

AGENDA ITEM 4A

**Public Hearing for Conditional Use Permit
for an Private Recreation Facility – Tax Lots
11 and 15, together with all of Tax Lot 2A
and parts of Tax Lots 2B1 and 3 lying North
and West of railroad right-of-way, together
with Tax Lot 1A1B and parts of Tax Lots
2B1 and 3 lying South and East of railroad
right-of-way, all located in Section 17,
Township 14 North, Range 12 East, of the
6th P. M. – Omaha Multi-Sport Complex**



CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2016-CUP-07

FOR HEARING OF: January 19, 2017
Report Prepared on January 4, 2017

I. GENERAL INFORMATION

- A. **APPLICANT:** Nebraska Multisport Complex Board of Directors
- B. **PROPERTY OWNER:** Omaha Multi Sport Complex
- C. **LOCATION:** East of Eastport Parkway and 123rd Plaza
- D. **LEGAL DESCRIPTION:** Tax Lots 11 and 15, together with all of Tax Lot 2A and parts of Tax Lots 2B1 and 3 lying North and West of railroad right-of-way, together with Tax Lot 1A1B and parts of Tax Lots 2B1 and 3 lying South and East of railroad right-of-way, all located in Section 17, Township 14 North, Range 12 East, of the 6th P. M., Sarpy County, Nebraska
- E. **REQUESTED ACTION(S):** Conditional Use Permit to develop and operate a private recreational facility. The proposed Nebraska Multisport Complex (NMSC) consists of an Athletic Center and outdoor facilities including playing fields, pools and tennis courts. The indoor facility is comprised of four components: Aquatics (known as the Natatorium), Tennis; Sports Medicine, Performance, Training and Fitness; and a Fieldhouse.
- F. **EXISTING ZONING AND LAND USE:**
TA Transitional Agriculture, Gateway Corridor Overlay (Overlay District); the property is a former sod farm
- G. **PROPOSED USES:** The Conditional Use Permit (CUP) will allow the applicant to operate a private recreational facility; specifically the Nebraska Multisport Complex as described above.
- H. **SIZE OF SITE:** 156.37 acres

II. BACKGROUND INFORMATION

- A. **EXISTING CONDITION OF SITE:** The property is a former sod farm, mostly undeveloped. An operating cell tower is located along the western edge of the property. The high point of the ground is near the southwestern

corner, sloping downward to the West Papio Creek along the eastern edge. Most of the property is located within a floodplain/floodway.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Harrison Hills; I-1 Light Industrial District/C-3 Highway Commercial/Office Park District with a Gateway Corridor Overlay (Overlay District)
2. **East:** Brook Valley Business Park; I-2 Heavy Industrial District
3. **South:** Brook Valley II Business Park; C-3 Highway Commercial/Office Park District with a Gateway Corridor Overlay (Overlay District)
4. **West:** Southport East; C-3 Highway Commercial/Office Park District with a Gateway Corridor Overlay (Overlay District)

C. RELEVANT CASE HISTORY:

N/A

D. APPLICABLE REGULATIONS:

1. Section 5.05 of the Zoning Regulations – TA Transitional Agriculture District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor Overlay (Overlay District)
3. 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 parks and recreation uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access will be from multiple egress / ingress to Giles Road and Eastport Parkway. The main entrance would be located northeast of Eastport Parkway and McDermott Plaza, at the location of the existing north access drive to Comfort Suites. A service access drive will be located between the main access point and the intersection of Eastport Parkway and S 123rd Plaza. Additional access points include Eastport Parkway and S 123rd Plaza, Eastport Parkway and Port Grace Blvd., and 120th Street and Giles Road.
2. The City in conjunction with the applicant has undertaken traffic impact studies to identify transportation improvements that will be necessary to support the proposed uses. The study will be updated for the most current site plan which incorporates a new access point from Eastport Parkway. The City is also working with the NDOR to identify future needs and improvements to the Exit 442

Interchange. The City has programmed a widening of Giles Road in the City's Capital Improvement Program as part of the efforts needed to address increased traffic from this project as well as traffic increases from ongoing development in the surrounding area, both inside and outside the City of La Vista jurisdiction, that utilize the Exit 442 Interchange to access I-80.

- D. UTILITIES:** All utilities are available to the site subject to making necessary extensions as may be required by the utility companies.
- E. PARKING REQUIREMENTS:** The parking requirements would follow the minimum needed for a recreational facility. The site plan calls for 1,751 parking stalls. Based on the expected occupancy levels of the buildings involved, the parking stall count will be enough to support a large event at the Natatorium or smaller events throughout the site. Additionally, City staff has concentrated on walkability in reviews of proposed developments in the Southport East area. Shuttle services from nearby hotels are also expected to aide in limiting the impact of the development on parking.
- F. LANDSCAPING:** Landscaping will undergo design review through the City's design review process for projects within the Gateway Corridor Overlay prior to the issuance of a building permit.

IV. REVIEW COMMENTS:

- 1. The elevations included as exhibits to the Conditional Use Permit are preliminary. The building design, site design, and landscaping will undergo design review through the City's design review process for projects within the Gateway Corridor Overlay prior to the issuance of a building permit.

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. Steven L. Nielsen – Brydant Development Services, Applicant
- 2. Mike Casseling – NMSC Board of Directors, Owner
- 3. Gary Greckel – Holland Basham Architects, Architect
- 4. Public Upon Request



Prepared by

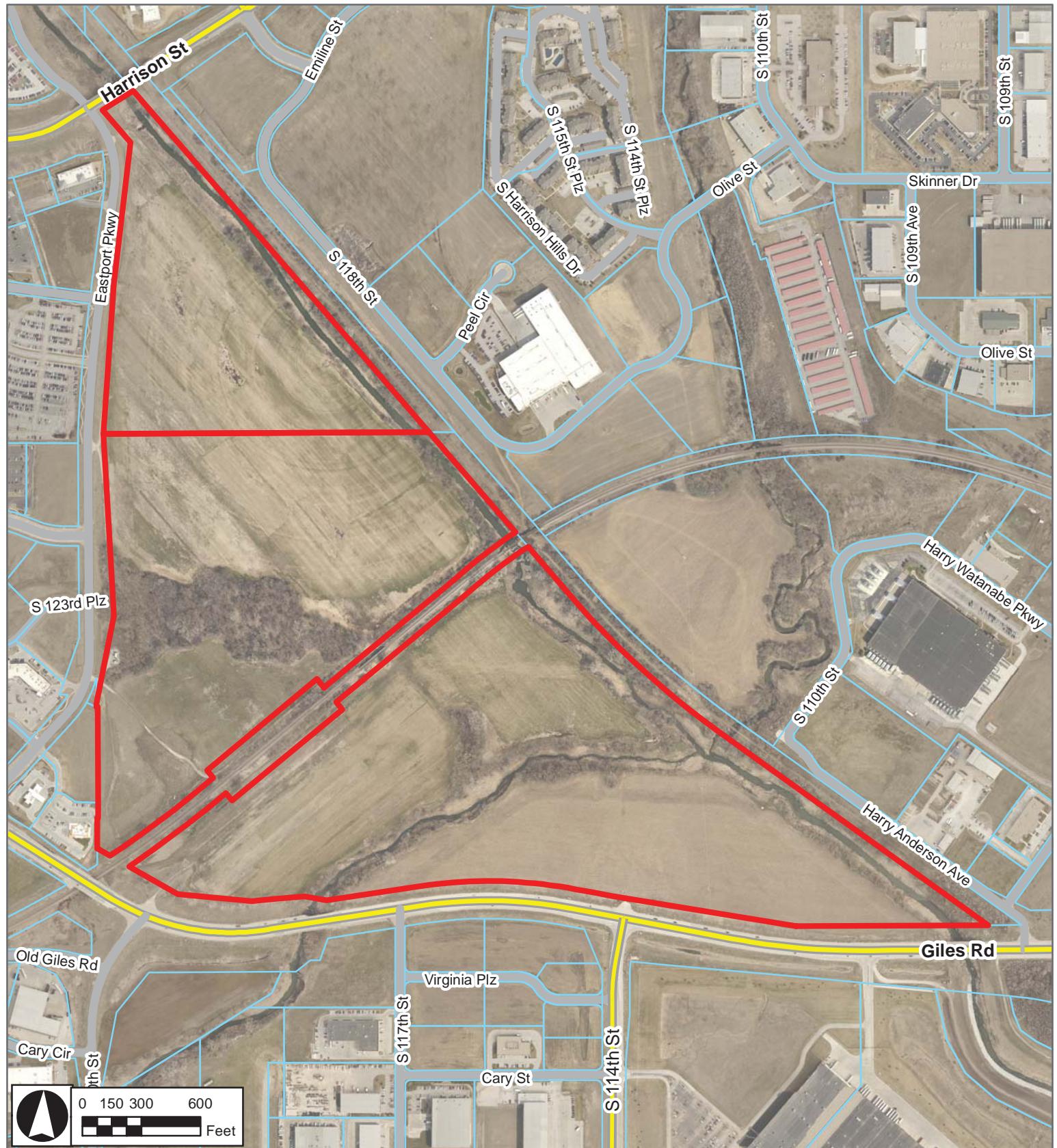


Charlotte Johnson

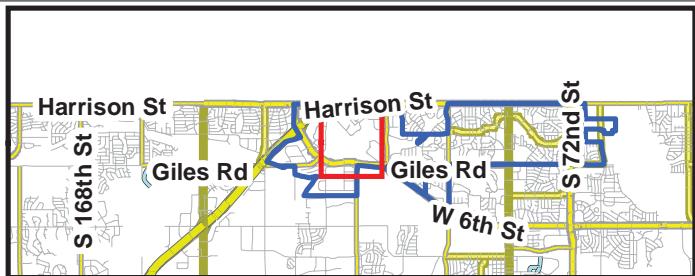
1/12/17

City Planner

Date



Project Vicinity Map



Nebraska Multisport Complex - CUP

1-10-2017

JMC



STATEMENT OF OPERATION

NEBRASKA MULTISPORT COMPLEX

GENERAL DESCRIPTION

The Nebraska Multisport Complex (NMSC) is a public-private partnership between the City of La Vista and the NMSC Foundation for the Design, Financing, Construction and Management of a multi-faceted sports complex. NMSC consists of an Athletic Center and outdoor facilities including playing fields, pools and tennis courts. The indoor facility is comprised of four components: Aquatics (known as the Natatorium), Tennis; Sports Medicine, Performance, Training and Fitness; and a Fieldhouse.

The intent of the project is to provide a “Best in Class” athletic complex that will serve as a true destination sport event and performance facility driving increased sport participation, sports performance, overall health and fitness, and improved quality of life in the City of La Vista, Sarpy County, greater Omaha, and the entire region. At completion, NMSC will generate significant national exposure and economic impact for the city and region, contributing to the growth of the area as a sports, business, and residential destination.

GOALS AND OBJECTIVES OF NMSC

- To inspire healthy living and strengthen community through training, education and outreach at a state-of-the-art, championship athletic park accessible to all.
- To host local, regional and national amateur athletic events
- To raise the level of participation, performance and opportunity for athletes in the greater metro area and the region
- To develop and implement a business model that both supports and ensures long-term sustainability
- To operate in a cash flow positive manner to establish a scholarship fund for aspiring athletes and program participants regardless of their ability to pay
- To make a positive economic and social impact on the City of La Vista, Sarpy County and the region

PROGRAMMING

The programming model for NMSC supports the goals and objectives and includes in-house programs run by the NMSC, sport competition and training facilities for use by existing area athletic teams and programs, and sport performance and fitness training services and facilities. NMSC will also provide a membership program for public use encompassing the aquatic, tennis, and fitness components.

NMSC COMPLEX OCCUPANCY AND PROPOSED USES

The following is an overview of the proposed facilities and uses:

NMSC Swimming will consist of a 177,613 sq. ft. Natatorium with four (4) indoor pools and two (2) outdoor pools designed to accommodate competitive swimming and diving events, with seating capacity in excess of 3,000 seats. The Natatorium will serve competitive training facility needs for swimming, water polo, diving, and synchronized swimming, with Aquatics programming to include aquatic teaching, safety, fitness, training, diving and recreation opportunities for all ages and abilities. NMSC Aquatics will also support the recreational aquatic needs of the City of La Vista, filling the need created in the community by the projected closing of the current La Vista Municipal Pool. The Natatorium will be the premier, world-class competitive swimming facility in the United States, capable of hosting any national and international swimming championships except the US Olympic Trials or the FINA World Championships.

NMSC Tennis will consist of an 89,500 sq. ft. structure with six (6) court indoor and 6-12 outdoor courts to provide for lessons, clinics, camps, and leagues in tennis, squash, and pickle ball. The courts will support the US Tennis Association Quick Start youth development programs for all age groups and will be the only facility in the Greater Omaha Area that provides the combination of indoor and outdoor courts and supports a year-round state-of the-art tennis program. The facility will provide use and access to all regional tennis programs and teaching pros to provide support for tennis throughout the region. NMSC Tennis will host year round USTA leagues at all levels and can host USTA, collegiate, and high school tournaments and events. It will be the premier indoor/outdoor tennis facility in the state and the region.

NMSC Playing Fields will provide La Vista and the metro area with twelve (12) fully lighted, field turf sport fields, the largest in complex in the state. While soccer will be the priority sport user, the fields will support significant training and event use in all field sports, including the rapidly growing sport of lacrosse as well as rugby, field hockey, and even ultimate Frisbee.

NMSC Indoor Fieldhouse is an 89,500 sq. ft. conditioned space, with turf field designed to meet the growing demand for indoor turf space in metro area and the region. The Fieldhouse will be used by multiple sports, including soccer, lacrosse, rugby, baseball, softball, field hockey, and cheerleading and will be able to host camps, clinics, leagues, and games.

NMSC Sports Performance and Fitness Training Center is attached to the Natatorium and connected to Tennis and the Fieldhouse. The SPFT Center will be privately managed and address sports performance training as well as physical therapy and rehab space. This facility will provide training services for all athletes, players, teams, and sports using the NMSC as well as NMSC daily users and area athletes and teams in other sports.

December 28, 2016



Steven L. Nielsen
Brydant Development Services
2415 E. Camelback Rd. Suite 400
Phoenix, AZ 85016

RE: Conditional Use Permit – Initial Review
Nebraska Multisport Complex
8505 Eastport Parkway
Private Recreation Facility

Mr. Nielsen:

Thank you for your submittal of Nebraska Multisport Complex CUP request to allow for a private recreation facility northeast of Eastport Parkway and Giles Road. 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 Articles 6.05.02, 6.05.03, 6.05.04 and 6.05.11, the City finds that the proposed use will not violate these conditions on the basis that the City has indicated an intent to provide adequate public infrastructure to serve the proposed project by building new roads, sewers, utilities, and pedestrian access to the property. Projects have been included in the City's Capital Improvement Program to provide such facilities.
2. In regards to Articles 6.05.05 and 6.05.10, concerning traffic congestion, the City in conjunction with the applicant has undertaken traffic impact studies to identify transportation improvements that will be necessary to support the proposed uses. The study will be updated for the most current site plan which incorporates a new access point from Eastport Parkway. The City is also working with the NDOR to identify future needs and improvements to the Exit 442 Interchange. The City has programmed a widening of Giles Road in the City's Capital Improvement Program as part of the efforts needed to address increased traffic from this project as well as traffic increases from ongoing development in the surrounding area, both inside and outside the City of La Vista jurisdiction, that utilize the Exit 442 Interchange to access I-80.
3. The initial application package did not include preliminary elevations of the buildings on the site. Please provide copies of the preliminary elevations of the main buildings proposed to be constructed on the site for inclusion in the CUP as an exhibit. As the site lies with the Gateway Corridor District (Overlay District) the development will need to proceed through the architectural design review approval process. Language within the CUP document will note the "preliminary" status of the elevations, allowing for the finalization of the architectural design review process at a later date.

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

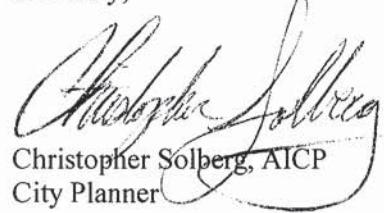
Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

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 four copies of revised documents, along with an electronic copy, by noon January 4th in order to continue to be considered for the January 19th 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 February 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 Sinnott, Chief Building Official

City of La Vista Conditional Use Permit

Conditional Use Permit for Private Recreational Facility

This Conditional Use Permit issued this ____th day of February, 2017, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Nebraska Multisports Complex ("Owner"), pursuant to the La Vista Zoning Ordinance.

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

Tax Lots 11 and 15, together with all of Tax Lot 2A and parts of Tax Lots 2B1 and 3 lying North and West of railroad right-of-way, together with Tax Lot 1A1B and parts of Tax Lots 2B1 and 3 lying South and East of railroad right-of-way, all located in Section 17, Township 14 North, Range 12 East, of the 6th P. M. in Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a private 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 private 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. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit "A") and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
 - b. 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 B".
 - c. The premises shall be developed and maintained in accordance with the site plan (Exhibit "B") and preliminary building elevations (Exhibit "C") as approved by the City and incorporated herein by this reference. Final building and site design review shall be conducted as per the Gateway Corridor

District Design Guideline and approval shall be finalized prior to the issuance of a building permit. Any modifications must be submitted to the Chief Building Official for approval.

- d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the private rec. facility, except trash receptacles and those approved in writing by the City.
 - e. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height.
 - 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. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner.
 - 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. 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: Steven L. Nielsen
Brydant Development Services
2415 E Camelback Rd, Suite 400
Phoenix, AZ 85016
(480) 734-7038

Mike Casseling – President
Nebraska Multisports Complex
Board of Directors
12308 F. Street
Omaha, NE 68138
(402) 334-5000

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF _____)
) ss.

On this _____ day of _____, 2017, 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 _____, 2017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [REDACTED], personally known by me to be the _____ of _____, 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



January 9, 2017

Steven L. Nielsen
Brydant Development Services
2415 E. Camelback Rd. Suite 400
Phoenix, AZ 85016

RE: Conditional Use Permit – 2nd Review
Nebraska Multisport Complex
8505 Eastport Parkway
Private Recreation Facility

Mr. Nielsen:

Thank you for the resubmittal of documents related to the Nebraska Multisport Complex CUP request to allow for a private recreation facility northeast of Eastport Parkway and Giles Road. 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. Due to non-finalized aspects of the public access pool area, please remove the rendering of items of this area from the sheet N-A3.01 of the elevations provided on January 3, 2017.
2. The size of each building in square feet as listed within the submitted Statement of Operation does not match those provided to the Chief Building Official through an email on January 6, 2017. Please clarify which building sizes are correct and adjust the Statement of Operation accordingly.

In order for the Conditional use Permit to be considered for review at the January 19th Planning Commission meeting, revised documents will need to be provided for the Planning Commission packets. Please submit 14 ledger size (11"x17") copies (along with electronic copies) of the site plan and building elevations by noon on January 12, 2017 to ensure that the application stays on track for the review by the Planning Commission.

If the revised documents have been resubmitted on time, the application will be on the January Planning Commission agenda. The Planning Commission will meet at 7:00pm on January 19, 2017. Please have someone in attendance with a presentation prepared for the Commission.

Should you have any questions please contact me at 402-593-6402.

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

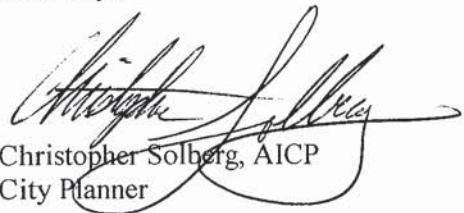
Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

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

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Solberg".

Christopher Solberg, AICP
City Planner

Enclosure

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

City of La Vista Conditional Use Permit

Conditional Use Permit for Private Recreational Facility

This Conditional Use Permit issued this _____th day of February, 2017, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Nebraska Multisports Complex (“Owner”), pursuant to the La Vista Zoning Ordinance.

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

Tax Lots 11 and 15, together with all of Tax Lot 2A and parts of Tax Lots 2B1 and 3 lying North and West of railroad right-of-way, together with Tax Lot 1A1B and parts of Tax Lots 2B1 and 3 lying South and East of railroad right-of-way, all located in Section 17, Township 14 North, Range 12 East, of the 6th P. M. in Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a private 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 private 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. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit “A”) and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
 - b. 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 B”.
 - c. The premises shall be developed and maintained in accordance with the site plan (Exhibit “B”) and preliminary building elevations (Exhibit “C”) as approved by the City and incorporated herein by this reference. Final building and site design review shall be conducted as per the Gateway Corridor

District Design Guideline and approval shall be finalized prior to the issuance of a building permit. Any modifications must be submitted to the Chief Building Official for approval.

- d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the private rec. facility, except trash receptacles and those approved in writing by the City.
 - e. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height.
 - 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. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner.
 - 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, FAA, 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. 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: | Steven L. Nielsen Brydant Development Services 2415 E Camelback Rd, Suite 400 Phoenix, AZ 85016 (480) 734-7038 | Mike Casseling – President Nebraska Multisports Complex Board of Directors 12308 F. Street Omaha, NE 68138 (402) 334-5000 |
|----------------------------------|--|--|

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2017, 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.

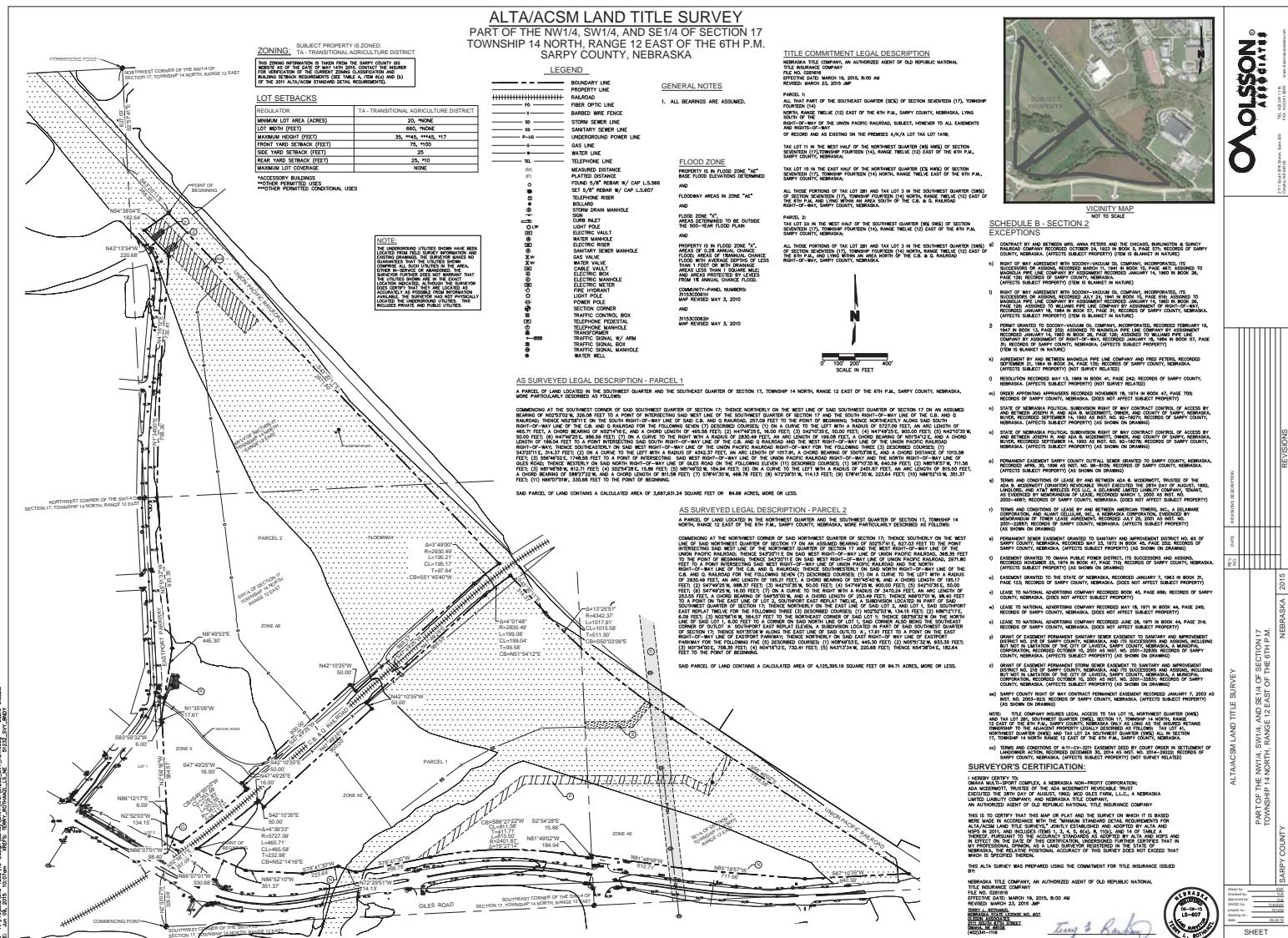
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [REDACTED], personally known by me to be the _____ of _____, 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





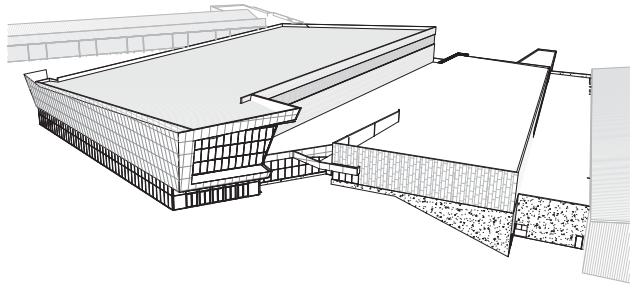
SCHEMATIC DESIGN NEBRASKA MULTISPORT COMPLEX
EASTPORT PKWY & GILES RD - LA VISTA, NE

FILE LOCATION: H:\2015\15102 NEBRASKA MULTISPORT COMPLEX - LA VISTA, NE\DESIGN\02 SD\ARCHIVE\15102 SITE PLAN_103116.DWG

10/31/16 **AHBA**
#16110 HOLLAND BASHAM
ARCHITECTS
PLOTTED: 1/11/2017 5:11:59 PM

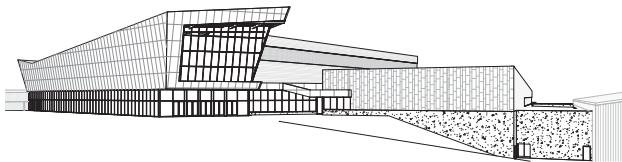
GENERAL AXONOMETRIC / PERSPECTIVE NOTES

1. ALL AXONOMETRIC AND PERSPECTIVE DRAWINGS ARE SHOWN NOT TO SCALE AND ARE FOR REFERENCE ONLY.



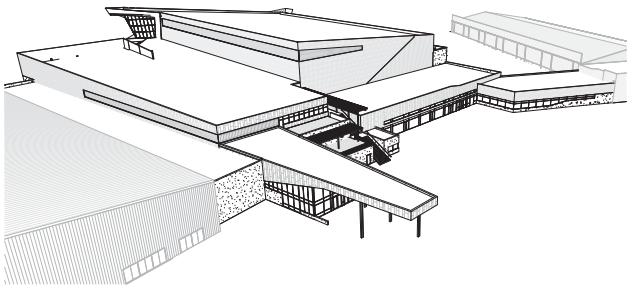
1 EXTERIOR SPECTATOR ENTRY AERIAL PERSPECTIVE

NOT TO SCALE



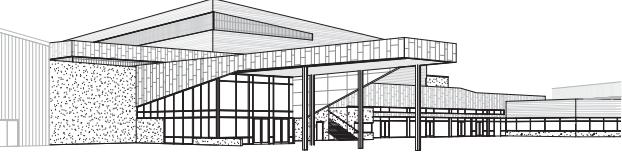
1 EXTERIOR SPECTATOR ENTRY PERSPECTIVE

NOT TO SCALE



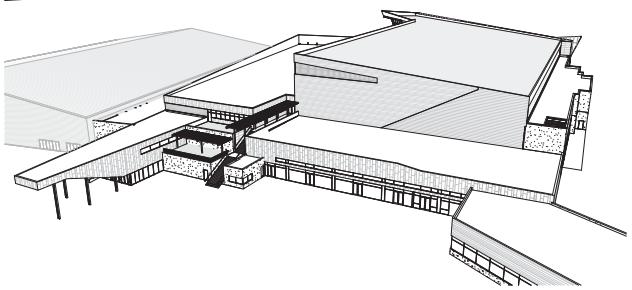
2 EXTERIOR DAILY USER ENTRY - AERIAL PERSPECTIVE

NOT TO SCALE



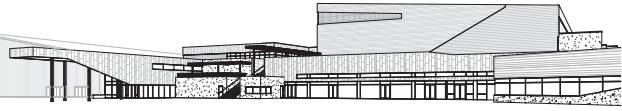
2 EXTERIOR DAILY USER ENTRY - PERSPECTIVE

NOT TO SCALE



3 EXTERIOR DAILY USER ENTRY - AERIAL PERSPECTIVE

NOT TO SCALE



3 EXTERIOR DAILY USER ENTRY - AERIAL PERSPECTIVE

NOT TO SCALE

| No. | Description | Date |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

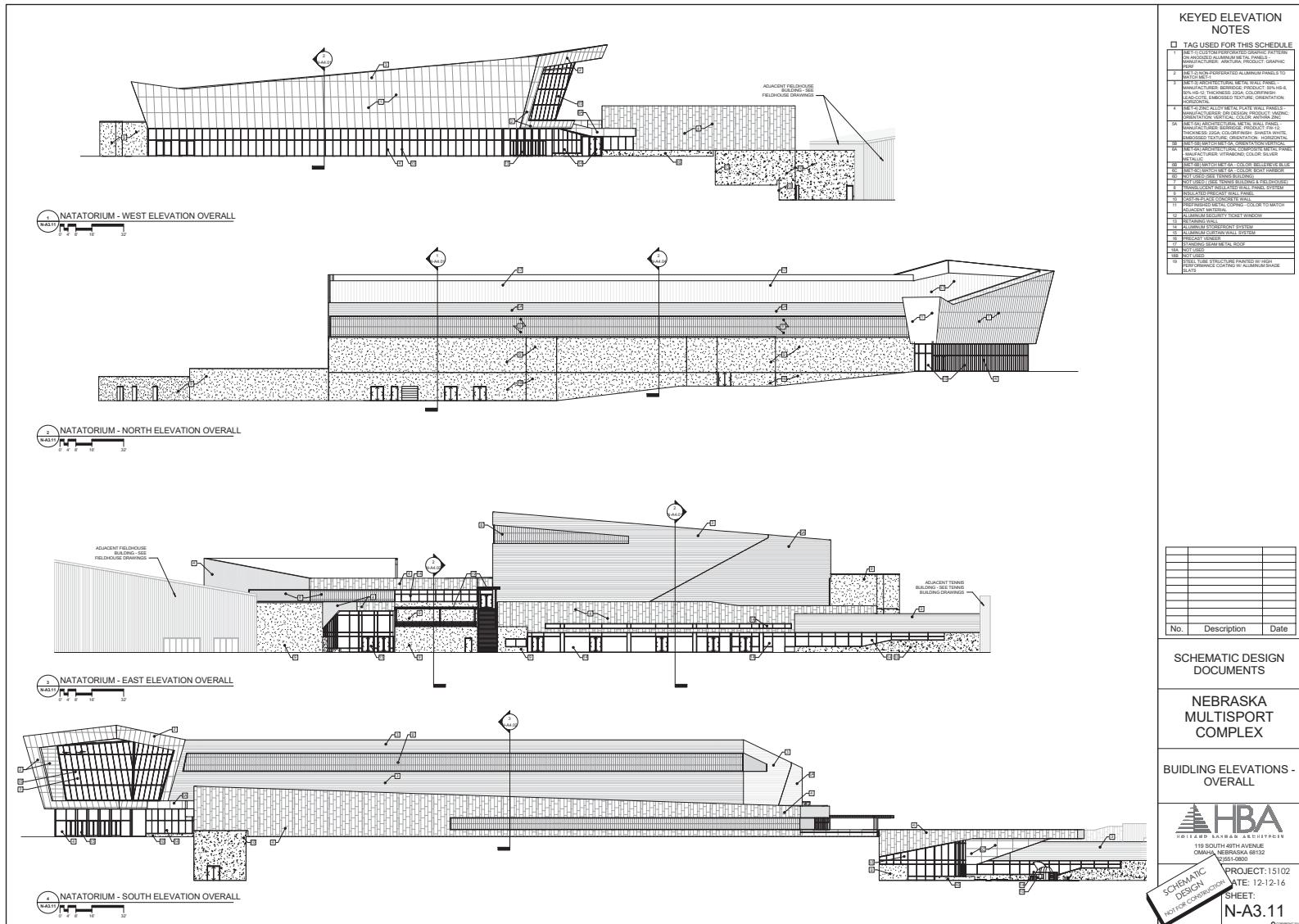
SCHEMATIC DESIGN DOCUMENTS

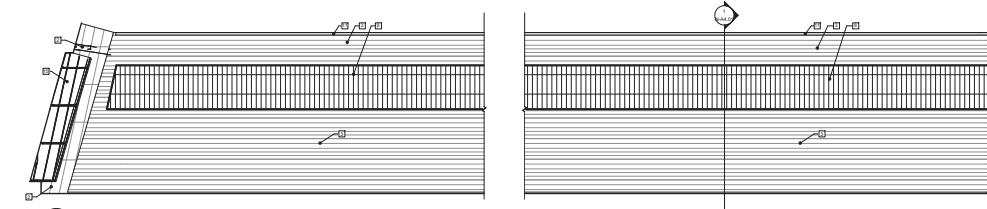
NEBRASKA MULTISPORT COMPLEX

BUILDING AXONOMETRICS / PERSPECTIVES

HBA
HOIT, BAIRD & ASSOCIATES
119 SOUTH 40TH AVENUE
OMAHA, NEBRASKA 68102
(402) 355-0800

SCHEMATIC DESIGN DOCUMENTS
NOT FOR CONSTRUCTION
PROJECT: 15102
DATE: 12-12-16
SHEET: N-A3.01
Copyright © HBA, Inc. 2012. All rights reserved. Copying or distribution in whole or in part is illegal.

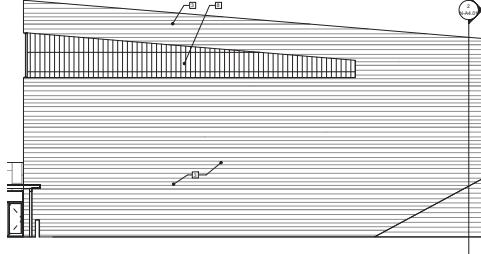
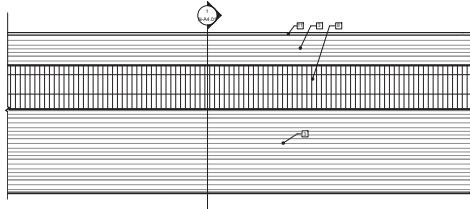




SOUTH BUILDING ELEVATION

W-A3.12

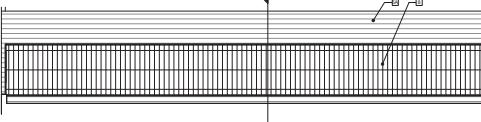
0 2 4 6 8 10



EAST BUILDING ELEVATION

W-A3.13

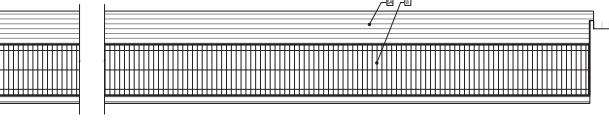
0 2 4 6 8 10



NORTH BUILDING ELEVATION

W-A3.13

0 2 4 6 8 10



| | | |
|-----|-------------|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| No. | Description | Date |

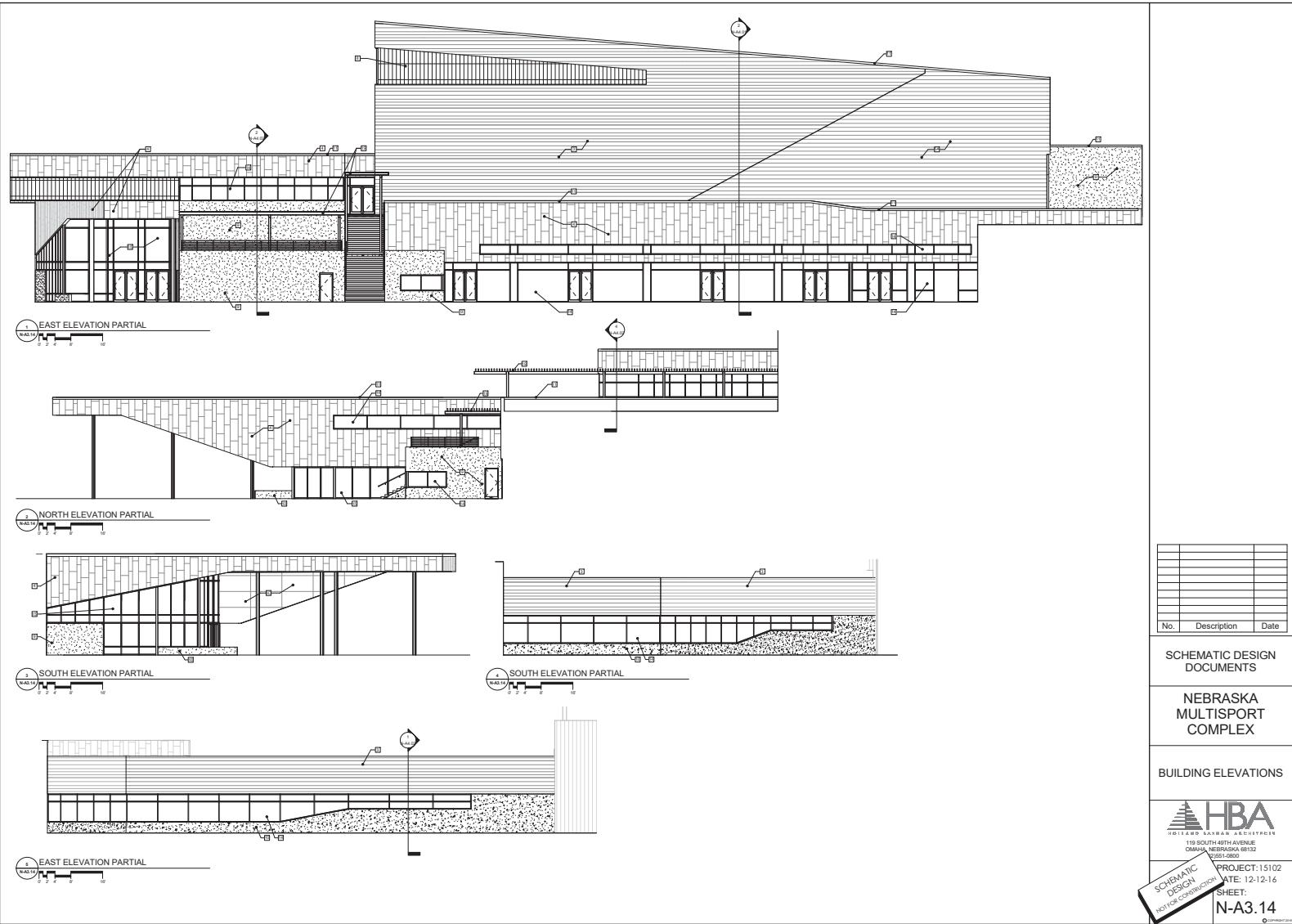
SCHEMATIC DESIGN DOCUMENTS

NEBRASKA MULTISPORT COMPLEX

BUILDING ELEVATIONS

HBA
HOIT, BAILEY & ASSOCIATES
119 SOUTH 40TH AVENUE
OMAHA, NEBRASKA 68102
(402) 345-0800

PROJECT: I-5102
DATE: 12-12-16
SHEET:
N-A3.13



| No. | Description | Date |
|-----|-------------|------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

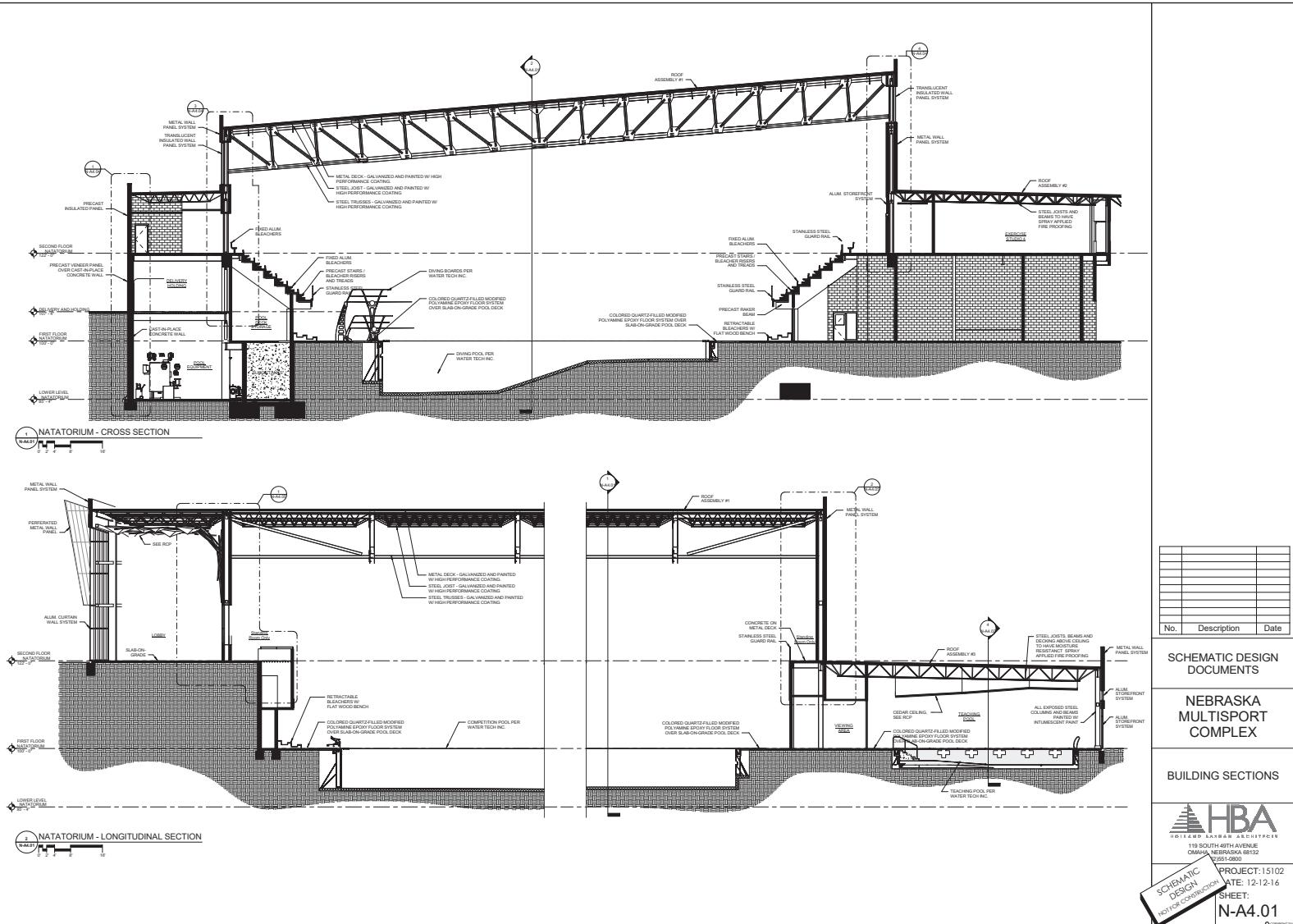
SCHEMATIC DESIGN DOCUMENTS

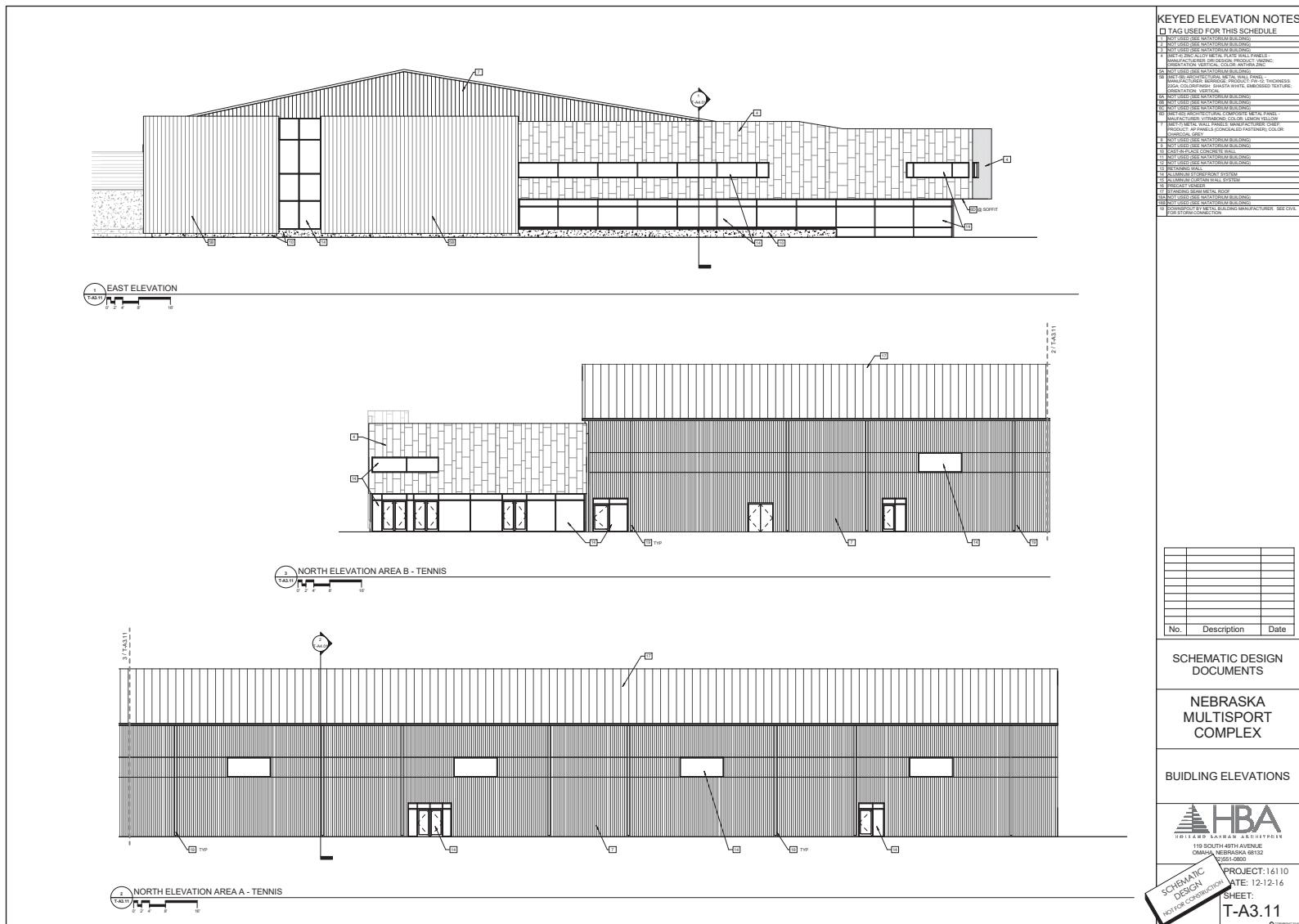
NEBRASKA MULTISPORT COMPLEX

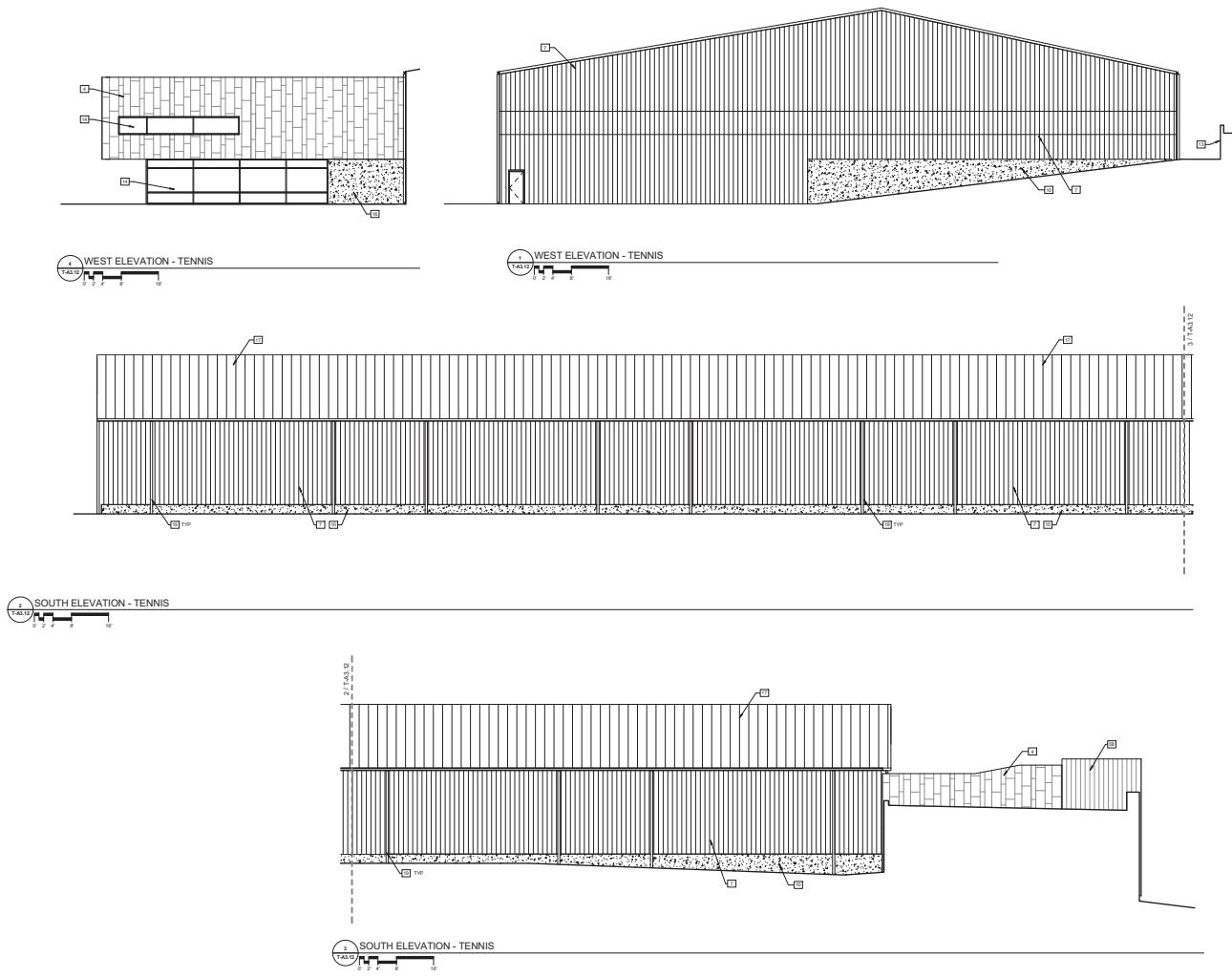
BUILDING ELEVATIONS

HBA
HORSTKAMP BARNETT ARCHITECTS
119 SOUTH 40TH AVENUE
OMAHA, NEBRASKA 68102
(402) 345-0800

PROJECT: I-5102
DATE: 12-12-16
SHEET:
N-A3.14







| No. | Description | Date |
|---|-------------|------|
| SCHEMATIC DESIGN DOCUMENTS | | |
| NEBRASKA MULTISPORT COMPLEX | | |
| BUILDING ELEVATIONS | | |
|  HBA HOLTZBAUD KAHLER ARCHITECTS 119 SOUTH 40TH AVENUE OMAHA, NEBRASKA 68102 402.555.0800 | | |
| PROJECT: 16110 DATE: 12-12-16 SHEET: T-A3.12 | | |

