

AGENDA ITEM 4A

**Conditional Use Permit – Assisted Living Facility/
Nursing Care – Trahera Property Group – Lot 6
Schaefer's I Addition; east of the intersection of
Gertrude Street and S. 74th Street**



CITY OF LA VISTA PLANNING DIVISION RECOMMENDATION REPORT

CASE NUMBERS: PCUP24-0004;

FOR HEARING ON: OCTOBER 17, 2024
REPORT PREPARED ON: OCTOBER 7, 2024

I. **GENERAL INFORMATION**

A. **APPLICANT(S):**

Trahera Property Group, LLC
Attn: David Arehart
P.O. Box 460999
Papillion, NE 68046

B. **PROPERTY OWNERS:**

Heritage Condominiums, Inc.
Attn: Lori Kasowski
450 36th Ave S
Fargo, ND 58104

C. **LOCATION:** 7005 S. 74th Street, generally located east of the intersection of Gertrude Street and S. 74th Street.

D. **LEGAL DESCRIPTION:** Lot 6 Schaefer's I Addition, to be replatted.

E. **REQUESTED ACTION(S):** Approval of a Conditional Use Permit for a nursing care/assisted living facility.

F. **EXISTING ZONING AND LAND USE:** R-4 Condominium Residential and Gateway Corridor District (Overlay District). This property is currently vacant and is adjacent to the Heritage Condos.

G. **PURPOSE OF REQUEST:** Applicant is seeking to construct and operate a community-based assisted living facility to house and provide care for up to 16 residents.

H. **SIZE OF SITE:** The applicant is proposing to utilize approximately 0.83 acres of Lot 6 Schaefer's I Addition, to be replatted as its own parcel prior to the issuance of a building permit.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding</u> <u>Development</u>
North	Urban High-intensity Residential	C-2 General Commercial District and Gateway Corridor District (Overlay District)	Vacant properties
East	Urban Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	Casey's General Store & Sonic
South	Urban High-intensity Residential	R-4 Condominium Residential and Gateway Corridor District (Overlay District); and R-3 High Density Residential and Gateway Corridor District (Overlay District);	Creative Kidz Child Care & Crestview Village Townhomes
West	Urban High-intensity Residential	R-3 High Density Residential	Crestview Village Townhomes

B. RELEVANT CASE HISTORY:

1. The Heritage Condominium building was constructed in 2002 on the property. The property was developed in such a way that additional condominium buildings could be constructed in the future (one to the west of the existing building, and one to the east).
2. The developers/owners chose not to pursue the construction of additional condominium buildings as part of the Heritage Condos, and the additional vacant land has been recently marketed for sale.

C. APPLICABLE REGULATIONS:

1. Section 5.09 of the City of La Vista Zoning Ordinance – R-4 Condominium Residential
2. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
3. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. This application is consistent with the Future Land Use Map of the La Vista Comprehensive Plan, which designates this property for high-intensity residential development.
2. This application supports the following goals and policies from Chapter 4 of La Vista's Comprehensive Plan:
 - i. Live-2: Maintain the balance of diverse, high-quality housing that appeals to people of varying backgrounds, incomes, and abilities.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. Drive access to the facility will be located off of S. 74th Street. This driveway will connect to the existing driveway for the Heritage Condo building, providing a secondary means of ingress/egress for the building and parking lot.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The minimum number of off-street parking stalls required for the proposed development per Section 7.06 of the La Vista Zoning Ordinance is 9 parking stalls (1 stall per 3 beds plus 1 stall per employee on peak shift). The number of stalls provided, as represented in the site plan included as an exhibit to the attached the draft Conditional Use Permit, is 9 stalls, and therefore meets the requirement. Residents of the proposed facility will not have personal vehicles, so the provided parking will be utilized by staff, delivery drivers, and guests.

IV. REVIEW COMMENTS:

1. The building, landscaping, and site design for the proposed assisted living facility must be reviewed and approved through the City's Design Review Process to ensure compliance with the Gateway Corridor Overlay District Design Guidelines, and must be substantially complete prior to application for building permits.
2. Lot 6 Schaefer's I Addition will need to be replatted prior to execution of the conditional use permit and application for building permits to ensure that the proposed assisted living facility and the existing Heritage Condos building will be compliant with the height and lot requirements of Section 5.09 of the La Vista Zoning Ordinance pertaining to the R-4 Zoning District, in addition to La Vista's Subdivision Regulations.

3. A draft Conditional Use Permit including the operating statement and proposed site plan exhibits are attached to this staff report.
4. In addition to this Conditional Use Permit, the applicant will be required to obtain a license with the State of Nebraska in order to operate an assisted living facility. The applicant will be required to submit a copy of this license to the city upon receipt.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT AMENDMENT:

Staff recommends approval of the Conditional Use Permit for Trahera Property Group, LLC for the construction and operation of a nursing care/assisted living facility subject to satisfaction of all applicable requirements including recording of a replat, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review and response letters
- C. Draft Conditional Use Permit

VII. COPIES OF REPORT SENT TO:

- A. David Arehart, Trahera Property Group, LLC
- B. Lori Kasowski, Heritage Condominiums, Inc.
- C. Public Upon Request



Prepared by: Associate City Planner

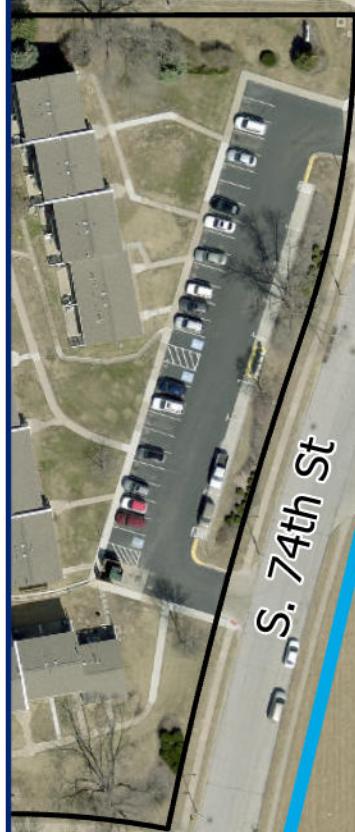


10-10-14

Community Development Director

Date

Harrison St

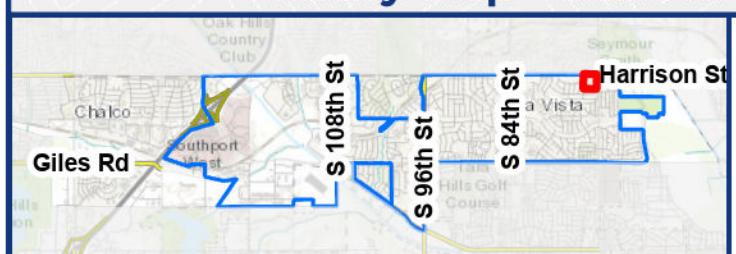
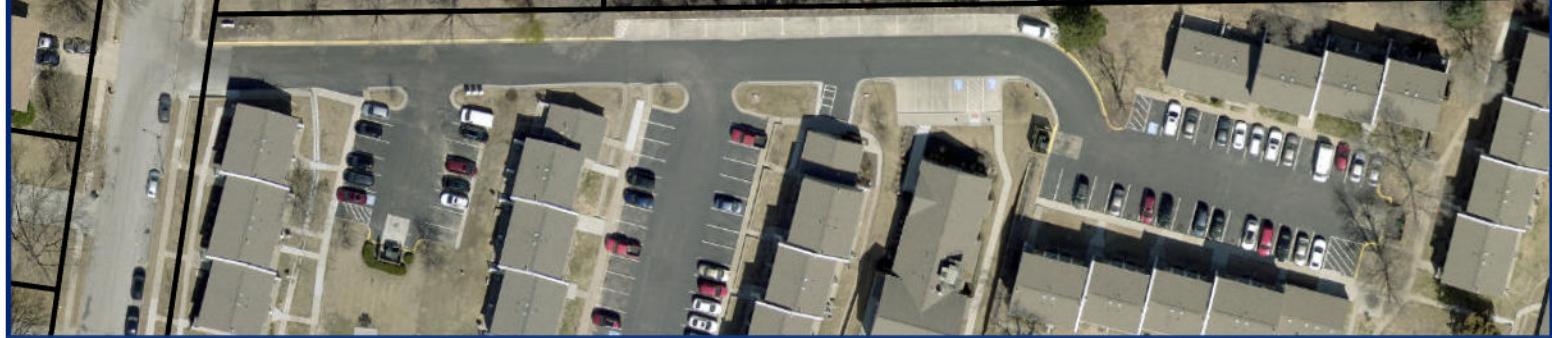


Gertrude St



S. 74th St

Site for
Proposed
Assisted
Living
Facility



Legend

- Property Lines
- CUP Area



Vicinity Map - Trahera Property Group Assisted Living CUP



September 19, 2024

Trahera Property Group, LLC
Attn: David Arehart
P.O. Box 460999
Papillion, NE 68046

RE: Conditional Use Permit – Initial Review Letter – Nursing Home

Mr. Arehart,

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:

1. The minimum off-street parking requirement for nursing homes per Section 7.06 of the La Vista Zoning Ordinance is one (1) space per 3 beds plus 1 per employee on the largest shift. This equates to 9 parking stalls. The current site plan shows 8 parking stalls provided. Please update the site plan to provide at least the minimum number of required stalls.
2. The property will need to be replatted prior to issuance of a building permit for construction of the proposed facility. Please reach out about setting up a pre-application meeting to begin the replat process.
3. This property is located within the Gateway Corridor Overlay District and is subject to the Gateway Corridor Design Guidelines. The design for the building, site, and landscaping must be approved through the City's Design Review process prior to application for building permits. When you are ready to begin the design review process, please reach out to schedule a pre-application meeting.
4. In addition to the landscaping requirements of the Gateway Corridor Overlay District, the property is subject to the landscaping requirements in Section 7.17 of the La Vista Zoning Ordinance which include a requirement for the placement of one tree per 40 feet of lineal street frontage.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 [P](#)
402.331.4375 [F](#)

Community Development
8116 Park View Blvd.
402.593.6400 [P](#)
402.593.6445 [F](#)

Library
9110 Giles Rd.
402.537.3900 [P](#)
402.537.3902 [F](#)

Police
7701 S. 96th St.
402.331.1582 [P](#)
402.331.7210 [F](#)

Public Works
9900 Portal Rd.
402.331.8927 [P](#)
402.331.1051 [F](#)

Recreation
8116 Park View Blvd.
402.331.3455 [P](#)
402.331.0299 [F](#)

5. The current site plan layout does not provide the proper dead-end fire apparatus access road turnaround. Attached are various options to meet this turnaround with a dead-end as provided by the Fire Plans Examiner with the Papillion Fire Department. Please revise the site plan to accommodate the appropriate dead-end turnaround around or provide a through-access connection for approval by the Fire Plans Examiner.

A date for the Planning Commission and City Council public hearings will be determined upon review of your resubmittal. Please let me know if you have any questions.

Sincerely,



Cale Brodersen, AICP
Associate City Planner
City of La Vista
(402) 525-9535
cbrodersen@cityoflavista.org

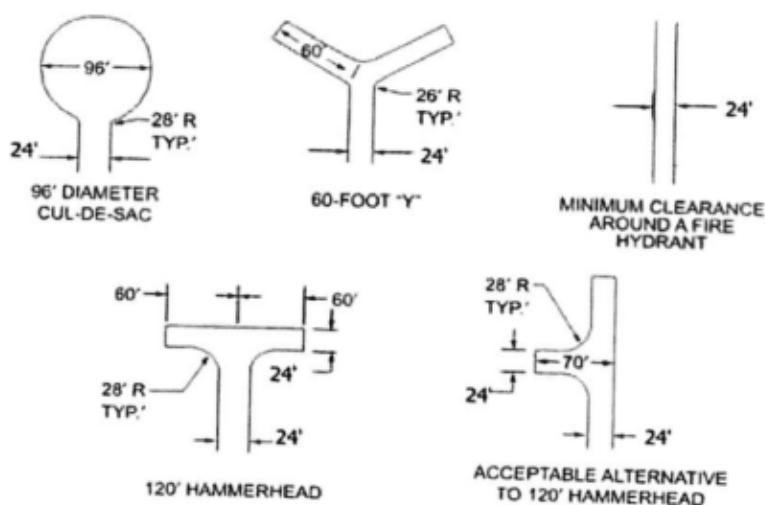
D102.1 Amended; Access and loading.

Revise to read: Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus assess road with and asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds (34,050 kg) prior to beginning construction above the foundation of the building or storage of combustible construction materials on the site.

D103.1 Access road width with a hydrant.

Revise to read: Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 24 feet (7315 mm) exclusive of shoulders (see Figure D103.1).

Figure D103.1 Amended; Dead-End Fire Apparatus Access Road Turnaround
Dimensions revised as follows:



1. 1 foot = 304.8 mm.

D103.3 Amended; Turning Radius.

Revise to read: The minimum turning radius shall be determined by the fire code official. Figure D103.3 shall be accepted when shown by AutoTURN or other accepted similar program.

Cale Brodersen

From: David Arehart <davidarehart6@gmail.com>
Sent: Monday, September 30, 2024 12:24 PM
To: Cale Brodersen
Subject: [EXT]New site plan
Attachments: 24-12 LaVista Assisted Living_CUP Site Plan_9-29-2024.pdf

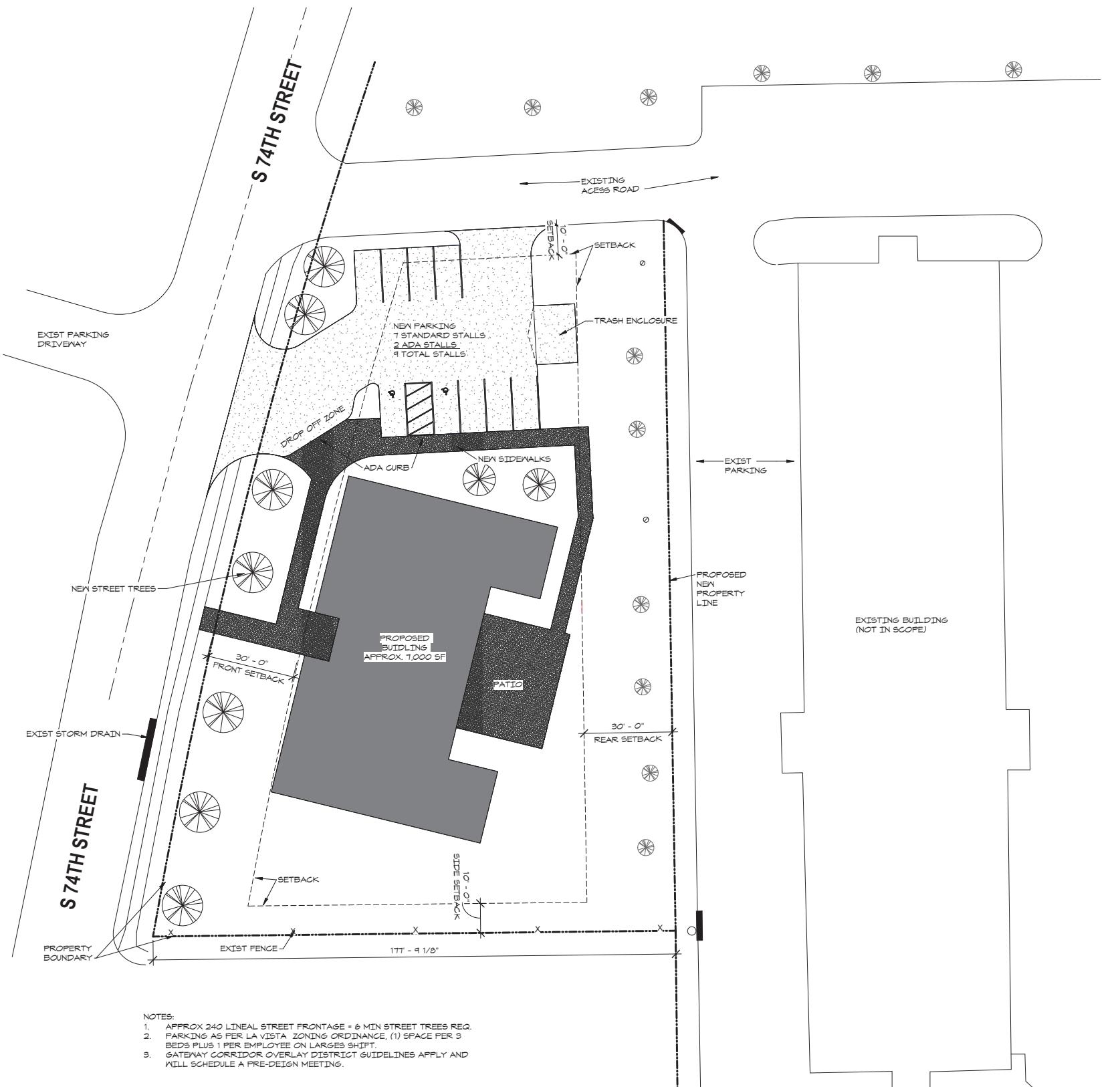
Follow Up Flag: Follow up
Flag Status: Completed

Hello Cale,

Here is a new version of the site plan that corrects the issues stated in the initial review letter. This was drawn by a local architect that I will be using to design the building so once we get a little farther into the conditional use permit process and things look good I will schedule a design review meeting. Please let me know if anything else is needed at this time from myself or the architect. Our broker has informed the seller they need to reach out to the city themselves to start the replatt process as well. Thanks!

This message originated from an **External Source. Use caution when opening attachments, clicking links, or responding to this email.**
Use the "Phish Alert" button if you think this email is malicious.

David Arehart
davidarehart6@gmail.com



1 Site Plan for Conditional Use Permit
1" = 20'-0"

NOTES:
 1. APPROX 240 LINEAL STREET FRONTAGE = 6 MIN STREET TREES REQ.
 2. PARKING AS PER LA VISTA ZONING ORDINANCE, (1) SPACE PER 3 BEDS PLUS 1 PER EMPLOYEE ON LARGES SHIFT.
 3. GATEWAY CORRIDOR OVERLAY DISTRICT GUIDELINES APPLY AND WILL SCHEDULE A PRE-DESIGN MEETING.



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FOR REVIEW
ONLY
NOT FOR
CONSTRUCTION

CUP-1

PETERS & ASSOCIATES
ARCHITECTS, P.C.
1103 GALVIN ROAD SOUTH, SUITE 600S
BELLEVUE, NEBRASKA 68123
PHONE: 402-695-2292

REVISIONS
OCTOBER 7, 2024
PROJECT #: 24-12

PROPOSED SITE PLAN FOR
CONDITIONAL USE PERMIT

**CITY OF LAVISTA
CONDITIONAL USE PERMIT**

**Conditional Use Permit for Assisted Living Facility
(Trahera Property Group, LLC Assisted Living)
(insert legal description)**

This Conditional Use Permit is issued this 5th day of November 2024 by the City of La Vista, a municipal corporation in Sarpy County, Nebraska ("City") to Trahera Property Group, LLC, a Nebraska limited liability company, ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an assisted living facility within the City of La Vista's zoning jurisdiction upon the following described tract of land:

, 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 an assisted living facility; 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 and on such conditions and the terms and conditions provided in this permit (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Owner to construct additional improvements on Lot _____ and use the Property and all improvements on the Property for the purposes described above ("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. Breach of any terms hereof shall cause Permit to expire and terminate without any further action of the City.
2. In respect to the proposed Uses:
 - a. The CUP site plan (the "Site Plan") showing the Property's boundaries, all existing and proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "B".
 - b. The Uses and 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. Any proposed additions or changes to the Permitted Uses or operations on the Property shall require such reviews, amendments to this Conditional Use Permit and approvals as City Planner determines necessary or appropriate.
 - c. Architectural review of the plans for building design, landscaping, and lighting on the property must be completed and approved to the satisfaction of the City Planner through the City's Design Review Process for conformance with the Gateway Corridor Overlay District Design Guidelines prior to application and issuance of building permits, and the approved plans shall be attached to this permit as Exhibits "D" and "E".
 - d. The Property shall be developed and maintained in accordance with the Site Plan and all other Exhibits of this 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 such approval as the Chief Building Official determines necessary or appropriate. Modification of any other document or Exhibit shall be subject to such approval of the City as determined by the City Administrator, or City Administrator's designee, as he or she determines necessary or appropriate.

- e. All signage, including without limitation design, location, placement and dimensions, shall be in accordance the La Vista Zoning Ordinance and all other applicable requirements and subject to such approval as the Community Development Director or such Director's designee as he or she determines necessary or appropriate.
- f. 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.
- g. Owner shall obtain all required permits in connection with the Uses from the City of La Vista.
- h. 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.
- i. 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.
- 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 within 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.
- q. Owner shall be responsible for ensuring that the perimeter sidewalks adjacent to the Property are maintained and repaired in good condition, or replaced, and kept free of snow and vegetation.

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) upon a finding by the City that there is a violation of the terms of this Permit.
- b. Construction will be in accordance with the City Building Code.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard or that are in disrepair or constitute a nuisance 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 Permitted Uses have been abandoned if the Owner fails to commence construction of the building within the time provided by Section 5 below.
- b. Cancellation, revocation, denial or failure to obtain or maintain any federal, state or local permit

required for the Uses.

- 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 within ten (10) days after City's giving notice thereof.
- d. Owner's breach of other terms hereof and its failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If construction of the assisted living facility, parking and other improvements on the Property has not been commenced within twelve (12) months, and fully completed within 24 months, from the date of this Permit, this Permit shall be null and void and all rights hereunder shall lapse with respect to Lot ____; provided, however, Owner shall have the right to file for an extension of time pursuant to the La Vista Zoning Ordinance. Any request or grant of an extension shall be in writing.

6. If the Owner fails to promptly remove any safety, environmental or other hazard or nuisance from the premises, or 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 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) 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 to enter the Property and take whatever action as may be necessary or appropriate to carry out this section 6 or 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 the Owner, its successors and assigns, and enforceable by the City.

9. Delay of City to terminate this Permit on account of breach of Owner of any terms hereof in accordance with the terms hereof, or to exercise any other rights under this Permit, shall not constitute a waiver of City's right to terminate or exercise any other rights under this Permit, unless the City has expressly waived said breach or such other rights in writing. 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, or waiver of any other rights.

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.

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: Trahera Property Group, LLC
 David Arehart
 PO Box 460999
 Papillion, NE 68046

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":	Elevation Renderings

DRAFT

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk and with the Sarpy County Register of Deeds signed originals hereof

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A Buethe, MMC
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

)
)
)
ss.

COUNTY OF SARPY

On this _____ day of _____, 2024, 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:

Trahera Property Group, LLC

By: David Arehart

Its:

ACKNOWLEDGMENT OF NOTARY

On this _____ day of _____, 2024, before me a Notary Public, duly commissioned and qualified in and for said County, appeared David Arehart, personally known by me to be the _____ of Trahera Property Group, 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.

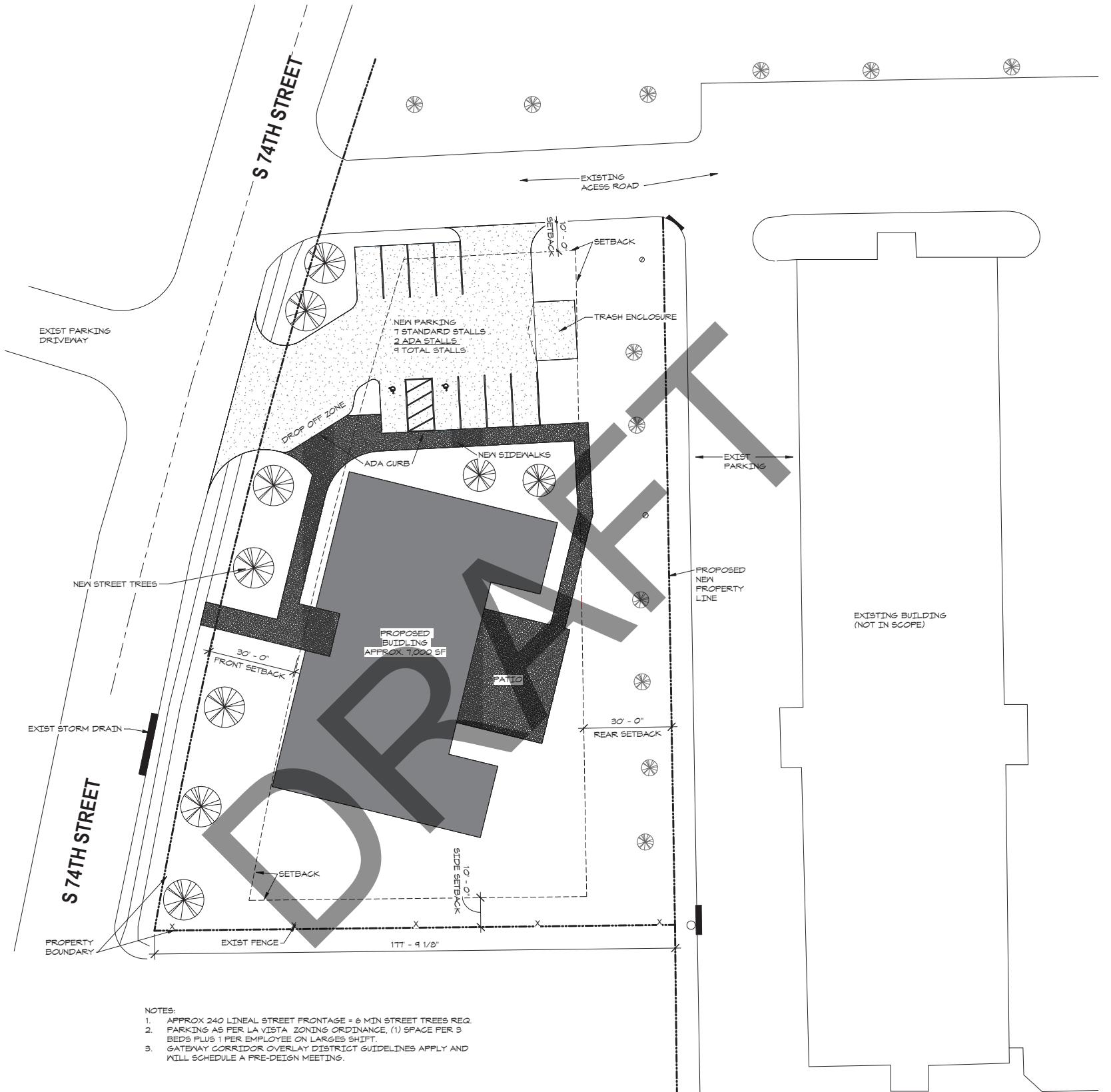
Notary Public

Exhibit A

Final Plat

DRAFT

(Insert once properties are replatted)



1 Site Plan for Conditional Use Permit

1" = 20'-



RIGHT 2024
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CUP-1

**PETERS & ASSOCIATES
ARCHITECTS, P.C.**
1103 GALVIN ROAD SOUTH,
BELLEVUE, NEBRASKA 68005
PHONE: 402-895-2292

TRAHERA PROPERTY GROUP, LLC
LA VISTA ASSISTED LIVING

PROPOSED SITE PLAN FOR CONDITIONAL USE PERMIT

LA VISTA, NEBRASKA

OCTOBER 7, 2024

Exhibit C - Operating Statement

OVERVIEW: Our Residential Assisted Living model offers 24-hour care for a group of seniors with disabilities who require assistance with one or more activities of daily living. This model provides high-quality care in a residential home environment, offering an alternative to traditional “big box” institutions. Our setting is designed to feel like home, allowing seniors to live as independently as possible while receiving the care they need in a community-based environment.

The single-family home will function similarly to any other home in the neighborhood. Residents will enjoy meals together in the family kitchen and dining room, participate in social activities in common areas, and have private or semi-private bedrooms. The residents will not drive or own vehicles, reducing the strain of parking in the surrounding area.

OPERATIONS: To maintain our high standard of care, we will be licensed as an assisted living facility in the state of Nebraska for up to 16 residents, with a caregiver ratio of 6:1. This includes three caregivers on-site during the day and two on the overnight shift, providing 24/7 continuous care. This staffing model ensures adequate care for all residents. Deliveries from services like UPS, Amazon, and Fedex, will occur as they would in any typical neighborhood, without added disruption to traffic flow.

SERVICES: Our direct care staff will assist residents with all activities of daily living they require, including but not limited to personal hygiene, toileting, dressing, mobility, eating, medication management, and response to safety or emergency needs. Seniors can also enjoy daily activities such as light exercise, companionship, shopping, community outings, outdoor leisure, technology use, and mental exercises (e.g., puzzles, books, games).

Caregivers will prepare home-cooked meals with monthly menus planned in advance, adhering to dietary standards. Additionally, we provide landscaping, maintenance, housekeeping, utilities, and furnishings to ensure a safe and comfortable home environment. Our Services arte designed to support residents in a way that promotes their well-being and independence.

Exhibit D

Building Elevations

(Insert once approved through Design Review Process)

DRAFT

Exhibit E

Landscaping Plan

(Insert once approved through Design Review Process)

DRAFT

Exhibit F

Lighting Plan

(Insert once approved through Design Review Process)

DRAFT