

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 20, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT AMENDMENT – BOBCAT OF OMAHA CORPORATION – 8701 S. 145 <sup>TH</sup> STREET	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

**SYNOPSIS**

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit amendment for DOO, LLC d.b.a. Bobcat of Omaha to allow for an expansion to their equipment rental, sales and service operation on Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I, generally located east of 145<sup>th</sup> Street and Portal Circle.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

An application has been submitted by DOO, LLC d.b.a. Bobcat of Omaha for an amendment to their existing Conditional Use Permit to allow for an expansion of their equipment rental, sales and service operation generally located east of 145<sup>th</sup> Street and Portal Circle. The existing Conditional Use Permit allows for the operation on Lot 1 Lakeview South II Replat Five, and the amendment will permit the expansion of the use onto the following two adjacent properties: Lot 1 Lakeview South II Replat 3 and Lot 2 Lakeview South II Replat I. The expansion will include additional fencing and landscaping around the perimeter, in addition to a ring road on the property that will allow for additional stacking for trucks and the loading and unloading of equipment on-site so such activities will no longer occur on 145<sup>th</sup> Street.

A detailed staff report is attached.

The Planning Commission held a public hearing on May 18, 2023, and voted unanimously to recommend approval of the Conditional Use Permit amendment for DOO, LLC as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**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 AMENDMENT FOR DOO, LLC D.B.A. BOBCAT OF OMAHA TO ALLOW FOR THE EXPANSION OF A FARM IMPLEMENT SALES AND SERVICE OPERATION ON LOT 1 LAKEVIEW SOUTH II REPLAT FIVE, LOT 1 LAKEVIEW SOUTH II REPLAT 3, AND LOT 2 LAKEVIEW SOUTH II REPLAT 1.

WHEREAS, DOO, LLC d.b.a. Bobcat of Omaha has applied for an amendment to their existing Conditional Use Permit for to allow for the expansion of their farm implement sales and service operation on Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I; and

WHEREAS, the La Vista Planning Commission has reviewed the application on May 18, 2023 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the amendment of the 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 an amendment to Bobcat of Omaha's Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for DOO, LLC d.b.a. Bobcat of Omaha to allow for the expansion of their farm implement sales and service operation on Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I.

PASSED AND APPROVED THIS 20TH DAY OF JUNE 2023.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, MMC  
City Clerk



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

CASE NUMBERS: PCUP23-0005;

FOR HEARING ON: JUNE 20, 2023  
REPORT PREPARED ON: JUNE 7, 2023

**I. GENERAL INFORMATION**

**A. APPLICANT(S):**

Heimes Corp.  
Attn: Jeff Jenkins  
9144 S 147<sup>th</sup> Street  
Omaha, NE 68005

**B. PROPERTY OWNERS:**

DOO, LLC  
8701 S 145<sup>th</sup> Street  
Omaha, NE 68138

**C. LOCATION:** 8701 S. 145<sup>th</sup> Street, La Vista, NE 68138, generally located east of the intersection of S 145<sup>th</sup> Street and Portal Circle.

**D. LEGAL DESCRIPTION:** Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I.

**E. REQUESTED ACTION(S):** Approval of an amendment to the Conditional Use Permit for Bobcat of Omaha for Farm Implement Sales & Service.

**F. EXISTING ZONING AND LAND USE:** I-1 Light Industrial Zoning District and Gateway Corridor District (Overlay District).

**G. PURPOSE OF REQUEST:** Applicant is seeking to expand their Farm Implement Sales & Service operation for Bobcat of Omaha to include two additional lots to the south (Lot 1 Lakeview South II Replat 3 and Lot 2 Lakeview South II Replat I).

**H. SIZE OF SITE:** Approximately 7.63 acres.

**II. BACKGROUND INFORMATION**

**A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<b><u>Direction From Subject Property</u></b>	<b><u>Future Land Use Designation</u></b>	<b><u>Current Zoning Designation</u></b>	<b><u>Surrounding Development</u></b>
North	Regional Commercial	C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)	Woodhouse Dealership
East	Urban Medium-Intensity Residential and Urban High-Intensity Residential	R-1 Single Family Zoning District	The Meadows Neighborhood
South	Industrial	C-2 General Commercial District and Gateway Corridor District (Overlay District).	Asset Strategies Multi-Tenant Commercial Building
West	Industrial	I-2 Heavy Industrial Zoning District and Gateway Corridor District (Overlay District)	Vacant properties; Hotsy Equipment Co.; Leisure Life Sports

**B. RELEVANT CASE HISTORY:**

1. On October 15, 2013 the City Council issued a Conditional Use Permit for Bobcat of Omaha for Lot 1 Lakeview South Replat 5 for a Farm Implement Sales and Service operation.
2. On July 17, 2018, City Council approved an amendment to Bobcat of Omaha's CUP to allow for a building expansion on Lot 1 Lakeview South Replat 5 for the Farm Implement Sales and Service operation.

**C. APPLICABLE REGULATIONS:**

1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
2. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
3. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
4. Section 7.16 of the City of La Vista Zoning Ordinance – Performance Standards for Industrial Uses



### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for industrial development and use. This application corresponds with the intended use of the property.

#### **B. OTHER PLANS: N/A.**

#### **C. TRAFFIC AND ACCESS:**

1. The existing property has two access driveways on 145<sup>th</sup> Street. The expansion detailed in the proposed site plan would include an additional driveway onto 145<sup>th</sup> Street on the south end of the properties, which will provide additional room and capacity for deliveries and equipment pickup/drop-off. This additional access and driveway length will reduce the likelihood of trucks blocking 145<sup>th</sup> Street as they wait to enter the site.

#### **D. UTILITIES:**

1. The property has access to all necessary utilities.

#### **E. PARKING REQUIREMENTS:**

1. Paved parking capacity on the site exceeds the minimum off-street parking required by Section 7.06 of the La Vista Zoning Ordinance for Farm Implement Sales and Service operations.
2. No parking related to the use will be permitted on S. 145<sup>th</sup> Street, per a requirement included in the attached draft Conditional Use Permit.

### **IV. REVIEW COMMENTS:**

1. Additional fencing and landscaping screening will be installed around the perimeter of the properties. The landscaping plan has been reviewed and approved by the City's third-party design review architect for conformance with the landscaping requirements in the Gateway Corridor Design Guidelines and Section 7.17 of the La Vista Zoning Ordinance. The landscaping plans are included in the draft Conditional Use Permit, attached as Exhibit B.
2. Review and approval of the drainage study and post-construction stormwater management plan will be required as a condition of approval for the grading and building permits prior to construction activities.
3. Included in this expansion is a grass demonstration and merchandise display area for non-vehicle type merchandise including trailers, generators, and other non-self propelled pieces of equipment on display for sale. A condition has been included in

the attached draft Conditional Use Permit that the site must be maintained in accordance with the site plan, including maintaining the health of the grass in the display area which will require regularly moving the merchandise. If track-out of mud or dirt occurs onto public streets resulting from the proposed grass display area or the existing dirt demonstration area, the owner will be required to pave the problem areas to abate track-out issues.

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT**

**AMENDMENT:**

Staff recommends approval of the amendment to the existing Conditional Use Permit for DOO, LLC d.b.a. Bobcat of Omaha for Farm Implement Sales and Service, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT AMENDMENT:**

The Planning Commission held a public hearing on May 18, 2023 and voted unanimously to recommend approval of the amendment to the existing Conditional Use Permit for DOO, LLC d.b.a. Bobcat of Omaha for Farm Implement Sales and Service, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review and response letters
- C. Draft Conditional Use Permit with Site Plan, Landscaping Plans, and Operating Statement

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

- A. Jeff Jenkins, Heimes Corporation
- B. Scott Loos, Thompson, Dreessen & Dorner, Inc.
- C. Public Upon Request



Prepared by: Associate City Planner

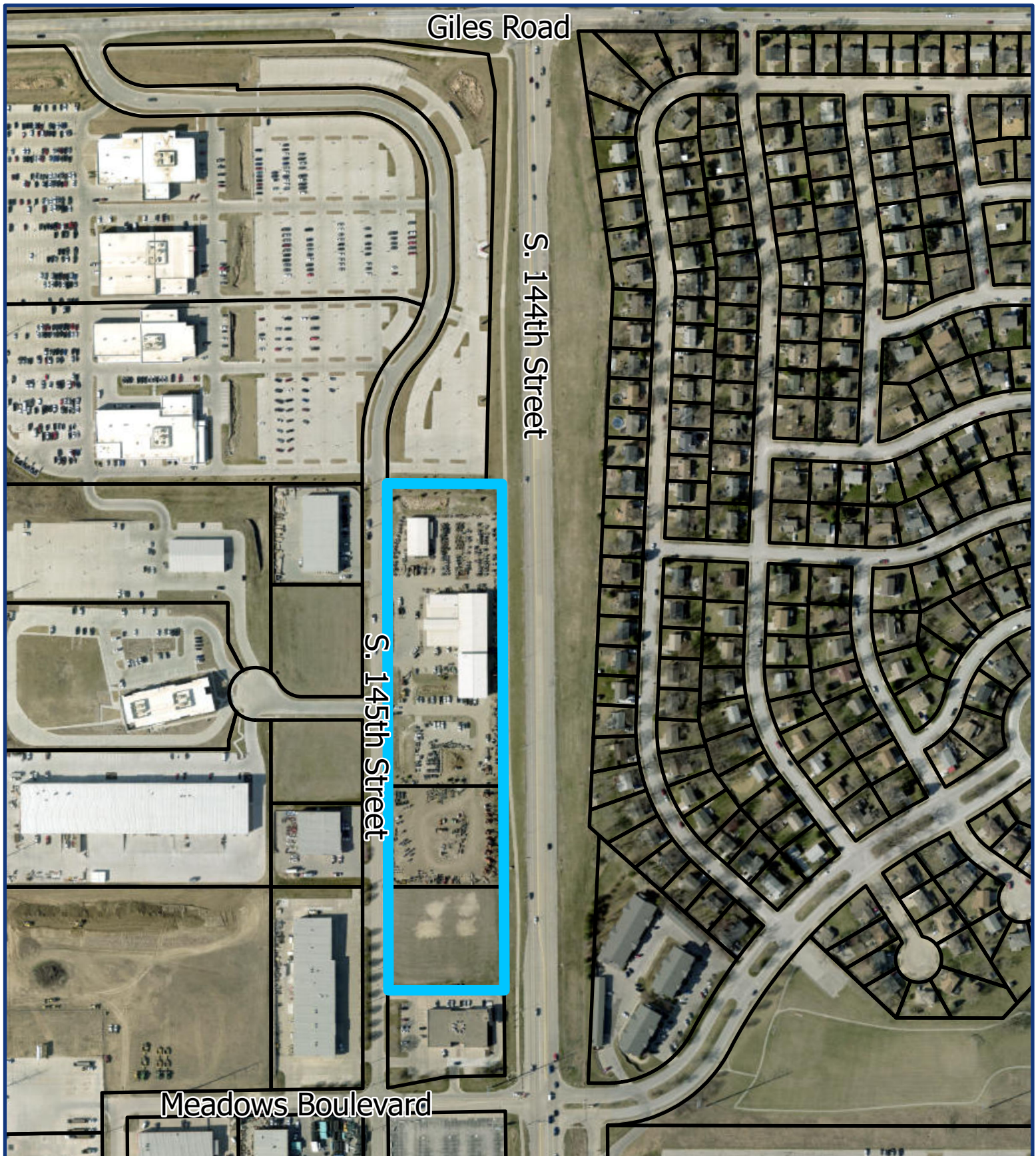


Community Development Director

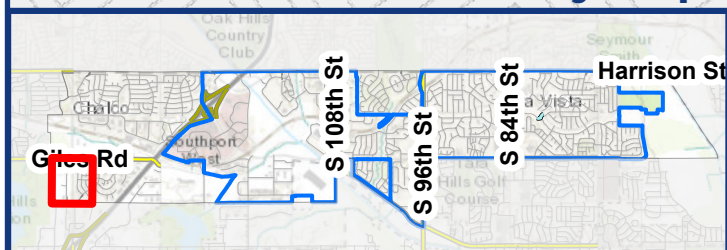
6/7/23

Date







## Vicinity Map - Bobcat of Omaha CUP Amendment



## Legend

-  Property Lines
-  CUP Amendment Area







April 28, 2023

Thompson, Dreessen, & Dorner  
Attn: Scott Loos  
10836 Old Mill Road  
Omaha, NE 68154

RE: Conditional Use Permit Amendment – Bobcat of Omaha – Initial Review Letter  
8701 S 145<sup>th</sup> Street – Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II  
Replat 3, and Lot 2 Lakeview South II Replat I

Mr. Loos,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. The proposed landscaping plans for the Bobcat of Omaha site have been reviewed by the City's third-party design review architect for conformance with the requirements of the Gateway Corridor Overlay District and the Zoning Ordinance. Please find attached an initial review letter detailing some necessary changes to the landscaping plans.
2. Please include additional details in the operating statement about the overall business operation, including the square footage of existing buildings and the total number of employees that will be on-site during peak times.
3. Sheets 1 and 2 of the most recently submitted site plan package appear to be early versions of the site plan, and do not include the full extent of paving proposed for Lot 1 Lakeview South II Replat 3. Please review and revise the site plans.

**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

4. Regarding the proposed grass demonstration/merchandise display area, restrictions will be made and enforced through the CUP on the types of merchandise that can be displayed in that area to ensure conformance with Section 7.05.03 of the La Vista Zoning ordinance which requires that all parking be paved with asphalt or concrete. Consistent with the operating statement that you provided, only non-vehicle type merchandise will be permitted to be displayed in this grass area (such as trailers, generators, and other non-self propelled pieces of equipment that are on display for sale).
5. A grading permit and building permit from the City of La Vista will be required prior to any ground disturbance or paving activities on the subject properties. As part of this permit approval process, review and approval of the Post-Construction Stormwater Management Plan and drainage study will be required.
6. A condition will be placed within the CUP that the property will need to be maintained according to the site plan, including ensuring that the health of the grass in the merchandise display area is maintained. This will necessitate regularly moving merchandise placed on the grass area. A condition will be included in the CUP that if track-out occurs onto public roadways, the City may require that the property owner pave areas creating the problem. Additional paving will also be required if unauthorized parking of equipment/merchandise is occurring on the grass area. Please be advised that staff conducts regular reviews of properties with CUPs to ensure compliance with the approved permit.
7. The operating statement mentions a potential future retail building on the south end of the property. Please note that the design for such potential building will need to be reviewed through the City's design review process as the property is located within La Vista's Gateway Corridor Overlay District.

Please submit 2 full size revised copies of the CUP plans and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. A draft CUP will be prepared and shared with you in the near future. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink that reads "Cale Brodersen". The signature is fluid and cursive, with a long horizontal line extending to the right.

Cale Brodersen, AICP  
Associate City Planner  
cbrodersen@cityoflavista.org  
(402) 593-6400

cc:

Jeff Jenkins, Heimes Corp.  
Brendan Finley, Thompson, Dreessen & Dorner  
Bruce Fountain, Community Development Director – City of La Vista  
Chris Solberg, Deputy Community Development Director – City of La Vista  
Pat Dowse, City Engineer – City of La Vista

Enclosure.



Design with Purpose. Build with Confidence.

April 25, 2023

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: Bobcat of Omaha - Design Review Letter #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the Applicant's submittal containing drawings received on 4/12/2023. For tracking purposes, I have noted deficiencies in the CUP submittal package below, and where appropriate, the corresponding requirements outlined in the Gateway Corridor Design Guidelines for landscaping compliance only.

**General:**

1. The following drawings were submitted:
  - a. Site Layout 1 of 2
  - b. Site Layout 2 of 2
  - c. Landscape Plan
  - d. Landscape Plan Phase 1
  - e. Landscape Plan Phase 2

**Drawings:**

1. Landscaping Plan
  - i. Coniferous tree on plant schedule not included on list of approved plant materials.
  - ii. Both deciduous shrubs and coniferous shrubs shade trees are required to be 5 gallons. Scheduled shrubs are shown as 3 gallons, revise as required.
2. Landscape Plan Phase 2
  - i. Both deciduous shrubs and coniferous shrubs shade trees are required to be 5 gallons. Scheduled shrubs are shown as 3 gallons, revise as required.

Please notify the Applicant of the review comments above and request clarification and/or resubmittal as the case may be. Please remind the Applicant to properly date all resubmittals.

PHONE 402.493.4800  
FAX 402.493.7951

1044 North 115th Street, Suite 300  
Omaha, Nebraska 68154-4436

SCHEMMER.COM

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6377 direct  
dkerns@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.



Dan Kerns, AIA, NCARB  
Principal  
Executive Manager, Architecture  
Commercial Market Leader



# **City of La Vista Conditional Use Permit**

## **Conditional Use Permit for Farm-Implement Sales and Service**

This Conditional Use Permit issued this \_\_\_\_ day of \_\_\_\_\_, 2023, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, DOO, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner was granted a conditional use permit by the City Council of the City of La Vista on October 15, 2013 for a Farm-Implement Sales and Service operation upon Lot 1, Lakeview South II Replat Five within the City of La Vista’s zoning jurisdiction in Sarpy County, Nebraska; and

WHEREAS, Owner submitted an application for an amendment to their conditional use permit for the purpose of expanding the operations of a Farm-Implement Sales and Service use that was approved on July 17, 2018; and

WHEREAS, Owner wishes to further expand the operations of a Farm-Implement Sales and Service operation; and

WHEREAS, Owner has applied for an additional amendment to their conditional use permit for the purpose of such expansion to allow for the Farm-Implement Sales and Service use on the following properties within the City of La Vista’s zoning jurisdiction in Sarpy County, Nebraska:

Lot 1 Lakeview South II Replat Five  
Lot 1 Lakeview South II Replat 3  
Lot 2 Lakeview South II Replat I; and

WHEREAS, the Mayor and City Council of the City of La Vista by this instrument are agreeable to amending the 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 as an amendment and restatement of the original permit to allow the owner to use the area designated on Exhibit “A” hereto for Farm-Implement Sales and Service, 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 granted by this permit shall supersede any prior conditional use permit and are transferable. Any transferee shall be bound to perform this permit the same as the original Owner. Any variation or breach of any terms hereof shall cause permit to expire and terminate, subject to any cure right below.
2. In respect to the proposed Use:
  - a. Site plans showing the property boundaries of the tract of land and easements, proposed structures and orientation, parking, access points, and drives is approved by the City and attached to the permit as “Exhibit A”. Access will be from South 145th Street.

- b. Hours of operation for said Farm-Implement Sales and Service will be from 7:30 a.m. to 5:30 p.m. Monday through Friday, and between March-November, from 7:30 a.m. to 1:00 p.m. on Saturdays.
  - c. The premises shall be developed and maintained in accordance with the site plans (Exhibit A), landscape plans (Exhibit B), and the building renderings (Exhibit C) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Community Development Director for approval.
  - d. The use shall be consistent with that described in the Operating Statement attached as "Exhibit D".
  - e. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.
  - f. Merchandise shall only be displayed in the proper areas designated on the site plans (Exhibit A). Only non-vehicle type merchandise will be permitted to be displayed in the grass display area (such as trailers, generators, and other non-self propelled pieces of equipment that are on display for sale), in accordance with Section 7.05.03 of the La Vista Zoning Ordinance.
  - g. All landscaping identified in the landscaping plans attached as "Exhibit B" shall be maintained in good health. The health of the grass in the grass merchandise display area shall also be maintained in good health, which will necessitate regularly moving merchandise placed on the grass area. If track-out of dust, dirt, or mud occurs onto public roadways from the subject properties in this CUP, the City will require that Owner pave areas creating the problem with concrete. Additional paving will also be required if unauthorized parking of equipment/merchandise is occurring on the grass area.
  - h. No parking related to this use or these properties shall occur on S. 145<sup>th</sup> Street.
  - i. The existing monument sign, originally permitted through Sarpy County, shall be acceptable. All other permanent and temporary signs shall comply with the City's sign regulations.
  - j. Owner shall abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – *Performance Standards for Industrial Uses*.
  - k. 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.
  - l. The owner shall make annual inspections of the premises and structures, and the operation thereof for any hazard or risk, including, but not limited to, those of an environmental or safety nature. The owner shall take immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises and to abate any hazard or risk and remove it from the premises in accordance with any applicable laws, rules or regulations, as amended or in effect from time to time.
  - m. 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.
  - n. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, or any agents, employees, assigns, suppliers or invitees of the owner, 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.
  - o. A building permit shall be required prior to any paving activities on the premises.
  - p. The equipment demonstration area shall utilize permanent BMPs to control sediment and dust from the disturbed ground areas. The permanent BMPs are illustrated in the site plans attached to the permit as "Exhibit A". Two existing stormwater detention basins on the property shall be converted to underground storage chambers, and are identified in the site plans. All underground storage chambers and BMPs on the properties shall be maintained in efficient working order.
3. The applicant'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. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
  - 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. 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 construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
  - d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
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:** DOO, LLC d.b.a. Bobcat of Omaha  
Attn: Don Partridge  
E-mail: [donpartridge@bobcat-omaha.com](mailto:donpartridge@bobcat-omaha.com)  
8701 S 145<sup>th</sup> 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: \_\_\_\_\_

# Exhibit A



thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 [www.td2co.com](http://www.td2co.com)

Project Name

## Bobcat of Omaha

Client Name

Heimes Corporation

Professional Seal

PROGRESS PRINT

NOT TO BE USED FOR  
CONSTRUCTION

DATE PRINTED: MAY 2, 2023

Revision Dates

[illegible]

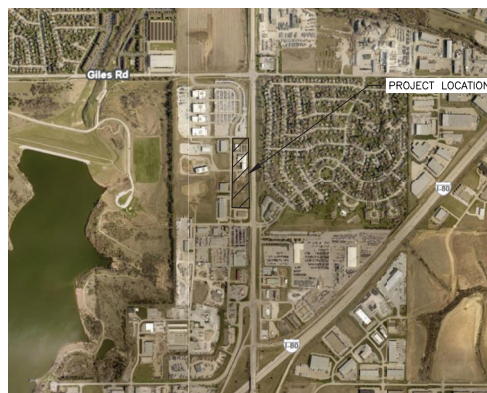
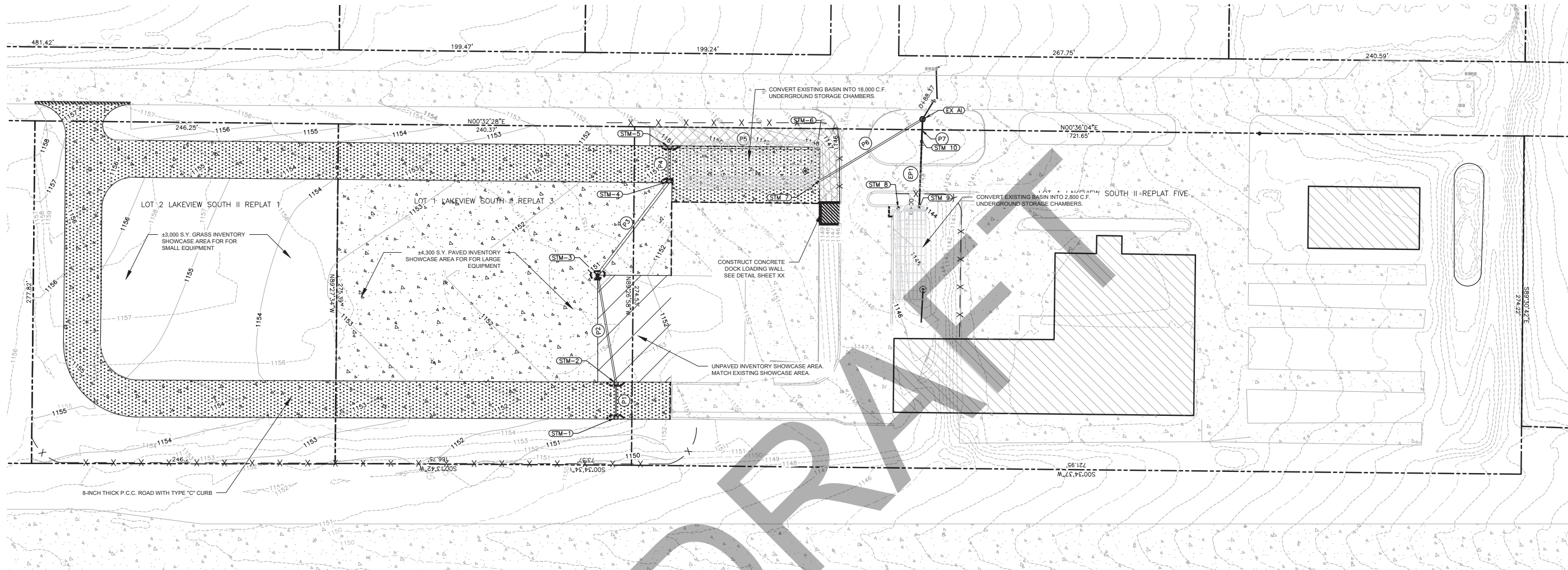
Drawn By:BJF      Reviewed By: SRL  
Job No.: 1642-115      Date: 05/02/23

Sheet Title

## Site Layout

Sheet Number

Sheet 1 of 5



## LEGEND

## NOTES

1. EXISTING CONDITIONAL USE PERMIT TO BE AMENDED TO ALLOW FOR THE PROPOSED SITE AND USE.
2. UNPAVED SHOWCASE AREA TO MATCH THE APPROVED AREA IN THE ORIGINAL CONDITIONAL USE PERMIT.
3. SHOWCASE AREA IN LOT 1 TO BE PAVED AND USED FOR LARGER EQUIPMENT AND MUST BE IN COMPLIANCE WITH THE CITY OF LA VISTA ZONING ORDINANCE
4. BTR EXISTING BASINS TO BE CONVERTED TO UNDERGROUND STORAGE
5. LANDSCAPING AND SCREENING TO COMPLY WITH THE CITY OF LA VISTA ZONING ORDINANCE.

### VICINITY MAP

NAME	SIZE	LENGTH	SLOPE	MATERIAL
EP1	12"	53.02'	0.68%	CMP
P1	10"	27.95'	1.00%	HDPE/PVC
P2	15"	88.92'	1.00%	HDPE/PVC
P3	24"	95.72'	0.80%	HDPE/PVC
P4	24"	27.97'	0.80%	HDPE/PVC
P5	24"	119.96'	1.93%	HDPE/PVC
P6	15"	99.57'	1.44%	HDPE/PVC
P7	12"	18.18'	0.50%	RCP

SITE STATISTICS							
LOT NUMBER	ZONING	LOT SIZE (AC/ SF)	BUILDING COVERAGE (SF)	BUILDING COVERAGE (%)	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)
LOT 2 LAKEVIEW SOUTH II REPLAT 1	I-1 LIGHT INDUSTRIAL	1.56 AC / 68,100 SF	—	—	16,150	16,150	26.8 %
LOT 1 LAKEVIEW SOUTH II REPLAT 3	I-1 LIGHT INDUSTRIAL	1.52 AC / 66,132 SF	—	—	51,100	51,100	77.3 %
LOT 1 LAKEVIEW SOUTH REPLAT FIVE	I-1 LIGHT INDUSTRIAL	4.55 AC / 198,048 SF	27,500	13.8 %	83,900	111,400	56.2 %

STRUCTURE TABLE (Storm Sewers)		
STRUCTURE NAME	ELEVATIONS	LOCATION TO CENTER OF STRUCTURE
EX A1 24" I.D. NYLOPLAST INLET	RIM: ??? I.E. 15": 1139.57 (SE) I.E. 12": 1137.32 (E)	CHAMBER 2 OUTLET: 0+71.20, 0.00 N: 77875.50 E: 106395.63
STM-1 NYLOPLAST GRATE INLET 2x3	RIM: 1151.16 I.E. 10": 1147.16 (W)	STM1: 3+60.53, 0.00 N: 77626.66 E: 106637.75
STM-2 NYLOPLAST GRATE INLET 2x3	RIM: 1151.16 I.E. 10": 1146.88 (E) I.E. 15": 1146.55 (W)	STM1: 3+32.58, 0.00 N: 77626.80 E: 106609.79
STM-3 15"x15" NYLOPLAST INLET	RIM: 1150.89 I.E. 15": 1145.66 (E) I.E. 24": 1145.06 (NW)	STM1: 2+43.66, 0.00 N: 77611.79 E: 106522.15
STM-4 NYLOPLAST GRATE INLET 2x3	RIM: 1150.68 I.E. 24": 1144.29 (SE) I.E. 24": 1144.29 (W)	STM1: 1+47.93, 0.00 N: 77669.84 E: 106446.04
STM-5 NYLOPLAST GRATE INLET 2x3	RIM: 1150.67 I.E. 24": 1144.07 (E) I.E. 24": 1144.07 (N)	STM1: 1+19.96, 0.00 N: 77670.12 E: 106415.07
STM-6 NYLOPLAST GRATE INLET 2x3	RIM: 1147.90 I.E. 24": 1141.75 (S)	STM1: 0+00, 0.00 N: 77790.98 E: 106419.32
STM 7 24" I.D. NYLOPLAST DRAIN BASIN W/ SOLID LID CHAMBER SYSTEM OUTLET SEE SHEET 5.0	RIM: 1148.44 I.E. 15": 1141.00 (NW)	CHAMBER 1 OUTLET: 0+99.57, 0.00 N: 77790.12 E: 106446.86
STM 8 24" I.D. NYLOPLAST INLET	RIM: 1144.56	CHAMBER 2 OUTLET: ???, ??? N: 77855.87 E: 106467.78
STM 9 24" I.D. NYLOPLAST DRAIN BASIN W/ SOLID LID CHAMBER SYSTEM OUTLET SEE SHEET 5.0	RIM: 1144.08 I.E. 12": 1140.02 (W)	CHAMBER 2 OUTLET: 0+00, 0.00 N: 77872.75 E: 106466.78
STM 10 Concrete Collar	RIM: ??? I.E. 12": 1139.66 (E) I.E. 12": 1137.41 (W)	CHAMBER 2 OUTLET: 0+53.02, 0.01 N: 77874.81 E: 106413.80





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

Project Name  
Bobcat of Omaha

Client Name  
Heimes Corporation

Professional Seal

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Revision Dates

No.	Description	MM-DD-YY
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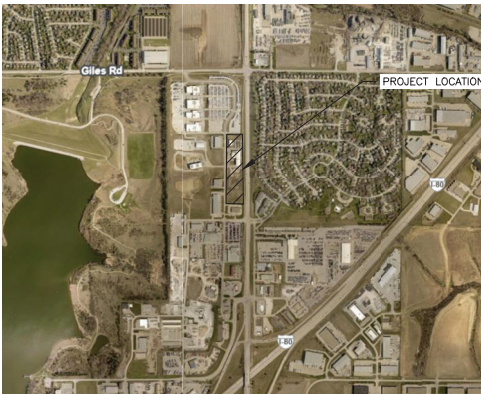
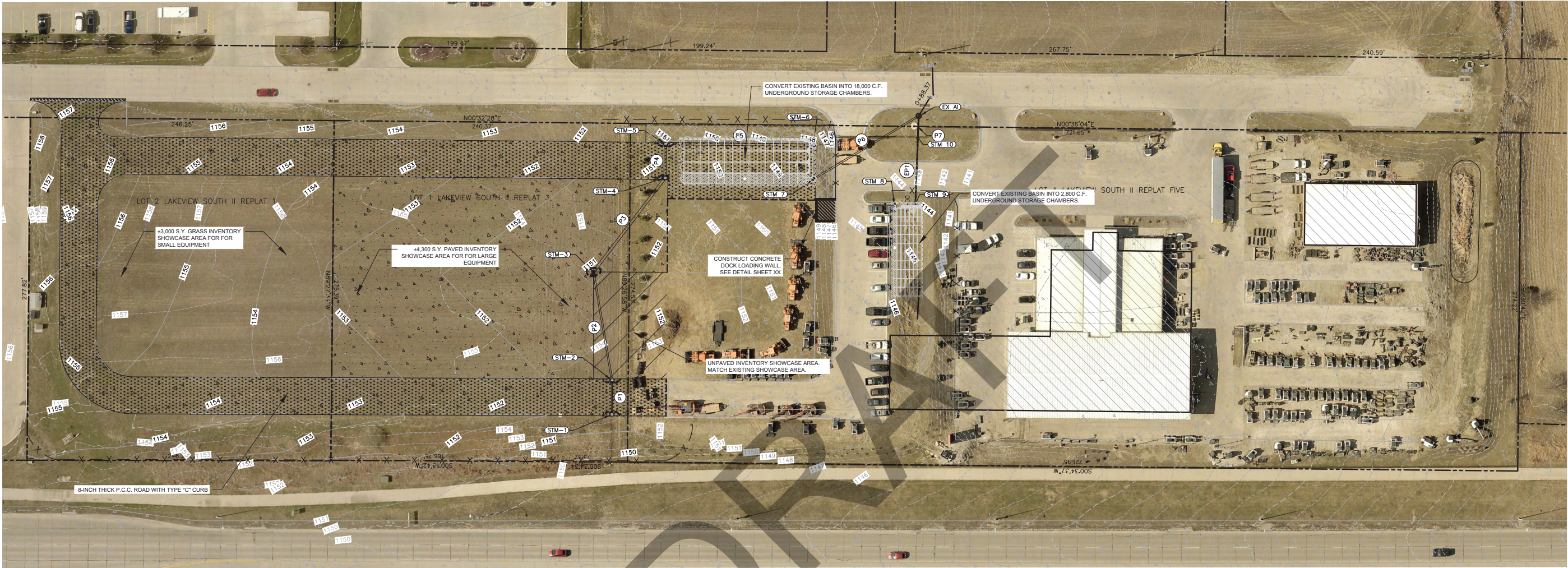
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Job No.: 1642-115 Date: 05/02/23

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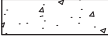
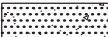



Site Layout

Sheet Number

Sheet 2 of 5

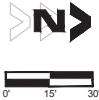


VICINITY MAP

LEGEND	
	EXISTING P.C.C. PAVEMENT
	PROPOSED 7" THICK P.C.C. PAVEMENT
	PROPOSED 9" P.C.C. PAVEMENT WITH INTEGRAL TYPE "C" CURB
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPOSED STORM SEWER

NOTES

- EXISTING CONDITIONAL USE PERMIT TO BE AMENDED TO ALLOW FOR THE PROPOSED SITE AND USE.
- UNPAVED SHOWCASE AREA TO MATCH THE APPROVED AREA IN THE ORIGINAL CONDITIONAL USE PERMIT.
- SHOWCASE AREA IN LOT 1 TO BE PAVED AND USED FOR LARGER EQUIPMENT AND MUST BE IN COMPLIANCE WITH THE CITY OF LA VISTA ZONING ORDINANCE.
- BOTH EXISTING BASINS TO BE CONVERTED TO UNDERGROUND STORAGE.
- LANDSCAPING AND SCREENING TO COMPLY WITH THE CITY OF LA VISTA ZONING ORDINANCE.



PIPE TABLE (Storm Sewers)					
NAME	SIZE	LENGTH	SLOPE	MATERIAL	
EP1	12"	53.02'	0.68%	CMP	
P1	10"	27.95'	1.00%	HDPE/PVC	
P2	15"	88.92'	1.00%	HDPE/PVC	
P3	24"	95.72'	0.80%	HDPE/PVC	
P4	24"	27.97'	0.80%	HDPE/PVC	
P5	24"	119.96'	1.93%	HDPE/PVC	
P6	15"	99.57'	1.44%	HDPE/PVC	
P7	12"	18.18'	0.50%	RCP	

SITE STATISTICS							
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LOT 1 LAKEVIEW SOUTH II REPLAT 3	I-1 LIGHT INDUSTRIAL	1.52 AC / 66,132 SF	-	-	51,100	51,100	77.3 %
LOT 1 LAKEVIEW SOUTH II REPLAT FIVE	I-1 LIGHT INDUSTRIAL	4.55 AC / 198,048 SF	27,500	13.8 %	83,900	111,400	56.2 %

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STRUCTURE NAME	ELEVATIONS	LOCATION TO CENTER OF STRUCTURE
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STM-1 NYLOPLAST GRATE INLET 2x3	RIM: 1151.16 I.E. 10": 1147.16 (W)	STM1: 3+60.53, 0.00 N: 77626.66 E: 106637.75
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STM 9 24" I.D. NYLOPLAST DRAIN BASIN W/ SOLID LID CHAMBER SYSTEM OUTLET SEE SHEET 5.0	RIM: 1144.08 I.E. 12": 1140.02 (W)	CHAMBER 2 OUTLET: 0+00, 0.00 N: 77872.75 E: 106466.78
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## Exhibit B

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Project Name

## Bobcat of Omaha

Client Name

Heimes Corporation

Professional Seal

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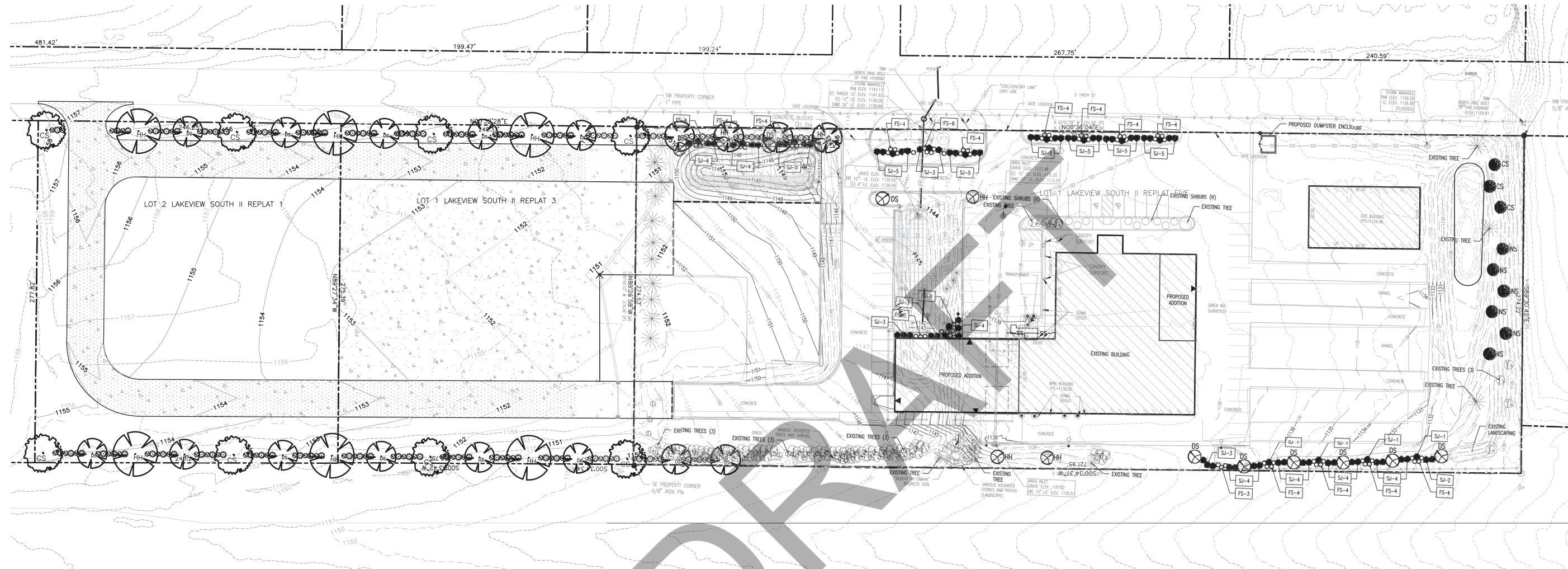
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Job No.: 1642-115      Date: 05/02/23

Sheet Title

## Landscaping Plan

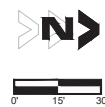
Sheet Number

Sheet 3 of 5



## LANDSCAPING NOTES

1. MINIMUM OF TWO SPECIES LISTED UNDER THE DECIDUOUS TREE CATEGORY.
  - DOWNY SERVICE BERRY (5.17.06.02)
  - HALKA HONEYLOCUST
2. MINIMUM OF ONE SPECIES LISTED UNDER THE CONIFEROUS TREE CATEGORY.
  - NORWAY SPRUCE (5.17.06.02)
3. MINIMUM OF ONE SPECIES LISTED UNDER THE DECIDUOUS SHRUB CATEGORY.
  - GRO-LOW FRAGRANT SUMAC (5.17.06.02)
4. MINIMUM OF ONE SPECIES LISTED UNDER THE CONIFEROUS SHRUB CATEGORY.
  - SEA GREEN JUNIPER (5.17.06.02)
5. A LANDSCAPED AREA HAVING A MINIMUM DEPTH OF 15' FROM THE PROPERTY LINE SHALL BE PROVIDED ALONG THE STREET FRONTAGE OF ALL LOTS OR SITES. (7.17.03.02)
6. ALL COMMERCIAL OFFICE AND INDUSTRIAL DEVELOPMENTS, BUILDINGS OR ADDITIONS, THEREO SHALL PROVIDE PERIMETER LANDSCAPING TO INCLUDE A MINIMUM OF 1 TREE FOR EACH 40 LINEAL FEET OF STREET FRONTAGE OR FRACTION THEREOF. (7.17.03.07)
7. ALL PARKING AREAS OR VEHICULAR USE AREAS ABUTTING A PUBLIC RIGHT-OF-WAY SHALL BE SCREENED FROM GRADE TO A HEIGHT NO LESS THAN 3 FEET.



### LEGEND



NORWAY SPRUCE



DOWNY SERVICEBERRY



DOWNY SERVICEBERRY



SEA GREEN JUNIPER



GRO—LOW FRAGRANT SUMAC

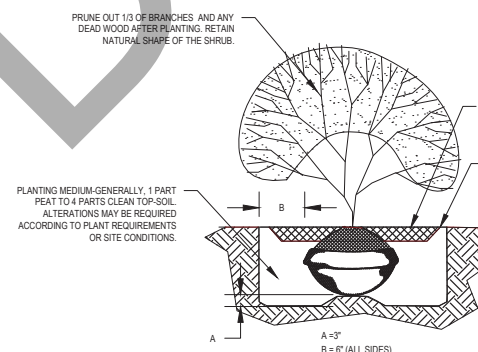
## NOTES

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2. UNPAVED SHOWCASE AREA TO MATCH THE APPROVED AREA IN THE ORIGINAL CONDITIONAL USE PERMIT.
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5. LANDSCAPING AND SCREENING TO COMPLY WITH THE CITY OF LA VISTA ZONING ORDINANCE.

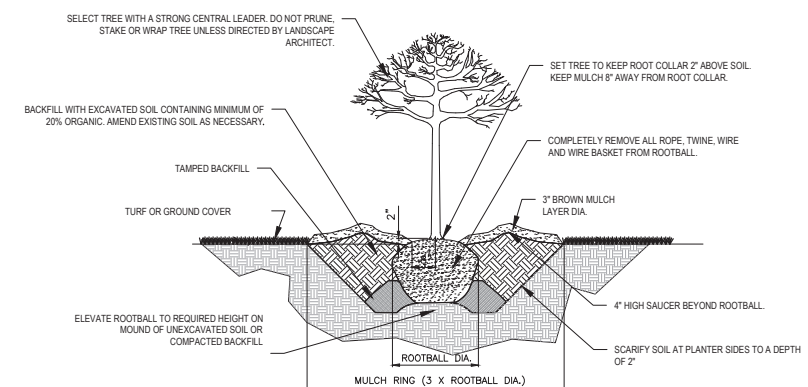
## PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE HEIGHT	MATURE SPREAD	TOTAL QUANTITY
DS	AMELANCHIER ARBOREA – CLUMP FORM	DOWNY SERVICEBERRY	3" CAL. MIN.	B&B	30'	25'	17
HH	GLEDITSIA TRIACANTHOS VAR. INERMIS "HALKA"	HALKA HONEYLOCUST	3" CAL. MIN.	B&B	75'	50'	6
CS	CECA PUNGENS	COLORADO SPRUCE	3" CAL. MIN.	B&B	40'	25'	8
FS	RHUS AROMATICA 'GRO–LOW'	GRO–LOW FRAGRANT SUMAC	5 CAL.	CONT.	4'	3'	87
SJ	ILINIPERLIS CHIMENSIS 'SEA GREEN'	SEA GREEN ILINIPER	5 CAL.	CONT.	20'	5'	88

NOTE: PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF LA VISTA'S GATEWAY DISTRICT DESIGN GUIDELINES AND THE CITY OF LA VISTA ZONING ORDINANCE.



**SHRUB PLANTING DETAIL**  
NOT TO SCALE

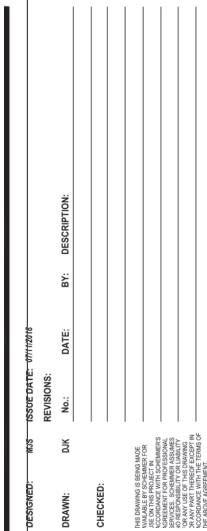


NOTES:

1. SOIL USED AS BACKFILL SHALL BE AMENDED AS NECESSARY TO CONTAIN 20% ORGANIC MATERIAL.
2. PLANTING STAGES:
  - A) REMOVE BOTTOM THIRD OF BASKET, ROPE AND TWINE.
  - B) SET TREE AND PLUMB. TAMP BACKFILL TO STABILIZE.
  - C) COMPLETE REMOVAL OF ALL WIRE, ROPE, AND TWINE.
  - D) FINISH BACKFILL AND WATER.
3. STREET TREE PLANTING INSPECTION AND APPROVAL BY CITY OF OMAHA AND THE OWNER SHALL BE DONE IN TWO STAGES:
  - A) EXCAVATION OF PLANTER AREA AND COMPACTION RELIEF TREATMENT PRIOR TO PLANTING AND BACKFILLING.
  - B) FINAL INSTALLATION AFTER PLANTING AND BACKFILLING.

TYPICAL TREE PLANTING DETAIL  
NOT TO SCALE





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engineering  
& surveying

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# Bobcat of Omaha

Client Name  
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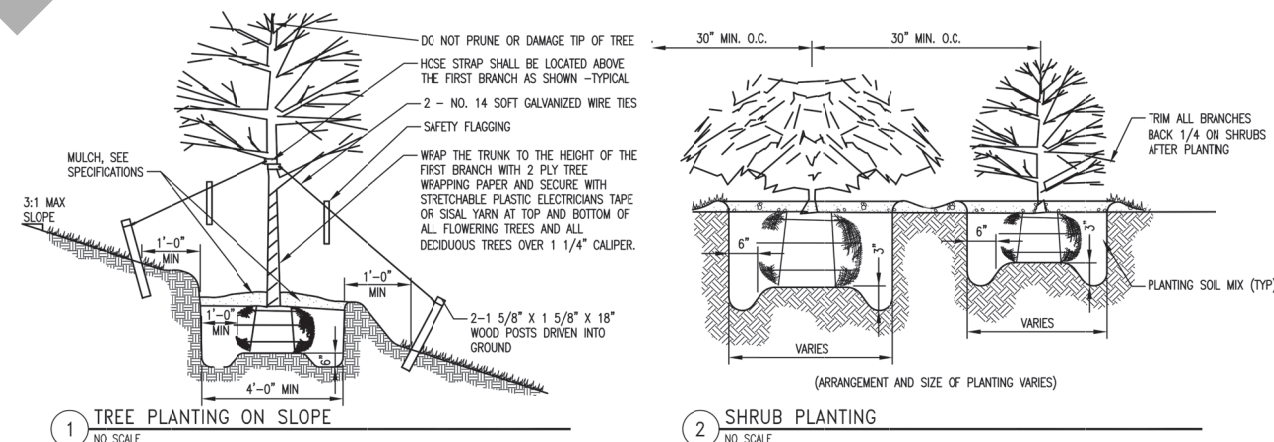
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Drawn By:BJF      Reviewed By: SRL  
Job No.: 1642-115      Date: 05/02/23

# Landscaping Plan - Phase 1

Sheet 4 of 5

ABREVIATION	COMMON NAME	BOTANICAL NAME	METHOD	SIZE	QUANTITY
DS	Downy Serviceberry	<i>Amelanchier arborec</i> – clump 'orm	B&B	2.5" c.	9
HH	Halka Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i> "Halka"	B&B	3" c.	5
CS	Colorado Spruce	<i>Picea pungens</i>	B&B	8'-9' tall	3
NS	Norway Spruce	<i>Picea abies</i>	B&B	8'-9' tall	6
FS	Gre-Low Fragrant Sumac	<i>Rhus aromatica</i> 'Gre-Low'	CONT.	5 gallon	70
SJ	Sea Green Juniper	<i>Juniperus chinensis</i> 'Sea Green'	CONT.	5 gallon	81





## Exhibit B



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Project Name

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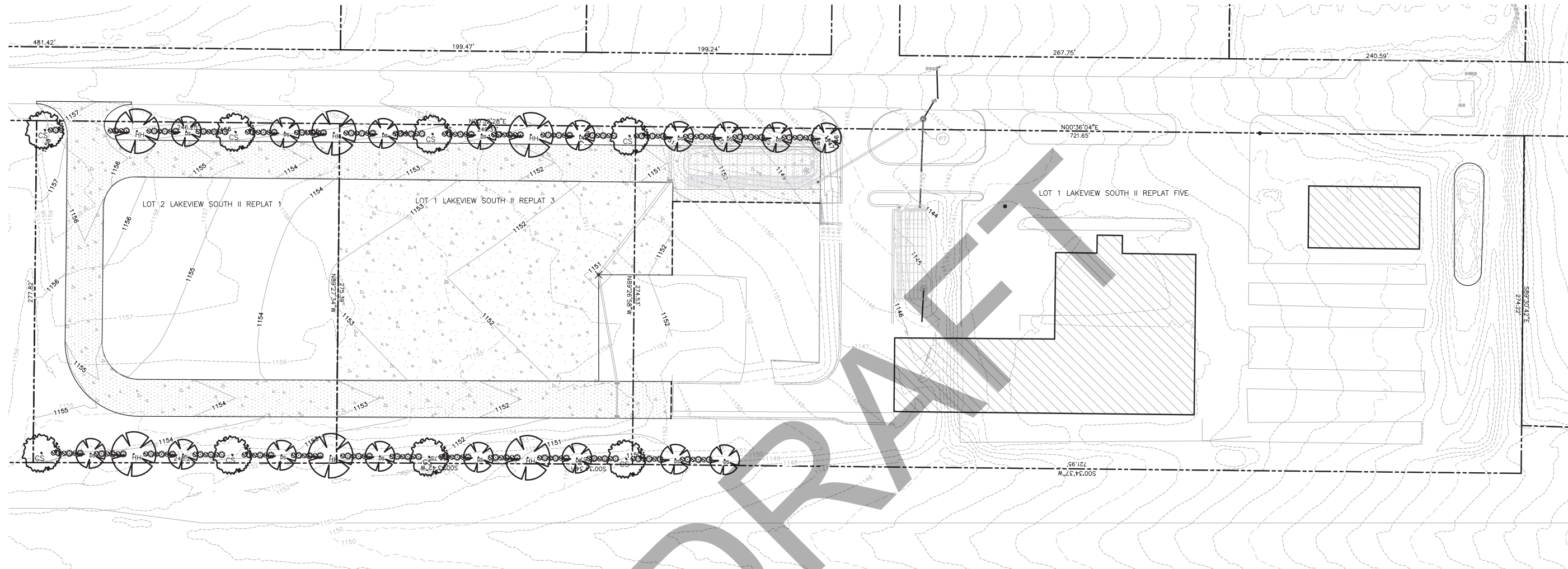
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Job No.: 1642-115      Date: 05/02/23

Sheet Title

## Landscaping Plan - Phase 2

Sheet Number

Shee 5 of 5



## LANDSCAPING NOTES

- 1.1. MINIMUM OF TWO SPECIES LISTED UNDER THE DECIDUOUS TREE CATEGORY
  - DOWNY SERVICE BERRY (5.17.06.02)
  - HALKA HONEYLOCUST
- 1.2. MINIMUM OF ONE SPECIES LISTED UNDER THE CONIFEROUS TREE CATEGORY
  - NORWAY SPRUCE (5.17.06.02)
- 3.1. MINIMUM OF ONE SPECIES LISTED UNDER THE DECIDUOUS SHRUB CATEGORY
  - GRO-LOW FRAGRANT SUMAC (5.17.06.02)
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4. ALL PARKING AREAS OR VEHICULAR USE AREAS ABUTTING A PUBLIC RIGHT-OF-WAY SHALL BE SCREENED FROM GRADE TO A HEIGHT NO LESS THAN 3 FEET.



### LEGEND



NORWAY SPRUCE



DOWNY SERVICEBERRY



DOWNY SERVICEBERRY



SEA GREEN JUNIPER



GRO—LOW FRAGRANT SUMAC

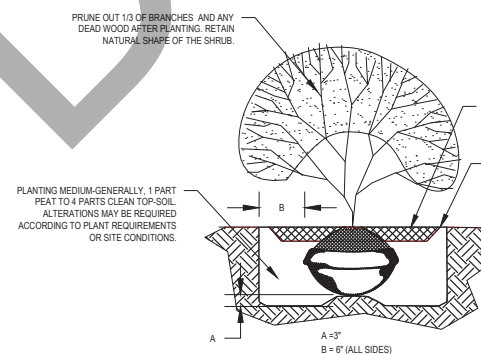
## NOTES

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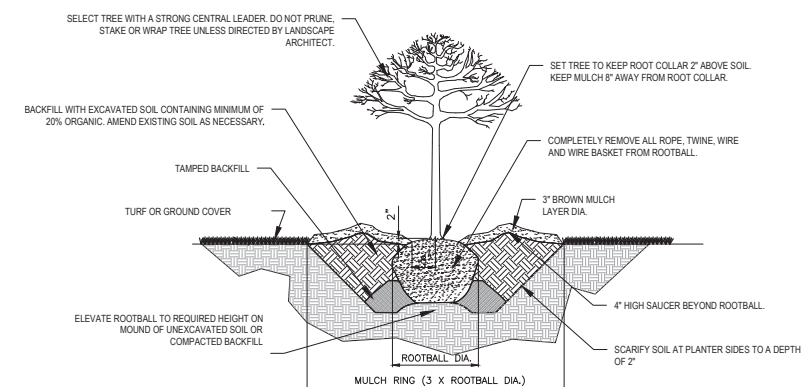
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HH	GLEDITSIA TRIACANTHOS VAR. INERMIS "HALKA"	HALKA HONEYLOCUST	3' CAL. MIN.	B&B	75'	50'	6
CS	CECA PUNGENS	COLORADO SPRUCE	3' CAL. MIN.	B&B	40'	25'	8
FS	RHUS ARAMATICA "GRO'-LOW"	GRO'-LOW FRAGRANT SUMAC	5 CAL.	CONT.	4'	3'	87
SJ	JUNIPERUS CHINENSIS "SEA GREEN"	SEA GREEN JUNIPER	5 CAL.	CONT	20'	5'	88

NOTE: PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF LA VISTA'S GATEWAY DISTRICT DESIGN GUIDELINES AND THE CITY OF LA VISTA ZONING ORDINANCE.



**SHRUB PLANTING DETAIL**  
NOT TO SCALE



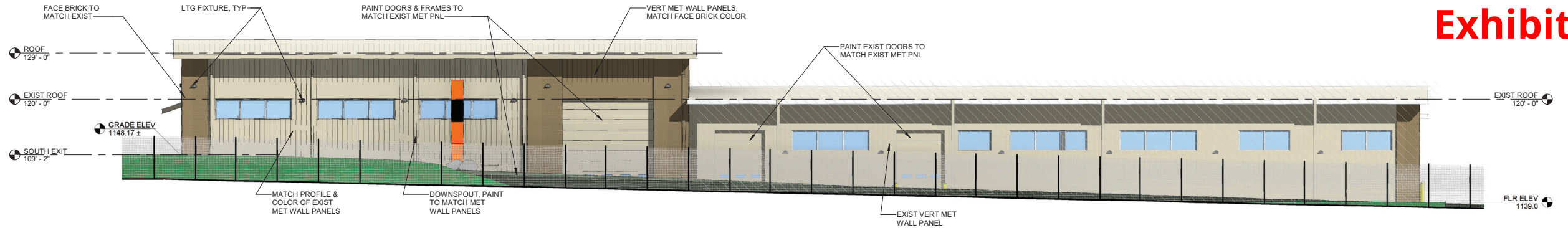
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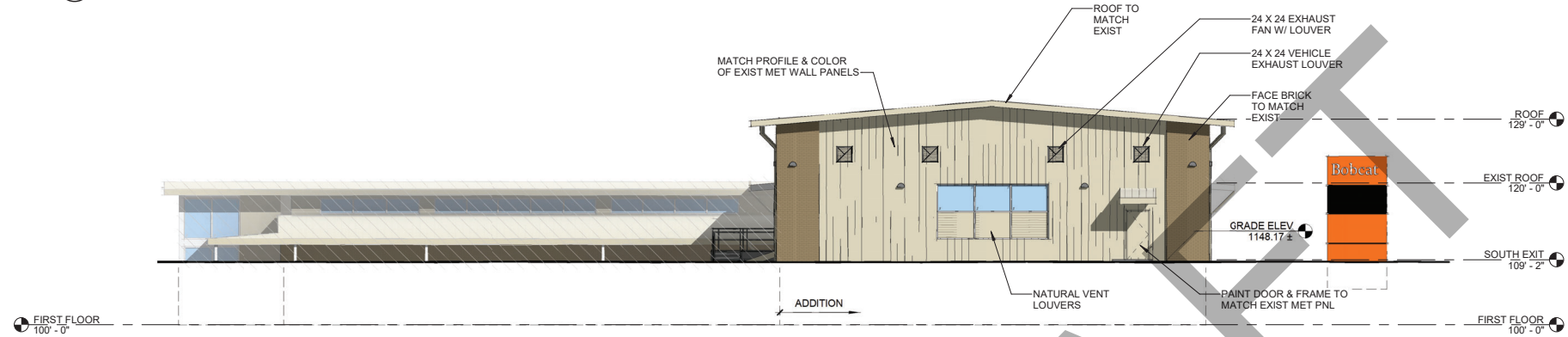
TYPICAL TREE PLANTING DETAIL  
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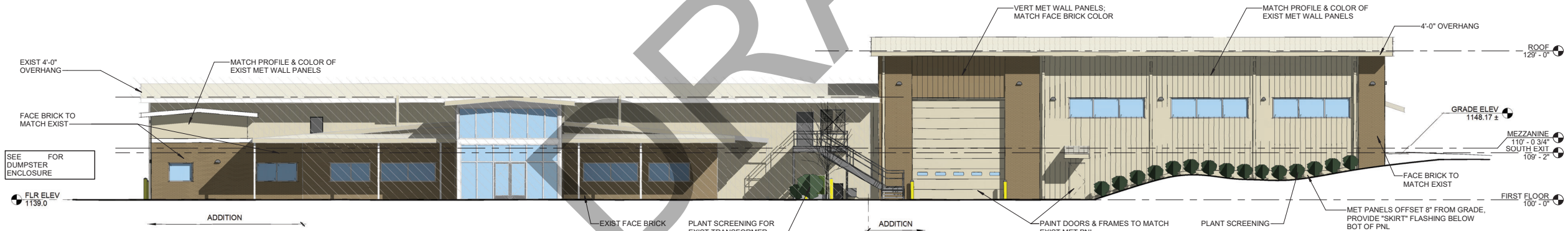
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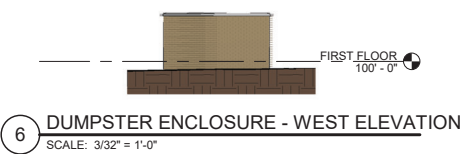
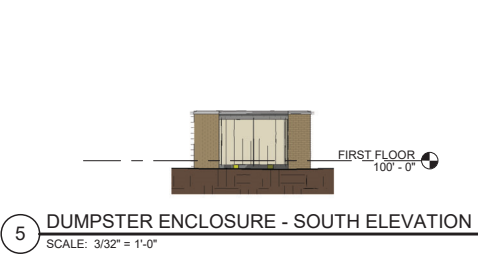
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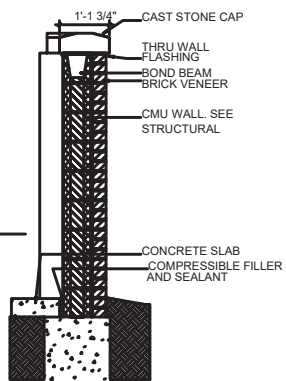
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SCALE: 3/32" = 1'-0"



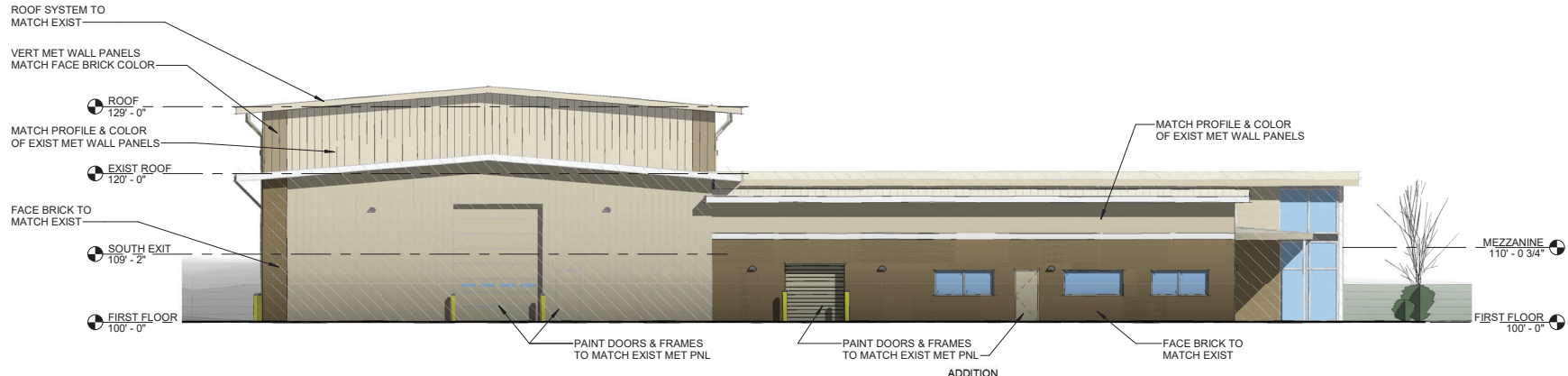
3 WEST ELEVATION  
SCALE: 3/32" = 1'-0"



6 DUMPSTER ENCLOSURE - WEST ELEVATION  
SCALE: 3/32" = 1'-0"



7 DUMPSTER  
SCALE: NOT TO SCALE



4 NORTH ELEVATION  
SCALE: 3/32" = 1'-0"

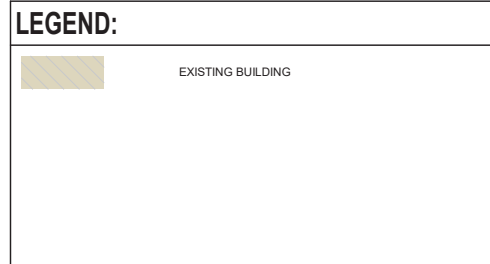


Exhibit C

DESIGNED: Designer  
DRAWN: Author  
CHECKED: Checker  
ISSUE DATE: 7/11/2018  
REVISIONS: No.  
DATE: BY: DESCRIPTION:

CONDITIONAL USE PERMIT

**SCHEMMER**  
Design with Purpose. Build with Confidence.

BOBCAT OF OMAHA  
BUILDING ADDITION  
8701 S 145th St.  
La Vista, NE  
BUILDING ELEVATIONS

PROJECT NO.: 07277001  
DISCIPLINE NO.: -2-

A201

## Operating Statement

Bobcat of Omaha is expanding our display area for our retail products.

With our expanding product lines, we need a proper well-designed area to display our equipment.

We are also going to relocate our dock area to reduce the amount of truck traffic on 145<sup>th</sup> street.

With the new paved areas we will be able to display all types of equipment, and then the grass display area will be non-motorized items such as trailers, generators and accessories.

The new paved loop will allow deliveries and loading rented equipment to reside on our property instead of happening on public streets.

There is approximately 28,914 Square feet of existing buildings on the property with a total of 48 employees.

We are looking at the possibility of a future retail building on the South end of the property.

This would include the additional of 6 new employees. Four Customer Support representatives and two service Technicians.

Our Hours of Operations would be Monday- Friday 7:30 AM to 5:30 PM and Saturdays from 8AM to 1PM from March to November.

DRAFT