

AGENDA ITEM 4B

**Public Hearing for Conditional Use Permit—
Stepper-ette Studios, Inc.**



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2016-CUP-04

FOR HEARING OF: June 16, 2016
Report Prepared on June 2, 2016

I. GENERAL INFORMATION

- A. **APPLICANT:** Stepper-ette Studios, Inc.
- B. **PROPERTY OWNER:** Harrison I-80 LLC
- C. **LOCATION:** North corner of 118th Street and Peel Circle
- D. **LEGAL DESCRIPTION:** Lot 8, Harrison Hills
- E. **REQUESTED ACTION(S):** Conditional Use Permit approval for an indoor recreational facility
- F. **EXISTING ZONING AND LAND USE:**
I-1 Light Industrial; vacant.
- G. **PROPOSED USES:** The Conditional Use Permit (CUP) will allow the applicant to operate an indoor recreational facility primarily intended to accommodate a dance studio and their related incidental uses.
- H. **SIZE OF SITE:** 3.54 acres

II. BACKGROUND INFORMATION

- A. **EXISTING CONDITION OF SITE:** The lot is currently vacant. The property is relatively flat with a gradual slope northward.
- B. **GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** Vacant; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)
 - 2. **Southeast:** Salon Centric; I-1 Light Industrial District
 - 3. **Southwest:** Vacant; TA Transitional Agriculture District and Gateway Corridor District (Overlay District)

C. RELEVANT CASE HISTORY:
N/A

D. APPLICABLE REGULATIONS:

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

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for industrial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access will be from proposed egress / ingress points along 118th Street and Peel Circle.
2. Based on the traffic volumes stated in the revised Operating Statement, the City Engineer does not find that a traffic impact study is required.

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

E. PARKING REQUIREMENTS: The applicant has indicated that special events may involve up to 400 people plus staff on the premises. The applicant has depicted 138 parking stalls on the CUP Site Plan, enough to accommodate 400 persons plus the amount of staff according to the Operating Statement. However, if or when it occurs, events involving additional persons will require an amendment to the CUP to allow for additional paved parking spaces.

No on-street parking will be allowed on Peel Circle or 118th Street.

F. LANDSCAPING: The applicant has provided landscaping as part of the Conditional Use Permit site plan. The landscaping depicted on the site plan meets the requirements of Section 7.17 of the Zoning Ordinance.

IV. REVIEW COMMENTS:

1. The proposed setbacks meet the requirements set forth as per Section 5.13 (I-1 Light Industrial District) of the Zoning Ordinance.
2. No on-street parking will be permitted on Peel Circle or 118th Street for any overflow parking.
3. A post-construction storm water management plan will be required at the time of building permit application.

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

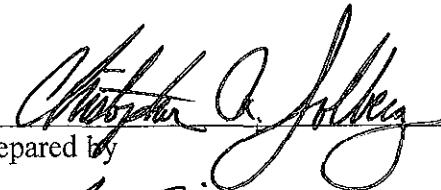
Staff recommends approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. **ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. CUP Operational Statement
3. Staff Review Letter
4. Review Response Letter from Representative Consultant
5. Draft CUP
6. CUP Site Plan map set

VII. **COPIES OF REPORT TO:**

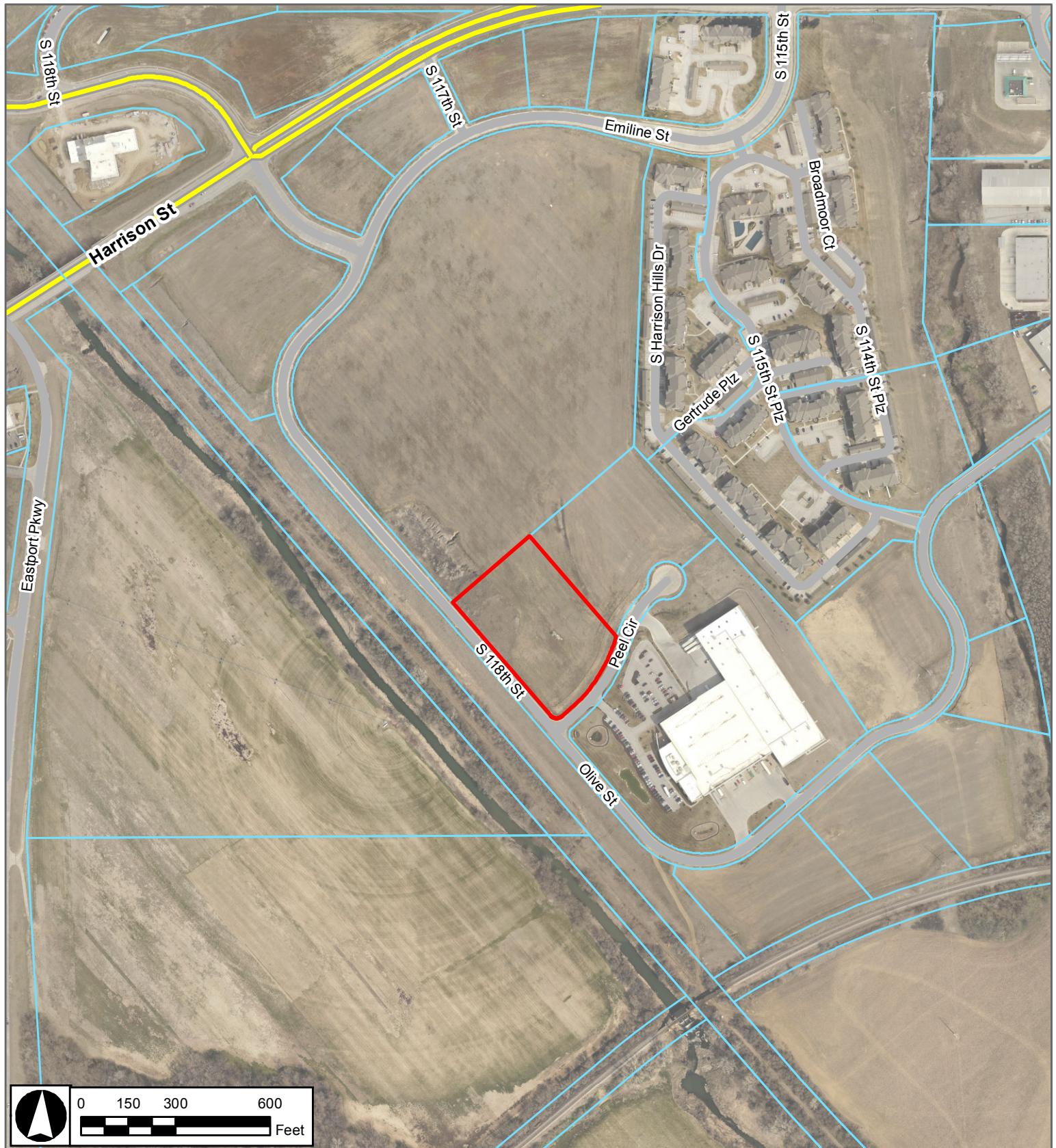
1. Bob Foehlinger, Stepper-ette Studios, Inc.
2. Sal Carta, Harrison I-80 LLC
3. Jason Thiellen, E & A Consulting Group
4. Public Upon Request



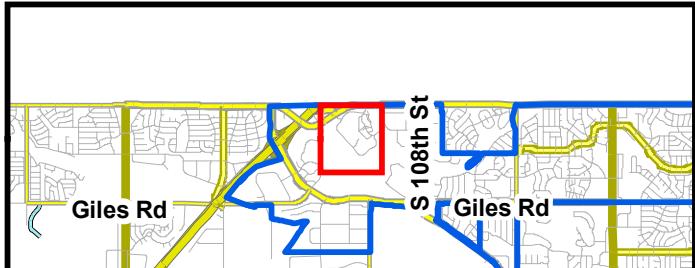
Prepared by _____


Am Brink
Community Development Director 6-8-16

Date



Project Vicinity Map



Sue's Stepperettes - CUP

5-4-2016

JMC



STATEMENT OF OPERATION

SUE'S STEPPER-ETTES

GENERAL DESCRIPTION, HISTORY

The name of the legal entity, a Nebraska corporation, is *Stepper-ette Studios, Inc. DBA Sue's Stepper-ettes*. In their 43rd year, Sue's Stepper-ettes is a baton twirling and dance studio with a typical enrollment of around 400 youth. Operating in the early years as a part time small business, it has grown to be the largest of its kind in the Midwest. Since 1997 the Stepper-ettes have leased space in the Central West Building at 109th and Harrison Street in La Vista. The initial space was 3,600 square feet. In 2005 the size was expanded to 5,700 square feet and in 2012 the space was doubled to the current space of 11,400 square feet.

The Stepper-ettes have won numerous competitions at the state and national level, and claimed world championships in 2009, 2012, and 2015 at events held in Europe. They also take part in several parades and other local celebrations each year.

STAFF

Sue Foehlinger started teaching a small group of girls while still in high school. She is the president of the corporation and overall Director of Operations. She also continues with "hands on" instruction at lessons. Bob Foehlinger is vice president of the corporation and handles facilities management and business matters for the team, including travel plans. He also works full time in the insurance business. Key employees are Sue and Bob's daughters. Tami Foehlinger Koel is a full time salaried employee and Assistant Director. Rachel Foehlinger is part time and serves as Director of Dance Teams. In addition the business employees 15-20 young adults and students as part time instructors. The typical instructor might work six to eight hours per week.

OCCUPANCY, CURRENT AND PROPOSED NEW BUILDING

As noted, the facility is utilized for baton twirling and dance instruction. In addition there are occasional special events held at the studio, such as Christmas Holiday performances, competitions, and occasionally the space is rented out for private parties. Nothing much will change in the new building, planned to be located on South 118th Street in Harrison Hills, La Vista. The new building will measure 100' by 140' (14,000 square feet) and will stand approximately 26 to 28 feet high.

Lessons are taught Monday through Thursday evenings, 4:00 to 9:00. At the busiest times there may be as many as 125 students and staff on premises, with 60 to 70 cars in the parking lot. Private lessons are taught on weekends, with 10 to 20 people present. Occasional team practices on weekends generally involve 50 to 60 people. Special events may have up to 400 people on premises, including 100 or more school aged performers, with 120 cars present. Parking on 118th Street and Peel Circle is not permitted and not included in proposed occupancy.



April 22, 2016

Jason Thielen
E & A Consulting Group
10909 Mill Valley Road, Suite 100
Omaha, NE 68154

RE: Conditional Use Permit – Initial Review
Sue's Stepperettes
Lot 8, Harrison Hills

Mr. Thielen:

Thank you for your submittal of the Sue's Stepperettes CUP request to allow for an indoor recreation facility on Lot 8, Harrison Hills. Based on the elements for consideration set forth in Article 6.05 of the Zoning Ordinance, our staff has reviewed the submittal and has provided the following comments:

1. The applicant needs to provide a floor plan to be able to determine occupancy. This assists in the assessment of the minimum parking spaces necessary.
2. In regards to Article 6.05.02, please revise the Operating Statement to identify whether there will be special events with back-to-back scheduling that could result in a significant number of patrons waiting to enter at the same time there is a large number trying to leave the facility. Clarity on this is needed in order to assess whether adequate parking is provided relevant to this item and others under this Article.
3. The applicant needs to provide a statement as the expected number of vehicles entering and exiting the facility during the peak hour of activity and when this hour is expected. This information would be used to determine whether any additional traffic impact analysis is needed.
4. The Operational Statement needs to be modified to clarify the hours of operation for all of the days of the week.
5. The building setbacks depicted on the site plan are incorrect. The frontage along Peel Circle is considered a front yard within the Zoning Ordinance and the setback should be listed at 35 feet. Also, the setback from the common lot line with Lot 16 Harrison Hills should be 30 feet as

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

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

it is considered a side yard. Please see the attached excerpt out of the Zoning Ordinance for more information.

6. The CUP site plan depicts 793 feet of total frontage along 118th Street and Peel Circle. This equates to a total requirement of 20 trees along these frontages as per Section 7.17.03.07 of the Zoning Ordinance. The CUP landscaping plan depicts the placement of 15 trees. The CUP landscaping plan needs to be modified to meet the requirements of the Zoning Ordinance.

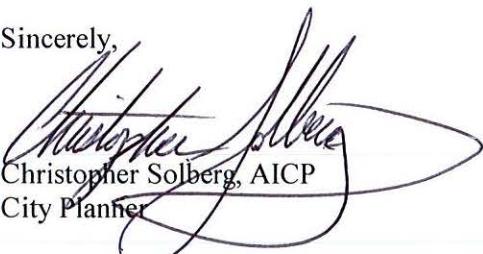
The applicant should be aware that a post-construction storm water management plan will be required. It appears some thought may have been given to this as a detention area is noted on the plan. This will need to address the first half-inch of runoff for water quality and also control the 2-year peak storm water runoff from post-development conditions to equal or less than pre-development conditions.

The applicant should also be aware that no on-street parking will be permitted on the abutting public streets.

Please submit four copies of revised documents by April 28th in order to continue to be considered for the May Planning Commission meeting. If you cannot re-submit by this date, or additional changes are required after the next submittal, the application will be considered for the June Planning Commission meeting.

Should you have any questions please contact me at 331-4343.

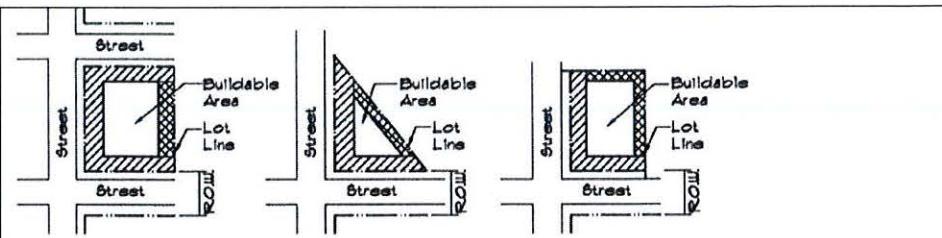
Sincerely,



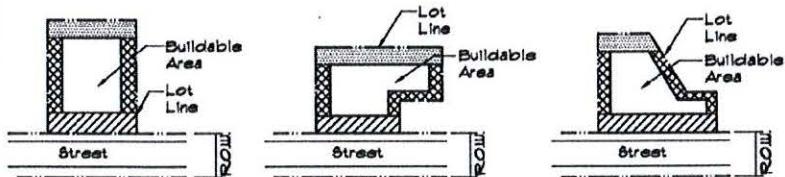
Christopher Solberg, AICP
City Planner

Enclosure

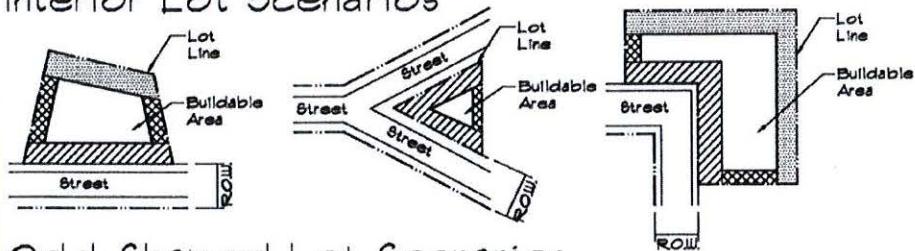
Cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Jeff Sennett, Chief Building Official



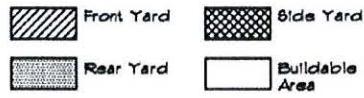
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



Example of possible Lot Configurations and Yard Requirement



E & A CONSULTING GROUP, INC.

Engineering Answers

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950
P 402.895.4700 • F 402.895.3599
www.eacg.com

April 28, 2016

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

Re: Conditional Use Permit Initial Review Response – Harrison Hills Lot 8

Mr. Chris Solberg,

Please find below and attached our response to your initial review comments for the conditional use permit for Lot 8, Harrison Hills.

Comment 1. Please find attached the proposed floor plan as provided by the architect.

Comment 2. The Operating Statement has been revised to detail the typical schedule of special events held throughout the year.

Comment 3. The Operating Statement has been revised to provide the expected number of vehicles entering and exiting the facility during daily peak hours.

Comment 4. The Operating Statement has been revised to clarify the hours of operation each day of the week.

Comment 5. We have revised the building setbacks on the site plan as required by the Zoning Ordinance.

Comment 6. We have revised the landscape plan to include to include 20 trees along the street frontages to meet the requirements of the zoning ordinance.

In advance, thank you for your time and consideration to our application. If you have any questions please feel free to contact me at 402-895-4700.

Sincerely,

Kyle Haase
Planner
E&A Consulting Group

City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility (Dance Studio)

This Conditional Use Permit issued this _____ day of _____, 2016, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Stepper-ette Studios, Inc. ("Owner"), pursuant to the La Vista Zoning Ordinance.

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

Lot 8, Harrison Hills located in the NW^{1/4}, Section 17, Township 14 North, Range 12
East of the 6th P.M. Sarpy County, Nebraska.

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 "A" 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. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A".
 - b. Hours of operation for said indoor recreational facility will generally be from 4:00 p.m. to 10:00 p.m. Monday through Friday and from 9:00 a.m. to 4 p.m. on Saturday and Sunday.
 - c. There will be approximately 15-30 full and part-time employees.
 - d. The facility is primarily intended to accommodate a youth dance and baton twirling instruction business (Sue's Stepper-ettes). Other similar indoor activities are permitted upon determination by the City.
 - e. Occupancy of the facility is limited to 400 persons based on minimum parking requirements. Additional occupancy will require an amendment to the permit to allow for additional paved parking. No on-street parking will be allowed on Peel Circle or 118th Street.
 - f. 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 trash receptacles and those approved in writing by the City.
 - g. All trash receptacles, benches and planters shall be placed on property and securely fastened to

building or concrete.

- h. 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.
- i. 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 regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- j. 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, his 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 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 breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If the permitted use is not commenced within one (1) year from _____, 2016, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner'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.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed

severable, shall not be affected, and shall remain in full force and effect.

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: Bob Foehlinger
Stepper-etts Studios, Inc.
10254 "Z" Street
Omaha, NE 68127

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, CMC
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 _____, 2016, 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.

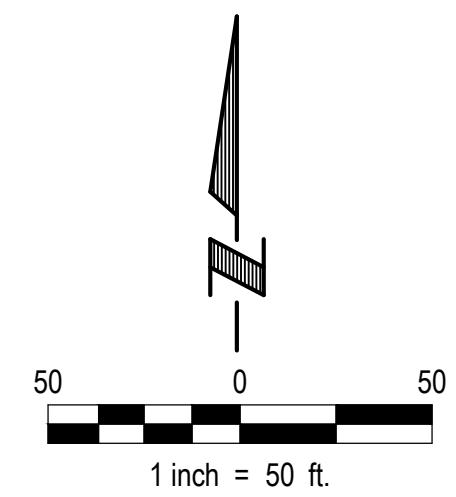
Notary Public

ACKNOWLEDGMENT OF NOTARY

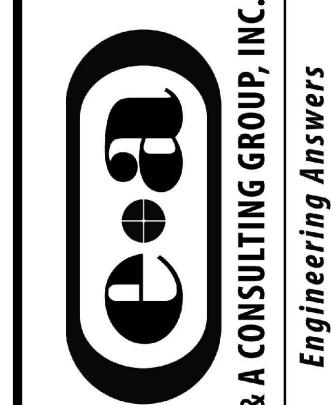
STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2016, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [_____], personally known by me to be the _____ of Stepper-etts Studios, Inc., 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



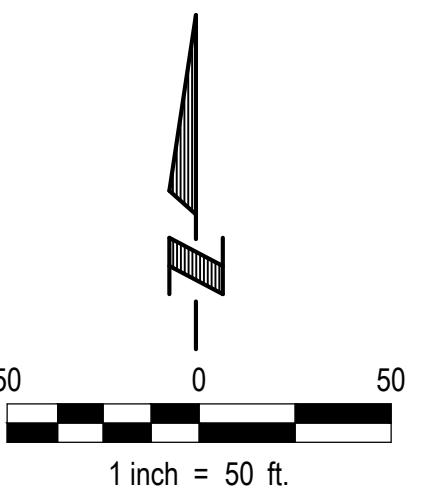
E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services



LOT 8, HARRISON HILLS
LA VISTA, NEBRASKA

CONDITIONAL USE PERMIT
SITE PLAN

| Proj No: | P2015645.003 | Revisions |
|--|--------------|-------------|
| Date: | 05/31/2016 | Description |
| Designed By: | KAH | Date |
| Drawn By: | MAT | |
| Scale: | 1" = 50' | |
| Sheet: | 1 of 2 | |
| Nico Nunez 5/31/2016 3:07 PM K:\Projects\2015\645.003\Pensacola\BANS\CU\BANS.CUP | | |



PLANT SCHEDULE

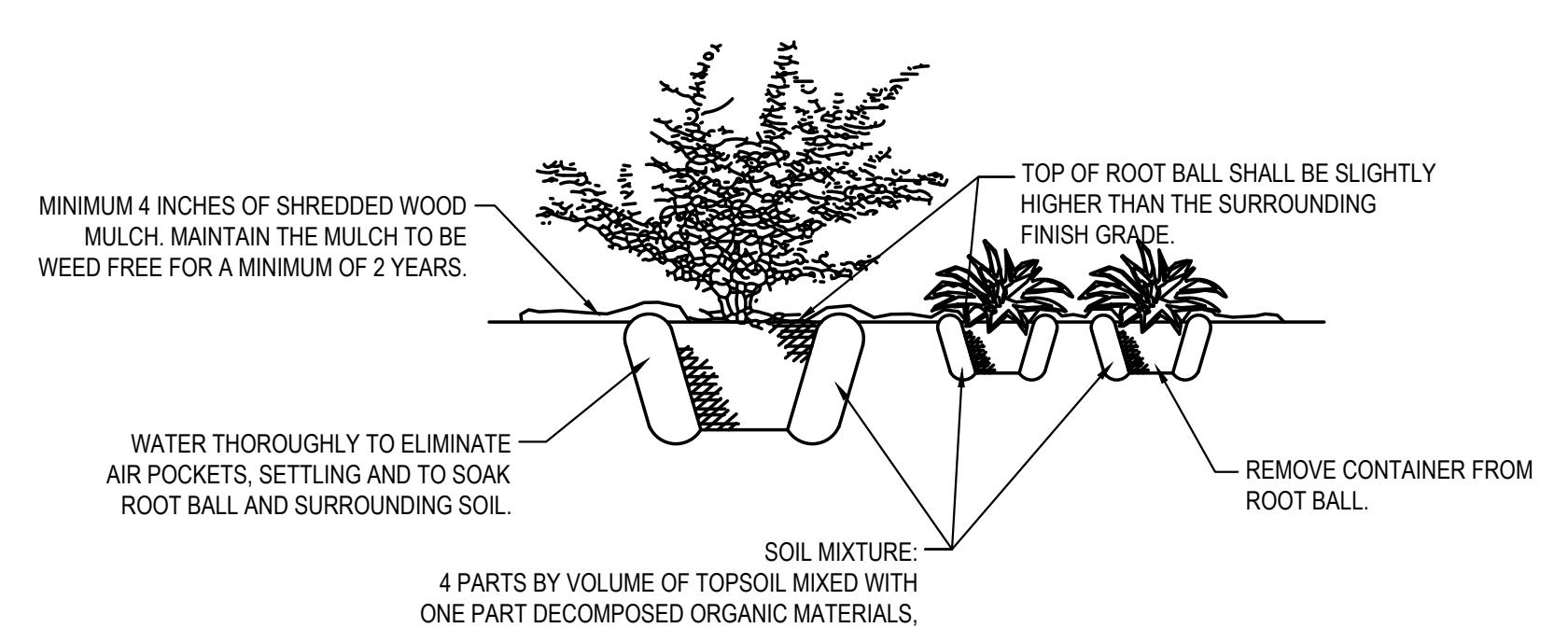
| SYM | QTY | BOTANICAL NAME | COMMON NAME | SIZE | TYPE |
|-----|-----|---------------------------------|---------------------|------|------|
| A | 13 | Gleditsia triacanthos 'Skyline' | Skyline Honeylocust | 2" | B&B |
| B | 7 | Acer freemanii 'Jeffersred' | Autumn Blaze Maple | 2" | B&B |
| C | 2 | Pyrus calleryana 'Chanticleer' | Chanticleer Pear | 2" | B&B |

LANDSCAPE NOTES:

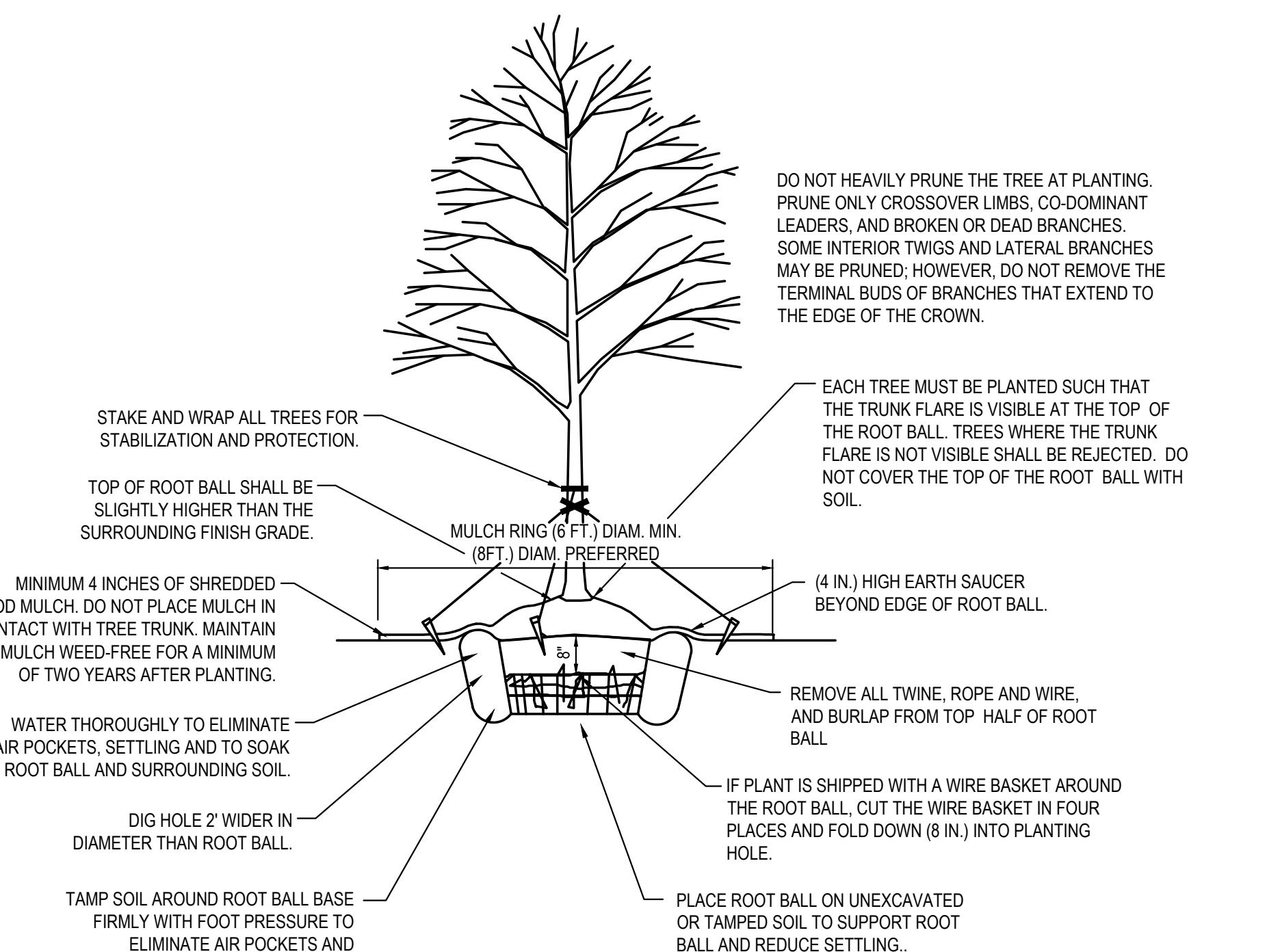
- Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
- All plant material shall be of good quality and sizes shall meet required size specifications. Owner reserves the right to substitute plant material type, size and/or quantity.
- All plants are to be watered immediately after planting and then watered once a week for a period of two months from time of planting.
- All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
- Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
- The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
- Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
- All trees are to be staked for a period of not less than one year from time of planting.
- Contractor to coordinate work with other amenities contractors.

SEEDING NOTES:

- Seed to be installed as per City of Omaha specifications. Use the Type A seed in Table 802.06 Seed Application Rates of Part (D) of Section 802.03, which is the Tall Fescue in Table 802.01 Non-irrigated Lawn and Turf Seed of Part (B) of Section 802.02
- Contractor to coordinate work with other amenities contractors.



SHRUB & PERENNIAL PLANTING DETAIL
 NOT TO SCALE



TREE PLANTING DETAIL - B & B TREE
 NOT TO SCALE

| Proj No: | P2015645102 | Revisions: | |
|--------------|-------------|--------------|--|
| Date: | 05/31/2016 | Date: | |
| Designed By: | MAT | Description: | |
| Drawn By: | NAN | | |
| Scale: | 1" = 50' | | |
| Sheet: | 2 of 2 | | |