

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 21, 2020 AGENDA

| Subject: | Type: | Submitted By: |
|--|---|-------------------------------------|
| WEST MANAGEMENT, LLC CONDITIONAL USE PERMIT – ECHO HILLS APARTMENTS PROPOSED LOT 2 ECHO HILLS REPLAT FOUR | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | CALE BRODERSEN ASSISTANT PLANNER |

SYNOPSIS

A public hearing has been scheduled and resolution prepared to consider an application for a Conditional Use Permit to construct and operate a multiple family dwelling complex (apartments) on proposed Lot 2 Echo Hills Replat Four, generally located southeast of the intersection of 146th Street and Echo Hills Drive.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

On February 4, 2020 City Council approved applications by West Management, LLC for a Future Land Use Map amendment to the Comprehensive Plan, a Rezoning, Planned Unit Development Site Plan, and the Preliminary Plat for the Echo Hills development that will include apartments, an assisted living and memory care facility, and a commercial development.

A public hearing has been scheduled and resolution prepared to consider an application submitted by West Management, LLC for a Conditional Use Permit to construct and operate multi-family housing on proposed Lot 2 Echo Hills Replat Four which would include four (4) three-story apartment buildings with a total of 210 market-rate apartment units. The property is zoned R-3 High-Density residential, which lists “Multiple Family Dwellings constructed after November 20, 2001” as a Permitted Conditional Use.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 19, 2020, and unanimously recommended approval of the Conditional Use Permit, contingent upon substantial completion of the Design Review Process, as the request is consistent with the Comprehensive Plan and Zoning Ordinance.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT, OWN, AND OPERATE A MULTIPLE FAMILY DWELLING COMPLEX ON LOT 2 ECHO HILLS REPLAT FOUR.

WHEREAS, the City Council in an earlier agenda item approved a Subdivision Agreement between the City and Vandelay Investments, L.L.C. ("Subdivider"), a Nebraska limited liability company, with respect to development of property to be replatted as Lots 1-4, Echo Hills Replat Four; and

WHEREAS, West Management, LLC ("Applicant"), a Nebraska limited liability company and affiliated entity of Subdivider, executed a purchase agreement to acquire ("Purchase Agreement"), and submitted applications to replat and develop, the property to be platted as Lots 1-4, Echo Hills Replat Four, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska ("Property"); and

WHEREAS, Subdivider, by an assignment of the Purchase Agreement from Applicant, desires to acquire the Property and develop and operate it in a unified, compatible manner as a mixed use development. Specifically, Subdivider directly or indirectly through one or more Controlled Entities desires to develop, construct, own, and operate in a unified, compatible manner Private Improvements on the Property, including without limitation the following:

- a. Own, develop and operate Lot 1 as an 80 unit assisted living and memory care facility comprised of a single building containing 60 assisted living units and 20 memory care units;
- b. Own, develop and operate Lot 2 as a 210 unit multi-family residential housing project comprised of four separate residential apartment buildings, including without limitation, detached and attached fully enclosed single-vehicle parking garages, and
- c. Own, develop and operate Lots 3 and 4 as commercial pad sites;

all as presented to the City Council by or on behalf of the Applicant and Subdivider in connection with the request for approval of the Plat, PUD Plan and Conditional Use Permit and as finally approved; and

WHEREAS Applicant, for itself and on behalf of Subdivider and Controlled Entities that will own, develop, and operate some or all of the Property, has applied for approval of a conditional use permit for a multiple-family dwelling complex on Lot 2 Echo Hills Replat Four, located southeast of the intersection of S 146th Street and Echo Hills Drive; and

WHEREAS, the La Vista Planning Commission held a public hearing on March 19, 2020 to review the application and unanimously voted to recommend approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the recitals above are incorporated into this Resolution by reference, and that the terms used in such recitals or elsewhere in this Resolution shall have the meaning specified in the Subdivision Agreement referenced above, unless a different meaning otherwise is clearly intended by the context.

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of La Vista hereby approve and authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, subject to any additions, subtractions, or modifications that the City Administrator may determine necessary or advisable, for Applicant, Subdivider, or any Controlled Entities to construct, own, and operate multiple-family dwellings on Lot 2 Echo Hills Replat Four, contingent upon approval, execution, and recording of the Echo Hills Replat Four Final Plat and Subdivision Agreement, substantial completion of the Design Review Process, and the creation of all Controlled Entities that will construct, own, and operate multiple-family dwellings on Lot 2 Echo Hills Replat Four, all of which shall be named as parties in and execute the Conditional Use Permit.

PASSED AND APPROVED THIS 21ST DAY OF APRIL, 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\City Hall\20 FINAL RESOLUTIONS\20. CUP - Echo Hills
Multiple Family Dwelling Complex 04.21.2020.Doc



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBERS: PCUP20-0002;

FOR HEARING OF: APRIL 21, 2020
REPORT PREPARED ON: MARCH 20, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Brett West
West Management LLC
3042 Sheridan Blvd
Lincoln, NE 68502

B. PROPERTY OWNER:

Omaha Community Foundation
3555 Farnam Street
Omaha, NE 68131

C. LOCATION: Northwest of the intersection of Chandler Road and 144th Street.

D. LEGAL DESCRIPTION: Lot 3 Echo Hills (Proposed Lot 2 Echo Hills Replat Four).

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit for the construction and operation of multi-family housing on proposed Lot 2 Echo Hills Replat Four.

F. EXISTING ZONING AND LAND USE: R-3 – High-Density Residential, Gateway Corridor District (Overlay District), and Planned Unit Development; The site is currently vacant.

G. PURPOSE OF REQUEST: Development of four, three-story apartment buildings that would include a total of 210 market-rate apartment units including underground and attached parking.

H. SIZE OF SITE: Approximately 5.78 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes downward to the south and to the east; the site is currently vacant.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

| <u>Direction From Subject Property</u> | <u>Future Land Use Designation</u> | <u>Current Zoning Designation</u> | <u>Surrounding Development</u> |
|--|--|---|---|
| North (West) | Low-Medium Density Residential | RS-72 Single Family Residential | Echo Hills Neighborhood |
| North (East) | High-Density Residential | R-3 High-Density Residential, Planned Unit Development, Gateway Corridor Overlay District | Proposed Echo Hills Assisted Living and Memory Care |
| East | Commercial | C-1 Shopping Center Commercial, Gateway Corridor Overlay District | Dino's Storage |
| South | Industrial | I-1 Light Industrial, Gateway Corridor Overlay District | Vacant Lot |
| West | Low-Medium Density Residential | RS-72 – Single Family Residential | Echo Hills Neighborhood |

C. RELEVANT CASE HISTORY:

1. On February 4, 2020 the City Council of the City of La Vista held public hearings and approved of an amendment to the Future Land Use Map of the Comprehensive Plan and rezoning to change a portion of Lot 3 Echo Hills from C-1 Shopping Center Commercial to R-3 High-Density Residential to allow for further development of the site as proposed. Additionally, the City Council approved a Planned Unit Development Site Plan a Preliminary Plat for the Echo Hills Development, noting that the applicant will need to obtain approvals of the following before construction on the site can begin: Final Plat, architectural design review for each building, and Conditional Use Permits for the apartments and assisted living/memory care facility.

D. APPLICABLE REGULATIONS:

1. Section 5.08 of the Zoning Regulations – R-3 High Density Residential
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development (Overlay District)
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
4. Article 6 of the Zoning Regulations – CUP – Conditional Use Permit

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the Comprehensive Plan designates proposed Lot 2 Echo Hills Replat Four for high-density residential development.
2. The proposed project will meet Policy Live-2.2 of the La Vista Comprehensive Plan which reads: "Promote the development of housing types and supportive programs for people of retirement age, allowing residents to age in place with access to daily services." This policy directly promotes Goal 2 of the Live Long category of the Comprehensive Plan, which reads: "Maintain the balance of diverse, high-quality housing that appeals to people of varying backgrounds, incomes and abilities."

B. OTHER PLANS: Traffic Impact Analysis dated December 2, 2019.

C. TRAFFIC AND ACCESS:

1. There will be two main full access points to the development; one onto 144th Street (N-50) via Echo Hills Drive, and one onto Chandler Road via 146th Street. The apartments can be accessed directly off of 146th Street and from a connection with Lots 3 and 4 Echo Hills Replat Four to the south.
2. A traffic impact analysis for the development has been prepared by Felsburg, Holt & Ullevig (FHU). The City Engineer has reviewed the study and finds the analysis and recommendations reasonable. The traffic impact analysis was included in the packet for the Planned Unit Development, which was considered by Council on February 4, 2020.

The traffic impact analysis noted that MUTCD traffic signal warrants were not satisfied at the intersection of N-50 (144th Street) with Echo Hills Drive/Josephine Street or 146th Street with Chandler Road under 2019 existing or 2021 buildout traffic conditions. As the area surrounding the site continues to develop, these two intersections should be continually monitored to determine if signalization is warranted.

The traffic impact analysis recommends signal head improvements to the traffic signal at the intersection of N-50 (144th Street) and Chandler Road at the time of full buildout.

D. UTILITIES:

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.
2. Storm water management fees will be collected at the time of building permit.

E. PARKING REQUIREMENTS: The parking stall requirements for the proposed apartments, per the La Vista Zoning Ordinance, are:

| Lot # | Use | Required Stalls | Provided Stalls |
|-------|--------------|-----------------|-----------------|
| Lot 2 | Multi-Family | 388 | 497 |

The proposed 497 parking stalls meet the requirements in the La Vista Zoning Ordinance.

IV. REVIEW COMMENTS:

- A. The design of each building is being reviewed through the City's Architectural Design Review process and must be substantially complete prior to execution and recording of this Conditional Use Permit and issuance of any building permits. The architectural elevations (Exhibit F) of the attached Conditional Use Permit are conceptual and may change as a result of the Design Review process.
- B. Any traffic improvements required by NDOT must be completed prior to the issuance of a Certificate of Occupancy and is addressed through the Subdivision Agreement as part of the Final Plat process. The Subdivision Agreement must be finalized prior to the execution of this Conditional Use Permit.
- C. The applicant informed staff that they held a forum on November 14th, 2019 to discuss the proposed development with neighborhood residents and the SID Board, and to listen to their feedback. The applicant worked with City Staff and the SID Board to propose several traffic calming/off-site improvements to mitigate the potential negative impacts of increased traffic on the neighborhood. These proposed improvements include a speed table and pedestrian crossing on 146th Street, a speed hump on Echo Hills Drive, a fence along the east edge of Echo Hills Park along 146th Street, additional on-street parking stalls for Echo Hills park, and an improved sidewalk connection to the park from the neighborhood.
- D. A draft of the Conditional Use Permit has been included in the packet for review.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Lot 2 Echo Hills Replat Four contingent upon approval of the Echo Hills Replat Four final plat and subdivision agreement, and substantial completion of the Design Review Process, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission held a public hearing on March 19, 2020 and unanimously voted to recommend approval of the Conditional Use Permit for Lot 2 Echo Hills Replat Four contingent on the resolution of the issues mentioned in this staff report, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

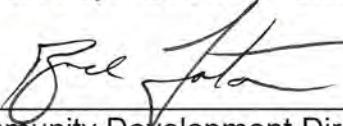
- A. Vicinity Map
- B. Review Letter
- C. Draft Conditional Use Permit w/ Exhibits

VIII. COPIES OF REPORT SENT TO:

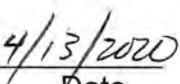
- A. Brett West, West Management LLC
- B. Joe Dethlefs, Thompson, Dreessen & Dorner Inc.
- C. Public Upon Request



Prepared by: Assistant Planner



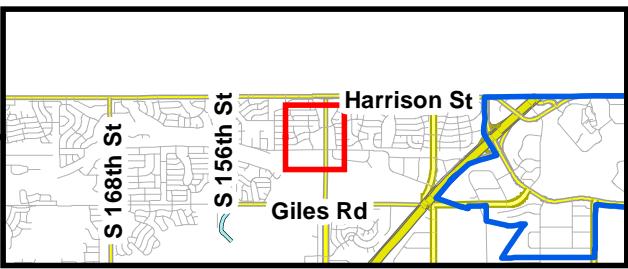
Community Development Director



Date



Vicinity Map - Conditional Use Permit Echo Hills Apartments



3/11/2020

CB





February 24, 2020

Joe Dethlefs
Thompson, Dreessen & Dorner Inc.
10836 Old Mill Road
Omaha, NE 68154

RE: Conditional Use Permit – Initial Review
Echo Hills Apartments

Joe,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff has reviewed the initial submittal and has provided the following initial comments:

Section 6.05.04:

1. Parking, if found to be inadequate within Lot 2, will need to be shared with other lots internal to the development. Provisions may be written into the Subdivision Agreement to satisfy this concern.

Section 6.05.050 and 6.05.10:

2. Public and common improvements, as well as common area maintenance and the PSCMP maintenance obligations will be addressed with the Subdivision Agreement, and any other applicable documentation.

General Comments:

3. Applicant needs to provide approximate hours of operation for the leasing office within a revised Operating Statement. Additionally, please revise the Operation Statement to not include, "...ranging anywhere from \$850 to \$1,600 per unit...".
4. The Fire Marshall has requested that the fire department access (including the access from the lot to the south) be completed before construction of the superstructure begins. Additionally, the water supply for firefighting, including any private hydrants that may be

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

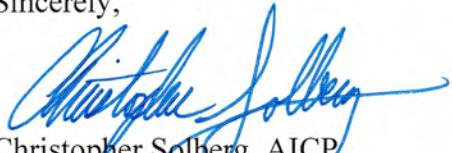
Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

required, must be installed and tested prior to construction of the superstructure.

A draft Conditional Use Permit (CUP) will be developed and shared with you soon to be reviewed. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Christopher Solberg, AICP
Deputy Community Development Director
csolberg@cityoflavista.org
(402) 593-6400

Cc: Bruce Fountain, Community Development Director
 Brett West, West Management LLC

**CITY OF LAVISTA
CONDITIONAL USE PERMIT**

**Conditional Use Permit for Multiple Family Dwellings
(Echo Hills Apartments)
Lot 2 Echo Hills Replat Four**

This Conditional Use Permit is issued this _____ day of _____ 2020 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to West Management, LLC., a limited liability company authorized to do business in Nebraska ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a multiple family dwelling complex to be known as the Echo Hills Apartments upon the following described tract of land within the City of La Vista's zoning jurisdiction:

Lot 2 Echo Hills Replat Four, a subdivision in Sarpy County, Nebraska (the "Property") as depicted in Exhibit "A" the final plat; and

WHEREAS, Owner has applied for a Conditional Use Permit for the purpose of constructing and operating a multiple family dwelling complex on the Property as described above; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit to the Owner for such purposes, subject to certain conditions and agreements as hereinafter provided (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to use the Property for the purposes described above, said use hereinafter being referred to interchangeably as a "Permitted Uses" or "Uses".

Conditions of the Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any material breach hereof shall cause Permit to expire and terminate, subject to the rights of the Owner to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Uses:
 - a. The site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed easements, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "B".
 - b. Operations on the property will be limited to and carried out in accordance with the Operational Statement attached as Exhibit "C" and incorporated into this permit by reference.
 - c. Architectural review of the building design, landscaping, and lighting has been completed and the foregoing plans are approved as shown in Exhibits "D" through "F".
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this Agreement, as well as the final plat of Lots 1-4 Echo Hills Replat Four ("Final Plat"), Planned Unit Development Plan ("PUD") and Subdivision Agreement applicable to the Property, ("Subdivision Agreement"), as approved by the City and incorporated herein by this reference.

Any modifications to the Site Plan must be submitted to the Chief Building Official for approval. Modification of any other document or Exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or Exhibit to be modified.

- e. All signage, including without limitation design, location, placement and dimensions, shall be subject to approval of the Community Development Department, per the La Vista Zoning Ordinance.
- f. As-built topographic surveys of the storm water detention areas constructed in accordance with the Subdivision Agreement shall be provided to the City before certificates of occupancy are issued for any completed building on the Property, with a requirement that any variances from the approved detention plans be corrected, or certified as inconsequential, to the satisfaction of the City Engineer prior to issuing such certificates.
- g. No vehicle repair (other than emergency maintenance such as changing a tire), inoperable or abandoned vehicles, or storage of vehicles shall be allowed in the parking areas on the Property shown on Exhibit "B". The Owner shall have seventy-two (72) hours after notice from the City or other appropriate political subdivision to correct any violation or cause the removal of any such vehicle that is in violation.
- h. Owner shall obtain all required permits for the Uses from the City of La Vista.
- i. Owner shall comply (and shall ensure that all structures, appurtenances and improvements on the Property at any time comply) with any applicable federal, state and/or local laws, rules or regulations, as amended or in effect from time to time, including, but not limited to, applicable building codes, fire codes, ADA requirements, and environmental or safety laws, rules or regulations.
- j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner or its agents, employees, assigns, suppliers or invitees relating to the Owner's Uses of the Property, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation but excluding any liability, loss, claim or expense proximately caused by the sole negligence of the City.
- k. A drainage study for the Property has been completed, as referenced in the Subdivision Agreement, with respect to the proposed Uses on Lots 1-4 Echo Hills Replat Four. Owner agrees to comply with requirements related to drainage that are specified in said Subdivision Agreement.
- m. Owner shall ensure that the leasing and business office on the property will be staffed during normal business hours.
- n. If at any time any part of Lot 2 Echo Hills Replat Four is owned by any person or entity other than Owner, all owners shall cooperate and coordinate to carry out Subdivider (as "Subdivider" is defined in the Subdivision Agreement) obligations under the Subdivision Agreement.
- o. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height and screened accordingly.
- p. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained in accordance with the approved landscaping plan (Exhibit "D") and the requirements of the Gateway Corridor District.

3. The Owner's right to maintain the Uses of the Property, as contemplated by this Permit, shall be based on the following conditions:

- a. An annual inspection to determine compliance with the conditions of this Permit. The Permit may be revoked (with respect to a particular Use) only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Owner and opportunity to cure in the time and manner described below.
- b. Construction will be in accordance with the City Building Code. Time limitation for building permits shall be in accordance with the City Building Code. Extensions shall be requested in writing and

justifiable cause demonstrated.

- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Owner's expense within twelve (12) months of cessation of the Use of the Property as related to said structures, facilities or materials.

4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Owner fails to commence construction of the buildings within the time provided by Section 4(b) above.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Uses, and such cancellation, revocation denial or failure to maintain any federal, state or local permit required for the use is not cured in the time and manner described below, so long as curative rights are provided under laws, rules and regulations governing said permit.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the Property, (except during construction of any phase of the project) not specified in this Permit and Owner's failure to cure such breach in the time and manner described below after City's giving notice thereof.
- d. Owner's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.

5. If construction of the improvements on the Property has not been commenced within twelve (12) months from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. If the Owner upon the expiration or termination of this Permit fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right, provided notice is furnished to the Owner along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards or nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

7. If any provision, or any portion thereof, contained in this Permit is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

8. The conditions and terms of this Permit shall constitute covenants running with the land and shall be binding upon, and shall inure to the benefit of, the Owner, its successors and assigns.

9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

10. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Owner shall be entitled to written notice and opportunity to cure a breach of this Permit as follows. City will notify the Owner in

writing of any breach of this Permit and Owner shall be permitted to cure any breach. Such written notice shall specify the particular conditions giving rise to the breach, and, to the extent known, what actions are required to cure such breach. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section 10 and diligently pursued and completed as soon as is reasonably possible, and allowing additional time does not substantially increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

11. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.
12. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

To Owner: West Management, LLC
Attn: Brett West
3042 Sheridan Blvd
Lincoln, NE 68502

13. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.
14. Exhibits. The following exhibits are incorporated herein by reference:

| | |
|--------------|----------------------|
| Exhibit "A": | Final Plat |
| Exhibit "B": | Site Plan |
| Exhibit "C": | Operating Statement |
| Exhibit "D": | Landscaping Plan |
| Exhibit "E": | Site Lighting Plan |
| Exhibit "F": | Elevation Renderings |

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A Buethe, CMC
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

On this _____ day of _____, 2020, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Douglas Kindig, personally known by me to be the Mayor of the City of La Vista and Pamela Buethe, to me personally known to be the City Clerk of the City of La Vista, the identical persons whose names are affixed to the foregoing Permit, and they acknowledged the execution thereof to be their voluntary act and deed.

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

CONSENT AND AGREEMENT The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by Owner to be performed or discharged.

Owner:

West Management, L.L.C., a
limited liability company

By: _____, it's owner

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)

On this _____ day of _____, 2020, before me a Notary Public, duly commissioned and qualified in and for said County, appeared _____ personally known by me to be an owner of West Management L.L.C., a limited liability company, and the identical person whose name is affixed to the foregoing Permit, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

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

Notary Public

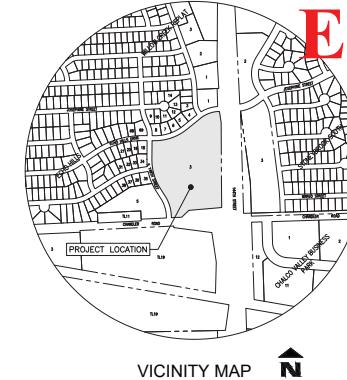
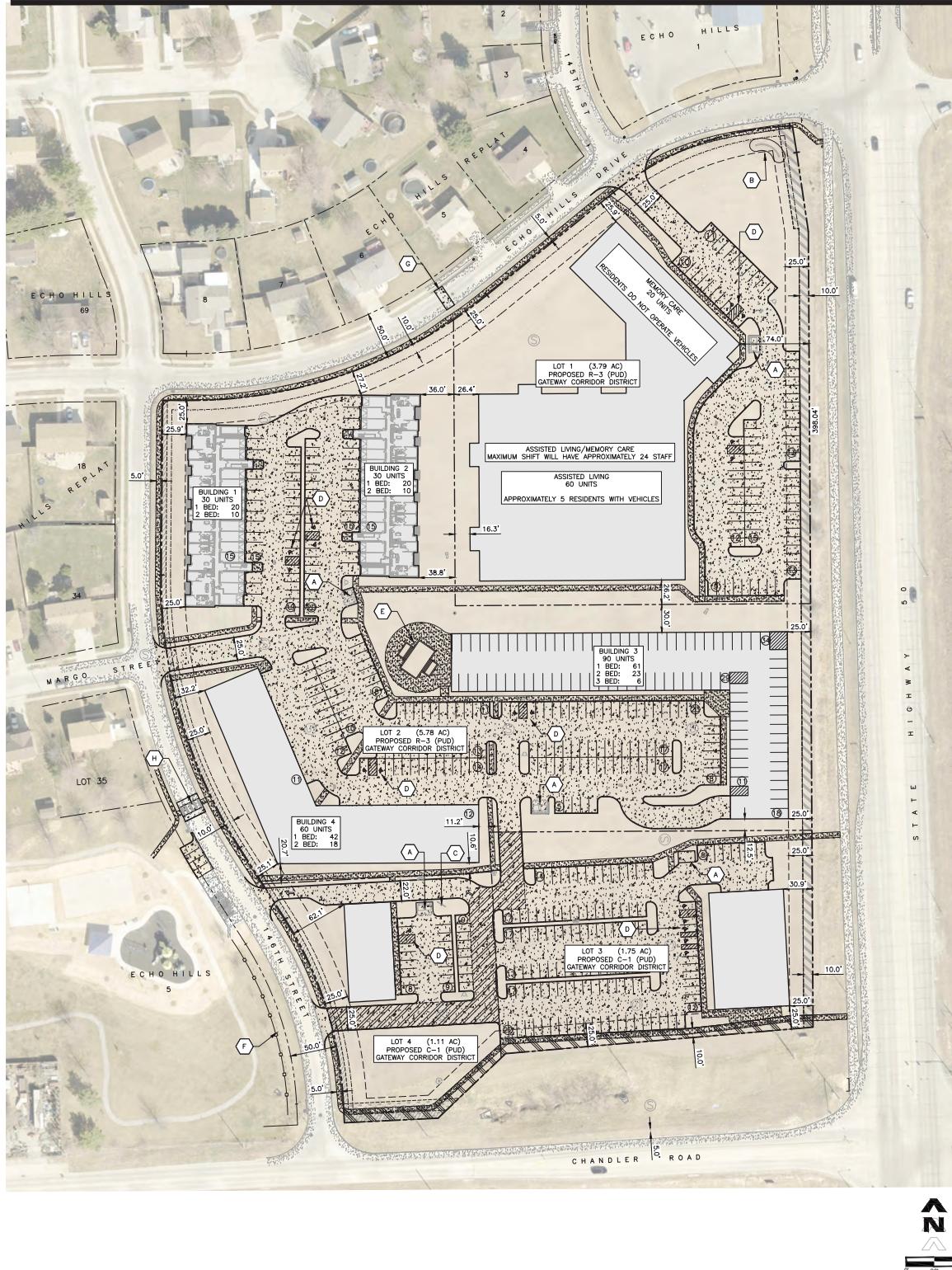
Exhibit B

TD2
engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name

Echo Hills Replat 4
Lots 1 - 4



SITE KEY NOTES

- A. TRASH ENCLOSURE LOCATION
- B. MONUMENT SIGN LOCATION
- C. DRIVE THRU SIGN LOCATION
- D. PROPOSED ADA STALLS
- E. PROPOSED POOL LOCATION
- F. PROPOSED FENCE LOCATION
- G. PROPOSED SPEED HUMP
- H. PROPOSED SPEED TABLE & PEDESTRIAN CROSSING

LEGAL DESCRIPTION

ECHO HILLS REPLAT 4, LOTS 1-4, BEING A REPLAT OF LOT 3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

LEGEND

- PROPOSED P.C.C. PAVEMENT
- PROPOSED P.C.C. SIDEWALK
- PROPOSED SANITARY SEWER MANHOLE
- PARCEL BOUNDARY
- PROPOSED LOT LINES
- BUILDING SETBACK
- LANDSCAPE SETBACK
- PROPOSED ACCESS EASEMENT
- PROPOSED SIDEWALK EASEMENT
- PERMANENT SANITARY SEWER EASEMENT AS SHOWN ON THE FINAL PLAT OF ECHO HILLS.
- UTILITY EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AND NORTHWESTERN BELL TELEPHONE COMPANY IN THE FINAL PLAT DEED OF ECHO HILLS.
- EASEMENT AND RIGHT-OF-WAY GRANTED TO METROPOLITAN UTILITIES DISTRICT OF OMAHA, RECORDED AS INSTRUMENT NO. 96-1004-043 OF THE SARPY COUNTY RECORDS.

BUILDING HEIGHT

| LOT NUMBER | BUILDING NUMBER/NAME | STORIES | HEIGHT |
|------------|----------------------|---------|---------|
| 1 | ASSISTED LIVING | 2 | 39' |
| | MEMORY CARE | 1 | 20'-24' |
| 2 | BUILDING 1 | 3 | 45' MAX |
| | BUILDING 2 | 3 | 45' MAX |
| | BUILDING 3 | 3 | 45' MAX |
| 3 | RETAIL | 1 | 20'-24' |
| 4 | RETAIL | 1 | 20'-24' |

SITE STATISTICS

| LOT NUMBER | PROPOSED ZONING | LOT SIZE (SF/AC) | BUILDING COVERAGE (SF) | BUILDING COVERAGE (%) | GROSS FLOOR (SF) | PAVEMENT AREA (SF) | TOTAL IMPERVIOUS (SF) | TOTAL IMPERVIOUS (%) | OPEN SPACE (SF) | TOTAL OPEN SPACE (%) |
|------------|--|----------------------|------------------------|-----------------------|------------------|--------------------|-----------------------|----------------------|-----------------|----------------------|
| LOT 1 | R-3 (PUD) GATEWAY CORRIDOR DISTRICT | 165,264 SF / 3.79 AC | 61,216 | 37 | 122,432 SF | 38,500 | 99,716 | 60 % | 65,548 | 40 % |
| LOT 2 | R-3 (PUD) GATEWAY CORRIDOR DISTRICT | 251,772 SF / 5.78 AC | 81,500 | 32 | 237,900 SF | 97,145 | 178,645 | 71 % | 73,127 | 30 % |
| LOT 3 | C-1 (PUD) GATEWAY CORRIDOR DISTRICT | 93,238 SF / 1.75 AC | 9,600 | 13 | 9,600 SF | 46,100 | 55,700 | 72 % | 20,528 | 27 % |
| LOT 4 | C-1 (PUD) GATEWAY CORRIDOR DISTRICT | 48,135 SF / 1.11 AC | 5,240 | 10 | 5,240 SF | 19,170 | 24,410 | 47 % | 23,725 | 49 % |

PARKING SUMMARY

| LOT NUMBER | PARAMETERS | REQUIRED STALLS | PROVIDED STALLS |
|------------|---|---------------------|-----------------|
| 1 | 60 ASSISTED CARE UNITS & 20 MEMORY CARE UNITS | 80 + 24 EMPLOYEES** | 83 |
| 2 | 210 UNITS | 105 COVERED | 145 |
| | 283 BEDROOMS | 283 | 352 |
| 3 | 10,400 SF (INCLUDES OUTDOOR SEATING) | 104 + EMPLOYEE | 124 |
| 4 | 4,200 SF | 21 | 26 |

** APPROXIMATELY 5 ASSISTED LIVING RESIDENTS OPERATE VEHICLES & MEMORY CARE RESIDENTS DO NOT OPERATE VEHICLES

PHASING INFORMATION

| PHASE NUMBER | LOT NUMBER | PROPOSED USE |
|--------------|------------|-----------------|
| PHASE 1 | LOT 3 | COMMERCIAL |
| PHASE 2 | LOT 1 | ASSISTED LIVING |
| PHASE 3 | LOT 2 | MULTI-FAMILY |
| PHASE 4 | LOT 4 | COMMERCIAL |

Sheet Title

**PUD
Site Plan**

Sheet Number

C1.0

Drawn By: TDV
Reviewed By: JAD
Job No.: 2142-102
Date: 11.04.19

Exhibit C

Operating Statement

Echo Hills Apartments

The Echo Hills apartment complex will include 210 units spread over four, three-story buildings. The project will have two 30 plex buildings, one 60 plex building and one 90 plex building. The studio, one-bedroom, two- bedroom, and three-bedroom units will be rented at market rates. Amenities will include underground and attached parking garages, in ground pool and outdoor recreation area including firepits and seating areas, a lounge area and entertainment space and exercise facility for residents. The property will be managed by a professional third-party manager and will include an on-site leasing office, and dedicated leasing agent and 24 hour on-call maintenance staff. Construction will probably begin Winter of 2020 and the 30 plex buildings will probably open late 2021 with the balance of the buildings opening in 2022. We would anticipate an 18 month total construction period.

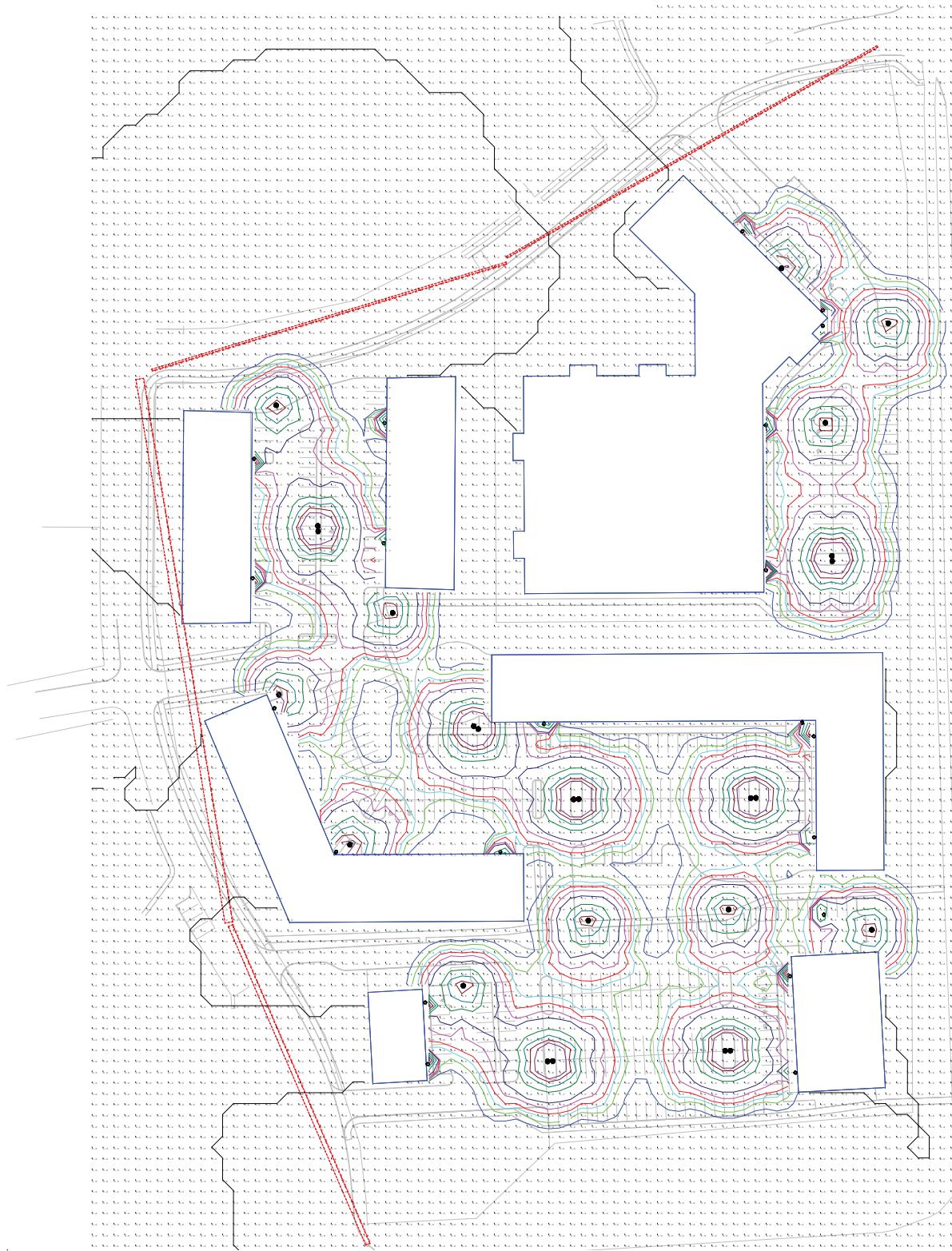
Exhibit D

West Management L.L.C.

Professional Seal

Revision Dates

| No. | Description | MM-DD-YY |
|-----|---------------------------|----------|
| 1 | Updates Per City Comments | 01-20-20 |
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| Label | Avg | Max | Min |
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| NW VERT | 0.01 | 0.1 | 0.0 |
| Site | 0.34 | 9.9 | 0.0 |
| SW VERT | 0.00 | 0.0 | 0.0 |
| W VERT | 0.00 | 0.0 | 0.0 |

ECHO HILLS
SITE PHOTOMETRICS
SCALE: 1" = 40'-0" ON 30X42

Exhibit E

Exhibit F

A200

SHA Project

INCLAJR hill
architects
Lincoln, NE 68508
T: 402-476 7331 F: 402-476
8341

三

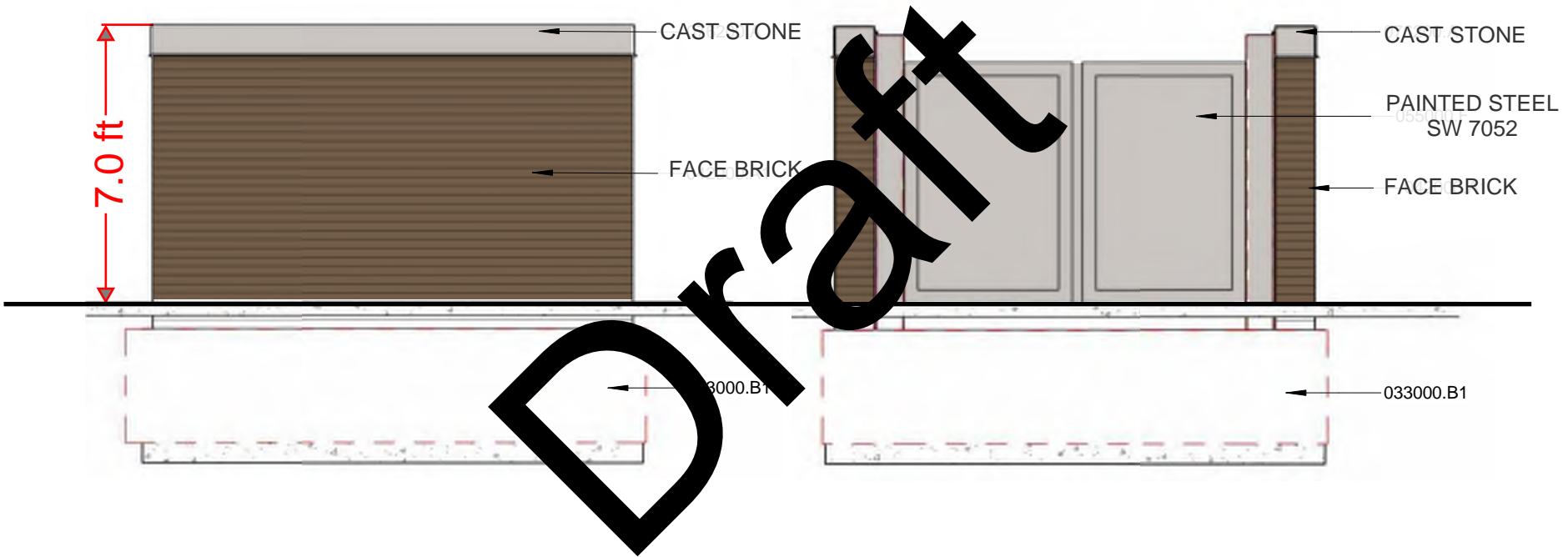
WEST DEVELOPMENT

CHO HILLS APARTMENTS AND ASSISTED LIVING

PROJECT CONSULTANT

| | |
|--------------------|----------|
| RE-SUBMITTED | |
| 04-01-2020 | |
| PROJECT ARCHITECT: | XXX |
| DRAWN BY: | Author |
| ISSUED: | 01/01/20 |
| FOR | |
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TRASH ENCLOSURE
SUPPLEMENTAL INFORMATION