

AGENDA ITEM 4A

Conditional Use Permit—14565 Portal Circle, #103

Indoor Recreational Facility

Connect Human Performance, LLC



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP21-0005;

FOR HEARING OF: NOVEMBER 4, 2021
REPORT PREPARED ON: OCTOBER 26, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Connect Human Performance, LLC
Attn: Mike Servais
5820 Poppleton Ave
Omaha, NE 68106

B. PROPERTY OWNER:

Knacck Properties, LLC
Attn: Kurt Mackie
3333 S. 61st Ave
Omaha, NE 68106

C. LOCATION: 14565 Portal Circle, #103; Located south of Portal Circle, west of S. 145th Street.

D. LEGAL DESCRIPTION: Lot 1 Heimes Replat One.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to allow for the operation of an Indoor Recreational Facility in bay 103 of the industrial flex building located at 14565 Portal Circle.

F. EXISTING ZONING AND LAND USE: I-2 Heavy Industrial.

G. PURPOSE OF REQUEST: To operate an indoor sports performance gym for semi-private training lessons out of the 3,600 square foot tenant bay.

H. SIZE OF SITE: 239,070 square feet (5.49 acres).

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes downward slightly to the north and to the east.

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	Industrial	I-2 Heavy Industrial	MCL Construction building
East	Industrial	I-1 Light Industrial; GWC Gateway Corridor Overlay District	Hotsy Equipment Company; vacant lot
South	Industrial	I-2 Heavy Industrial	Vacant lot
West	Parks, Recreation, and Open Space (Sarpy County)	AG Agriculture (Sarpy County)	Chalco Hills Recreation Area

C. RELEVANT CASE HISTORY:

1. N/A

D. APPLICABLE REGULATIONS:

1. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Comprehensive Plan Future Land Use Map designates this property for industrial use. This proposal is consistent with the comprehensive plan.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The property currently has driveway access off Portal Circle.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for health clubs shall be one (1) space per 200 square feet of gross floor area, plus one space for each employee on peak shift. For this 3,600 square foot facility, this requirement equates to a minimum of 19 stalls. Connect Human

Performance will have 19 dedicated parking stalls to comply with Section 7.06 of the La Vista Zoning Ordinance. The locations for these designated parking stalls are displayed on the Parking Site Plan provided by the property owner, and included as Exhibit “C” of the Conditional Use Permit attached to this staff report.

2. The industrial flex building located at 14565 Portal Circle was constructed with 117 parking stalls, which includes 32 surplus stalls beyond the 85 required per the minimum standards of the La Vista Zoning Ordinance for the current and planned building users. The 32 surplus stalls are available for use by each of the building tenants.
3. If the provided off-street parking becomes insufficient and the overflow stalls are regularly at capacity, the applicant and/or property owner will be required to stripe additional parking stalls on the large paved lot south of the building.
4. No on-street parking will be allowed on Portal Circle.

IV. REVIEW COMMENTS:

- A. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
- B. As Connect Human Performance utilizes a private and semi-private training model with class offerings being limited to 8 individuals at a time, the impact of this use on surrounding businesses is expected to be minimal.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Connect Human Performance, LLC for Lot 1 Heimes Replat One, as the request is consistent with La Vista’s Comprehensive Plan and Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

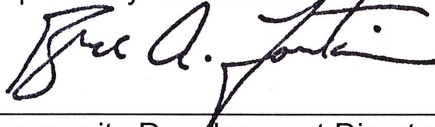
- A. Vicinity Map
- B. Review Letter
- C. Draft Conditional Use Permit
 - a. Operating Statement
 - b. Site Plan
 - c. Parking Site Plan

VII. COPIES OF REPORT SENT TO:

- A. Mike Servais, Connect Human Performance, LLC
- B. Kurt Mackie, Knacck Properties, LLC
- C. Public Upon Request



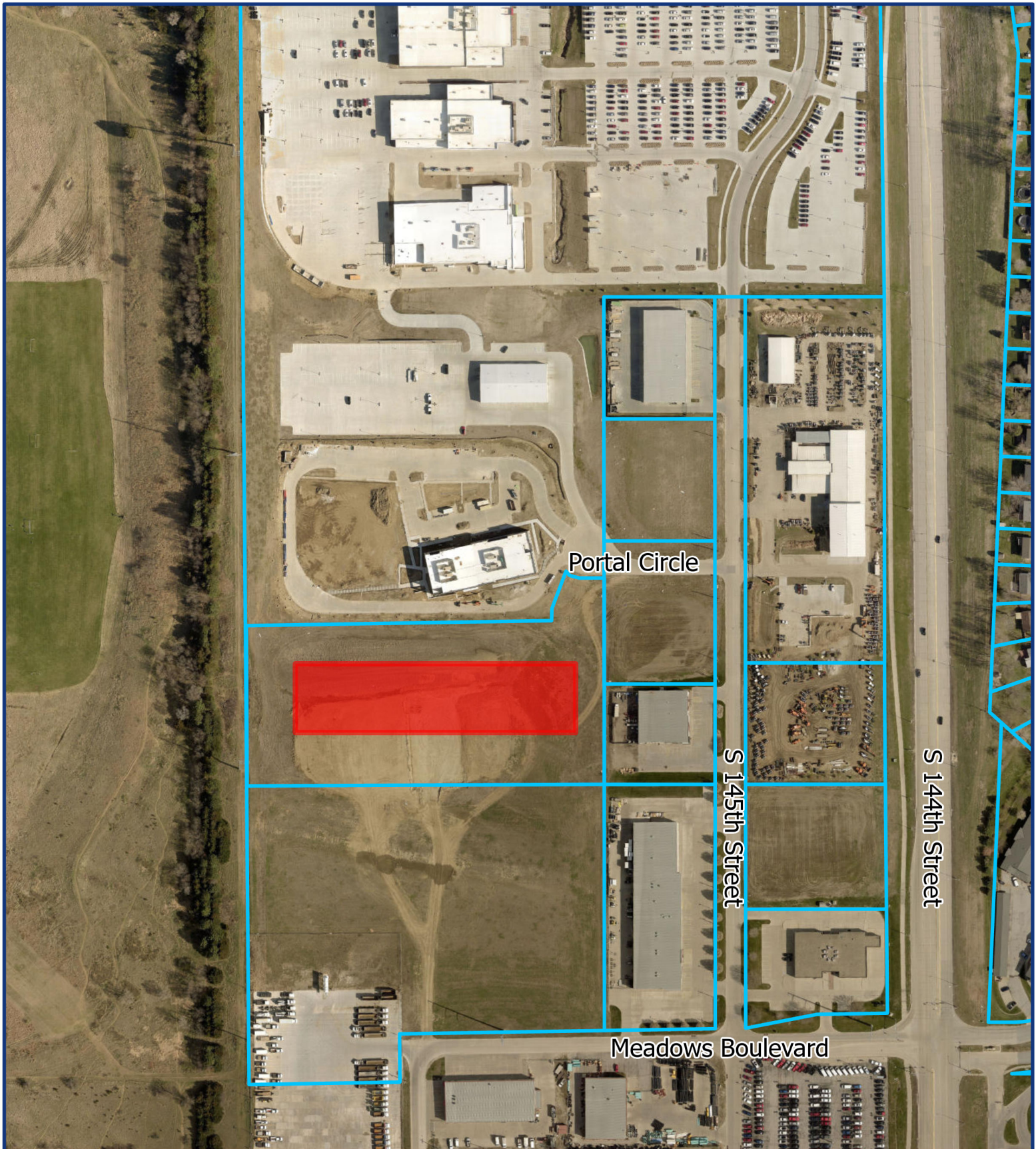
Prepared by: Assistant Planner



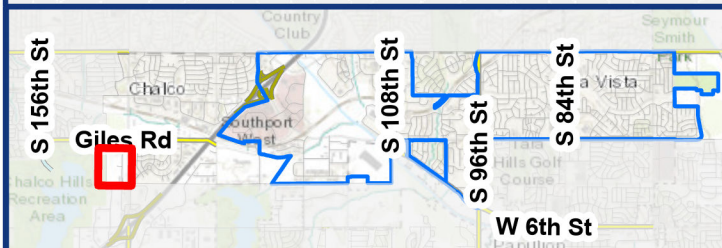
10/29/21

Community Development Director

Date



Vicinity Map: Connect Human Performance Conditional Use Permit



Legend

- La Vista Parcels
- Approximate Building Location





October 5, 2021

Connect Human Performance
Attn: Mike Servais
5820 Poppleton Ave
Omaha, NE 68106

RE: Indoor Recreational Facility Conditional Use Permit – Initial Review

Mr. Servais,

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

1. Please update the operating statement that you submitted to include details on the square footage of your space to be used by each activity (space for turf, equipment, lobby, restrooms, etc.)
2. Please submit an interior floor plan that depicts the space, showing demising walls, restrooms, turf area, location of equipment, location of doors, etc., to be used by the Fire Marshal for review of conformance with the life safety codes.
3. Please also include in the operating statement the number of parking stalls on this lot that will be dedicated for use by your business. Per the La Vista Zoning Ordinance Section 7.06, this type of facility in a 3,600 square foot space should have 18 parking stalls plus one stall per employee during peak shift.
4. Please utilize the attached site plan and denote where the parking stalls are that are dedicated for your business (these do not need to be signed, dedicated parking stalls at this time).

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. Please provide the distance (in feet) from the entrance to your business to the nearest ADA parking stall. Please confirm that there is an accessible path from this stall to your business entrance.
6. Parking shall be limited to off-street parking at all times. A condition will be included in the Conditional Use Permit that if parking is determined to be insufficient at any time, striping of additional stalls may be required for a portion of the paved area on the west or south sides of the building to provide for additional parking capacity.
7. Building permits are required for the interior improvements to the space (construction of walls and restrooms). Please ensure that those are obtained prior to construction activities.
8. The Fire Marshal and Chief Building Official must authorize and issue a Certificate of Occupancy for your space before you may occupy it and have customers or employees in the facility.
9. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

Please provide a response to items 1-5 of this letter as soon as possible. If you are able to satisfactorily address these items by next Thursday, October 14th, your application can be reviewed by the Planning Commission during their meeting on November 4, 2021 at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). Please be in attendance to present your request and answer any questions that the Planning Commission might have. After Planning Commission review, your application could be reviewed by La Vista City Council on December 7, 2021. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen, AICP

Assistant Planner

City of La Vista

cbrodersen@cityoflavista.org

(402) 593-6400

CC: Christopher Solberg, Deputy Community Development Director
Bruce Fountain, Community Development Director

City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility

This Conditional Use Permit issued this 7th day of December 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Connect Human Performance, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate an indoor recreational facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1 Heimes Replat One, located in the NE ¼ Section 23, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 14565 Portal Circle, STE 103.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a indoor recreational 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, subject to certain conditions and agreements as hereinafter provided.

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 “B” hereto for an indoor recreational 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. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
 - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
 - b. A site plan showing the property boundaries of the tract of land, proposed structures, parking, access points, and drives is attached to the permit as Exhibit “B”.
 - c. Hours of operation for said indoor recreational facility will be Monday through Friday from 3:00 p.m. – 8:00 p.m. during the academic year, and Monday through Friday 10:00 a.m. – 6:00 p.m. during the summer months.
 - d. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for other existing or future tenants or surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The location of

- parking stalls allocated for Connect Human Performance are outlined in red on the parking plan attached as Exhibit "C". Additional off-street parking on the property will be required if deemed necessary by the Planning Department, and the Owner at its cost shall be solely responsible for obtaining use of or constructing any such additional off-street parking. The requirements, location and other specifications of any additional off-street parking shall be subject to Planning Department or City Engineer approval. The Planning Department or City Engineer may require that additional parking stalls be striped in the potential overflow parking area located on the south side of the property if the Permitted Use requires additional off-street parking. On-street parking on Portal Circle, South 145th Street, or otherwise in connection with the Permitted Use shall be prohibited.
- e. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except appropriately screened trash receptacles and those approved in writing by the City.
 - f. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training or camp activities.
 - g. Owner 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.
 - h. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises 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 environmental or safety laws, rules or regulations.
 - i. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City ("Indemnified Parties") against, and holds the Indemnified Parties 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 Owner's agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The Owner's 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; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
 - 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 Owner 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. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof.
 5. In the event of the Owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the Owner's failure 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 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) 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 premises 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 premises as necessary or appropriate to carry out any other provision of this permit.

6. 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.

Miscellaneous

The conditions and terms of this permit shall be binding upon Owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of Owner 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: Connect Human Performance, LLC
Attn: Mike Servais
5820 Poppleton Ave
Omaha, NE 68106

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

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
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 _____, 2021, 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 _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [____], personally known by me to be the Owner of Connect Human Performance, LLC, 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

Operating Statement

To Whom It May Concern,

My name is Mike Servais and I am the Owner/Head Performance Coach of Connect Human Performance, LLC (CHP). Founded in May 2020, CHP is a sports performance company that is dedicated to helping athletes optimize their performance and bridge the gap between performance coaches, medical professionals and sport coaches. At CHP, we serve athletes at all points of their career with our clientele ranging from middle school age all the way up to the professional ranks. While we work with all types of athletes, we specialize in training rotational sport athletes such as baseball, softball and golf. Our services include private training, semi-private training, online coaching and consulting for organizations. I am writing you to obtain a Conditional Use Permit for 14565 Portal Circle Suite #3.

Over the course of this past year, CHP has been subleasing space from a local physical therapy clinic and operating part-time during evening hours. However, we have now grown to the point where we need more space and one that is our own to best serve our customers. This 3,600 sq ft space will enable us to offer more availability, solidify our culture and continue to grow as a business in a full-time capacity. To optimize logistics and ensure a quality customer experience, the space will be broken down into distinct areas. A 500 sq ft lobby will be located in the northwest corner of the space and will feature two ADA-compliant restrooms. Approximately 1,200 sq ft (12'x100') strip of artificial turf will go on the east side of the space. In the southwest corner, 300 sq ft will be dedicated to medicine ball training and will feature an 8'x12' wood wall covered in ½" rubber matting. The remaining 1,000 sq ft will feature equipment such as power racks, barbells and specialty bars, dumbbell racks and functional trainers.

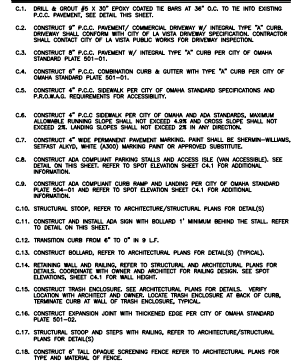
Currently, I am the only employee and will be the only employee for the remainder of the year. Our peak hours of operation will be weekdays from 3-8pm during the academic year. During the summer months, those hours will shift to 10am-6pm. The majority of our in-person training will be conducted in a semi-private model with a limit of 8 athletes per training session. These sessions last 60-75 minutes and they will be offered every hour during operating hours. To accommodate daily foot traffic and to abide by the La Vista Zoning Ordinance Section 7.06, there will be 19 parking spaces available for use by my business (18 for customers and 1 for myself) among the total 120 shared parking stalls located in front of the building.

I appreciate your time and I look forward to being a part of the La Vista community.

Regards,

Mike Servais, CSCS, USAW-L1, TPI-F2
Connect Human Performance, LLC
(402) 253-4522

<https://www.connecthumanperformance.com/>



Issue Date: Month dd, 2020		
Revisions to the drawing set		
No.	Date	Description
	05/09/20	ADDENDUM 1
	10/10/20	ADDENDUM 2
	1/14/21	ASI 1

Project Number:	0720
Drawn by:	FL
Checked by:	JMK
Sheet Name:	Site Plan and Details

