permits:
 - 5.1 The permittee shall have submitted a revised and reproducible final plan showing the following revisions and the plans are acceptable:
 - 5.2 The construction plans shall comply with the approved plans.
 - 5.3 Final Plats shall be approved by the City.

Standard:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.

- 6.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 6.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 6.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 6.5 The City Clerk shall file a copy of the ordinance approving the PUD and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Brian Will
Planner
November 9, 2005

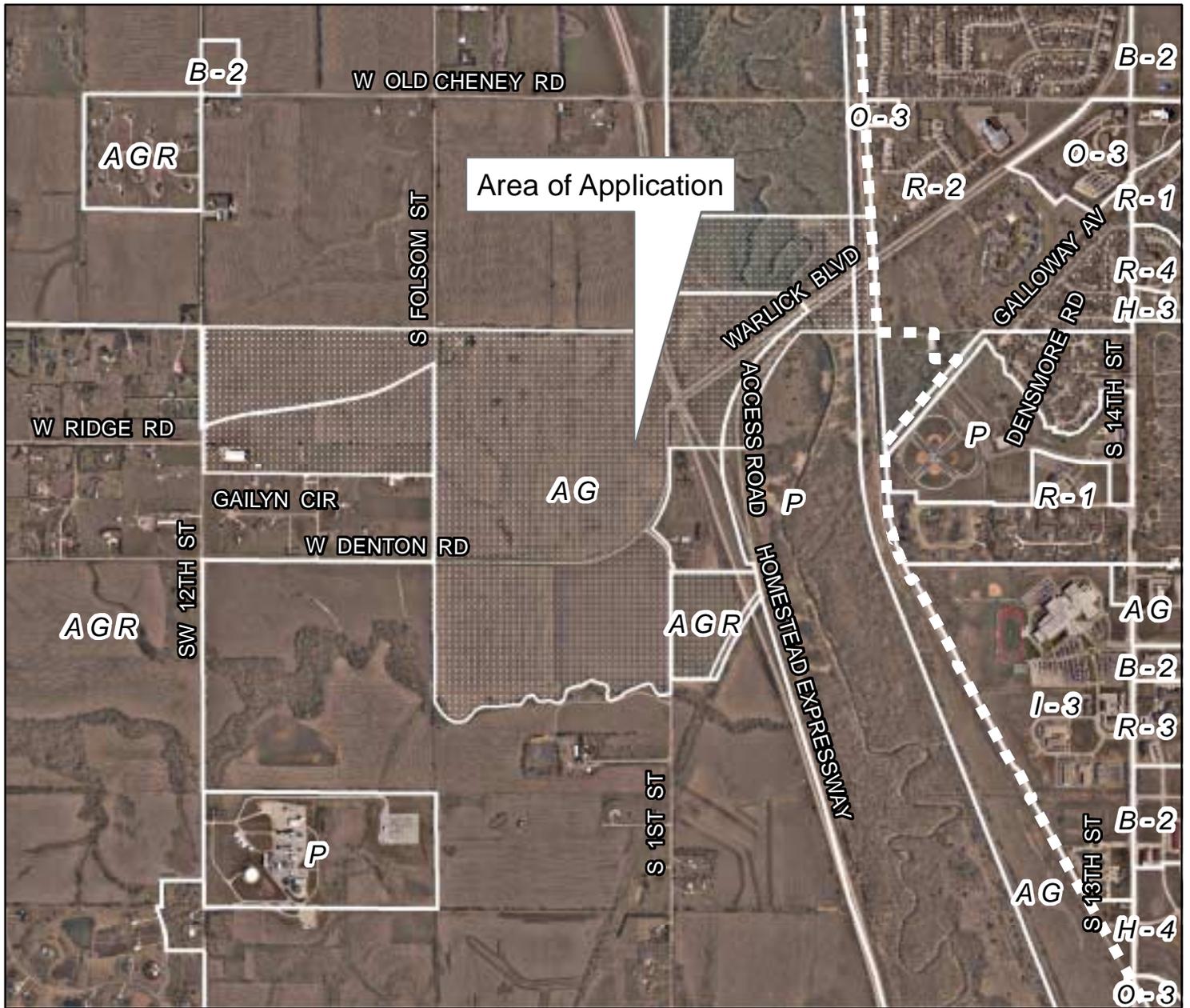
APPLICANT: Ridge Development and Southview, Inc.
8644 Executive Woods Drive
Lincoln, NE 68512
402.436.3444

OWNER: Western Hemisphere Holding Co.
PO Box 22296
Lincoln, NE 68542-2296

Dale Schmidt
PO Box 427
Hickman, NE 68372-0427

Norman LeGrande
7601 South 1st Street
Lincoln, NE 68502

CONTACT: Kent Seacrest
Seacrest and Kalkowski
1111 Lincoln Mall Ste 350
Lincoln, NE 68508
402.435.6000



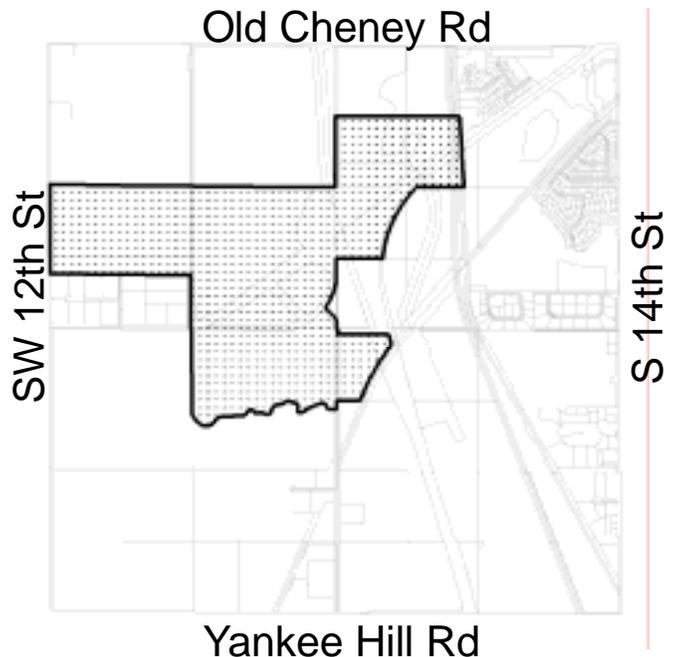
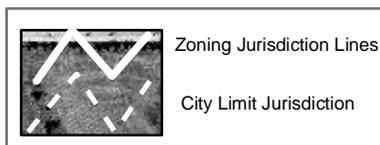
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Southwest Village
S Folsom St & W Denton Rd

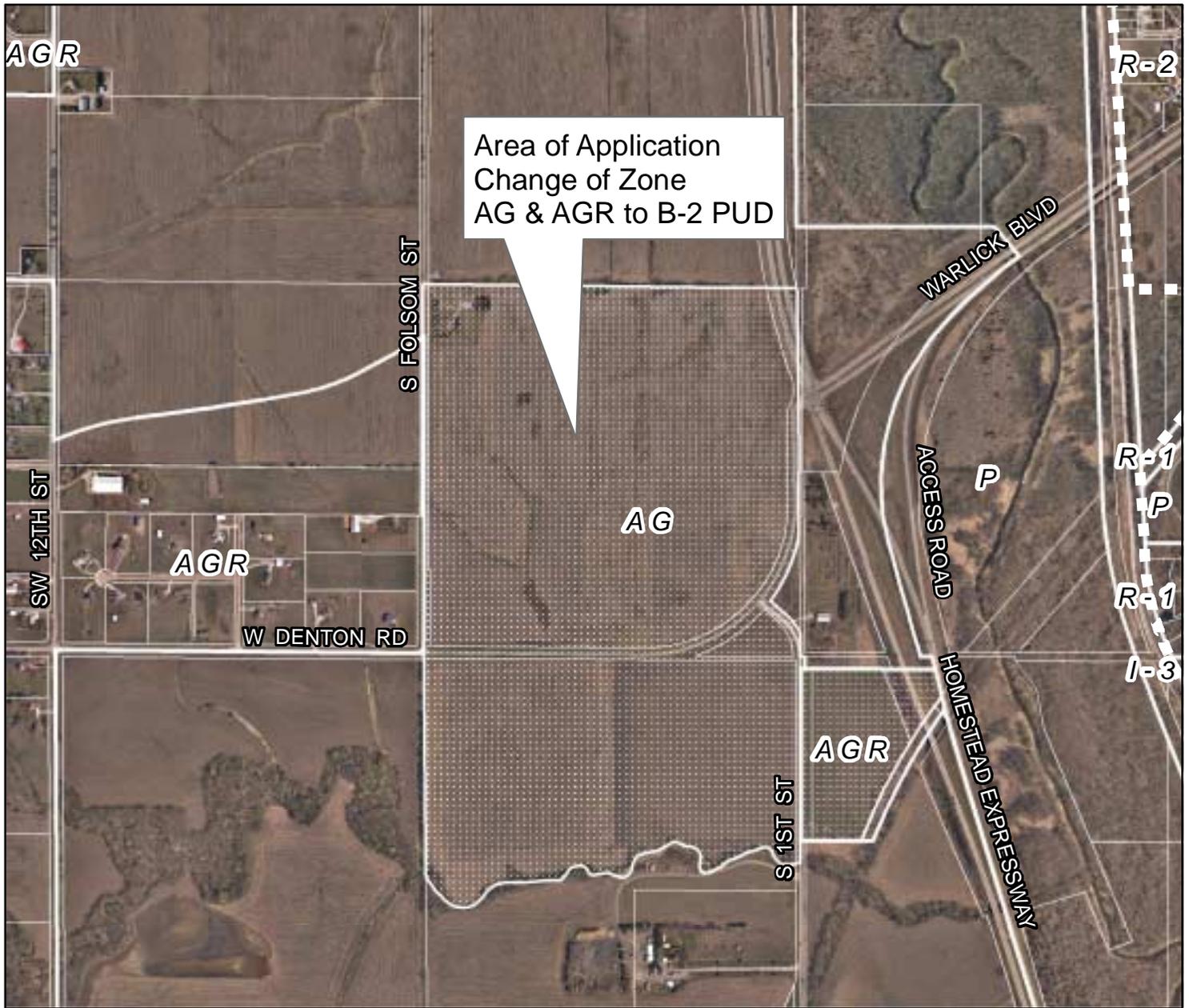
2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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 Mile
 Sec. 14 T9N R6E
 Sec. 15 T9N R7E
 Sec. 22 T9N R6E
 Sec. 23 T9N R7E





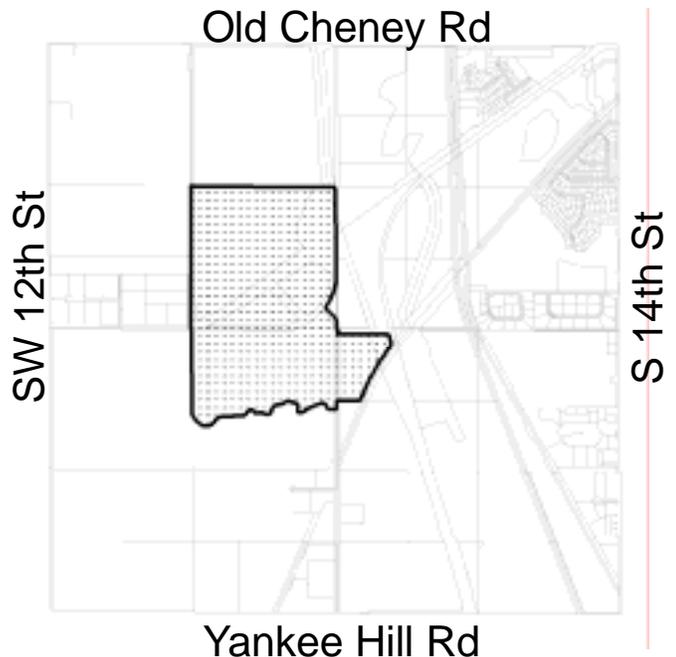
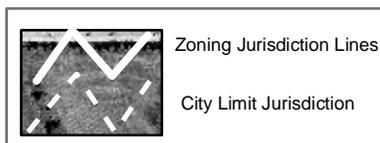
**Change of Zone #05061 (PUD)
Southwest Village
S Folsom St & W Denton Rd**

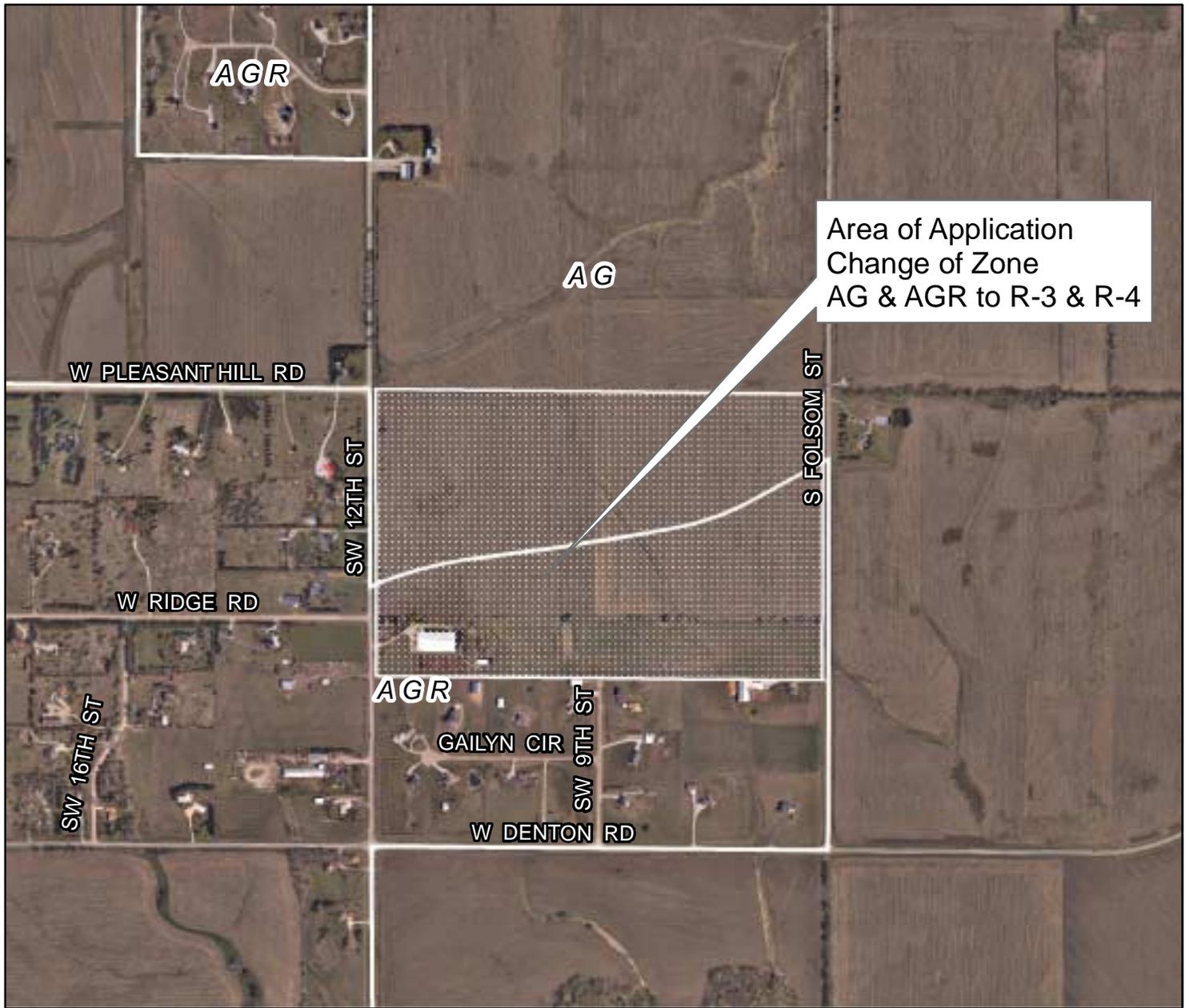
2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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 Mile
Sec. 14 T9N R6E
Sec. 15 T9N R7E
Sec. 22 T9N R6E
Sec. 23 T9N R7E





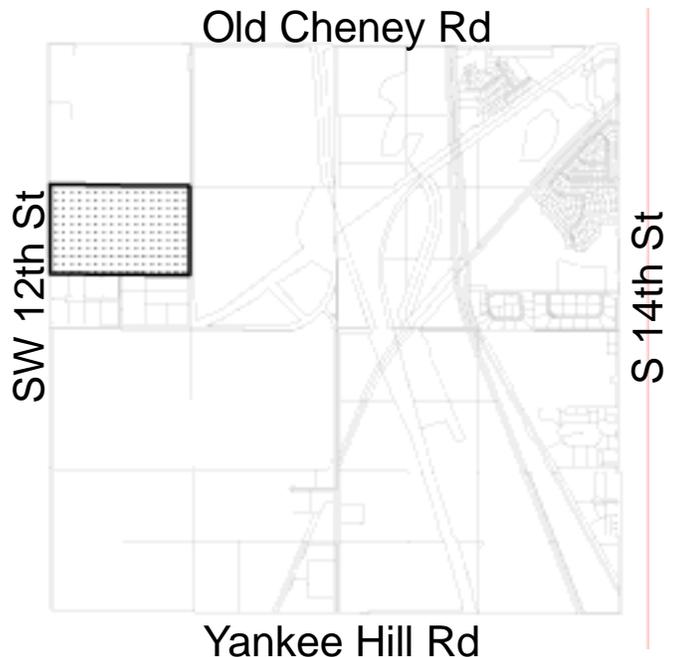
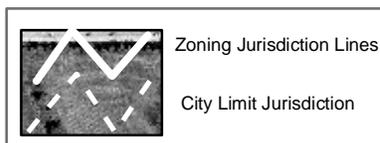
2005 aerial

**Change of Zone #05062
Southwest Village
S Folsom St & W Denton Rd**

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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 Mile
Sec. 14 T9N R6E
Sec. 15 T9N R7E
Sec. 22 T9N R6E
Sec. 23 T9N R7E



NW CORNER SE 1/4
SEC. 15-TM-R66

NE CORNER SE 1/4
SEC. 15-TM-R66

B-2 PUD
LOT 18 LT.

LOT 18 LT.

LOT 17 LT.

LOT 20 LT.

B-2 PUD

LOT 49 LT.

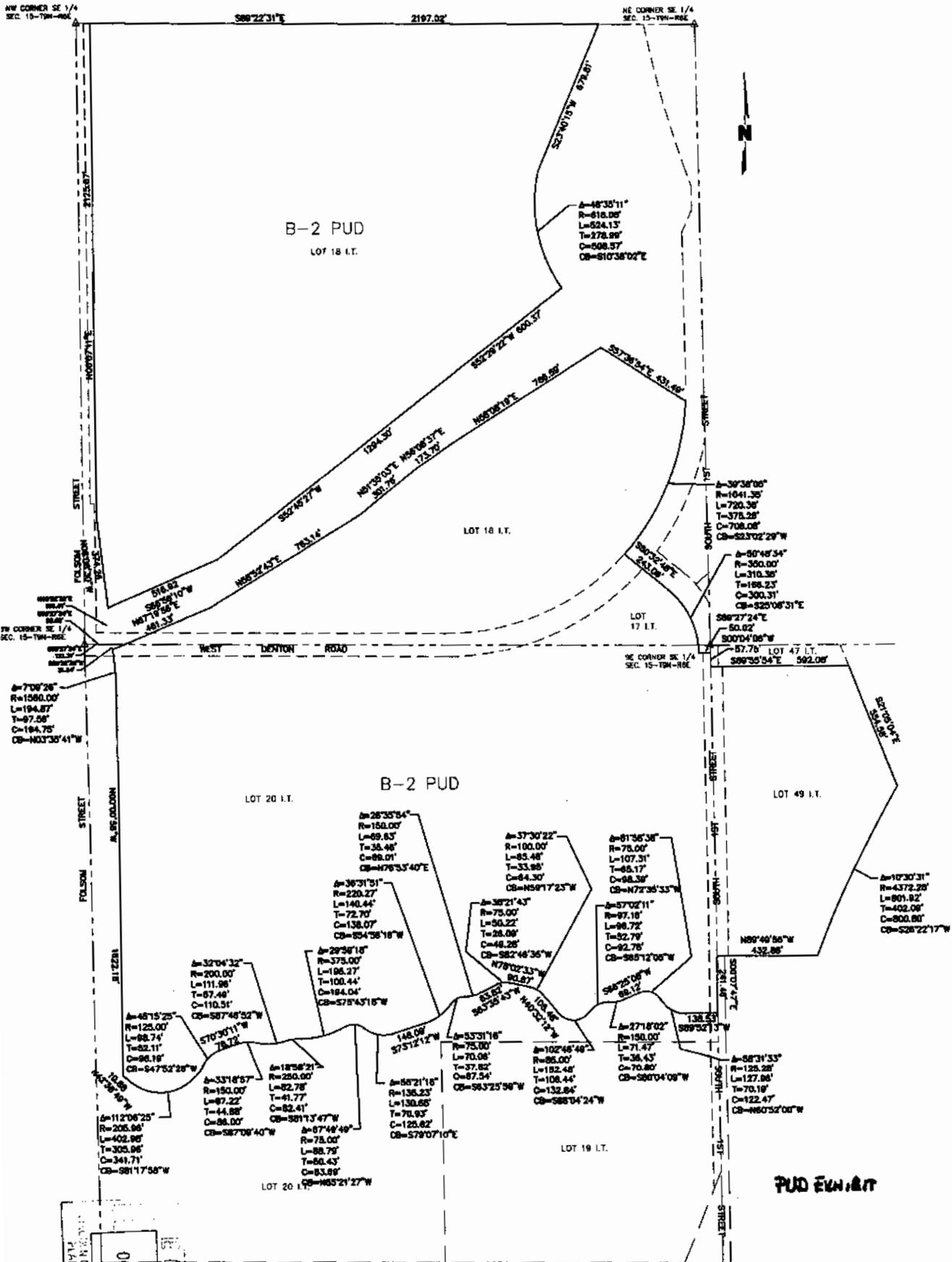
LOT 20 LT.

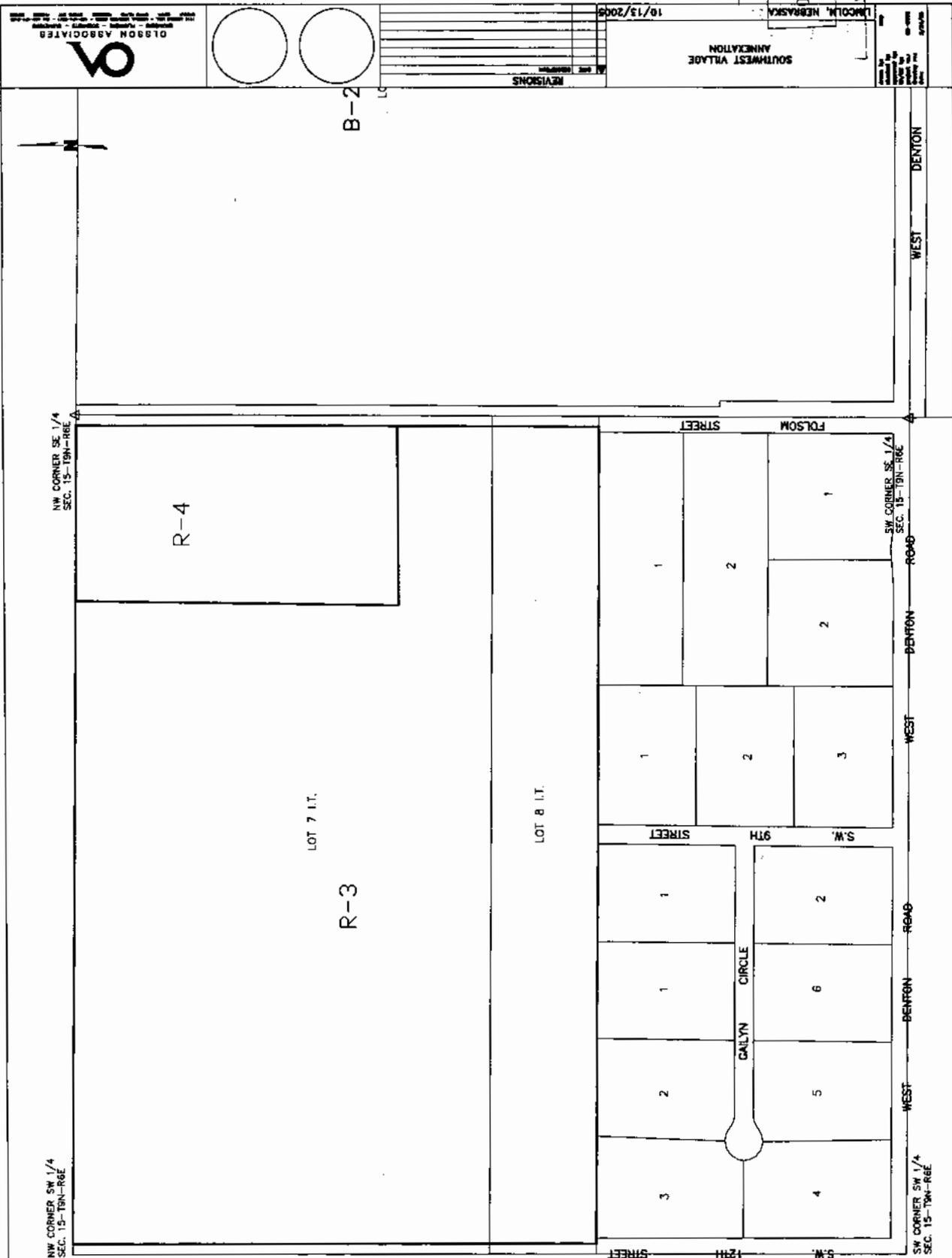
LOT 19 LT.

PUD EXHIBIT

PLANNING DEPARTMENT
CITY OF
13 2005

SE CORNER NE 1/4
SEC. 22-TM-R66





NW CORNER SW 1/4
SEC. 15-T9N-R6E

NW CORNER SE 1/4
SEC. 15-T9N-R6E

SW CORNER SW 1/4
SEC. 15-T9N-R6E

SW CORNER SE 1/4
SEC. 15-T9N-R6E

LOT 7 I.T.

LOT 8 I.T.

R-3

R-4

B-2

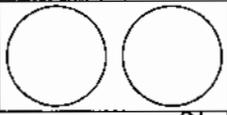
S.W. 12TH STREET

S.W. 9TH STREET

FOLSOM STREET

DENTON WEST

OLSON ASSOCIATES
1015 N. 10TH ST., SUITE 100
LINCOLN, NE 68502
TEL: 402-476-1111
FAX: 402-476-1112



REVISIONS

NO.	DATE	DESCRIPTION
1	10/13/2005	INITIAL DESIGN

SOUTHWEST VILLAGE ANNEXATION

CEVA

OCT 13 2005

CITY/NEIGHBORHOOD PLANNING DEPARTMENT

Residential
Change of Zone
Exhibit

SOUTHWEST VILLAGE P.U.D. SITE PLAN

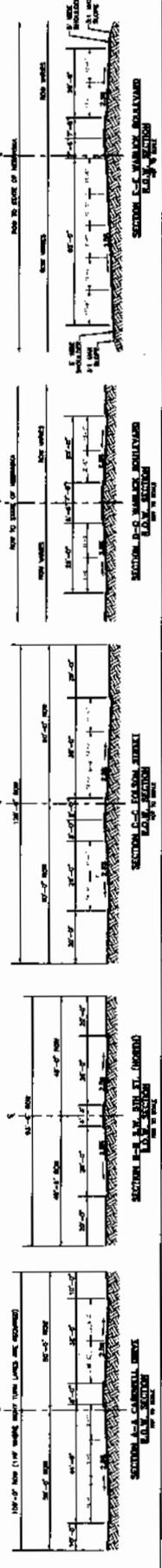
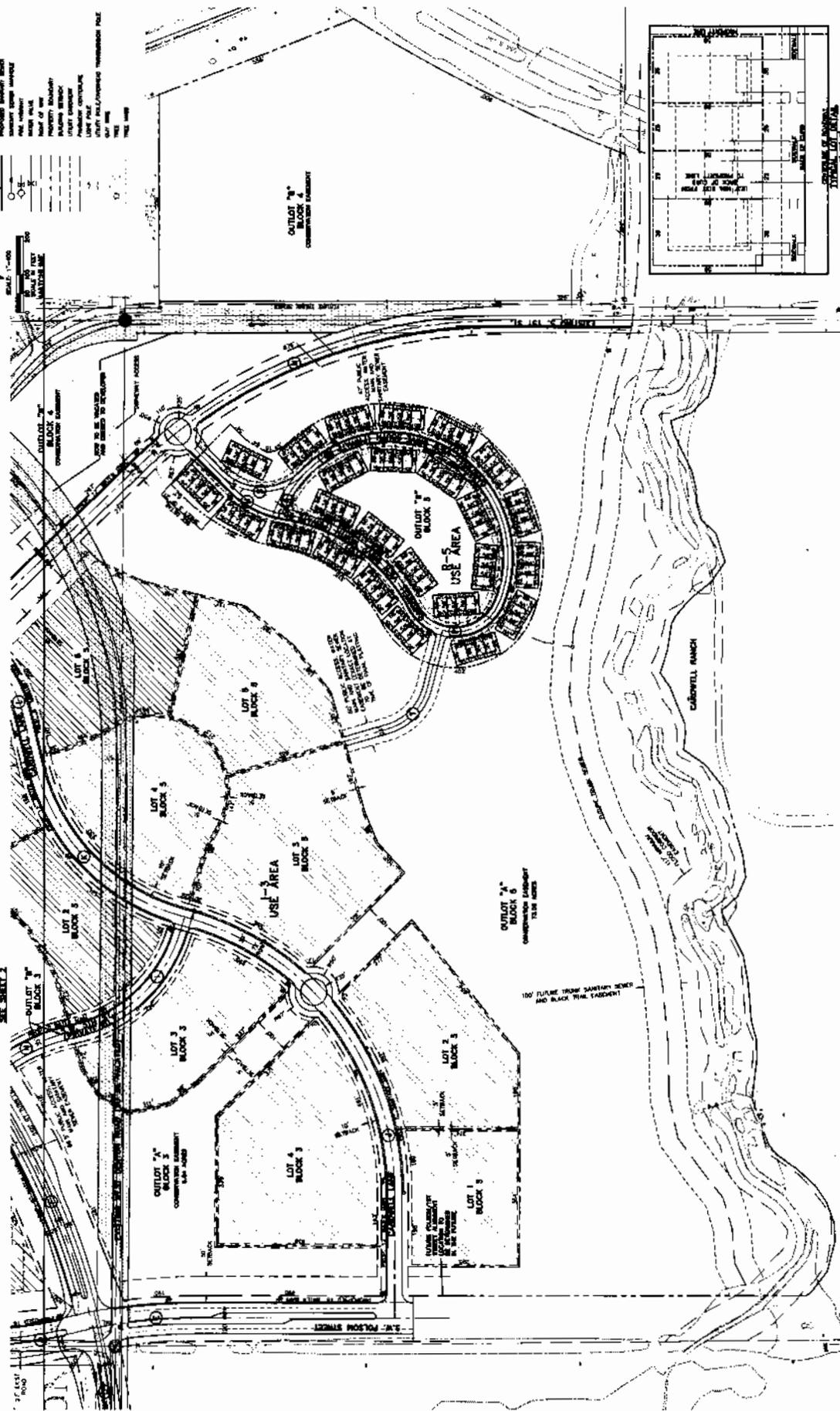
OLSON ASSOCIATES
ENGINEERS - PLANNERS - ARCHITECTS - LANDSCAPERS
1500 N. LINCOLN ST. SUITE 200
LINCOLN, NE 68502
PHONE: (402) 441-1111
FAX: (402) 441-1112
WWW.OLSONASSOCIATES.COM

NO.	DATE	REVISIONS

SOUTHWEST VILLAGE P.U.D.
(SOUTH OF WABUCK)
SITE PLAN
LINCOLN, NE

SHEET
05 OF 21

- LEGEND**
- PROPERTY LINE OF THIS LOT
 - EXISTING RIGHT OF WAY TO BE MAINTAINED
 - PROPOSED RIGHT OF WAY
 - PROPOSED STREET RIGHT OF WAY
 - PROPOSED SIDEWALK
 - PROPOSED DRIVEWAY
 - PROPOSED DRIVE
 - PROPOSED DRIVEWAY
 - PROPOSED DRIVEWAY
.W.



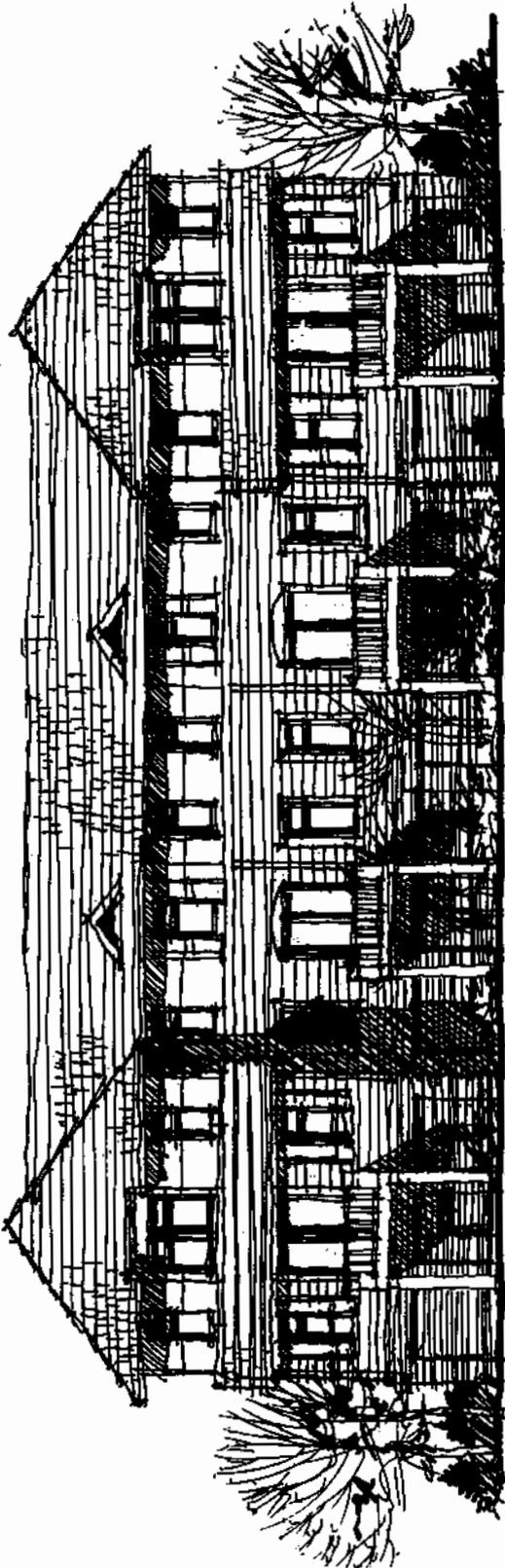
DATE: 10/12/04
DRAWN: J. OLSON
CHECKED: J. OLSON
SCALE: AS SHOWN
PROJECT: SOUTHWEST VILLAGE P.U.D. (SOUTH OF WABUCK)
SHEET: 05 OF 21

AUGUST 18, 2005

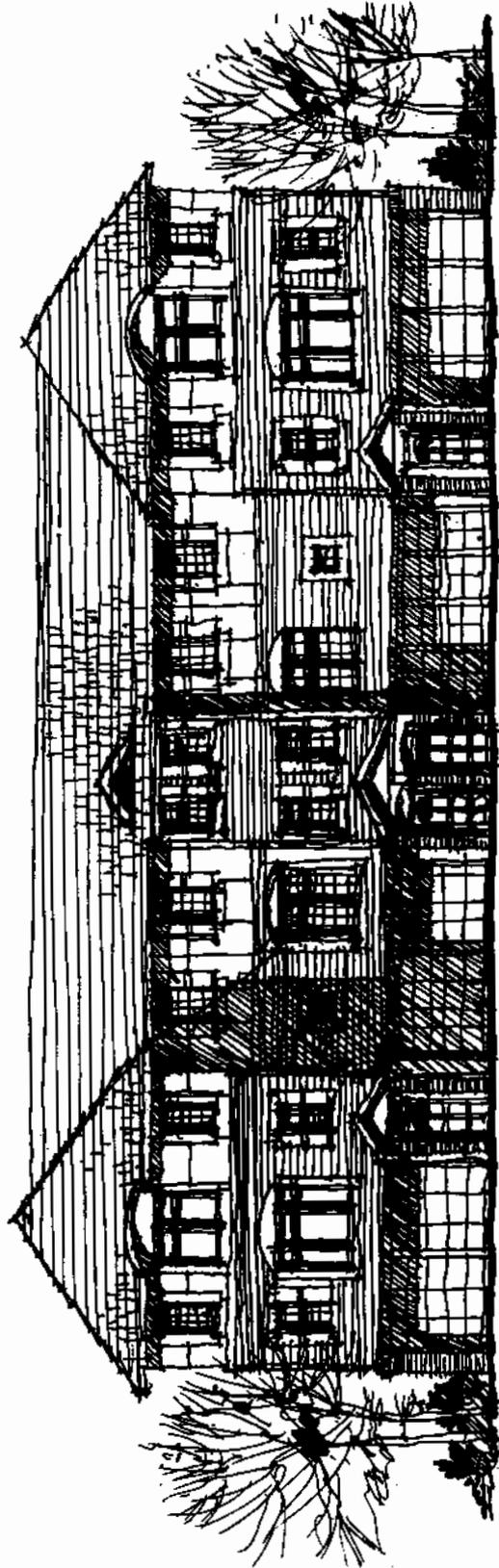
SOUTHWEST VILLAGE RESIDENTIAL P.U.D.
77TH & WARLUCK BOULEVARD
LINCOLN, NEBRASKA

ARCHITECTS
Frank's Shop
1127 WEST 33RD ST. SUITE 200 LINCOLN, NEBRASKA 68502-1007 FAX 402-441-1008

DATE	8-18-05
BY	JK
CHECKED	
SCALE	
PROJECT	
DESCRIPTION	
LOCATION	
OWNER	
DATE	
BY	
CHECKED	
SCALE	
PROJECT	
DESCRIPTION	
LOCATION	
OWNER	



CONSERVATION AREA VIEW



STREETSCAPE VIEW

SCALE: 1/4" = 1'-0"

AUGUST 18, 2006

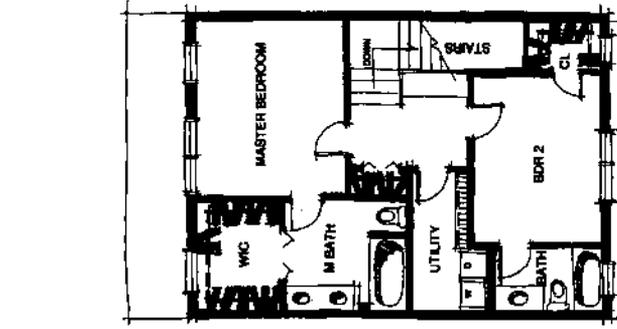
SOUTHWEST VILLAGE RESIDENTIAL P.U.D.
77TH & WARLUCK BOULEVARD
LINCOLN, NEBRASKA

ARCHITECTS
Tommy's Style
7710 BROAD STREET, SUITE 200, LINCOLN, NEBRASKA 68502
PHONE: 402.426.1111 FAX: 402.426.1112

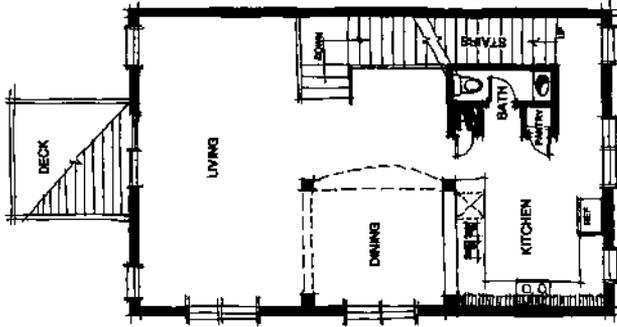
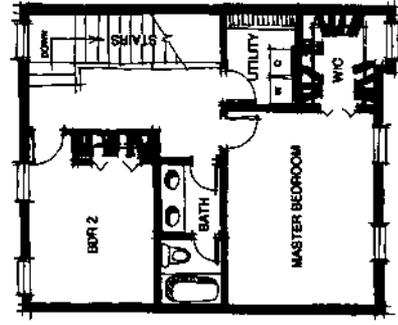
DATE:	
BY:	
CHECKED BY:	
SCALE:	
PROJECT NO.:	
UNIT NO.:	

UNIT "A"
1,875 S.F.

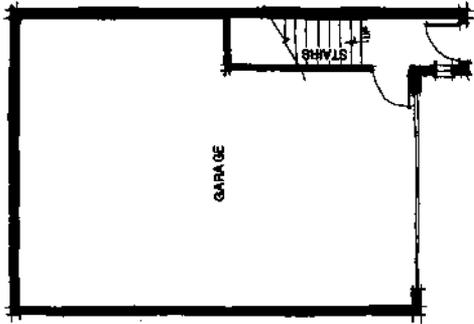
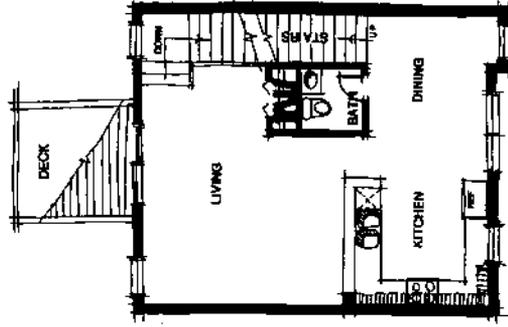
UNIT "B"
1,510 S.F.



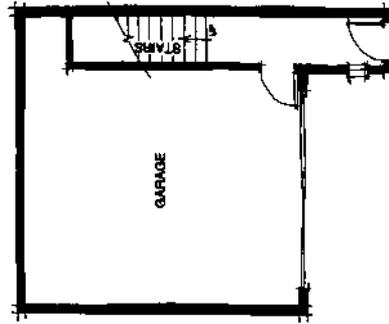
SECOND LEVEL



FIRST LEVEL



GROUND LEVEL



UNIT FLOOR PLANS

SCALE: 1/4" = 1'-0"

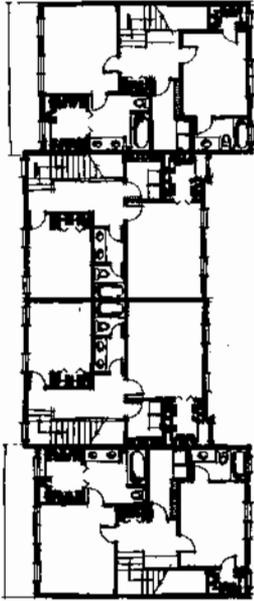
AUGUST 18, 2006

SOUTHWEST VILLAGE RESIDENTIAL P.U.D.
77TH & WARLUCK BOULEVARD
LINCOLN, NEBRASKA

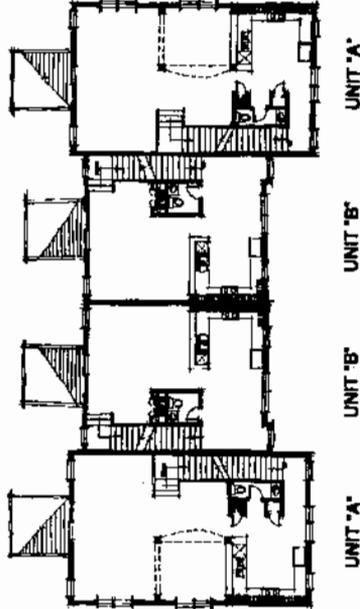
FOR THE ARCHITECTS
Forney & Smith
ARCHITECTS
1000 G STREET, SUITE 200, LINCOLN, NEBRASKA 68502-1000
TEL: 402-478-1111 FAX: 402-478-1112

DATE	NOV 15 2005
BY	FORNEY & SMITH
CHECKED	FORNEY & SMITH
SCALE	1/8" = 1'-0"

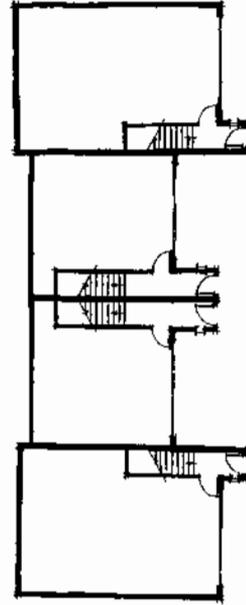
SECOND LEVEL



FIRST LEVEL



GROUND LEVEL



SCALE: 1/8" = 1'-0"

BUILDING FLOOR PLANS

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

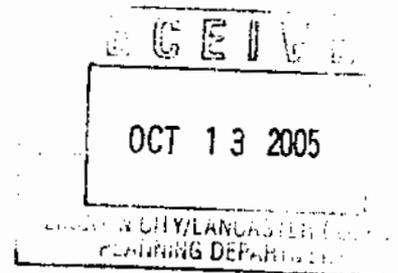
KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

October 13, 2005

HAND DELIVERY

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Re-submittal for Warlick Boulevard & US Highway 77 Community Center/Light Industrial/Residential Area

Dear Marvin:

Our office represents Dial Realty Development Corp. ("Dial"), Western Hemisphere Holding Company, LLC ("WHHC"), Southview, Inc. ("Southview"), Developments Unlimited, LLP ("Developments Unlimited"), and Union Title Ten, LLC ("UTF"). On August 18, 2005, we submitted requests with associated applications for annexation, changes of zone to R-3 and R-4, and the Southwest Village PUD, as well as an annexation agreement. Since that time we have had the opportunity to meet with City staff. As a result of those meetings, we have revised and are re-submitting the following materials:

- A. **Annexation Exhibit** - legal description to follow.
- B. **Change of Zone Exhibit** for the R-3 and R-4 rezoning on the Residential Tract - legal descriptions to follow.
- C. **Change of Zone Exhibit** and legal description for the Southwest Village B-2 PUD.
- D. **Southwest Village B-2 PUD Development Plan** for Warlick Boulevard & US Highway 77 (6 copies), including:
 - Part 1. PUD Regulations:* Regulations for the entire B-2 PUD as well as the R-5 Area, B-2 Area and I-3 Area, including
 - Architectural Design Standards prepared by Purdy & Slack Architects (Exhibit "A");
 - Conservation Easement Agreement (Exhibit "B"); and
 - Part 2. PUD Permit:* Architectural and engineering site maps and illustrations of the uses of the Southwest Village B-2 PUD properties, including the following:
 - Master Site Drainage Report prepared by Olsson Associates

Olsson Associates has met with Traffic Engineering and is in the process of revising the traffic study previously submitted to address verbal comments received. As soon as the traffic study revisions are complete, the Annexation Agreement will be revised to address the traffic revisions, as well as oral comments received at the developer negotiation meeting held on September 1, and will be resubmitted.

The rest of the application materials submitted on August 18 are still relevant.

Please contact us if you have any questions or require additional information. We thank you for your consideration of our request.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

cc: Jonathan Cook
Dial Realty Development Corp
Ridge Development Company
Southview, Inc.
LeGrande Excavating, Inc.
Stephen R. and Cossette L. Stewart
Union Title Ten, LLC
Mark Palmer, Olsson Associates
Doug Halvorson, Purdy & Slack Architects
Noel Salac, NDOR

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100

KENT SEACREST
E-MAIL: kent@sk-law.com

DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

August 18, 2005

HAND DELIVERY

Mr. Marvin Krout
Planning Department , City of Lincoln
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Warlick Boulevard & US Highway 77 Community Center/Light
Industrial/Residential Area

Dear Marvin:

Our office represents Dial Realty Development Corp. ("Dial"), Western Hemisphere Holding Company, LLC ("WHHC"), Southview, Inc. ("Southview"), Developments Unlimited, LLP ("Developments Unlimited"), and Union Title Ten, LLC ("UTT"). In addition, specific clients of ours have entered into written purchase agreements with two landowners: LeGrande Excavating, Inc. ("LeGrande") and Stephen R. and Cossette L. Stewart (collectively "Stewart"). WHHC, Southview, Developments Unlimited and Dial are sometimes collectively referred to herein as "Developer". WHHC, Southview, UTT, LeGrande and Stewart are sometimes collectively referred to herein as "Landowner". The Developer and Landowner are sometimes referred to herein as "Parties in Interest".

WHHC and Southview are the owners of the property located between South Folsom Street, West Denton Road and US Highway 77 (Homestead Expressway) and marked as "Hock Tract" on Attachment "B" of the enclosed Annexation Agreement. Dial has a written contract to purchase the Hock Tract from WHHC and Southview. LeGrande is the owner and Dial has a contract interest in land marked as the "LeGrande Tract" on Attachment "B" of the Annexation Agreement. The Hock Tract and LeGrande Tract are sometimes collectively referred to herein as "the Southwest Village PUD". The Lincoln/Lancaster County Comprehensive Plan designates the Southwest Village PUD as a "Community Center" and "Light Industrial Center".

UTT is the owner of land marked as the "UTT Tract" on Attachment "B" of the Annexation Agreement. Stewart is the owner and Developments Unlimited has a contract interest in land marked as the "Stewart Tract" on Attachment "B" of the Annexation Agreement. The UTT Tract and Stewart Tract are sometimes collectively referred to herein as the "Residential Tract". The Comprehensive Plan's Future Land Use Map designates the Residential Tract as "Residential".

Both the Southwest Village PUD and Residential Tract are designated as Tier 1, Priority A in the Comprehensive Plan.

We hereby request the following:

1. On behalf of the Parties in Interest, annexation of both the Southwest Village PUD and Residential Tract;
2. On behalf of Dial, WHHC, Southview and LeGrande, rezone the Southwest Village PUD from AG Agricultural to R-5 Residential District Planned Unit Development ("R-5 PUD"), B-2 Planned Neighborhood Business District Planned Unit Development ("B-2 PUD") and I-3 Employment Center District Planned Unit Development ("I-3 PUD"); and
3. On behalf of WHHC, Southview, UTT, and Stewart, rezone the Residential Tract from AG Agricultural to R-3 Residential and R-4 Residential.

Enclosed, please find the following:

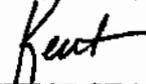
- A. **Annexation Agreement and Exhibit** for the Southwest Village PUD and Residential Tract (3 copies);
- B. **Change of Zone Application and Exhibit** for the R-3 and R-4 rezoning on the Residential Tract. A Change of Zone Application Fee - \$370 for the R-3 rezoning was previously submitted to the Planning Department in our letter to you dated February 17, 2005;
- C. **Change of Zone Application and Exhibit** for the Southwest Village PUD, including ~~R-5 PUD~~, B-2 PUD and ~~I-3 PUD~~ rezoning, including a Change of Zone Application Fee - \$ _____. A Change of Zone Application Fee - \$740.00 for the B-2 PUD rezoning was previously submitted to the Planning Department in our letter to you dated February 17, 2005;
- D. **Southwest Village PUD Development Plan** for Warlick Boulevard & US Highway 77 (6 copies), including:
 - Part 1. PUD Regulations:* Regulations of the underlying ~~R-5 PUD~~, B-2 PUD and ~~I-3 PUD~~, including
 - Architectural Design Standards prepared by Purdy & Slack Architects (Exhibit "A");
 - Conservation Easement Agreement (Exhibit "B"); and
 - Part 2. PUD Permit:* Architectural and engineering site maps and illustrations of the uses of the Southwest Village PUD properties, including the following:
 - Master Site Drainage Report prepared by Olsson Associates
- E. Comprehensive Plan Amendment request designating South Folsom Street, south of West Denton Road as an arterial street to be included in the 2025 Road Network. See attached map.
- F. Three copies of the Highway 77 & Warlick Boulevard Temporary Pump Station Memorandum prepared by Olsson Associates.
- G. Three copies of the Ownership Certificate.

H. Three copies of a traffic study prepared by Olsson Associates.

We would like to request a developer negotiation meeting as soon as possible with the City to discuss the proposed annexation and change of zone requests.

Please contact us if you have any questions or require additional information. We thank you for your consideration of our request.

Very truly yours,



KENT SEACREST
For the Firm

Enclosures

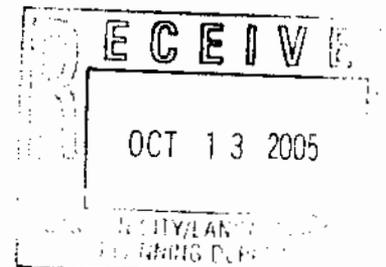
cc: Jonathan Cook
Dial Realty Development Corp
Ridge Development Company
Southview, Inc.
LeGrande Excavating, Inc.
Stephen R. and Cossette L. Stewart
Union Title Ten, LLC
Mark Palmer, Olsson Associates
Doug Halverson, Purdy & Slack Architects
Noel Salac, NDOR

**Southwest Village B-2
Planned Unit Development**

**DEVELOPMENT
PLAN**

Warlick Boulevard
& US Highway 77 Area

OCTOBER 13, 2005



Introduction

Southwest Village B-2 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 conservation easement enables the PUD to have a ratio of 2 to 1: conservation easement area compared to existing land area in the current floodprone area that may be developed under the PUD. 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:

- R-5 Area
- B-2 Area
- I-3 Area

The attached Site Map shows the property subject to the PUD (“Property”) and the three overlay sub-areas. The buildings located within the B-2 Area and the I-3 Area 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 B-2 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: Regulations of the underlying R-5 Residential District, B-2 Planned Neighborhood Business District, the I-3 Employment Center District, and other regulatory chapters of the Lincoln Municipal Code (“L.M.C.”) and corresponding City of Lincoln Design Standards (“Design Standards”) shall apply to the Property, unless specially modified by this Development Plan (collectively “PUD Regulations”). Marked modifications to the underlying City of Lincoln land use ordinances and regulations are shown on the following pages. The PUD Regulations have the following four sections:

- 1a. **Property PUD:** Regulations applicable for the entire Property comprising the Southwest Village B-2 PUD;
- 1b. **R-5 Area:** Regulations applicable to those portions of the Property marked R-5 Area;
- 1c. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area; and
- 1d. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area.

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 a written conservation easement in a form substantially similar to the Conservation Easement attached hereto as Exhibit "B".

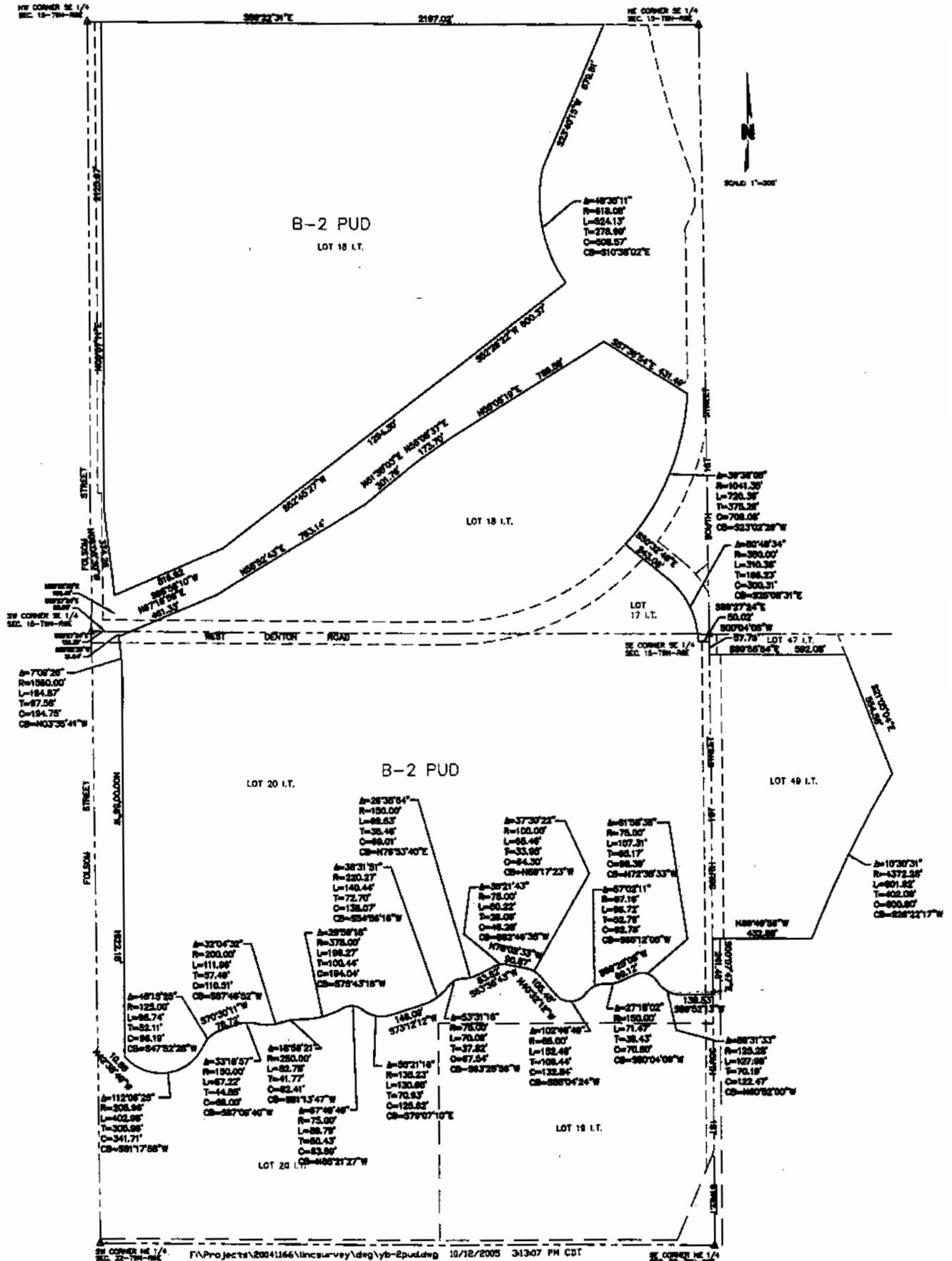
The Development Plan components modify the use limitations and regulations of the L.M.C. The Development Plan is designed to regulate buildings on private properties to shape the public realm and help create quality streets, plazas, open space and other public spaces.

Southwest Village B-2 PUD

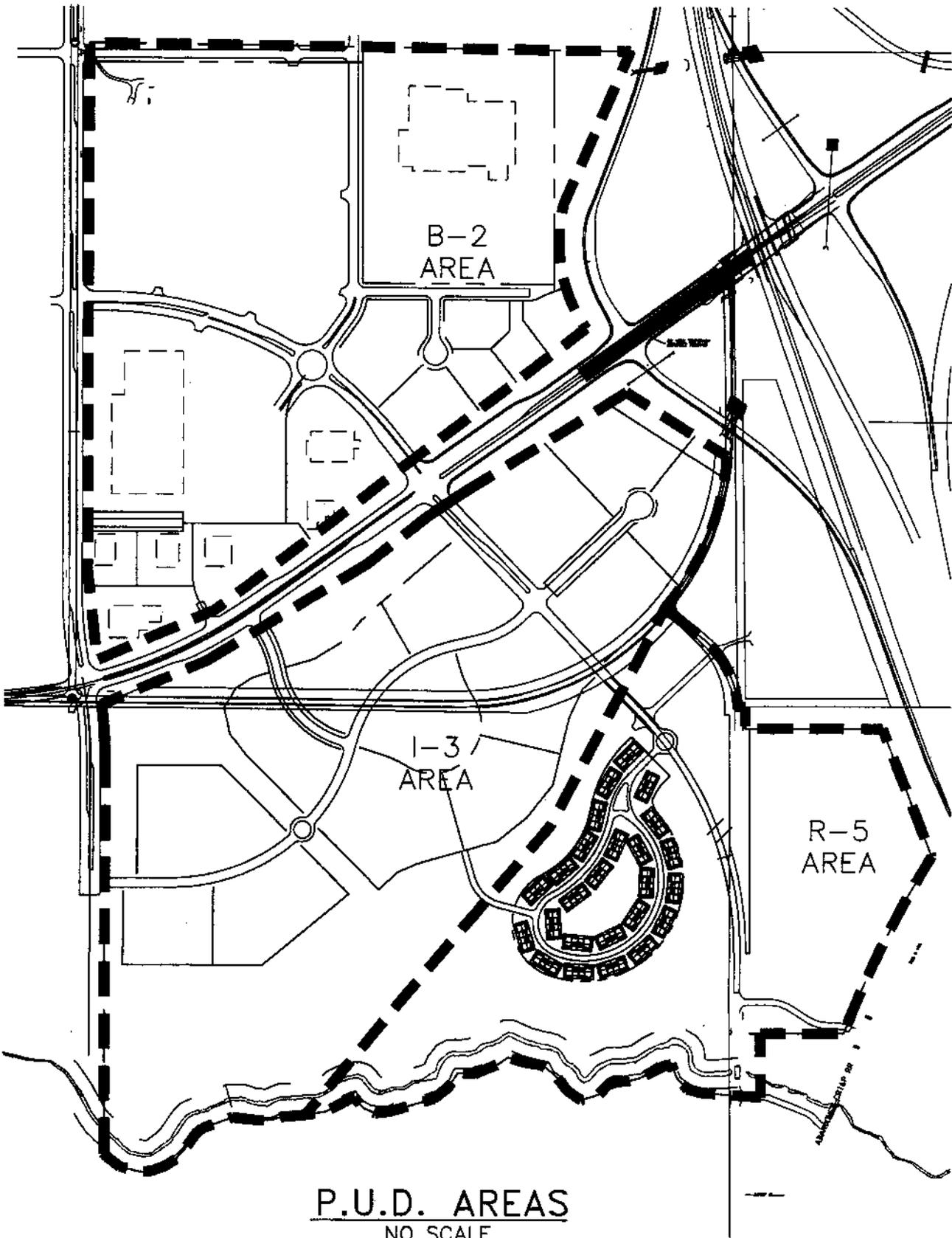
The Southwest Village B-2 PUD is authorized and approved as a planned unit development district pursuant to Chapter 27.60 of the L.M.C., as may be amended from time to time. A separate use permit is not necessary or required to permit any use permit use. This Southwest Village B-2 PUD will replace any 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 required for any permitted special use.

After approval of the Southwest Village B-2 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



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 B-2 PUD;
- 1b. **R-5 Area:** Regulations applicable to those portions of the Property marked R-5 Area;
- 1c. **B-2 Area:** Regulations applicable to those portions of the Property marked B-2 Area; and
- 1d. **I-3 Area:** Regulations applicable to those portions of the Property marked I-3 Area.

Regulations of the underlying R-5 Residential District, B-2 Planned Neighborhood Business District, I-3 Employment Center District, and other regulatory chapters of the L.M.C. and corresponding City of Lincoln Design Standards (“Design Standards”) shall apply to the Property, unless specially modified by this Development Plan (collectively “PUD Regulations”). Marked modifications to the underlying City of Lincoln land use ordinances and regulations are shown on the following pages.

Part 1a: Property PUD – General Regulations

These General Regulations are applicable for the entire Property comprising the Southwest Village B-2 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) The aggregate retail/service uses permitted shall not exceed eight hundred thousand (800,000) square feet within the boundaries of the PUD Permit.
 - (2) The PUD may permit an aggregate of office, hotels, motels and industrial uses over 500,000 square feet.
 - (3) 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 (b)(2) above.
 - (4) For purposes of the specific regulations described in this section, hotel and motels shall not be counted towards the numbers stated in paragraph (b)(1) above.
- (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.
- (e) **Additional Heights and Area Regulations.**
 - (1) Section 27.71.210, Enlargement and Alteration of Lots shall not apply to the R-5 Area.
- (f) **Subdivision.**
 - (1) Southwest Village B-2 PUD Permit shall be deemed a preliminary plat and not a Community Unit Plan.
 - (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 B-2 PUD. A total maximum number of dwelling units is stated on the Southwest Village B-2 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 B-2 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.

(g) Development Plan Standards.

(1) Pursuant to Section 26.23.125, Pedestrian Ways, block lengths may exceed 1000' in areas where the Southwest Village B-2 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 B-2 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 B-2 PUD is attempting to avoid crossing the minimum flood corridor, conservation easement area, or Highway 77 as shown in the Southwest Village B-2 PUD.

(3) Pursuant to Section 26.23.140, Lot, Southwest Village B-2 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.

(h) 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.

(i) Parking.

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

(2) Notwithstanding any contrary provision stated in the L.M.C., all required B-2 Area and I-3 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 27.67.040(f).

(j) Signage.

(1) Off-premise signs (billboards) are prohibited within all areas of the PUD.

(2) No pole signs will be permitted within the PUD.

(3) Pursuant to Section 26.69.046(d), there is no requirement that an on-premises ground sign within the B-2 Area be located within thirty feet of the pad site building.

(4) Pursuant to Section 26.69.081(d), there is no requirement that an on-premises ground sign within the I-3 Area be located within thirty feet of the pad site building.

(k) 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.

(l) 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.