

AGENDA ITEM 4A

**Public Hearing for Conditional Use Permit
for an Indoor Recreation Facility—Lot 1,
I-80 Industrial Park Replat 4 — Maren Haas
Reasland**



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2016-CUP-06

FOR HEARING OF: December 8, 2016
Report Prepared on November 30, 2016

I. GENERAL INFORMATION

- A. APPLICANT:** Maren Haas Reasland
- B. PROPERTY OWNER:** RFW Properties LLC
- C. LOCATION:** 135th and Giles Road
- D. LEGAL DESCRIPTION:** Lot 1, I-80 Industrial Park Replat 4
- E. REQUESTED ACTION(S):** Use of a portion of the building for an indoor recreational facility as conditionally permitted in the I-1 Light Industrial district of the La Vista Zoning Ordinance.
- F. EXISTING ZONING AND LAND USE:**
I-1 Light Industrial; the property contains existing buildings which houses nine suites for permitted industrial uses
- G. PROPOSED USES:** The Conditional Use Permit (CUP) will allow the applicant to operate an indoor recreational facility; specifically a dance studio primarily intended to accommodate a dance studio in an approximately 4,500 sq. ft. bay within a 24,750 sq. ft. building
- H. SIZE OF SITE:** 1.69 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** The property contains one building which has tenant bays for industrial flex space. Deep Fiber Solutions, Timmy's Treehouse Photography, Boyd Coffee Company, and Titan Energy Systems in separate bays of the same building.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** Interstate Industrial Park; I-2 Heavy Industrial District
 - 2. **East:** South Pacific Storage; I-1 Light Industrial District
 - 3. **South & West:** New Breed Leasing Corporation; I-1 Industrial 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 existing drives providing egress / ingress to Giles Road. Two access points currently exist on this property.
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 parking requirements would follow the minimum need for a recreational facility. The zoning requirement for recreational facilities is 1 parking space per 4 occupants. The zoning requirement for industrial flex space is 1 parking space per 3,000 square feet of gross floor area (this would apply to the other tenants in the building).

The applicant has noted in the attached Operational Statement an expected peak parking demand will range from 10 to 19 stalls depending on what assumptions are made. At present much of the remainder of the building has low activity uses, so trying to evaluate present parking demand is not useful. Therefore, based on an analysis using the code parking requirement of 1 stall per 3,000 square feet for industrial flex space in the remainder of the building, the total parking demand would be 17 to 26 stalls. In front for the building there are a total of 57 stalls and there are additional stalls behind the building, which is in excess of what is required for the current and proposed uses of bays within the building.

F. LANDSCAPING: N/A

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. In order to avoid concerns that large spectator events would cause parking problems or traffic congestion, no dance recitals or performances will be conducted in this location as part of this use.

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. Applicant's Operational Statement
3. Staff Review Letter
4. Draft CUP

VII. COPIES OF REPORT TO:

1. Maren Haas Reasland, Applicant
2. Terry Waite, RFW Properties LLC
3. Public Upon Request

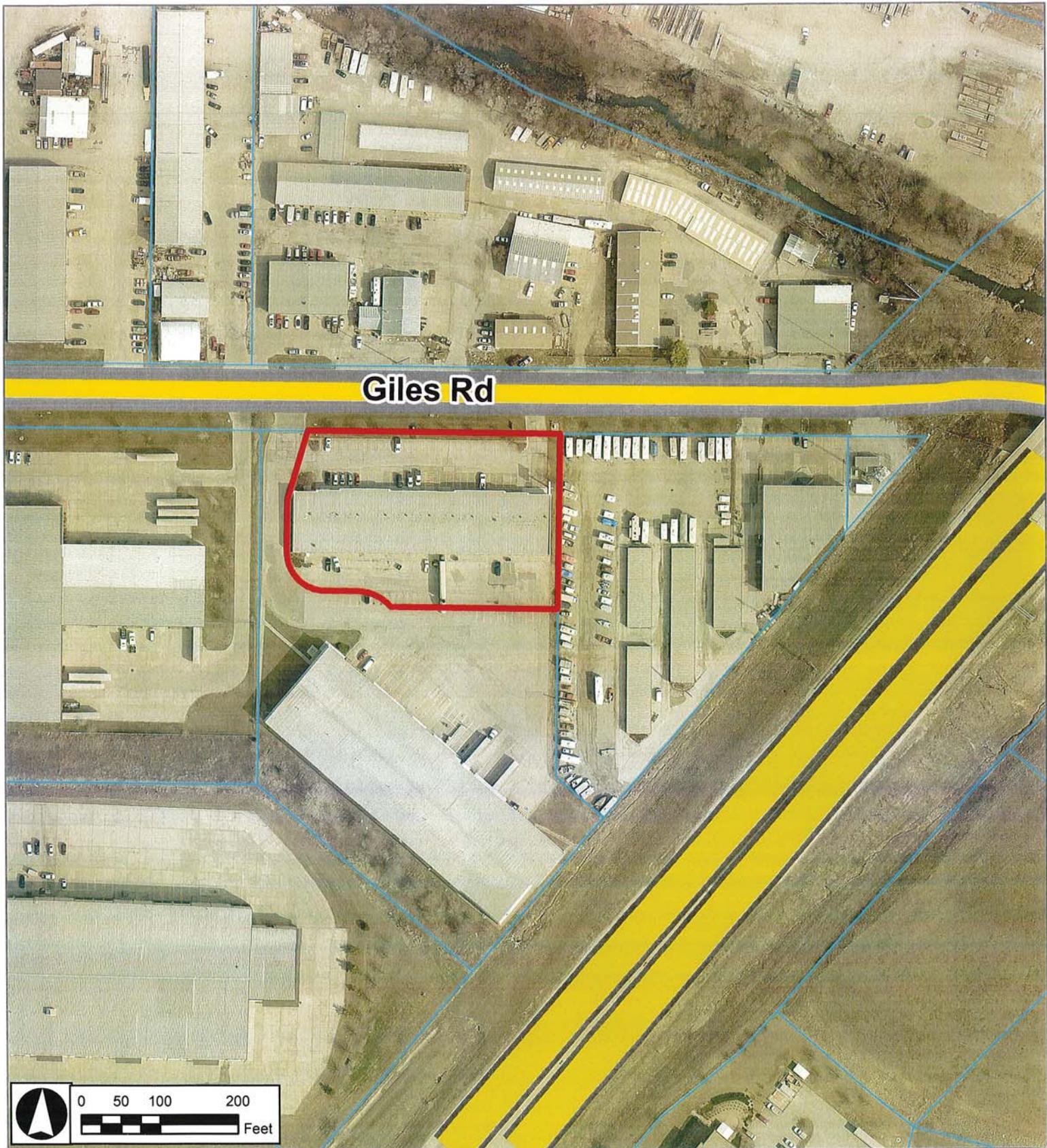


Prepared by _____

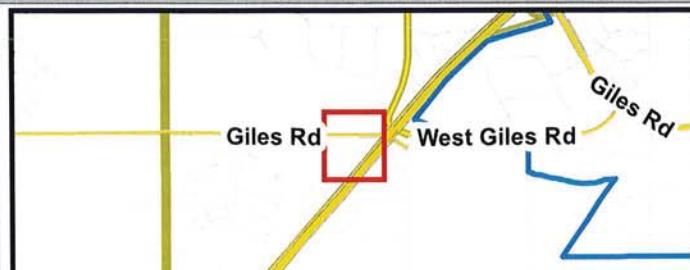


City Planner _____

11/30/2016 _____
Date _____



Project Vicinity Map



Next Step Dancing with Maren CUP

11-30-2016
JMC



FOR LEASE

FLEX/INDUSTRIAL

13595
GILES ROAD
Omaha, NE 68138



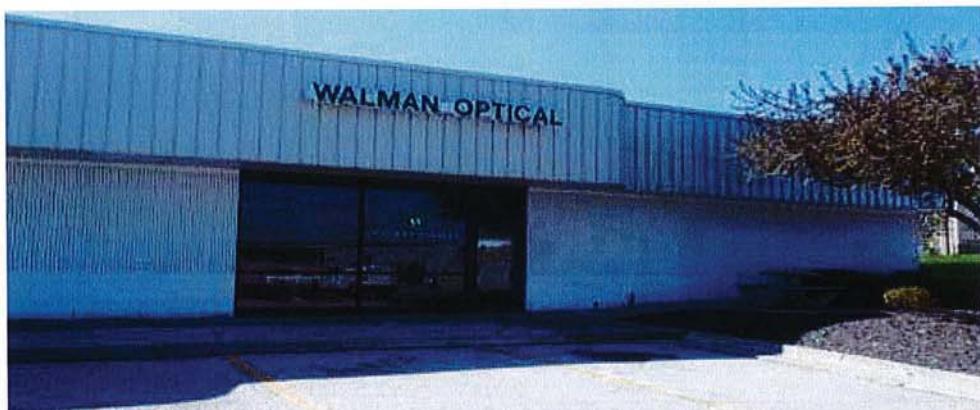
PROPERTY INFORMATION

LEASE RATE: \$6.25 PSF, NNN

ESTIMATED NNN (2016): \$2.92 PSF

AVAILABLE: Bay 1 4,500 SF

- + 100% air conditioned and gas heated
- + Approximate ceiling height: 12'6"
- + Zoned: Light Industrial (L-1)
- + Two; 100 amp 3-phase electrical sub-panels
- + Drive door: One - 10'



www.cbre.com/omaha

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The Next Step...Dancing with Maren

The Next Step... Dancing with Maren is a dance studio that has been operating for 11 plus years. The studio provides classes for students ranging in age from 2 years old through adult. The classes offered include genres such as ballet, tap, jazz, lyrical, contemporary, hip hop, acro dance and pom pom. The studio operates in off peak hours to accommodate the schedules of our parents and students. On average the studio is in operation Monday through Thursday 4:30 p.m. until 8:30 p.m. and Saturday 9:30 until 3:30 p.m. During these time frames, most of our class times are broken down into 45 minute increments where students are taking different types of classes in each one of our two dance studios. The studio space is solely used for dance classes and private lessons. The space is and will not be used for performances or recitals.

Class sizes range on average from 4-8 students per class with some specialty classes having up to 15. When scheduling of a specialty class with the higher number of students only one of the studios is used during that time period. This is done to alleviate stress on our teachers and give our dancers a more personal and one on one experience. During our hours of operation there is usually 2-3 staff/employees in the building at a time. Majority of our student's parents drop off and pick up their dancers at the beginning and conclusion of each class. With our alternating schedules in each studio (Studio A @ 4:30, 5:15, 6:00, etc. & Studio B @ 4:45, 5:30, 6:15, etc.) the average parking stalls needed and used by our clients and staff range from 6-10. At any given time during our operating our average number of people in the lobby area is 3-5 parents. The average number of students in the total building at any given time is 10.

November 23, 2016



Maren Haas Reasland
6632 S. 151st Street
Omaha, NE 68137

RE: Conditional Use Permit – Initial Review
The Next Step... Dancing with Maren
13595 Giles Rd. Ste. I
Indoor Recreation-Dance Studio

Mrs. Reasland:

Thank you for your submittal of The Next Step... Dancing with Maren CUP request to allow for an indoor recreation facility on Lot 1, I-80 Industrial Park Replat 4. 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. In regards to Article 6.05.02, please revise the Operating Statement to confirm that dance recitals will not be conducted in this location as part of this use. Clarity on this is needed in order to avoid concerns that large spectator events would cause parking problems or traffic congestion.
2. In relation to Article 6.05.10, after review of the application it was determined that the additional traffic load would have no significant impact on the peak-hour traffic loads as the proposed activities do not include tournaments or other large events. Other conditional use permits for indoor recreation facilities in industrial areas have included large events and we have asked for Traffic Impact Studies in those circumstances, but that is not applicable in this case.

A draft of the Conditional Use Permit has been enclosed. Please review the document and inform us of any questions or concerns that you may have in concern to it.

Please submit fourteen copies of revised documents by noon December 1st in order to continue to be considered for the December 8th 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 January Planning Commission meeting. Please have someone in attendance with a presentation prepared for the Commission.

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

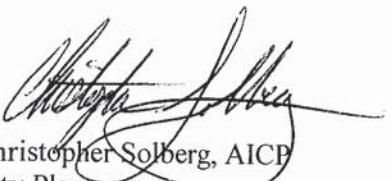
Public Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

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

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 Sinnott, Chief Building Official

City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility (Dance Studio)

This Conditional Use Permit issued this _____ day of December, 2016, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Maren Haas Reasland, DBA The Next Step..... Dancing with Maren ("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, I-180 Industrial Park, Replat 4 located in the NE ¼ Section 24, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 13595 Giles Road (4500 sq. ft. of the building).

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 Permitted 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" and "Exhibit B".
 - b. Hours of operation of classes for said indoor recreational facility will generally be Monday through Thursday from 4:30 p.m. until 8:30 p.m.; and Saturday from 9:30 a.m. until 3:30 p.m.
 - c. There will be approximately 2-3 staff members on site for the Permitted Use. During peak use, approximately 15 clients will utilize the facility at any one time.
 - d. 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.
 - e. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical dancing activities.
 - f. 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.
- 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 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 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. 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: Maren Haas Reasland
6632 S. 151st Street
Omaha, NE 68137
402-212-8807

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.

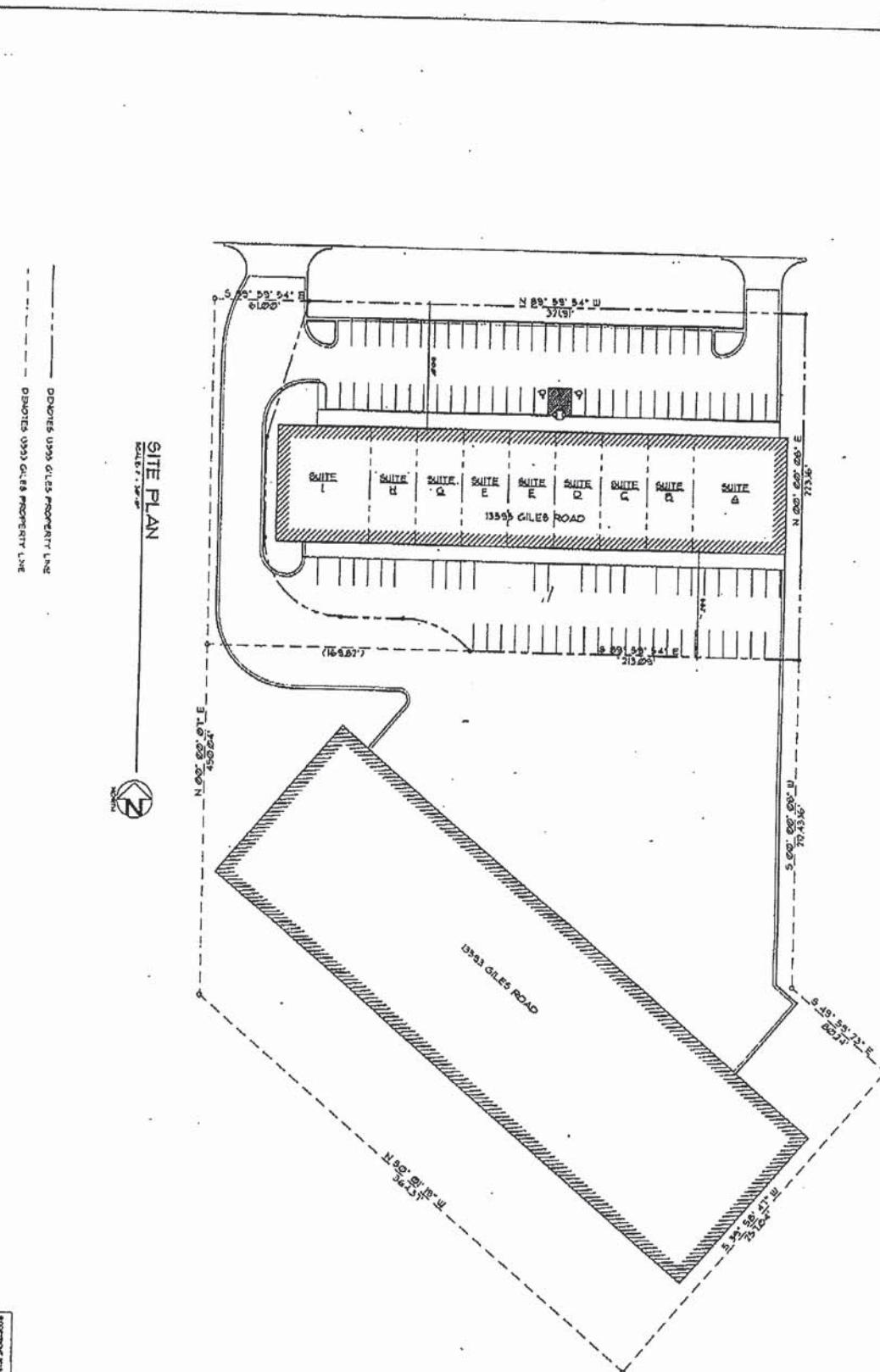
Owner:

By: _____

Title: _____

Date: _____

EXHIBIT "A"



97-27996
FILED SARPY CO. NE.
INSTRUMENT NUMBER
97-027996
97 DEC 11 AM 9:02
SARPY COUNTY
REGISTER OF DEEDS
Counter 20
Verify 21
D.E. ✓
Proof ✓
Fee 11.00
Ck
Cash
Charge

THIS PAGE ADDED FOR
RECORDING
INFORMATION.

LLOYD J. DOWDING
SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE #1109
PAPILLION, NEBRASKA 68046-2895

97-27996A

RIGHT-OF-WAY EASEMENT

This Indenture is made this 10th day of December, 1997 by Roland F. Waite.

WITNESSETH:

WHEREAS, Roland F. Waite is the owner of Lots 1 and 2, I-80 Industrial Park Replat 4, a Subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, and

WHEREAS, it is necessary and convenient for the owner of Lot 2 to grant a non-exclusive perpetual easement in favor of Lot 1 for ingress and egress over the real estate hereinafter described by the owner of Lot 1, his heirs, personal representative and assigns as well the tenants, their agents and business invitees of the building located upon Lot 1.

NOW, THEREFORE, Roland F. Waite, being the owner of Lot 2, for himself, his heirs, personal representative and assigns, covenants and grants to himself, as the owner of Lot 1, his heirs, personal representative and assigns, as well as the tenants, their agents and business invitees of the building located upon Lot 1, a non-exclusive perpetual easement for ingress and egress by vehicular traffic and pedestrians over and across the following described real estate, to-wit:

Beginning at the northwest corner of Lot 2, I-80 Industrial Replat 4; Thence South 89°59'54" East for 61.00 feet along the south right of way of Giles Road; Thence South 16°10'09" West for 91.58 feet; Thence South 00°00'07" West for 65.20 feet; Thence along a curve to the left (having a radius of 50.00 feet and a long chord bearing South 44°59'53" East for 70.71 feet) for an arc length of 78.54 feet; Thence South 89°59'54" East for 40.50 feet; Thence along a curve to the right (having a radius of 58.00 feet and a long chord bearing South 65°27'53" East for 48.17 feet) for an arc length of 49.67 feet; Thence North 89°59'54" West for 169.82 feet; Thence North 00°00'07" East for 223.16 feet along the west property line of said Lot 2 to the Point of Beginning; Easement contains 11,998 square feet or 0.28 acres.

And Roland F. Waite, being the owner of Lot 1, for himself, his heirs, personal representative and assigns, hereby covenants that he will contribute and reimburse the owner of Lot 2, his heirs and assigns for twenty percent (20%) of all maintenance and repairs to the roadway upon the aforesaid easement area so that the same may be kept in a proper condition for use by the owners, tenants and occupants of the buildings located upon said Lots 1 and 2.

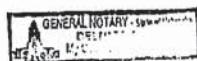
IN WITNESS WHEREOF, Roland F. Waite has executed the foregoing indenture this 10th day of December, 1997.



Roland F. Waite

97-27996B

Subscribed and sworn to before me this 10th day of December, 1997.



Dilma Petman
Notary Public

My Commission Expires:
4-21-99

I-80 INDUSTRIAL

LOTS 1 AND 2, BEING A ADMIN
PART OF LOT 5, 1-80 INDUSTRIAL
A SUBDIVISION, AS SURVEYED, P
IN SARPY COUNTY,

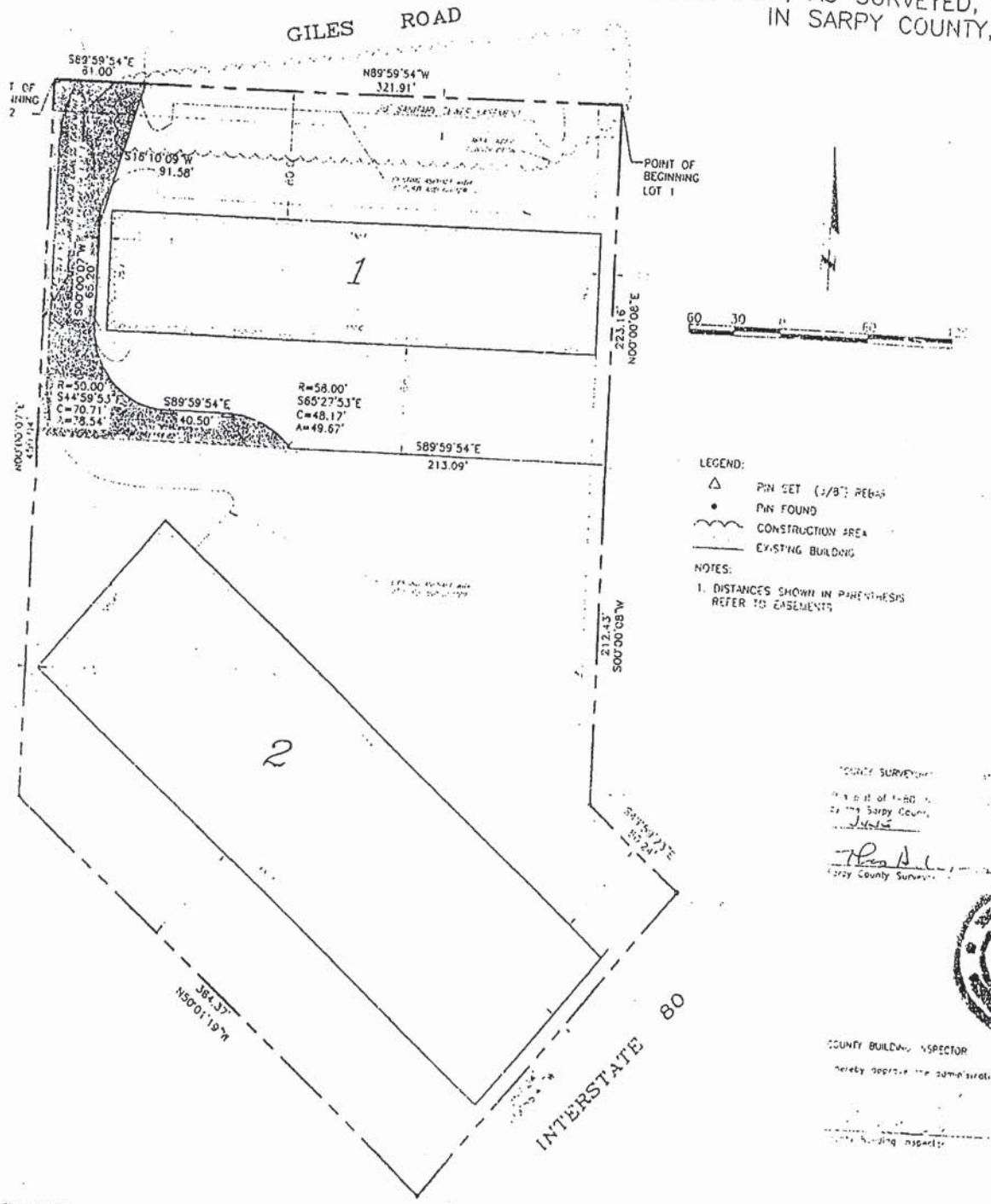
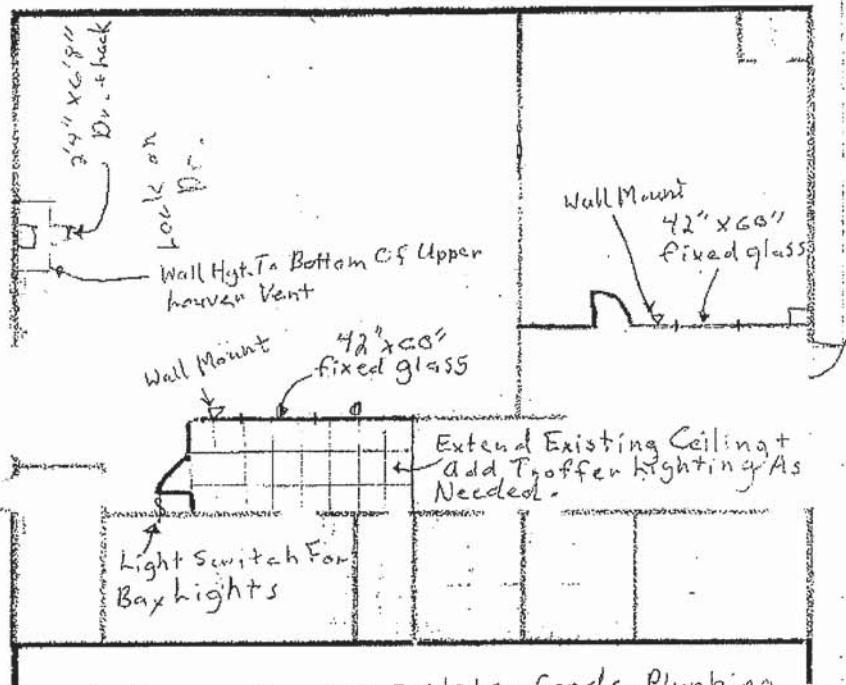


Exhibit "B"

Addition Requests on LoopNet, you agree to the following work at 13595 Giles Rd Suite 1, Larkspur, CA 94118.



1. Remove Hanging Outlets, Cords, Plumbing, Tables, Cabinetry + Misc. As Per Tenant's Request During The Initial Demolition Time Frame.
2. Add Additional Exit Lighting As Per Code.
3. Install Sound Insulation To All New Walls That Are To Be Constructed
4. Tape + Finish Ready For Paint All New Walls Constructed Along With Areas That Were Disturbed During Demolition And Construction Along With Minor Patching + Finish Requested By Tenant.