



CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
LA VISTA, NE 68128
P: (402) 331-4343

PLANNING COMMISSION AGENDA
NOVEMBER 4, 2021 – 6:30 P.M.

- 1. *Call to Order***
- 2. *Approval of Meeting Minutes – August 5, 2021***
- 3. *Old Business***
- 4. *New Business***
 - A. Conditional Use Permit – 14565 Portal Circle, #103 – Indoor Recreational Facility - Connect Human Performance, LLC**
 - i. Staff Report – Cale Brodersen, AICP
 - ii. Applicant Presentation
 - iii. Public Hearing
 - iv. Recommendation
 - B. Conditional Use Permit – 10630 Chandler Road, STE 1 – Animal Specialty Services – Nebraska Dog Trainers, LLC**
 - i. Staff Report – Cale Brodersen, AICP
 - ii. Applicant Presentation
 - iii. Public Hearing
 - iv. Recommendation
 - C. Technology Update & Demonstration**
- 5. *Comments from the Floor***
- 6. *Comments from the Planning Commission***
- 7. *Comments from Staff***
- 8. *Adjournment***

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact City Hall prior to the meeting at (402) 331-4343. A copy of the Open Meeting Act is posted in the Council Chamber. Citizens may address the Planning Commission about items not on the agenda under "comments from the floor". Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.



MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, AUGUST 5, 2021, AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, August 5, 2021 in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

PRESENT: Kevin Wetuski, Mike Krzywicki, Gayle Malmquist, Kathleen Alexander, John Gahan, Patrick Coghlan, Harold Sargus, and Josh Frey.

ABSENT: Jason Dale and Mike Circo.

STAFF PRESENT: Bruce Fountain, Community Development Director; Chris Solberg, Deputy Community Development Director; Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; and Pat Dowse, City Engineer.

1. Call to Order

The meeting was called to order by Chairman Wetuski at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes From July 15, 2021

***Motion:** Malmquist moved, seconded by Krzywicki, to approve the July 15th, 2021, minutes.*

RESULT:	Motion carried 8-0.
MOTION BY:	Malmquist
SECONDED BY:	Krzywicki
AYES:	Krzywicki, Gahan, Frey, Wetuski, Sargus, Coghlan, Alexander, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Jason Dale and Mike Circo

3. Old Business

None.

4. New Business

A. Conditional Use Permit – Lots 12, 15, 16, and 17 Crossroads Addition – John Galaska

- i. Staff Report – Cale Brodersen:** Brodersen stated that the request by John Galaska is for a Conditional Use Permit to operate outdoor storage and an indoor self-service storage facility on Lots 12, 15, 16, and 17 Crossroads Addition, located at 9710 Portal Road. Brodersen showed the Planning Commission a map of the site. He mentioned that Galaska was operating the outdoor storage facility prior to 2001, which was when the City did a comprehensive Zoning Ordinance update which now requires a Conditional Use Permit for outdoor storage and indoor self-service storage facilities. Brodersen said Galaska's outdoor storage use is considered "grandfathered in" and legally nonconforming. Galaska recently reached out to Staff letting them know that he had purchased Lot 12 and would like to expand the outdoor storage use to that lot, as well as construct a building addition in the future to include indoor storage, and office/apartment for an on-site manager.

Brodersen mentioned that this Conditional Use Permit would allow for those expansions and bring the existing legally nonconforming use into compliance. Staff recommends approval of the Conditional Use Permit for John Galaska for Lots 12, 15, 16, & 17 Crossroads Addition, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

- ii. Public Hearing: Wetuski Opened the Public Hearing**

Wetuski closed the Public Hearing as no members of the public came forward.

Frey mentioned that it looks like there is a bike path that dead ends on 97th Street and asked if there are any plans for that to continue.

Dowse explained that the section of concrete referenced is not a bike path, but an old section of Portal Road from before the intersection was reconfigured with the widening of 96th Street.

Krzywicki asked if a violation of one of the conditions in the CUP were to be discovered on one lot, if it would affect the applicant's ability to operate the use on another lot.

Brodersen confirmed that if there was a violation on any one of the lots that was serious enough and couldn't be resolved in coordination with the property owner, the City could take action to invalidate the Conditional Use Permit and the ability to operate the proposed use on all lots.

Krzywicki asked if the owner was aware of them being tied together or if he would rather have them split up into separate CUP's.

Brodersen explained that the applicant requested that Lot 12 be incorporated into this CUP request for the sake of simplicity and to reduce the approval process timeline.

iii. **Recommendation:** Sargus moved, seconded by Malmquist, to recommend **approval** of the Conditional Use Permit for John Galaska for Lots 12, 15, 16 & 17 Crossroads Addition, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

RESULT:	Motion carried 8-0.
MOTION BY:	Sargus
SECONDED BY:	Malmquist
AYES:	Krzywicki, Gahan, Frey, Alexander, Wetuski, Sargus, Coghlan, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Dale and Circo

B. Replat – 8201 Harrison Street – RFS Holdings, LLC

i. **Staff Report – Cale Brodersen:** Brodersen stated the request for a replat by RFS Holdings, LLC, is for Lot 12821-D1 La Vista. Half of the lot is currently occupied by Bethany Funeral Services, and the applicant is looking to divide this lot into two so it may be sold and developed at a later date. Brodersen mentioned that before this item goes to City Council, the easement language for the sanitary sewer easement must be completed and approved by the City Engineer. Staff recommends approval of the replat for Lot 12821-D1 La Vista being replatted as Lots 1 and 2 La Vista Replat 4, contingent upon City Engineer approval of the separate sanitary sewer easement document, as the request is consistent with La Vista's Subdivision Regulations.

Krzywicki asked if there would be approval for an additional curb cut for the newly created lot or would there be a cross-access easement to an existing curb cut.

Brodersen said that a traffic study would likely be required when the City receives a development proposal for the additional lot, and the determination for access would be dependent upon the use and traffic generation. He said that there is currently a shared access easement for the driveway entrance to the church to the east, and the new lot may be constrained to that access, or the applicant could seek a shared access easement for the driveway access in front of Bethany Funeral

Services. However, an additional access onto Harrison Street would likely not be permitted.

Frey said that there is an overhead power easement for OPPD and asked if it would restrict any kind of development there.

Dowse said that he believes that is a remnant of the high voltage line. He said that it is noted and that its status would have to be understood when a future development is proposed.

Brodersen said that it would be the responsibility of the property owner to request OPPD to release the easement.

- ii. **Recommendation:** Gahan moved, seconded by Frey to recommend **approval** of the replat for Lot 1282-D1 La Vista being replatted as lots 1 and 2 La Vista Replat 4, contingent upon City Engineer approval of the separate sanitary sewer easement document, as the request is consistent with La Vista's Subdivision Regulations.

RESULT:	Motion carried 8-0.
MOTION BY:	Gahan
SECONDED BY:	Frey
AYES:	Krzywicki, Gahan, Frey, Alexander, Wetuski, Sargus, Coghlan, and Malmquist
NAYS:	
ABSTAINED:	None
ABSENT:	None
	Dale and Circo

C. 2021 Papio-Missouri NRD Hazard Mitigation Plan

- i. **Staff Report – Pat Dowse:** Dowse stated that the 2021 Papio NRD Hazard Mitigation Plan is an update of the 2016 plan. He said that the plan is a requirement to receive any kind of federal funding for disaster aid. He mentioned that we have used such federal grants in the past for the Thompson Creek Rehabilitation project.

Krzywicki pointed out some grammatical and verbiage corrections that need to be made in the report.

- ii. **Recommendation:** Malmquist moved, seconded by Alexander to recommend **approval** of the 2021 Papio – Missouri NRD Hazard Mitigation Plan with the minor corrections as discussed.

RESULT:	Motion carried 8-0.
MOTION BY:	Malmquist
SECONDED BY:	Alexander
AYES:	Krzywicki, Gahan, Frey, Alexander, Wetuski, Sargus, Coghlan, and Malmquist
NAYS:	None
ABSTAINED:	None
ABSENT:	Dale and Circo

5. Comments from the Floor

None.

6. Comments from the Planning Commission

None.

7. Comments from Staff

Solberg mentioned that registration for NPZA is now open and to reach out to Meghan if you are interested in attending.

Fountain added that those interested in attending NPZA will want to do so quickly as hotel rooms tend to fill up quickly. Fountain mentioned we are looking into getting iPads for the Planning Commission members to use during meetings, as part of a larger effort to digitize and modernize processes in the Community Development Department.

8. Adjournment

Wetuski adjourned the meeting at 6:53 p.m.

Reviewed by Planning Commission:

Planning Commission Secretary

Planning Commission Chair

Date

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</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning</u> <u>Designation</u>	<u>Surrounding</u> <u>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:

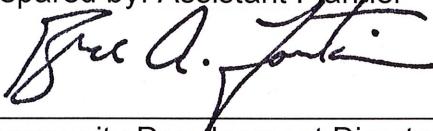
- A. Vicinity Map
- B. Review Letter
- C. Draft Conditional Use Permit
 - a. Operating Statement
 - b. Site Plan
 - c. Parking Site Plan

VII. **COPIES OF REPORT SENT TO:**

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



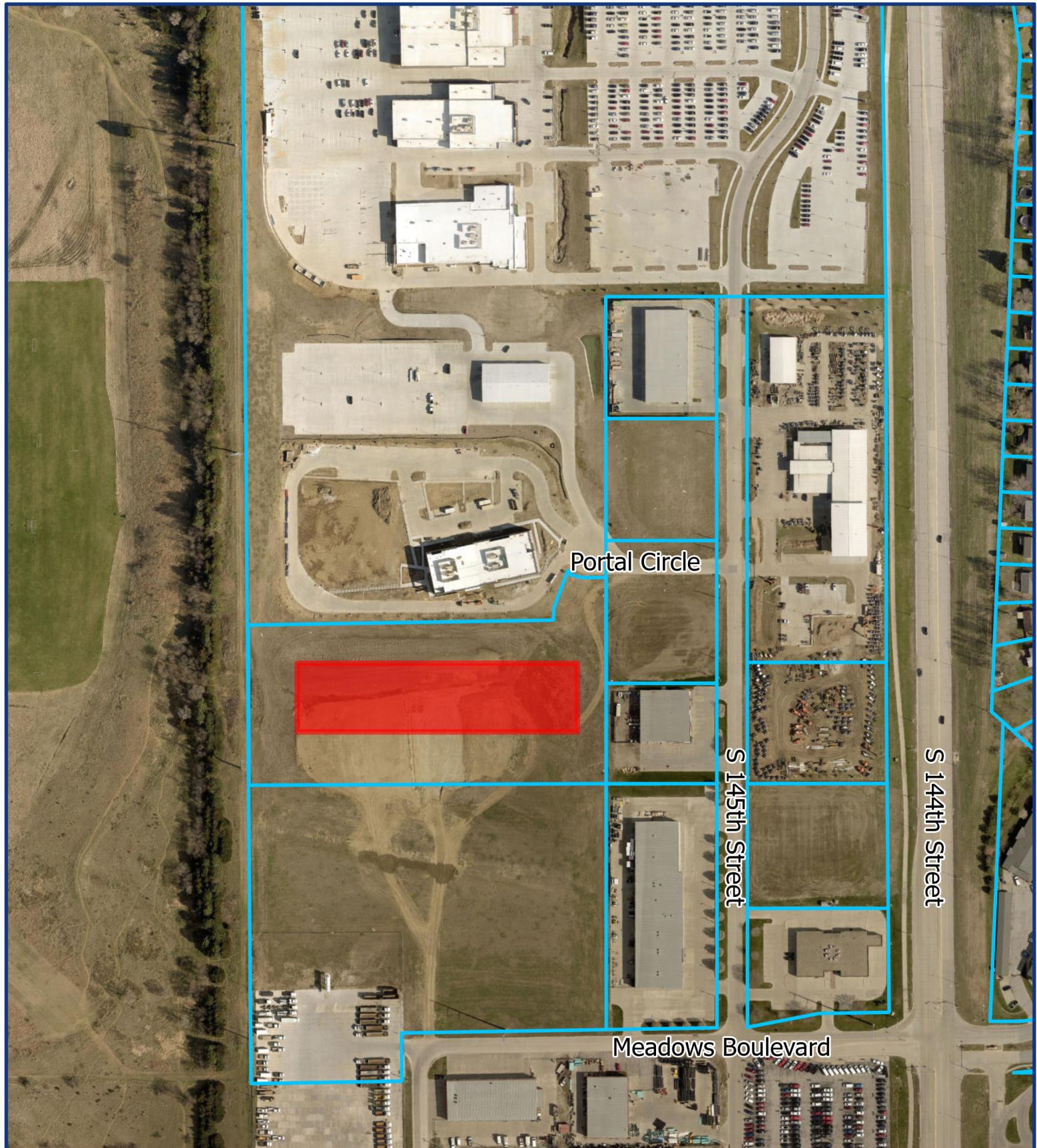
Prepared by: Assistant Planner



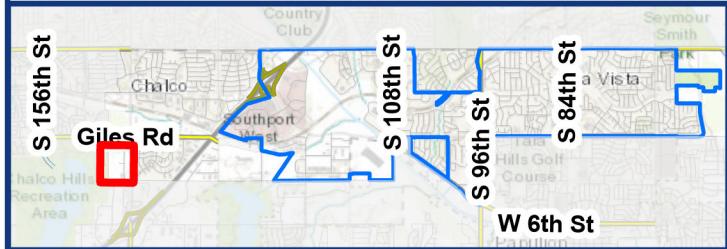
Community Development Director

10/29/21

Date



Vicinity Map: Connect Human Performance Conditional Use Permit



Legend

- La Vista Parcels (blue box)
- Approximate Building Location (red box)





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 402.331.4375

Community Development
8116 Park View Blvd.
402.593.6400 402.593.6445

Library
9110 Giles Rd.
402.537.3900 402.537.3902

Police
7701 S. 96th St.
402.331.1582 402.331.7210

Public Works
9900 Portal Rd.
402.331.8927 402.331.1051

Recreation
8116 Park View Blvd.
402.331.3455 402.331.0299

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 1/4 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

Exhibit A

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.

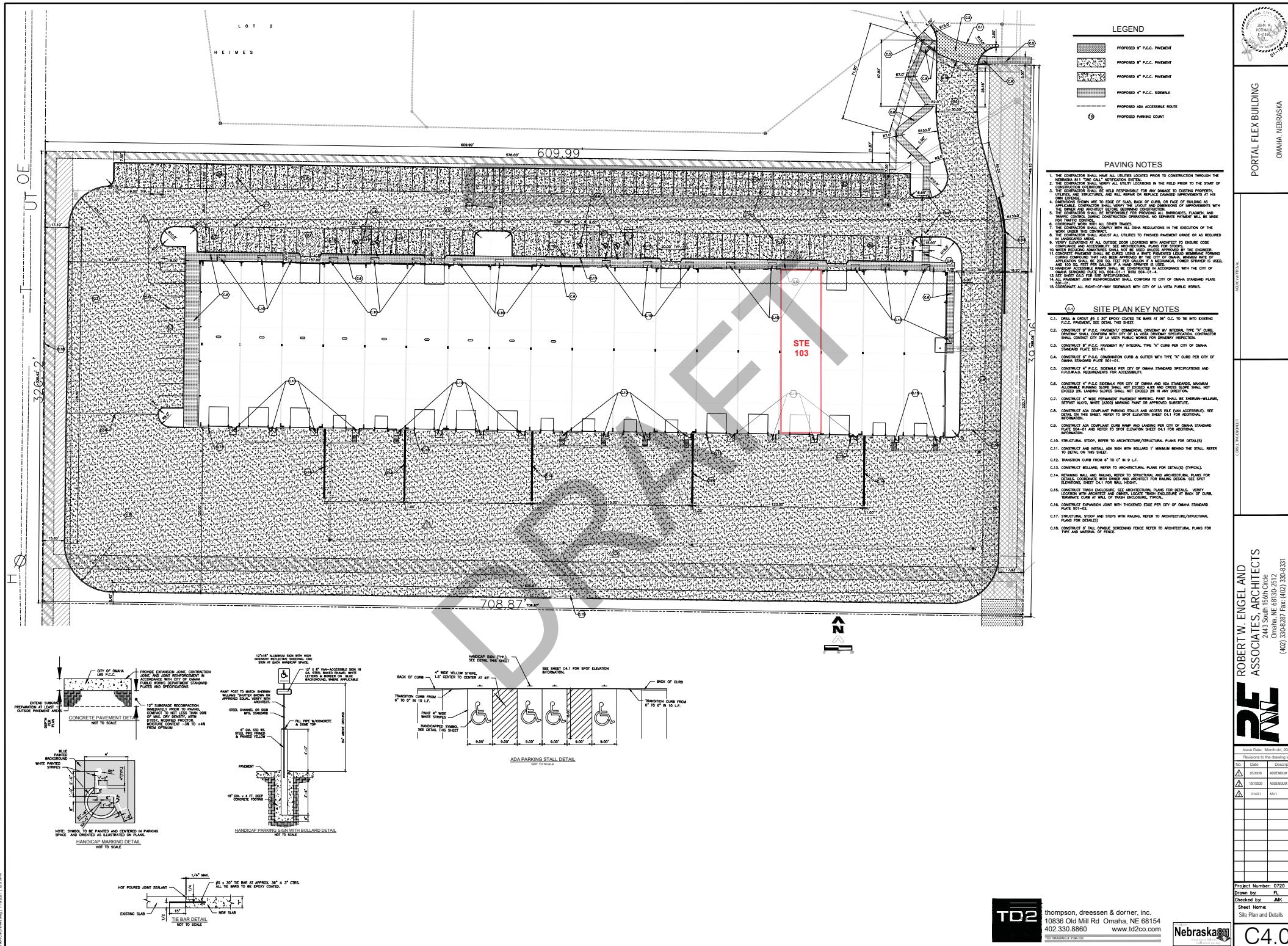
Over the course of this past year, CHP has been subleasing space from a local physical therapy clinic and operating part-time during evening hours. However, we have now grown to the point where we need more space and one that is our own to best serve our customers. This 3,600 sq ft space will enable 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 $\frac{1}{2}$ " 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/>



AGENDA ITEM 4B

Conditional Use Permit—10630 Chandler Road, STE 1

Animal Specialty Services

Nebraska Dog Trainers, LLC



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

CASE NUMBERS: PCUP21-0004;

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

I. GENERAL INFORMATION

A. APPLICANT:

Nebraska Dog Trainers
Attn: Lesley Thompson
10630 Chandler Rd, STE 1
La Vista, NE 68128

B. PROPERTY OWNER:

TMT, LLC
Attn: Steve Morrow
1610 Main Street
Bellevue, NE 68005

C. LOCATION: 10630 Chandler Road, STE 1; Located north of Chandler Road and east of S 108th Street.

D. LEGAL DESCRIPTION: Lot 243A Val Vista.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to allow for the operation of a dog training and daytime boarding facility (Animal Specialty Services facility) in bay 1 of the industrial building located at 10630 Chandler Road.

F. EXISTING ZONING AND LAND USE: I-1 Light Industrial.

G. PURPOSE OF REQUEST: To operate an indoor dog training facility offering private obedience lessons and day training/kenneling services for up to 5 dogs at a time, out of the 1,800 square foot tenant bay.

H. SIZE OF SITE: 89,734 square feet (2.06 acres).

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes downward gradually to the south and to the west.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction</u> <u>From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial; Medium-Density Residential	I-2 Heavy Industrial; R-1 Single-Family Residential	US Cold Storage Building; Cimarron Woods Neighborhood
East	Industrial	I-1 Light Industrial	Proven Products Industrial Building
South	Industrial	I-1 Light Industrial	Midland Scientific Industrial Building; Vacant Lot
West	Industrial	I-1 Light Industrial	Armor Storage

C. RELEVANT CASE HISTORY:

1. Nebraska Dog Trainers has been operating at their location at 10630 Chandler Road for several years. The applicant and property owner had the understanding that zoning approval was only necessary for facilities offering boarding and kenneling services, and not for training facilities. The applicant approached the Community Development Department earlier this year inquiring about what approvals would be necessary to allow them to begin offering daytime boarding and training services for up to 5 dogs. At the time of the inquiry, when the City became aware of their operation, the applicant was notified that their use is currently nonconforming, and that a Conditional Use Permit is required for both the current operation and the use expansion to include daytime boarding. This application was submitted quickly thereafter.

D. APPLICABLE REGULATIONS:

1. Section 5.14 of the Zoning Regulations – I-1 Light Industrial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.
3. Section 7.08 of the Zoning Regulations – Schedule of Minimum Off-Street Parking Requirements
4. Section 7.08 of the Zoning Regulations – Off-Street Parking: Parking for Individuals with Disabilities.

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 dual-driveway access off Chandler Road.
- 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 animal specialty services land uses shall be one (1) space per 300 square feet of gross floor area. For this 1,800 square foot facility, this requirement equates to a minimum of 6 stalls. Nebraska Dog Trainers will have 6 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 Site Plan included as Exhibit "B" of the Conditional Use Permit attached to this staff report.
 - 2. If the provided off-street parking becomes insufficient, the applicant and/or property owner will be required to stripe additional parking stalls in the paved area in front of and/or behind the building.
 - 3. No on-street parking will be allowed on Chandler Road.
 - 4. One off-street parking stall accessible to individuals with disabilities is required for this location per Section 7.08 of the La Vista Zoning Ordinance, the Americans with Disabilities Act, and the Nebraska Accessibility Guidelines. There are currently no ADA parking stalls at this location, thus the applicant is currently arranging for its installation. This ADA parking stall must be installed prior to City Council review of this Conditional Use Permit.

IV. REVIEW COMMENTS:

- A.** As Nebraska Dog Trainers offers obedience training classes using a private (one-on-one) model, in addition to their limited capacity for daytime boarding/training (up to 5 dogs at a time), the impact of this use on surrounding businesses is expected to be minimal.
- B.** Section 2.e. and 2.f. of the draft Conditional Use Permit attached to this report prohibit the construction of outdoor kennels or dog runs and the overnight boarding of dogs. If the applicant seeks to

incorporate either of these components into their operation, they must first apply for and receive City approval of an amendment to this Conditional Use Permit.

V.

STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Nebraska Dog Trainers, LLC for Lot 243A Val Vista, contingent upon the installation of an ADA parking stall as noted in this staff report, 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

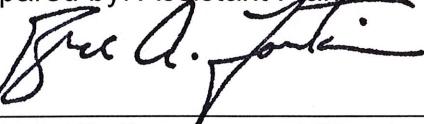
VII.

COPIES OF REPORT SENT TO:

- A. Lesley Thompson, Nebraska Dog Trainers, LLC
- B. Steve Morrow, TMT, LLC
- C. Public Upon Request



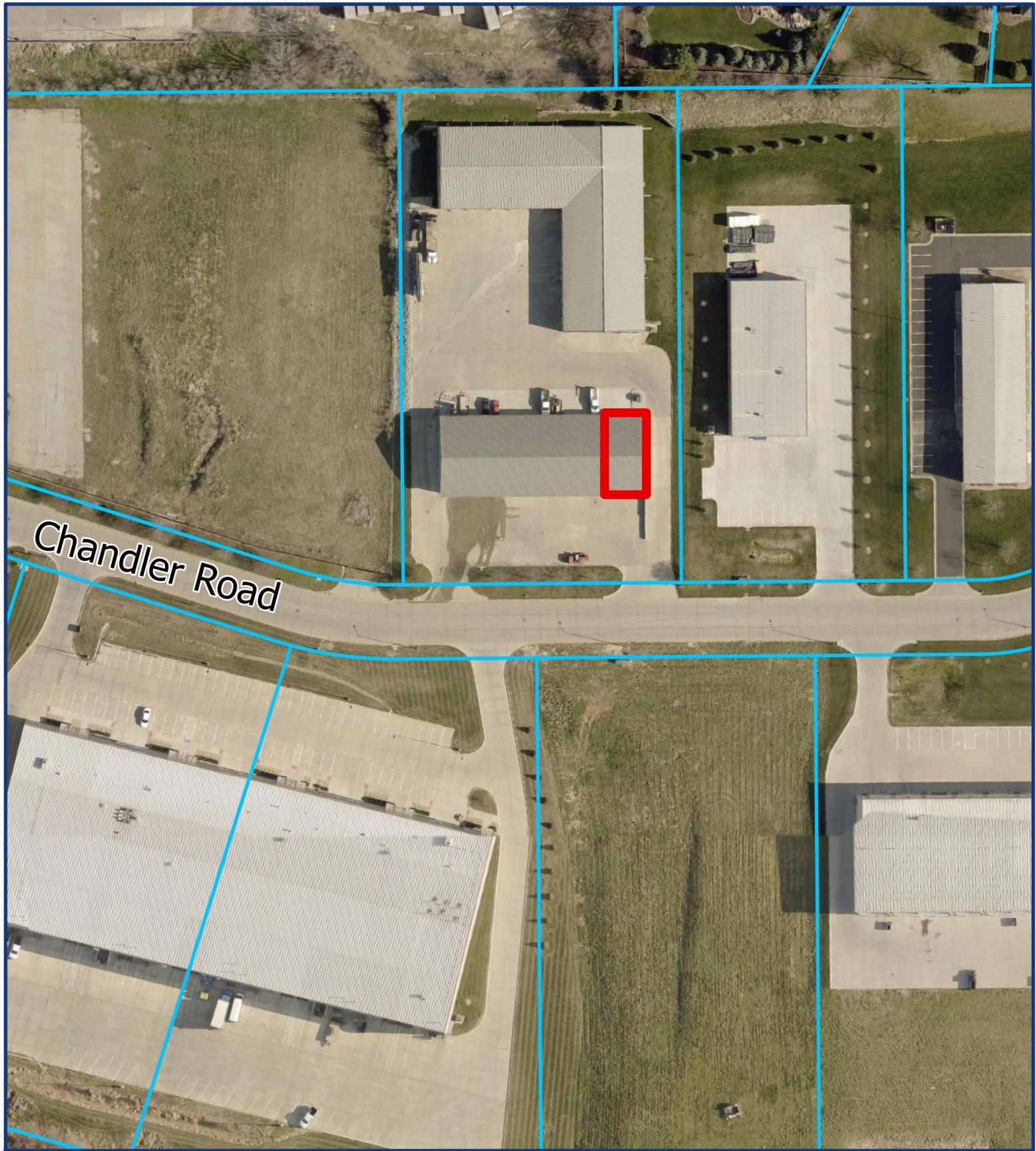
Prepared by: Assistant Planner



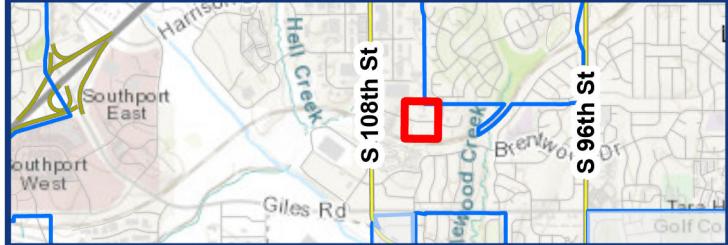
10/29/21

Community Development Director

Date



Vicinity Map: Nebraska Dog Trainers, LLC; Conditional Use Permit



Legend

- La Vista Parcels (represented by a blue square)
- Nebraska Dog Trainers Tenant Bay (represented by a red square)





September 28, 2021

Nebraska Dog Trainers
Attn: Lesley Thompson
1620 Chandler Road, STE 1
La Vista, NE 68128

RE: Animal Specialty Services Conditional Use Permit – Initial Review

Ms. Lesley Thompson,

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 confirm that the ADA parking stall requirements will be met for your facility, per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference.
2. Parking will be limited to off-street at all times. If existing parking is determined to be insufficient at any time, striping of additional stalls may be required for a portion of the paved area in front of or behind the building to provide for additional parking capacity.
3. Please note that conditions will be included in the Conditional Use Permit that will prohibit the construction and use of outdoor kennels and runs, which remains consistent with your operating statement as submitted. The Conditional Use Permit will also prohibit overnight boarding of dogs.

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](#)

If later you decide that you would like to be able to board dogs overnight, you may apply for an amendment to the Conditional Use Permit.

4. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

Please provide a response to item 1 of this letter as soon as possible. Your application is slated to 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 will 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

Enclosure.

City of La Vista Conditional Use Permit

Conditional Use Permit for Animal Specialty Services

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 Nebraska Dog Trainers, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a dog training and daytime boarding facility (animal specialty services facility) upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 243A Val Vista, located in the SE ¼ Section 16, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 10630 Chandler Road, STE 1.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a dog training and daytime boarding 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 a dog training and daytime boarding 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 animal specialty services facility will be Monday through Friday from 9:00 a.m. – 7:00 p.m., and Saturday and Sunday 9:00 a.m. – 5:00 p.m.
 - 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 locations

of parking stalls allocated for Nebraska Dog Trainers are identified on the site plan attached as Exhibit "B". 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. On-street parking on Chandler Road in connection with the Permitted Use shall be prohibited.

- e. Outdoor kennels and dog runs at this property shall be prohibited.
- f. Overnight boarding of dogs shall be prohibited, in accordance with the Operating Statement attached as Exhibit "A".
- g. The applicant shall instruct dog owners to keep dogs on leashes until they are inside the building. No dogs shall be allowed off leash in the parking or drive aisle areas.
- h. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except appropriately screened trash receptacles and those approved in writing by the City.
- i. 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.
- j. 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.
- k. 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: Nebraska Dog Trainers, LLC
Attn: Lesley Thompson
10630 Chandler Road, STE 1
La Vista, NE 68128

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 Nebraska Dog Trainers, 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



Nebraska Dog Trainers

NEBRASKADOGTRAINERS.COM | 402.913.0251

Operating Statement

We are Nebraska Dog Trainers, and we offer private obedience training lessons for clients in our dog training facility. Dog owners bring their dogs to our facility and spend one on one time with a dog trainer. We never have more than one owner, the dog being trained and the trainer at a time during lessons. The sessions are 45 minutes long and facility is open for private lessons from 9 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturdays and Sundays.

When the conditional use permit is approved, we intend to have 5 indoor kennels in order to provide day and train services. This would consist of owners dropping their dogs off in the morning and picking them up later on in the day, afternoon and up to the early evening hours, no later than 6 p.m. There will be no outside kennel or dog runs and no more than 5 dogs, day-boarding at any given time. This service will only be available Monday through Friday.

We have 7 employees, but there wouldn't be more than 2 employees at the facility at given time, unless we are having a meeting or employee training session. The training space is 1800 square ft. There are three designated parking spots in front of the facility for clients and three parking spaces in the back for employees, and there is ample parking for more if needed. Most dog waste is disposed of with a toilet inside the facility. We do have a few poop bags that will be kept in the Papillion Sanitation trash container inside the facility.

Nebraska Dog Trainers Site Plan

