

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JULY 17, 2018 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT AMENDMENT – BOBCAT OF OMAHA LOT 1, LAKEVIEW SOUTH II, REPLAT 5 (8701 S. 145 <sup>TH</sup> ST.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit Amendment for Bobcat of Omaha to expand their repair shop and office area, generally located east of 145<sup>th</sup> St. and north of Meadows Blvd.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval, contingent on the finalization of the design review process.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Retreat Financial LLC, dba Bobcat of Omaha, for a Conditional Use Permit Amendment to expand their repair and office areas. The property is zoned I-1, Light Industrial, with the Gateway Corridor overlay. Bobcat of Omaha is seeking to expand their current facility and will continue to utilize the new addition for equipment repairs and general office space.

A detailed staff report is attached.

The Planning Commission held a public hearing on June 21, 2018 and unanimously recommended approval of the Conditional Use Permit Amendment as the request is consistent with the Comprehensive Plan and the Zoning Ordinance. (*A copy of the June 21, 2018 meeting minutes can be found in the Consent Agenda section of this agenda.*)

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR RETREAT FINANCIAL, LLC, DBA BOBCAT OF OMAHA, TO ALLOW FOR AN EXPANSION OF THEIR EXISTING FACILITY ON LOT 1, LAKEVIEW SOUTH II REPLAT 5.

WHEREAS, Retreat Financial, LLC, has requested an amendment to an existing Conditional Use Permit to expand their current Bobcat of Omaha facility on Lot 1, Lakeview South II Replat 5, generally located east of 145<sup>th</sup> St. and north of Meadows Blvd.; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of an amendment to the Conditional Use Permit in form and content submitted at this meeting, for Retreat Financial, LLC, to allow for an expansion of their existing Bobcat of Omaha facility on Lot 1, Lakeview South II Replat 5, contingent on the finalization of the design review process.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2018.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: PCUP 18-0001

FOR HEARING OF: July 17, 2018

Report Prepared on July 11, 2018

**I. GENERAL INFORMATION**

- A. APPLICANT:** Retreat Financial, LLC
- B. PROPERTY OWNER:** Retreat Financial, LLC
- C. LOCATION:** 145<sup>th</sup> Street, North of Meadows Blvd.
- D. LEGAL DESCRIPTION:** Lot 1 Lakeview South II Replat 5.
- E. REQUESTED ACTION(S):** Conditional Use Permit amendment to allow for a 8,104 square foot expansion to the main building for Bobcat of Omaha.
- F. EXISTING ZONING AND LAND USE:**  
I-1 Light Industrial District; Farm Implement Sales and Service use.
- G. PROPOSED USES:** The Conditional Use Permit would allow for the expansion of an existing Farm Implement Sales and Service operation.
- H. SIZE OF SITE:** 4.546 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The lot has a gradual downward slope to the north.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. North:** Tax Lot 4 23-14-11; C-1, Shopping Center Commercial, Gateway Corridor District (Overlay District)
  - 2. East:** The Meadows; R-1 Single-Family Residential
  - 3. South:** Lakeview South II; I-1 Light Industrial, Gateway Corridor District (Overlay District)
  - 4. West:** Lakeview South II; I-2 Heavy Industrial, Gateway Corridor District (Overlay District)
- C. RELEVANT CASE HISTORY:** N/A.

### **III. ANALYSIS**

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses.
- B. OTHER PLANS:** The property lies within the Gateway Corridor District (Overlay District). Review of the proposed expansion has commenced as per the design guidelines for the district. The documents provided within proposed CUP are in draft form. The design review process will need to be substantially complete by the time of City Council review of the CUP.
- C. TRAFFIC AND ACCESS:**
  - 1. Access would be from egress / ingress drives on 145<sup>th</sup> Street. The peak hour traffic associated with this facility will be rather light and does not warrant a traffic impact study.
- D. UTILITIES:** All utilities are available to the site.
- E. PARKING REQUIREMENTS:**
  - 1. Parking requirements would follow the minimum needed for a Farm Implement Sales and Service facility.
- F. LANDSCAPING:** The existing property is located within the Gateway Corridor District. The landscaping plan will be reviewed in accordance with the Gateway Corridor District design guidelines through the design review process currently underway. The design review process will need to be substantially complete by the time of City Council review of the CUP.

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

- 1. The equipment demonstration area shall utilize permanent BMPs to control sediment and dust from the disturbed ground areas. The permanent BMPs shall be illustrated and attached to the permit.
- 2. Review of the proposed expansion has commenced as per the design guidelines for the district. The design review process will need to be substantially complete by the time of City Council review of the CUP.
- 3. Relative to Article 6.05.04, the submitted site plan indicates modifications of existing water quality basins. These modifications will have to be accomplished through a PCSMP permit processed through the Permix website at the time of building permit and will need to demonstrate treatment of the first  $\frac{1}{2}$  inch of runoff and no increase in the 2-year peak flows above existing conditions. If the proposed pavement north of the existing building results in more than 5,000 SF of increased pervious area, it will be necessary to comply with post-construction storm water management requirements for those areas also.
- 4. The site plan indicates an equipment demonstration area along the norther

edge of the property that will be continually in a bare dirt condition. Such area should be kept to a minimum size to limit potential impacts from dust and erosion.

**V. STAFF RECOMMENDATION:**

Approval of the Conditional Use Permit for Retreat Financial, LLC, contingent on the finalization of the design review process, as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – CUP:**

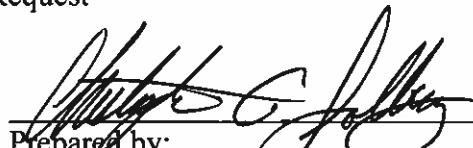
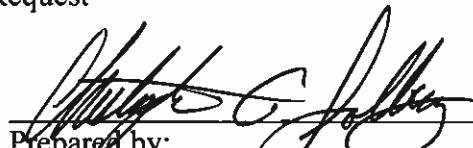
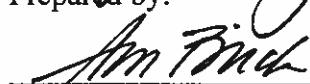
The Planning Commission held a public hearing on June 21, 2018 and voted 6-0 to recommend approval of the Conditional Use Permit as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

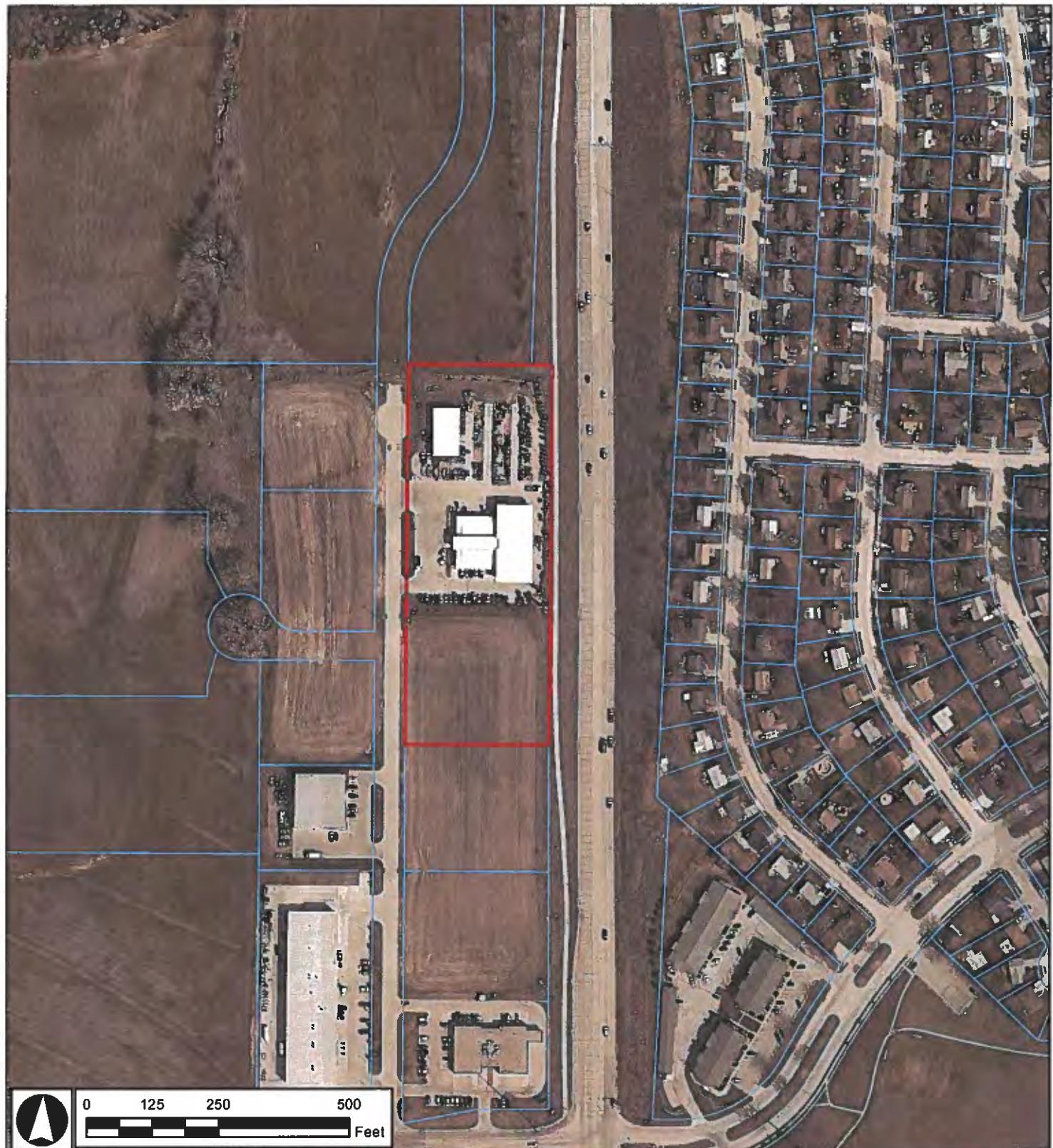
1. Vicinity Map
2. Statement of Operation
3. Initial Review Letter – May 17, 2018
4. Draft CUP Site Plan and Landscaping Plan
5. Draft CUP

**VIII. COPIES OF REPORT TO:**

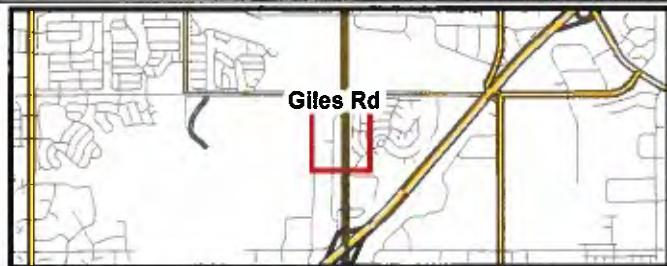
1. Byron Stigge, Retreat Financial, Applicant
2. Jason Heinze, The Schemmmer Associates
3. Public Upon Request

  
Prepared by:   
 7-12-18  
Community Development Director Date





## Project Vicinity Map



## Bobcat of Omaha CUP Amendment

6-11-18  
CRB



**RETREAT FINANCIAL, LLC**

555 Riverfront Plaza, APT 1102  
Omaha, NE 68102  
(402) 659-4052  
[byron@stigge.net](mailto:byron@stigge.net)

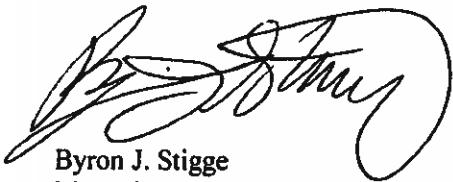
June 12, 2018

The property at 8701 South 145<sup>th</sup> Street, Omaha, NE 68138 is leased and occupied by Bobcat of Omaha.

Bobcat of Omaha is engaged in farm equipment sales and service. The hours of operation are M-F 8:00 AM to 5:00 PM and Saturday 8:00 AM to 12:00 PM.

The planned expansion is an addition to the Repair Shop and Office Space for the same purpose.

The open area to the south in between the new paving and the existing building will remain an equipment demonstration area and intended to remain bare ground.



Byron J. Stigge  
Managing Member

May 17, 2018



Jason Heinze  
The Schemmmer Associates  
1044 N. 115<sup>th</sup> St., Suite 300  
Omaha, NE 68154

RE: Conditional Use Permit – Initial Review  
Bobcat of Omaha CUP Amendment  
8701 South 145<sup>th</sup> Street

Mr. Heinze:

Thank you for your submittal of the Bobcat of Omaha Conditional Use Permit (CUP) amendment application. Staff has reviewed the initial submittal and has provided the following initial comments:

1. The initial application form has not been signed by the property owner. Pre-submittal discussions noted a delay in the provision of a letter from the owner approving of the application submittal. Please submit this letter as soon as possible.
2. The initial submittal did not include a statement of operation as discussed during the pre-application meeting. Please provide a statement of operation that includes a summary of the use, hours of operation, and details of the planned expansion.
3. Relative to Article 6.05.02 of the Zoning Ordinance, the proposed amendments to the Conditional Use Permit are required to adhere to the Gateway Corridor Design Guidelines. Review of the CUP landscaping plan will be conducted in conjunction with the review of the architectural design review application. At this time, a design review application has not been submitted to the City. As the application has not been submitted, it is highly likely that the CUP will not proceed to Planning Commission for review this June.
4. Relative to Article 6.05.04, the submitted site plan indicates modifications of existing water quality basins. These modifications will have to be accomplished through a PCSMP permit processed through the Permix website at the time of building permit and will need to demonstrate treatment of the first ½ inch of runoff and no increase in the 2-year peak flows above existing conditions. If the proposed pavement north of the existing building results in more than 5,000 SF of increased pervious area, it will be necessary to comply with post-construction storm water management requirements for those areas also.

**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

5. In regards to Article 6.05.05, the site plan needs to identify which parking stalls are provided for employee and customer use versus equipment parking. Examination of an aerial photo indicates that the shown stalls north of the existing building are all used for equipment parking. Adequate on-site parking for the maximum number of employees and the maximum number of customers expected needs to be provided on site.
6. The site plan needs to indicate if there is going to be an equipment demonstration area that will be continually in a bare dirt condition. This relates to consideration of dust and erosion under Article 6.05.07. Such area, if proposed, should be kept to a minimum size.

In addition to the comments on the CUP application, the City notes the following additional general comments on issues that will need to be addressed at the time of building permit:

1. The City will need to consult with Sarpy County to see if sanitary sewer connection fees are due on this site.
2. The storm water management fee of \$4,724 per acre (increases after July 1, 2018) will be collected on any portion of the site not previously collected, and
3. A grading permit will be required if more than one acre is to be disturbed for the proposed construction.

A draft Conditional Use Permit (CUP) will be forwarded to you in the coming days for your review. It should be noted that this is just a draft of the CUP document; the City Attorney will review the draft prior to forwarding it on to City Council.

Please submit 4 full size copies (along with electronic copies) of the revised documents. A timeline for review by Planning Commission and City Council will be determined after review of the revised documents and the results of the initial design review.

Should you have any questions please contact me at 402-593-6402 or [csolberg@cityoflavista.org](mailto:csolberg@cityoflavista.org).

Sincerely,



Christopher Solberg, AICP  
City Planner

Cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Jeff Sinnott, Chief Building Official  
Byron T. Stigge, Retreat Financial  
File

**City of La Vista  
Conditional Use Permit**

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

This Conditional Use Permit issued this \_\_\_\_th day of \_\_\_\_\_, 2018, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Retreat Financial, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to expand the operations of a Farm-Implement Sales and Service operation upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Lakeview South Replat 5, in Sarpy County, Nebraska.

WHEREAS, Owner has applied for an amendment to their conditional use permit for the purpose of expanding the operations of a Farm-Implement Sales and Service use; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a an amendment to the conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is amended to allow the owner to use the area designated on Exhibit "A" hereto for Farm-Implement Sales and Service, said use hereinafter being referred to as "Permitted Use or Use".

**Conditions of Permit**

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit 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 and orientation, parking, access points, and drives is approved by the City and attached to the permit as "Exhibit A". Access will be from South 145th Street.
  - b. Hours of operation for said Farm-Implement Sales and Service will be from 7:30 a.m. to 5:30 p.m. Monday through Friday and 8:00 a.m to 12:00 p.m. on Saturday.
  - c. There will be up to 25 employees on site per shift.
  - d. The site will be comprised of a 14,445 square foot building main building, a 4,600 square foot accessory structure, required parking and landscaping. The proposed addition will provide an additional 8,104 square feet to the main building.
  - e. The premises shall be developed and maintained in accordance with the site plan (Exhibit A), landscape plan (Exhibit B), and the building renderings (Exhibit C) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the City Planner for approval.
  - f. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.

- g. The existing monument sign, originally permitted through Sarpy County, shall be acceptable. All other permanent and temporary signs shall comply with the City's sign regulations.
- h. Owner shall abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – *Performance Standards for Industrial Uses*.
- i. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- j. The owner shall make annual inspections of the premises and structures, and the operation thereof for any hazard or risk, including, but not limited to, those of an environmental or safety nature. The owner shall take immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises and to abate any hazard or risk and remove it from the premises in accordance with any applicable laws, rules or regulations, as amended or in effect from time to time.
- k. 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.
- l. 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.
- m. The equipment demonstration area shall utilize permanent BMPs to control sediment and dust from the disturbed ground areas. The permanent BMPs are illustrated and attached to the permit as "Exhibit A".

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
- d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the

premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

#### **Miscellaneous**

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

**Contact Name and Address:** Byron T. Stigge  
Retreat Financial, LLC  
555 Riverfront Plaza, APT 1102  
Omaha, NE 68102

**Effective Date:**

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

THE CITY OF LA VISTA

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

Attest:

---

Pam Buethe  
City Clerk

**CONSENT AND AGREEMENT**

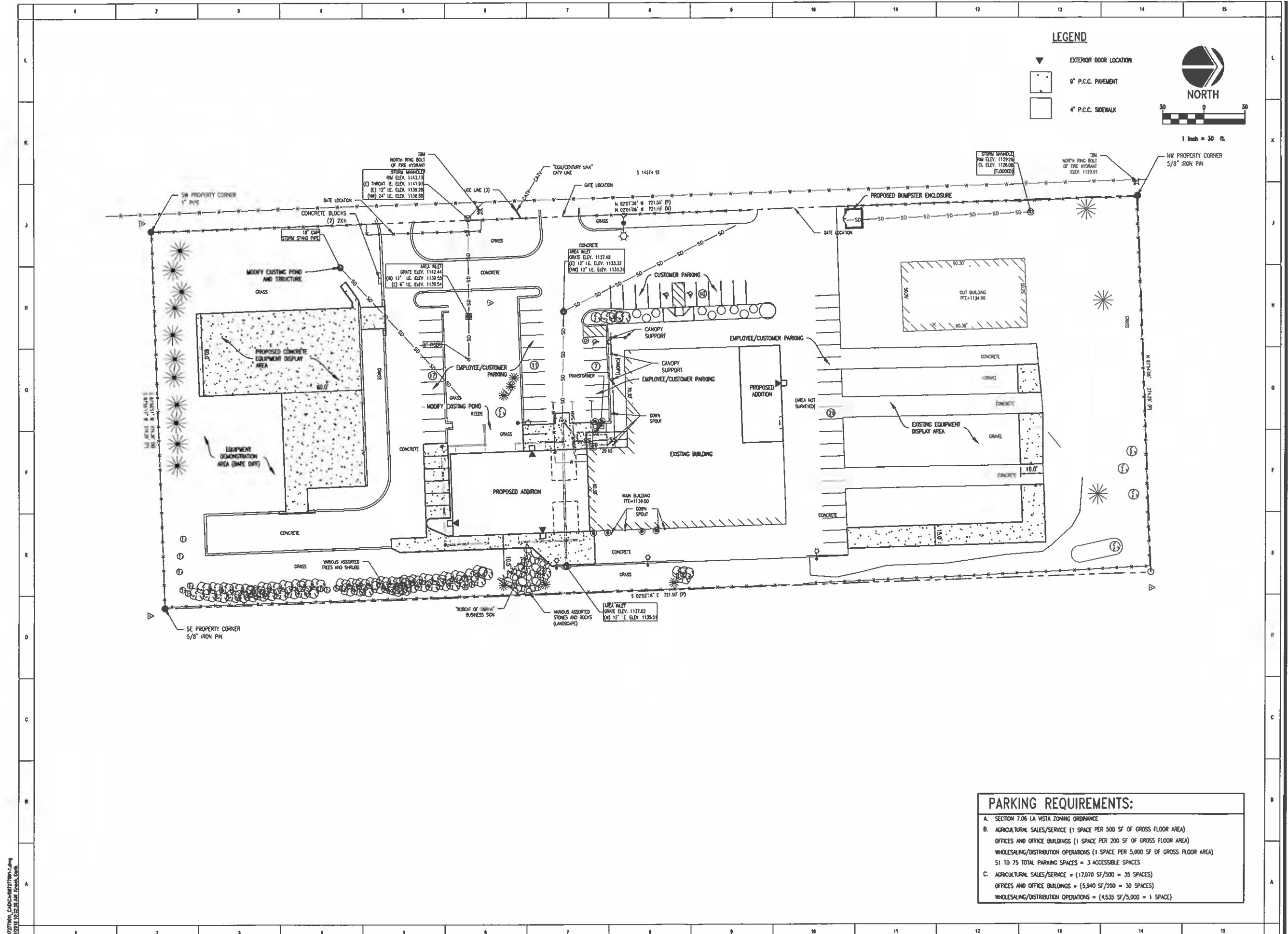
The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and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

Owner:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**PARKING REQUIREMENTS:**

- A. SECTION 7.06 LA VISTA ZONING ORDINANCE
- B. AGRICULTURAL SALES/SERVICE (1 SPACE PER 500 SF OF GROSS FLOOR AREA)  
OFFICES AND OFFICE BUILDINGS (1 SPACE PER 200 SF OF GROSS FLOOR AREA)  
WHOLESALE/DISTRIBUTION OPERATIONS (1 SPACE PER 5,000 SF OF GROSS FLOOR AREA)  
51 TO 75 TOTAL PARKING SPACES = 3 ACCESSIBLE SPACES
- C. AGRICULTURAL SALES/SERVICE = (17,070 SF/500 = 35 SPACES)  
OFFICES AND OFFICE BUILDINGS = (5,940 SF/200 = 30 SPACES)  
WHOLESALE/DISTRIBUTION OPERATIONS = (4,535 SF/5,000 = 1 SPACE)

