

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 16, 2015 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – INDUSTRIAL CONDOMINIUMS LOTS 8 & 16, HARRISON HILLS (118 TH & PEEL CIRCLE)	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled for Council to consider an application for a Conditional Use Permit for industrial condominiums on Lots 8 and 16, Harrison Hills, generally located northeast of 118th Street and Peel Circle.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by Omaha Motoring Club for a Conditional Use Permit to allow industrial condominiums on Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5). The property is zoned I-1 Light Industrial. The applicant proposes to construct 6 buildings with 88 condo units.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Conditional Use Permit to City Council, conditional on legal review and approval of proposed changes to the CUP prior to City Council review and the approval and recording of the Administrative Plat prior to signing the approved Conditional Use Permit.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR OMAHA MOTORING CLUB TO ALLOW FOR INDUSTRIAL CONDOMINIUMS ON LOTS 8 AND 16, HARRISON HILLS (TO BE REPLATTED AS LOT 1, HARRISON HILLS REPLAT 5).

WHEREAS, Omaha Motoring Club has applied for a conditional use permit to allow industrial condominiums on Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5), located northeast of 118th Street and Peel Circle; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends 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 Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Omaha Motoring Club to allow industrial condominiums on Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5), located in the NW ¼ of Section 17, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northeast of 118th Street and Peel Circle be, and hereby is, approved subject to the resolution of the following items:

1. Legal review and approval of the proposed changes to the Conditional Use Permit; and
2. Approval and recording of the Administrative Plat prior to signing the Conditional Use Permit.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2015.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2015-CUP-02

FOR HEARING OF: June 16, 2015

Report Prepared on June 3, 2015

I. GENERAL INFORMATION

- A. APPLICANT:** Omaha Motoring Club
- B. PROPERTY OWNER:** Harrison I-80 LLC
- C. LOCATION:** South 118th Street and Peel Circle
- D. LEGAL DESCRIPTION:** Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5) in the NW $\frac{1}{4}$ of Section 17, Township 14 North, Range 12 East of the 6th P.M.
- E. REQUESTED ACTION(S):** Conditional Use Permit
- F. EXISTING ZONING AND LAND USE:**
I-1 Light Industrial; the property is currently vacant.
- G. PROPOSED USES:** The Conditional Use Permit would allow for a Industrial Condominium consisting of 6 buildings with 88 units.
- H. SIZE OF SITE:** 7.37 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Vacant, mostly flat with a gradual downgrade to the southwest.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 1. **North:** Lot 1 Harrison Hills; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)
 2. **East:** Harrison Hills Apartment Complex; R-3 High Density Residential District and Gateway Corridor District (Overlay District)
 3. **South:** Salon Centric; I-1 Light Industrial District
 4. **West:** Tax Lots 11 & 15, 17-14-12; TA Transitional Agriculture District
- C. RELEVANT CASE HISTORY:**
 1. N/A

D. APPLICABLE REGULATIONS:

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial
2. Article 6 of the Zoning Regulations – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access will be from proposed egress / ingress to Peel Circle. Traffic impacts from this development are expected to be minor.

E. UTILITIES: All utilities are available to the site.

F. PARKING REQUIREMENTS: The zoning ordinance requires 31 spaces for the 92,230 square feet of Industrial Use/Flex Space. The site plan provides for 78 spaces, exceeding the amount of parking spaces required.

G. LANDSCAPING: Development of this lot will need to be landscaped according to Section 7.17 of the La Vista Zoning Ordinance. Landscaping is detailed in condition “2e” of the Conditional Use Permit and represented in Exhibit “A”.

IV. REVIEW COMMENTS:

1. Prior to the signing of the approved Conditional Use Permit, an Administrative Plat needs to be approved by City staff and recorded at the Sarpy County Register of Deeds. The plat would consolidate lots 8 and 16 of Harrison Hills to a single lot for this development.
2. Prior to the issuance of a building permit, the project will need to receive FAA approval due to its proximity to the Millard Airport.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT (CUP):

Staff recommends approval of the Conditional Use Permit as it is consistent with the Comprehensive Plan and Zoning Ordinance, conditional on legal review and approval of proposed changes to the CUP prior to City Council review and the approval and recording of the Administrative Plat prior to signing of the approved Conditional Use Permit.

VI. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on May 28, 2015 and unanimously recommended approval of the Conditional Use Permit to City Council, conditional on legal review and approval of proposed changes to the

CUP prior to City Council review and the approval and recording of the Administrative Plat prior to signing of the approved Conditional Use Permit.

VII. ATTACHMENTS TO REPORT:

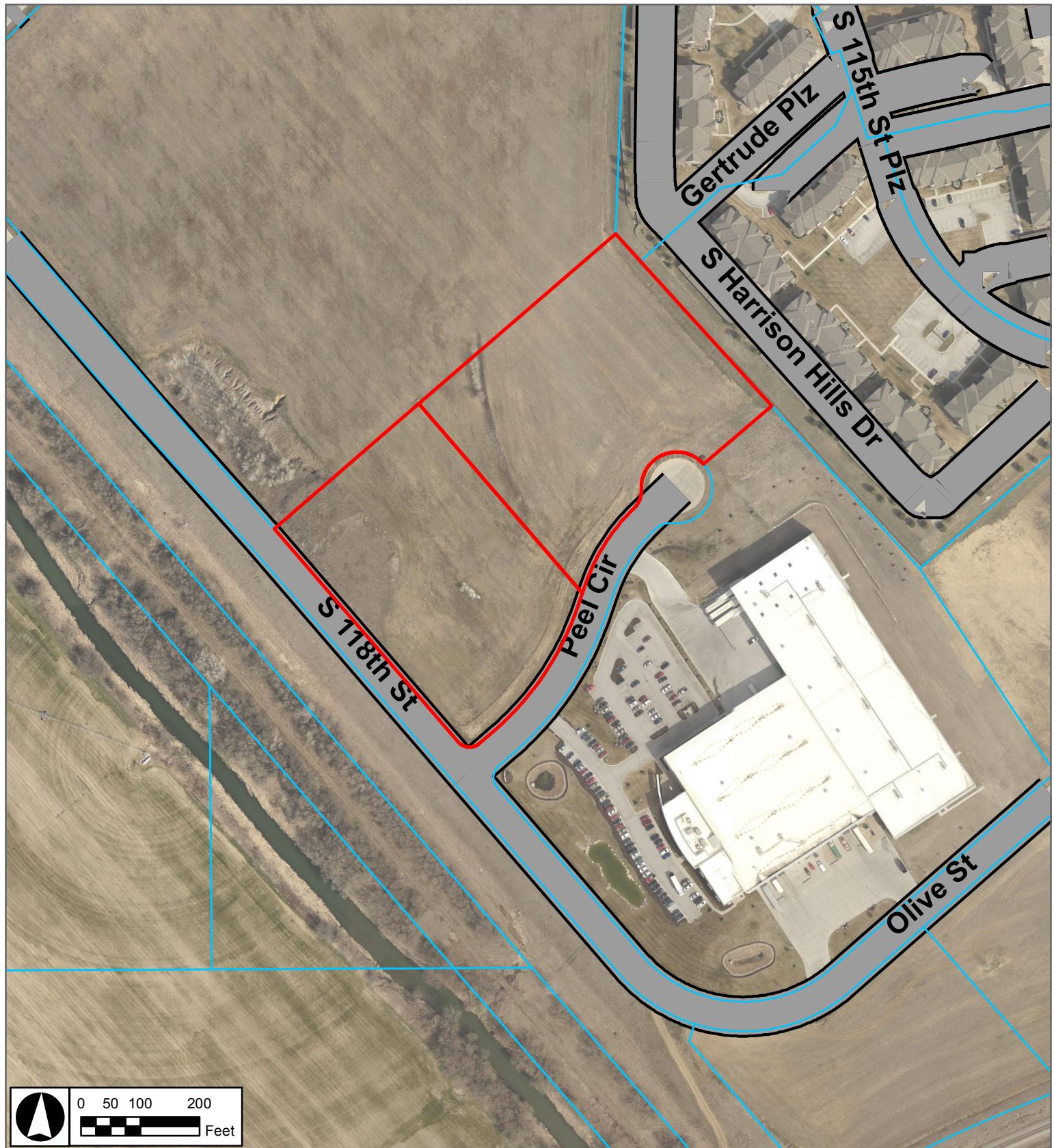
1. Vicinity Map
2. Review comments from the City Planner and response letter from developer.
3. Draft Conditional Use Permit

VIII. COPIES OF REPORT TO:

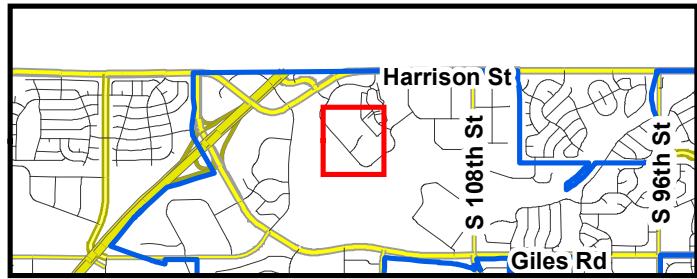
1. Matt Dinsdale, Omaha Motoring Club
2. Public Upon Request



Prepared by _____
 6-5-15
Community Development Director Date



Project Vicinity Map



Omaha Motoring Club

5-8-2015
CSB





April 15, 2015

Matt Dinsdale
3316 S. 186th Street
Omaha, NE 68130

RE: Conditional Use Permit Application – Initial Review
Omaha Motoring Club
Lots 8 & 16 Harrison Hills

Mr. Dinsdale:

Thank you for your submittal of the Omaha Motoring Club – Industrial Condominium Conditional Use Permit (CUP) request. Staff has reviewed the initial submittal and have provided the following initial comments:

1. The applicant needs to provide information about what kind of activities will be permitted in the project. For example, will owners be working on their vehicles outside in front of their units?
2. Details on the type of fencing proposed around the perimeter of the project should be provided. Additional screening along the north side of the project may be needed.
3. The on-site roads and parking should be paved. It is assumed that these areas are paved, however, it does not call this out on the plans.
4. Storm water management is not identified on the plans. A conceptual proposal should be set forth to address Article 6.05.04 of the Zoning Ordinance.
5. Since the plan identify trench drains in each unit, it would appear that each building will have a sanitary sewer connection. Also, these trench drains need to have grit traps which can be addressed at building permit reviews. However, there should be information provided as to whether each building is going to have a sanitary and water service and how many connections to the public mains in the street are proposed.
6. What provisions will be made for dumpsters and screening of dumpsters?
7. The spacing from the gate to the curb line in Peel Circle should be reviewed to have adequate room for vehicles to pull off the street while waiting for the gate to open.
8. Site lighting appears to be in the form of building sconces. Are any other lighting sources proposed?
9. The site currently consists of two lots. These lots will need to be consolidated through an Administrative Plat, prior to the signing of the approved Conditional Use Permit.
10. Please provide the square footage of each building. The total square footage of the buildings will aid in the determination of minimum parking requirements.
11. Fire lanes are not dimensioned. City Code requires a 24' minimum width.
12. Prior to the issuance of a building permit, the project will need to receive FAA approval due to its proximity to the Millard Airport.

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

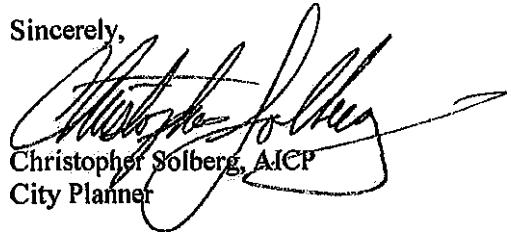
Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

A draft Conditional Use Permit will be forwarded to you in the coming days for your review.

Please provide revisions prior to April 27th to remain under consideration for the May 28th Planning Commission meeting.

Should you have any questions please contact me at 402-331-4343 or cslotberg@cityoflavista.org.

Sincerely,



Christopher Solberg, AICP
City Planner

Cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Jeff Sinnott, Chief Building Official

Omaha Motoring Club

April 28, 2015

City of LaVista

Community Development

8116 Park View Blvd.

ATTN: Mr. Chris Solberg

Mr. Solberg:

We have received your letter of initial review, and offer up the following explanations for your questions on our project:

- 1) The applicant needs to provide information about what kind of activities will be permitted in the project. For example, will owners be working on their vehicles outside in front of their units? *We will have a set of covenants as part of the HOA which will address these concerns. As far as working on your vehicle outside of your unit: no, we do not foresee this being 'allowed'.*
- 2) Details on the type of fencing proposed around the perimeter of the project should be provided. Additional screening along the north side of the project may be needed. *Please see attached.*
- 3) The on-site roads and parking should be paved. It is assumed that these areas are paved; however, it does not call this out on the plans. *That is correct, the roads 'on-site' WILL indeed be paved. It has not yet been determined whether they will be asphalt or concrete, but they will be paved.*
- 4) Storm water management is not identified on the plans. A conceptual proposal should be set forth to address Article 6.05.04 of the Zoning Ordinance. *The project civil engineer, Lamp Rynearson and Associates, will coordinate with La Vista Public Works to develop a mutually acceptable Post Construction Storm Water Management Plan (PCSMP). The PCSMP plan will meet City of La Vista requirements for storm water quality and quantity. We anticipate that the City of La Vista will apply "no net increase" requirements for storm runoff between pre- and post-development conditions; therefore, on-site storm water runoff detention and/or retention will be required to control excess flows. A PCSMP will also be required to capture the first ½-inch of runoff from the site. Preliminary design includes a storm water quality pond(s) sized to meet the City requirements. After completion of construction, installed PCSMP measures will be certified and the appropriate documents forwarded to the City*

of La Vista. The site slopes down from east to west. The accompanying site plan shows areas reserved for storm water detention on-site. See attached.

- 5) Since the plans identify trench drains in each unit, it would appear that each building will have a sanitary sewer connection. Also, these trench drains need to have grit traps which can be addressed at building permit reviews. However, there should be information provided as to whether each building is going to have a sanitary and water service and how many connections to the public mains in the street are proposed.

Each building will have a utility Infrastructure – water, gas, electrical, sanitary sewer. The buildings will be equipped with a fire sprinkler system. It is anticipated that each bay will have a trench drain or floor drain – owner's option. Each building will have a grease and sand trap. We anticipate that there will be one (no more than two depending on phasing) tap for water and sewer off the city mains.

- 6) What provisions will be made for dumpster's and screening of dumpsters?
The accompanying site plan shows areas reserved for a trash enclosure. It is anticipated the enclosure will be constructed of a burnished masonry unit with opaque access doors. See attached.
- 7) The spacing from the gate to the curb line in Peel Circle should be reviewed to have adequate room for vehicles to pull off the street while waiting for the gate to open.
The accompanying site plan shows the depth of the approach in front of the gate as shown. We are certainly open to discussing this depth. See attached.
- 8) Site lighting appears to be in the form of building sconces. Are any other lighting sources proposed?
Site lighting is anticipated to be wall sconces. It is the intent of the design to have no light drift beyond the property line.
- 9) The site currently consists of two lots. These lots will need to be consolidated through an Administrative Plat, prior to the signing of the approved Conditional Use Permit.
Chris did mention this to me, and I understand this to be a requirement.
- 10) Please provide the square footage of each building. The total square footage of the buildings will aid in the determination of minimum parking requirements.
There are five building footprints of 16,951 GSF each, and one that is 8,475 GSF for a total of 93,230 GSF.
- 11) Fire lanes are not dimensioned. City Code requires a 24' minimum width.
The accompanying site plan shows the minimum drive lane at 24' – 0". See attached.
- 12) Prior to the issuance of a building permit, the project will need to receive FAA approval due to its proximity to the Millard Airport.
We will seek FAA approval.

City of La Vista Conditional Use Permit

Conditional Use Permit for Industrial Condominium

This Conditional Use Permit issued this _____ day of _____, 2015, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Omaha Motoring Club (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a new industrial condominium facility as permitted in the I-1 Zoning District upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lots 8 and 16, Harrison Hills (to be replatted as Lot 1, Harrison Hills Replat 5) a subdivision as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska (“Property”).

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating a new industrial condominium facility based upon the criteria prescribed in the La Vista Zoning Ordinance; and

WHEREAS, Owner by recording a declaration executed in the same manner as a deed shall subject the Property to the condominium form of ownership and create an industrial condominium to be known as the “Omaha Motoring Club Condominium Property Regime” in accordance with the Nebraska Condominium Act and City of La Vista Zoning Ordinance (“Condominium Property Regime”).

WHEREAS, It is understood by and between the Owner and City, upon Owner’s creating the Condominium Property Regime, that individual condominium units (“Units”) may be sold and/or leased to third party purchasers or lessees, as the case may be, (“Unit Owner”) and the Condominium Property Regime will be operated and managed by the “Omaha Motoring Club Association, Inc.,” a Nebraska non-profit corporation which will be formed by Owner upon creation of the Condominium Property Regime and before the first unit is conveyed (“Association”), all of which shall be in accordance with and subject to the terms and conditions of this Permit.

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 on the Property, subject to certain conditions and agreements as hereinafter provided and prescribed in the La Vista Zoning Ordinance.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit “A” hereto for the construction of a new motor vehicle storage facility, said use hereinafter being referred to as “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights and obligations of this permit shall apply to the Property and all Units and shall transfer with and bind any ownership interest in the Property or any Unit, and any variation or breach of any terms or conditions hereof without the prior written consent of the City (amendment to permit) shall cause permit to expire and terminate, unless exempted herein or cured by the Owner, any Unit Owner or the Association to the extent provided in Section 4e below.
2. In respect to the proposed Use:
 - a. Site plans showing the boundaries of the Property and easements, proposed structures, parking, limited access points, utilities, and drives is provided and attached to the permit as Exhibits "A," "B," "C" and "D".
 - b. There will not be a central management office on premises. A sign stating the name of the development and contact information for the management company shall be erected near the entrance of the facility.
 - c. The site is 7.37 acres. Buildings on the site are anticipated to be constructed in phases. The phasing schedule and timing of construction of buildings and other improvements serving the buildings and site will be subject to approval of the City Building Official. When all phases are completed the development will be comprised of 6 buildings containing a total of approximately 88 units. All uses, including secondary or incidental uses, shall conform to the I-1 Zoning District Regulations. The sale or leasing of motor vehicles, automobiles, motorcycles, trailers or the like ("Motor Vehicles") is not permitted. "Sale or leasing" means offering for sale or lease at any one time two or more Motor Vehicles, or sale or leasing during any calendar year of ten or more Motor Vehicles, which requirements and limitations shall be applied and determined with respect to the entire Property and not on a Unit by Unit basis. Any Unit Owner offering for sale or lease or selling or leasing Motor Vehicles shall register the same with the Association and the Association shall monitor the same in accordance with this permit and maintain a current list of all Motor Vehicles sold, leased or offered for sale or lease.
 - d. 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 "A". The Owner, Association or any Unit Owner shall have seventy-two (72) hours after receiving notice from the City to correct any violation or cause the removal of any such vehicle that is in violation.
 - e. The Property shall be developed and maintained in accordance with the site plans (Exhibits A, B, C and D collectively) as approved by the City and incorporated herein by this reference. Street trees shall be planted at a minimum distance of 40 feet on center along the entire perimeter of the project abutting South 118th Street and Peel Circle. Size of trees to be planted shall be as delineated in the Landscape Legend of Exhibit "A".
 - f. The Owner shall provide an engineered drainage plan to address site storm water disposal. This plan will be reviewed by the City prior to issuance of building permit for each phase of the Condominium Property Regime.
 - g. All access lanes shall remain clear and fully accessible for emergency vehicle access as per the current applicable fire code.
 - h. There shall be no outdoor storage or display of motor vehicles, or storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility's structures, except trash receptacles and those approved in writing by the City.
 - i. All trash receptacles shall be placed on property and securely fastened to building or concrete. All trash dumpsters shall be properly screened with a six-foot enclosure and gated with materials similar to the building construction. Such enclosure shall be subject to approval of the Chief Building Official.
 - j. There shall not be any storage, location, discharge, release, transporting, delivery, possession, management, production, processing, handling or sale of explosives or hazardous materials on or in the Property, Condominium Property Regime or any Unit, except for the ordinary and customary

storage and use of materials that are ordinarily and customarily required for operation, maintenance or repair of the Property, the Condominium Property Regime or any of the Units, provided said storage and use are in compliance with all applicable laws, rules and regulations.

- k. All permanent and temporary signs shall comply with the City's sign regulations. There shall be no signs on the individual units advertising anything other than the name of the overall facility.
- l. The Owner, Association and all Unit Owners shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- m. All structures shall be constructed, maintained and operated in a safe and responsible manner, and in accordance with any applicable laws, rules or regulations, including, but not limited to, applicable environmental or safety laws, as amended or in effect from time to time, and shall not cause, or create risk of injury or damage to, or loss of life, property or the environment.
- n. The Owner, Association and all Unit Owners shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the Property, Condominium Property Regime or any Units at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- o. This Permit shall be subject to a declaration establishing and creating the Condominium Property Regime that expressly incorporates and makes the terms and conditions of this permit jointly and severally binding on Owner and all subsequent owners and users of the Property or Condominium Property Regime, or any part thereof, in form and content satisfactory to the City Engineer ("Declaration").
- p. The Owner, for itself and on behalf of the Association and all Unit Owners and other successors and assigns of Owner, agrees during the period of ownership of any interest in the Property, Association or any Units, the owner of said interest shall indemnify the City against, and hold 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, Association, any Unit Owner, or any agents, employees, successors, assigns, suppliers or invitees of the Owner, Association or any Unit Owner, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on or within the Property, Condominium Property Regime or any of the Units of any environmental or safety law, rule or regulation.

3. The right to maintain the Use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval, subject to any applicable notice and right to cure described in Section 4e below.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

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. Abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment, excluding non-use required for substantial renovations or reconstruction of facilities damaged or destroyed by casualty loss, provided said work is promptly commenced and diligently continued to completion.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.

- c. Construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
- d. Sale or leasing of Motor Vehicles in violation of Section 2c.
- e. Breach of the Owner, Association or any Unit Owner of any other terms hereof and failure of the Owner, Association or any Unit Owner to promptly correct and cure such violation or breach to the satisfaction of the Building Official within thirty (30) days of City's giving written notice thereof.

5. If the permitted use is not commenced within one (1) year from _____, 2015, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. In the event of the Owner, Association or any Unit Owner fails to promptly remove any safety or environmental hazard from the Property or Condominium Property Regime, or the expiration or termination of this permit and the Owner, Association or any Unit Owner fails to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the Owner, Association or any Unit Owner or third party to exercise said option) cause the same to be removed at the cost and expense of the Owner, Association or any Unit Owner as the case may be (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner, Association and Unit Owners shall reimburse the City the costs incurred to remove the same. The Owner, for itself and on behalf of the Association, all Unit Owners and any other successors or assigns, hereby irrevocably grants the City, its agents and employees the right to enter the Property, Condominium Property Regime or any Units and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the Property, Condominium Property Regime or any Units as necessary or appropriate to carry out any other provision of this permit.

7. If any provision, or any portion thereof, contained in this agreement 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. This permit shall be conditioned and become effective on Owner acquiring fee simple title to the Property and Owner recording the Declaration and this permit within 90 days thereafter ("Closing Deadline"). If Owner does not acquire fee simple title and record said Declaration and permit on or before the Closing Deadline, this permit shall not become effective and this permit and all rights hereunder automatically shall terminate without further action required of any party.

9. Recitals at the beginning of this permit, and all exhibits, agreements or instruments referenced in this permit, shall be incorporated into this permit by reference.

Miscellaneous

The conditions and terms of this permit shall be incorporated into the recorded Declaration, shall constitute covenants running with the land and shall be jointly and severally binding upon Owner and all successors and assigns of Owner.

1. Delay of City to terminate this permit on account of breach of the Owner, Association, any Unit Owner or of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach, and 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.

2. 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.
3. 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 to the owner as follows:

Contact Name and Address: Matt Dinsdale
Omaha Motoring Club &
Omaha Motoring Club Association, Inc.
3316 S. 186th Street
Omaha, NE 68138

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:

Pam Buethe
City Clerk

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:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2015, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

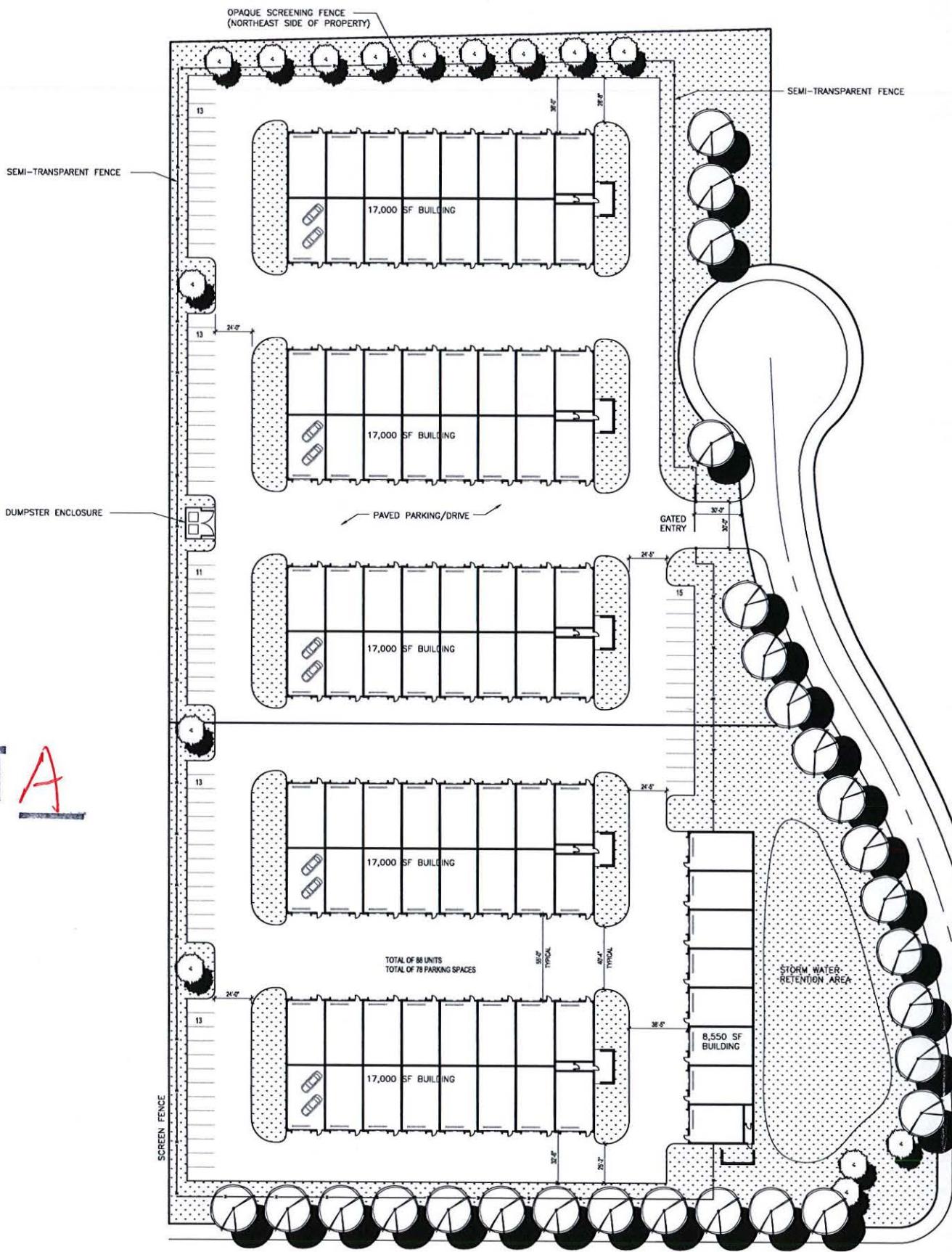
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

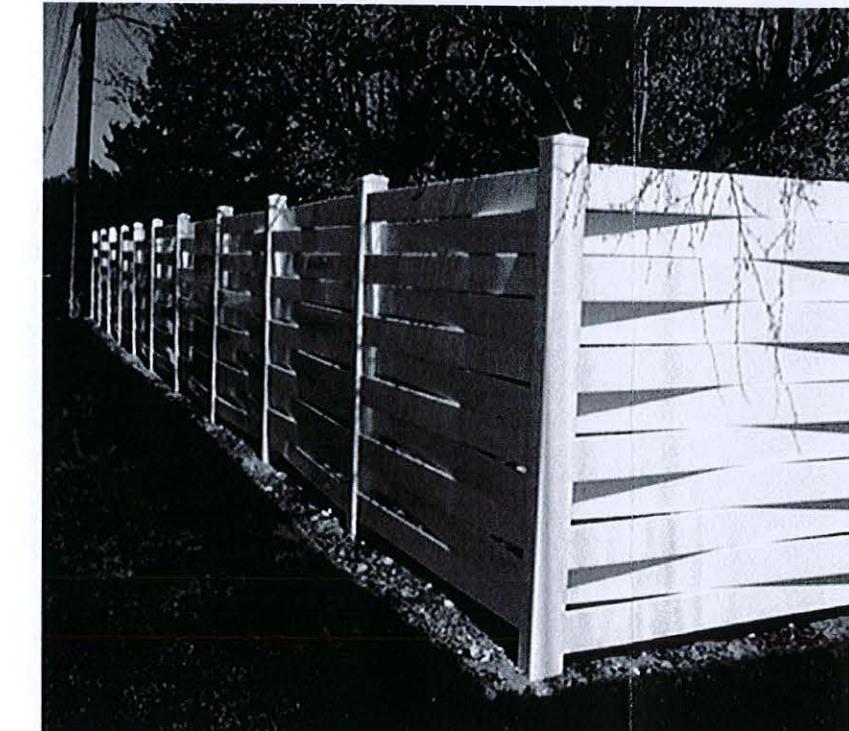
On this _____ day of _____, 2015, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [_____], personally known by me to be the _____ of Omaha Motoring Club, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

EXHIBIT A



LANDSCAPE LEGEND							
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	PLANTING METHOD	HEIGHT	WIDTH
TREES - CLASS 1							
	AG1	<i>Acer ginnala</i>	Amur Maple	1.25" Cal.	B&B	15-20	15-20
	KP	<i>Koelreuteria paniculata</i>	Goldenraintree	1.25" Cal.	B&B	30-40	30-40
	MS	<i>Malus</i> spp.	Red Flowering Crabapple	1.25" Cal.	B&B	15-25	15-25
TREES - CLASS 3							
	GD	<i>Gymnocladus dioicus</i>	Kentucky Coffeetree 'Espresso'	2" Cal.	B&B	50-75	40-50
	QB	<i>Quercus bicolor</i>	Swamp White Oak	2" Cal.	B&B	50-70	50-70
LANDSCAPE AREAS							
STORM WATER RETENTION AREA			LANDSCAPE BEDS/TURF				



OPAQUE SCREENING FENCE

REVISED: 06/09/2015

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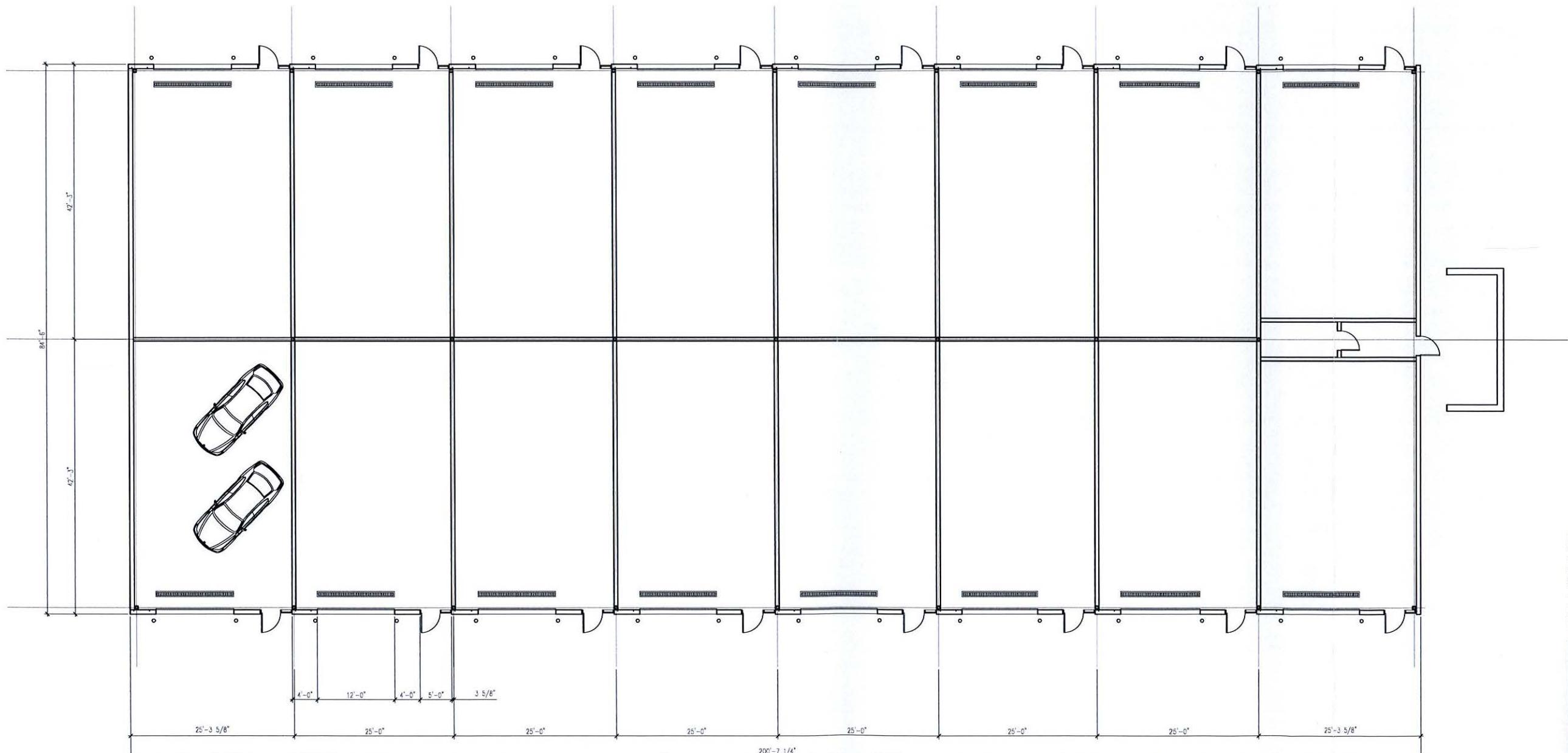


1 Site Concept Plan

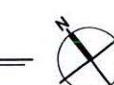
SCALE: 1" = 40'-0"

118TH STREET

EXHIBIT **B**



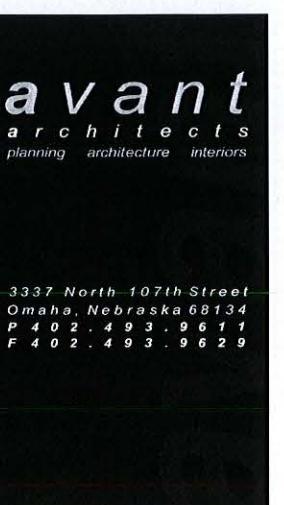
Floor Plan
A1.1
SCALE: 1/8" = 1'-0"



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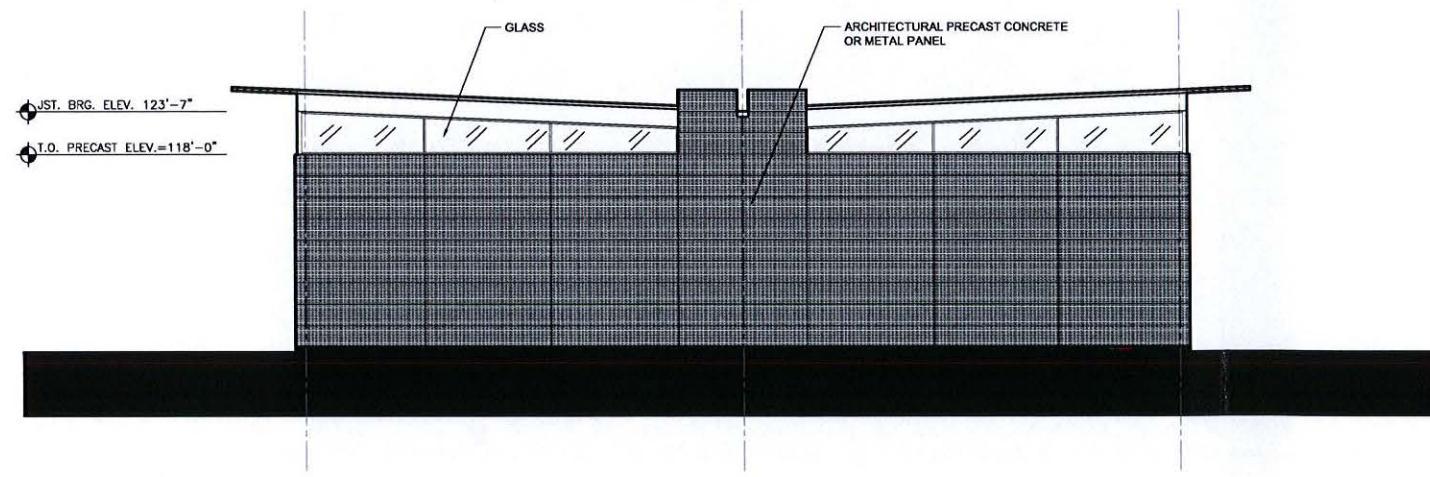
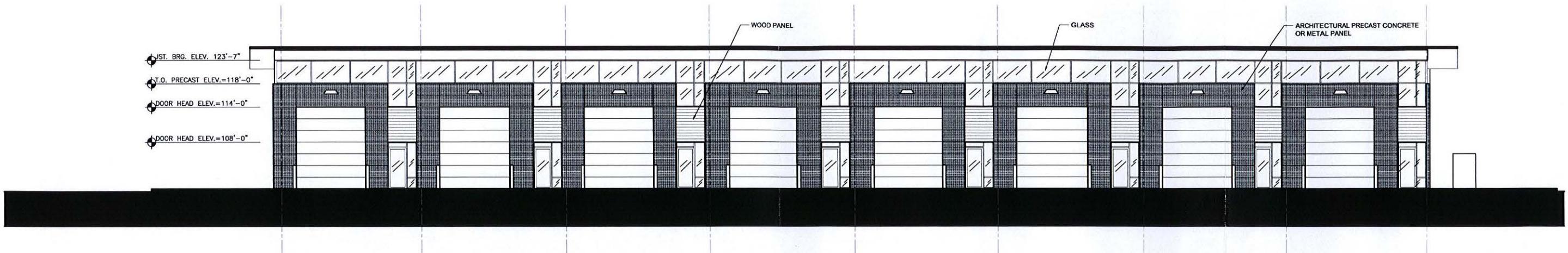
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EXHIBIT C



1 **Front Elevation**
A1.2 SCALE: 1/8" = 1'-0"

2 **Side Elevation**
A1.2 SCALE: 1/8" = 1'-0"

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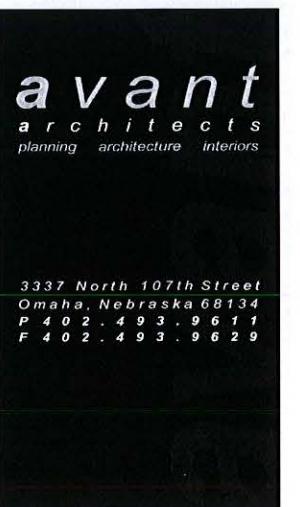
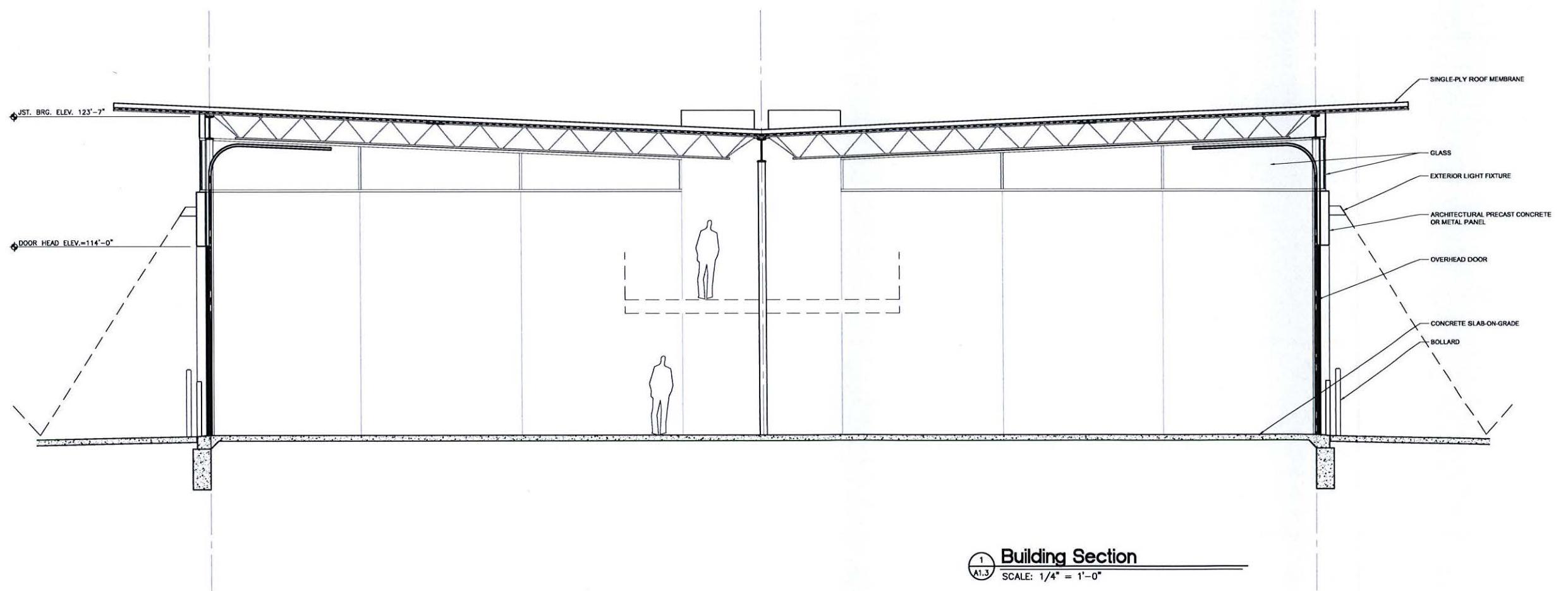


EXHIBIT D



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