



CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
LA VISTA, NE 68128
P: (402) 331-4343

PLANNING COMMISSION AGENDA
AUGUST 15, 2019 – 6:30 P.M.

- 1. *Call to Order***
- 2. *Approval of Meeting Minutes – July 18, 2019***
- 3. *Old Business***
 - A. *Comprehensive Plan Amendment – Future Land Use Map***
 - i. Staff Report – Chris Solberg
 - ii. Public Hearing
 - iii. Recommendation
- 4. *New Business***
 - A. *Conditional Use Permit - Quakes Softball, Inc.***
 - i. Staff Report – Cale Brodersen
 - ii. Applicant Presentation
 - iii. Public Hearing
 - iv. Recommendation
- 5. *Comments from the Floor***
- 6. *Comments from the Planning Commission***
- 7. *Comments from Staff***
- 8. *Adjournment***

The public is welcome and encouraged to attend all meetings. If special accommodations are required please contact City Hall prior to the meeting at (402) 331-4343. A copy of the Open Meeting Act is posted in the Council Chamber. Citizens may address the Planning Commission about items not on the agenda under “comments from the floor”. Comments should be limited to five minutes. We ask for your cooperation in order to provide for an organized meeting.



CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
LA VISTA, NE 68128
P: (402) 331-4343

PLANNING COMMISSION MINUTES
JULY 18, 2019 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, July 18th, 2019 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Tom Miller called the meeting to order at 6:30 p.m. with the following members present: Gayle Malmquist, Jason Dale, Mike Krzywicki, John Gahan, Tom Miller, Mike Circo, and Harold Sargus. Members absent were: Kevin Wetuski and Kathleen Alexander. Also in attendance were Chris Solberg, Senior Planner; Meghan Engberg, Permit Technician; Cale Brodersen, Assistant Planner; Jeff Calentine, Deputy Director; Pat Dowse, City Engineer; and John Kottmann, City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. Call to Order

The meeting was called to order by Chairman Miller at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – June 20, 2019

Malmquist moved, seconded by Gahan, to approve the June 20th minutes. Ayes: Dale, Sargus, Miller, Gahan and Malmquist. Nays: None. Abstain: Krzywicki and Circo. Absent: Wetuski and Alexander. Motion Carried, (5-0-2)

3. Old Business

A. La Vista City Centre Theater Preliminary Plat

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, La Vista City Centre LLC, is requesting a Preliminary Plat for Lots 11-13 and Outlot A La Vista City Centre, and portions of Tax Lot 12 14-14-12. Staff recommends approval of the La Vista City Centre Theater Preliminary Plat, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Redevelopment Plan and approval and recording of final replat, redevelopment agreement amendment, and applicable property conveyances.
- ii. **Applicant Presentation:** Chris Erickson came up and spoke on behalf of applicant. Erickson said that this is the first of many steps to take in order to hopefully receive approval of the music venue. He mentioned that this is the

first time that they have done a presentation in front of the commission and welcomed any questions that they may have. He said that the music venue is about a 50,000-54,000 square foot building indoor facility which would have about 2,400 seats inside. There is also an outdoor amphitheater component to it that is tucked right on the back. It's a private facility as well and would support about 4,500 seats. He mentioned that the indoor and outdoor facilities would be configured for standing and sitting. Erickson said that this will be privately owned by people from his group, a local group, and a group from Kansas City that have a strong foothold in the music world and especially in the midsize music event world. Erickson then showed the commission renderings of the venue. He mentioned the changes from the original concept and that they are needing a different shaped lot, which is why the approval of the Preliminary Plat is needed. He then offered to answer questions.

Sargus asked if the venue would have 2,400 inside and 4,500 outside at the same time.

Erickson said that there would not be indoor and outdoor events going on at the same time.

Krzywicki asked if Erickson could give a delineation on the plan about how much additional space into the park that the redesign is.

Erickson said that the original lot was about .6 acres and the new lot is about 2 acres.

Krzywicki asked Solberg if that causes any issue with events that the city would have wanted to use the outside amphitheater for.

Solberg said that it does not and that they have always looked at different ways to present most of their events. He said that the amphitheater was a proposal by the consultant for the park, so it wasn't something set in stone.

Erickson said that their goal would be to collaborate with the city on the use of the space so it would become home of some of the city events.

Krzywicki brought up the slope on the side closest to the lake and asked if it was now steeper than it used to be.

Erickson said that the original concept for the amphitheater was that the seats would be built into the hill which does not work with the new configuration, so he would that it did get a little bit flatter as it moved out.

Krzywicki asked if there will be fencing to prevent people from falling.

Erickson said that they will make sure that have something there to help transition to the edge of the park.

Miller said that in most of these amphitheaters the seats are up and music projects up and this one is not set up that way. He asked if we would get complaints about the noise.

Erickson said that it's not exactly that way. He said that from the bottom of the stage it tapers up and the sound will be focused down into the people and the grassy areas. He said that they are aware that noise does travel and are conscience of that and will do what they can to help control that.

Gahan said that their partner in Kansas City sounds like they are very experienced and would know how to deal with that problem.

Erickson said that they deal with it everyday and they run one of the largest outdoor amphitheaters in Kansas City.

Dale asked if parking was going to be an issue with the increased size and increased number of people.

Erickson said that between the 2 garages, there will be plenty of parking.

Krzywicki asked if this will require a conditional use permit down the road.

Solberg said that it would.

iii. **Recommendation:** Sargus moved, seconded by Malmquist to recommend approval of the La Vista Centre Theater Preliminary Plat subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Redevelopment Plan and approval and recording of final replat, redevelopment agreement amendment, subdivision agreement amendment, and applicable property conveyances. **Ayes: Dale, Sargus, Miller, Malmquist, Gahan, Krzywicki, and Circo. Nays: None. Abstain: None. Absent: Wetuski and Alexander. Motion Carried, (7-0).**

4. New Business

A. La Vista City Centre – Replat 3

- i. **Staff Report – Chris Solberg:** Solberg stated that the applicant, La Vista City Centre LLC, is requesting a replat for Lots 5-12 La Vista City Centre and Lot 1 La Vista City Centre Replat 1 into multiple lots for development. Staff's recommendation is for approval of La Vista City Centre Replat as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.
- ii. **Applicant Presentation:** Chris Erickson came up and spoke on behalf of the applicant. He said that this has largely to do with what they just spoke about, but that there are other elements to it as well. He mentioned that they had Chili's in place in the original plat and they were working with them to get the ability to build that new primary access road that extended beyond until earlier this year. They were

finally able to get that done with them and get a place for them to relocate to. They were able to get more clarification of some of the right-of-way's and provide more public space now that they have been able to find somewhere for Chili's to go.

Circo asked where Chili's is going to relocate.

Erickson showed them a slide and pointed out where it will be. He said that they will be in a similar level of prominence that they are now.

- iii. **Recommendation:** Krzywicki moved, seconded by Malmquist to recommend approval of La Vista City Centre Replat 3 as the replat request is consistent with the Comprehensive Plan and the Subdivision Regulations. **Ayes: Dale, Sargus, Miller, Malmquist, Gahan, Krzywicki, and Circo. Nays: None. Abstain: None. Absent: Wetuski and Alexander. Motion Carried, (7-0).**

B. Comprehensive Plan Amendment – Future Land Use Map

- i. **Staff Report – Chris Solberg:** Solberg stated that at this time the application for the Comprehensive Plan Amendment – Future Land Use Map is not ready for review by the Planning Commission. Staff recommend opening and continuing the public hearing for Agenda Item 4B (Comprehensive Plan Amendment – Future Land Use Map) until the August 15th Planning Commission meeting.
- ii. **Public Hearing: Miller opened the public hearing.**
- iii. **Recommendation:** Krzywicki moved, seconded by Circo to continue the public hearing to the next meeting. **Ayes: Dale, Sargus, Miller, Malmquist, Gahan, Krzywicki, and Circo. Nays: None. Abstain: None. Absent: Wetuski and Alexander. Motion Carried, (7-0).**

C. Capital Improvements Plan

- i. **Staff Report – Jeff Calentine:** Calentine came up and presented some changes for the 2020 budget cycle. He told the commission that he will go over a few carryover items, some new projects coming up and will be highlighting things that the commission may have questions about. He then stated that he will answer any questions they may have after he's done.

Circo asked if it was known what specifically was being done with the pool after it gets demolished.

Calentine said they see that area as being very synergistic to the City Centre development and Civic Centre Park and that the 84th St. underpass will tie into that space. He said that they don't know exactly what will happen to that space, but that there may possibly be parking. He said that he does not feel that the new pool will end up there just because of how important that area will be for the new development.

Solberg said that he felt that a good chunk of the \$500,000 listed in the 2020 projects are the design fees for the new pool.

Miller asked if there is a guarantee on how many years a road resurfacing will last.

Dowse said yes and no. He said that a lot of it depends on traffic volume and discussed the impacts of traffic volume on the life expectancy of a road overlay.

Sargus asked if there were any updates on the MultiSport Complex.

Calentine said that he was not sure what is going on with that project. He said that he believes they are still committed to do public infrastructure on our end if they can get their end taken care of.

Kottmann said that the developer is still trying to move forward with making the soccer fields happen, but that it's not moving forward at this time.

ii. **Public Hearing: Miller opened the public hearing.**

Miller closed the public hearing as no members of the public came forward.

iii. **Recommendation:** Malmquist moved, seconded by Sargus to recommend to move forward the Capital Improvement Plan program as presented with the FY21 projects in the capital fund as presented and to recommend approval. **Ayes: Dale, Sargus, Miller, Malmquist, Gahan, Krzywicki, and Circo. Nays: None. Abstain: None.**
Absent: Wetuski and Alexander. Motion Carried, (7-0).

5. Comments from the Floor:

No members of the public came forward.

6. Comments from the Planning Commission:

Malmquist asked how the process was going for the finding of a new Community Development Director.

Solberg said that they have started the interview stage and will continue down the decision making process after that.

7. Comments from Staff:

Solberg mentioned that Taste of La Vista is next weekend. He said that they are still looking for volunteers and for them to contact Mitch Beaumont or Rose Barcal if interested.

8. Adjournment

Miller adjourned the meeting at 7:15 p.m.

Reviewed by Planning Commission:

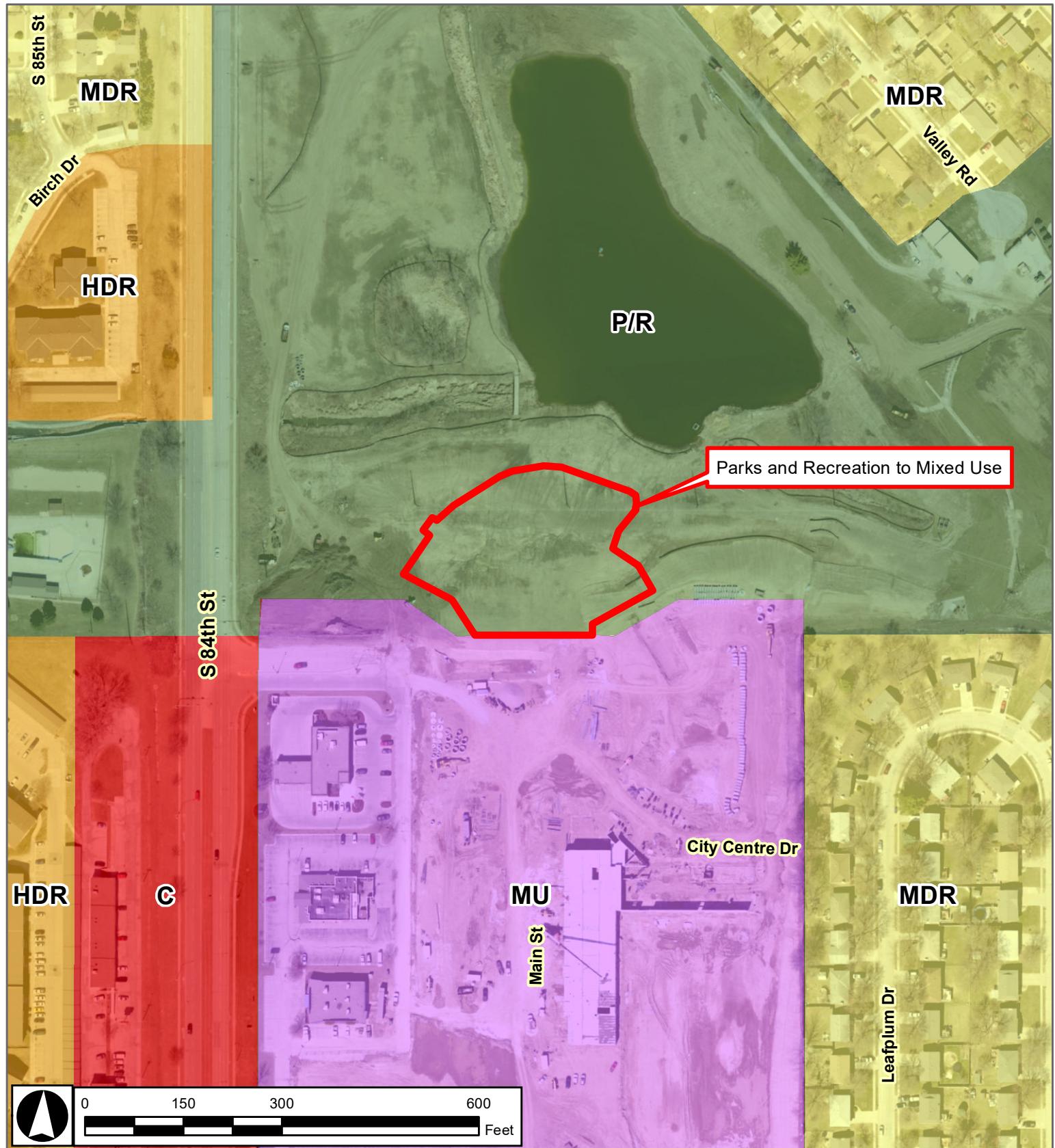
Planning Commission Secretary

Planning Commission Chair

Date

AGENDA ITEM 3A

**Comprehensive Plan Amendment -
Future Land Use Map**



La Vista City Centre Theater FLU Map Amendment

7/9/2019

CAS





CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: CPA 19-0001

FOR HEARING OF: August 15, 2019
Report Prepared on: August 5, 2019

I. GENERAL INFORMATION

A. APPLICANT:

La Vista City Centre LLC
P.O. Box 428
Boys Town, NE 68010

B. PROPERTY OWNERS:

PT of Tax Lot 12, 14-14-12:
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

C. LOCATION: North of the intersection of Main Street and City Centre Drive.

D. LEGAL DESCRIPTION: Portions of Tax Lot 12 14-14-12
(Proposed to be platted as portions of Lot 3 of La Vista City Center Theater).

E. REQUESTED ACTION(S): Comprehensive Plan Amendment
(Future Land Use Map) for portions of proposed Lot 3 La Vista City Centre Theater from Parks and Recreation to Mixed-Use.

F. EXISTING ZONING AND LAND USE:

R-1, Single-Family Residential, and FF/FW Flood Plain District
(Overlay District); open recreation space. (proposed to be rezoned to entirely MU-CC, Mixed Use City Centre District).

G. PURPOSE OF REQUEST:

1. Comprehensive Plan Amendment (Future Land Use Map) to modify the future land use of the lots listed in the request from Parks and Recreation to Mixed-Use for the purpose of redevelopment.

H. SIZE OF SITE: 3.22 Acres

II. **BACKGROUND INFORMATION**

- A. **EXISTING CONDITION OF SITE:** The land has a significantly increasing downward slope to the north.
- B. **GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:**
 - 1. **North:** La Vista Civic Centre Park, R-1 Single-Family Residential with a Gateway Corridor Overlay (Overlay District) and a FF/FW Flood Plain District (Overlay District); Open Recreation Space
 - 2. **East:** La Vista Civic Centre Park, R-1 Single-Family Residential with a Gateway Corridor Overlay (Overlay District) and a FF/FW Flood Plain District (Overlay District); Open Recreation Space.
 - 3. **South:** La Vista City Centre; MU-CC, Mixed Use City Centre District; Mixed Use development.
 - 4. **West:** La Vista Civic Centre Park, R-1 Single-Family Residential with a Gateway Corridor Overlay (Overlay District) and a FF/FW Flood Plain District (Overlay District); Open Recreation Space.
- C. **RELEVANT CASE HISTORY:**
 - 1. The final plat for La Vista City Centre was originally approved by City Council on July 19, 2016.
 - 2. On March 19, 2019 City Council adopted a full update to the La Vista Comprehensive Plan. This update designated the La Vista City Centre development as "Mixed-Use" and the area north of it as "Parks and Recreation" within the Future Land Use Map.
- D. **APPLICABLE REGULATIONS:**
 - 1. Chapter 3 of the La Vista Comprehensive Plan – Future Land Use Map
 - 2. Section 5.06 of the Zoning Regulations – R-1 Single-Family Residential
 - 3. Section 5.18 of the Zoning Regulations – FF/FW Flood Plain District (Overlay District)
 - 4. Section 5.19 of the Zoning Regulations – MU-CC Mixed Use City Centre District

III. **ANALYSIS**

- A. **COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates areas north of the existing La Vista City Centre plat area as Parks and Recreation and will need to be redesignated for Mixed Use prior to redevelopment.
- B. **OTHER PLANS:** This area was identified in *A Vision Plan for 84th Street* as a possible location for an amphitheater that adjoins into Civic Center park, "a regional destination for the entire community."

This area has also been designated as blighted and substandard and in need of redevelopment. An amendment to the *84th Street Redevelopment Plan* to add the northern portion of the La Vista City Centre Theater plat to the specific redevelopment area is anticipated.

C. TRAFFIC AND ACCESS:

1. The proposed La Vista City Center Theater Preliminary Plat includes the dedication of additional right-of-way along City Centre Drive. This allows for right-of-way access to the two lots included in this request.
2. The access point at 84th Street and Summer Drive has been converted to a temporary construction entrance. Existing access to City Centre Drive is from Main Street, with connections to 84th Street and Giles Road through the internal road system. The development plan also proposes the connection of City Center Drive to 84th Street in the near future.

Sidewalk and trail connections will be made at the time of development for each of the parcels involved in the plat.

3. A technical memorandum regarding traffic has been provided to update the previous traffic impact study performed by Olsson in August 2016 for the La Vista City Centre project. This memorandum was compiled to assess the traffic impacts associated with the proposed land use change on the north end of the La Vista City Centre project.

Staff review of the technical memorandum concluded that the infrastructure that exists and that has been designed and nearing completion in La Vista City Centre is sufficient for the smaller entertainment events. That is based on the prediction in the memo that up to 400 persons in 200 vehicles would be arriving during the PM peak hour, which will overlap with the typical PM peak demand of the corridor.

For the large outdoor events (estimated at 15 per year) and the larger indoor events (estimated at 130 per year), an event traffic management plan needs to be prepared and needs to be part of the Conditional Use Permit for the proposed event center. If the anticipated traffic for events overlapping with peak hour traffic on 84th Street is greater than the predicted in the technical memorandum, then the conditional use permit will need a provision allowing for starting times to be delayed as to offset traffic demand from the peak hour in the corridor.

D. UTILITIES:

1. The properties have access to water, sanitary sewer, gas, power and communication utilities.

IV. REVIEW COMMENTS:

1. Applicant intends to develop the proposed Lot 3 with an Event Center use. Development of such use will require the rezoning of portions of the property north of the existing La Vista City Centre plat boundary within this Preliminary Plat to the MU-CC, Mixed Use-City Center zoning district. Areas already zoned FF/FW Flood Plain District (Overlay District) would remain zoned with that overlay. A conditional use permit will then need to be approved by City Council to allow for the use.

To complete the rezoning, this Comprehensive Plan amendment will be necessary to re-designate the areas of this Preliminary Plat that are north of the original La Vista City Center plat area from Parks and Recreation to Mixed Use prior to City Council review of the rezoning request.

V. STAFF RECOMMENDATION – Comprehensive Plan Amendment:

Staff recommends approval of Comprehensive Plan Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of an amendment to the Redevelopment Plan and approval and recording of final replat, redevelopment agreement amendment, subdivision agreement amendment, and applicable property conveyances.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Revised Future Land Use Map

VII. COPIES OF REPORT SENT TO:

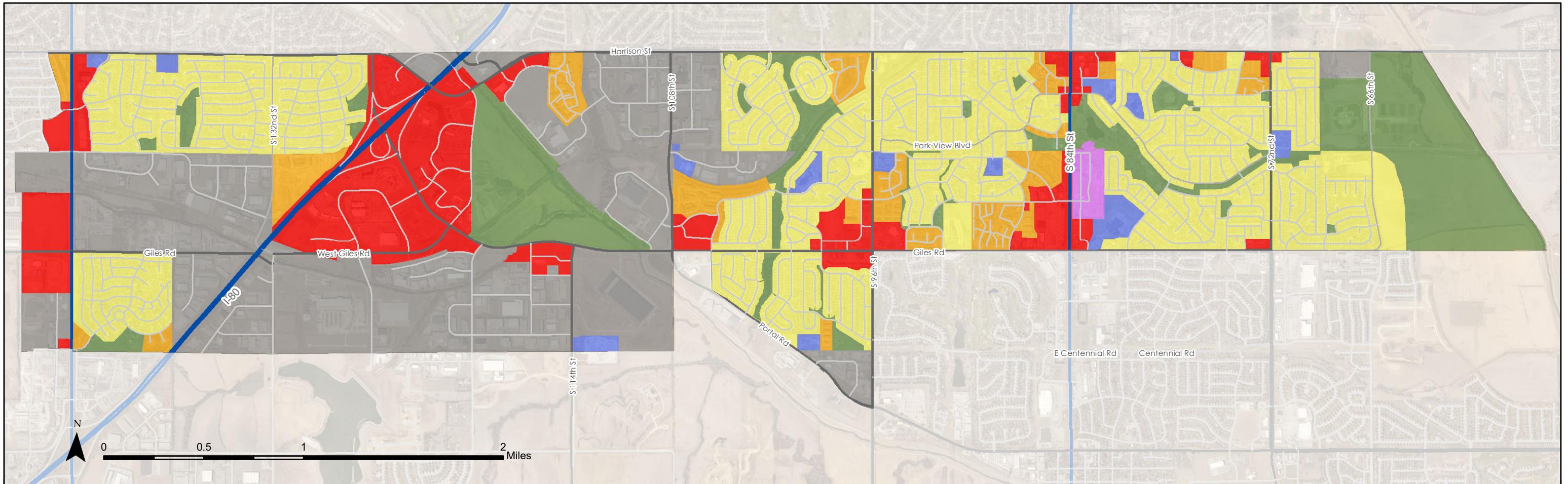
1. Eric Williams, Olsson Associates Inc.
2. Chris Erickson, La Vista City Centre, LLC
3. Public Upon Request

Prepared by:

Community Development Director

Date

Future Land Use Map



LEGEND

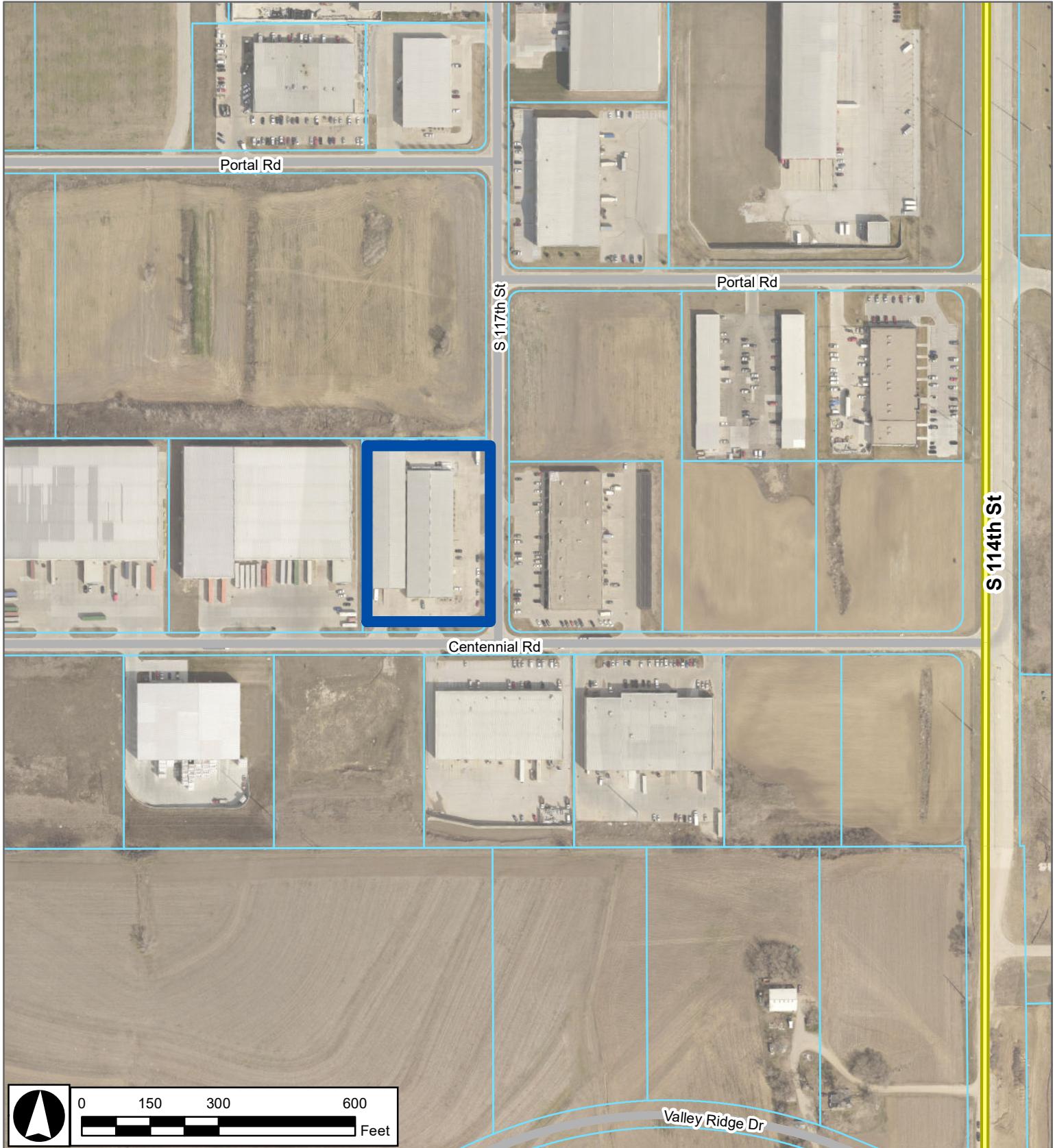
| | |
|----------------------------|----------------------|
| Medium Density Residential | Industrial |
| High Density Residential | Public |
| Mixed-Use | Parks and Recreation |
| Commercial | |

Amended: 9/17/2019

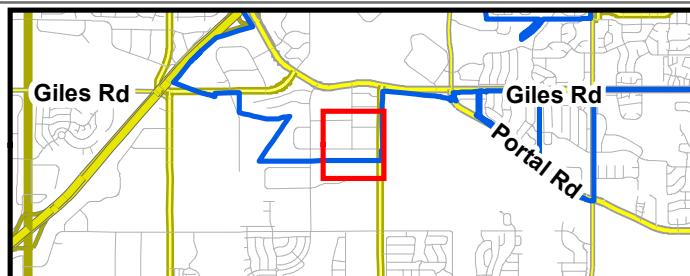
THIS MAP WAS PREPARED USING INFORMATION FROM RECORD DRAWINGS SUPPLIED BY APPLICABLE CITY, COUNTY, STATE, FEDERAL, OR PUBLIC OR PRIVATE ENTITIES. THE ACCURACY OF THIS MAP CAN NOT BE GUARANTEED. THIS IS NOT A SCALED PLAT.

AGENDA ITEM 4A

Conditional Use Permit—Quakes Softball, Inc.



Project Vicinity Map



**Quakes Softball, Inc. CUP
Lot 15 Brook Valley II Business Park**

08/01/2019

CB





CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: PCUP 19-0002

FOR HEARING OF: August 15, 2019
Report Prepared on: August 1, 2019

I. GENERAL INFORMATION

A. APPLICANT:

Quakes Softball, Inc.
911 South 20th Street
Omaha, NE 69108

B. PROPERTY OWNERS:

LAF, L.P.
1117 NW 50th Street
Oklahoma City, OK 73118

C. LOCATION: Northwest corner of the intersection of Centennial Road & S 117th Street. The building address is: 8820 S 117th Street.

D. LEGAL DESCRIPTION: Lot 15 Brook Valley II Business Park.

E. REQUESTED ACTION(S): Conditional Use Permit to allow for an indoor recreational facility in the West building on Lot 15 Brook Valley II Business Park.

F. EXISTING ZONING AND LAND USE:

I-2 Heavy Industrial; The building is currently vacant.

G. PURPOSE OF REQUEST:

1. To allow for an indoor softball practice facility (indoor recreation facility) for the Quakes Softball Team.

H. SIZE OF SITE: 2.67 Acres

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The lot has a gradual downward slope to the south. The 21,000 square foot building in question that would be occupied by Quakes Softball, Inc., is currently vacant. However, it sits directly west of a 27,600 square foot building on the same lot that is occupied by Goodin Company, a plumbing and HVAC supplier.

B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:

1. **North:** Brook Valley II Business Park Lot 14B, Republic National Distributing Company; I-2 Heavy Industrial.

2. **East:** Brook Valley II Business Park Lot 16A, multi-tenant industrial building; I-2 Heavy Industrial.
3. **South:** Brook Valley II Business Park Lot 20, vacant lot, and Lot 19, multi-tenant industrial building; I-2 Heavy Industrial.
4. **West:** Brook Valley II Business Park Lot 22, Ford Storage Warehouse; I-2 Heavy Industrial.

C. RELEVANT CASE HISTORY:

N/A.

D. APPLICABLE REGULATIONS:

1. Zoning Ordinance Section 5.14 – I-2 Heavy Industrial.
2. Zoning Ordinance Article 6 – Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN: 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 egress/ingress points along S 117th Street and Centennial Road. There are two access points to the lot from each street.
2. Based on the traffic-impacting details provided in the Operating Statement, the City Engineer finds that a traffic impact study will not be required.

D. UTILITIES:

1. All utilities are available to the site.

E. PARKING REQUIREMENTS:

1. The applicant has indicated that the maximum number of building occupants during peak time shall be between 85-95 persons. Quakes will have 24 dedicated parking stalls with the ability to use additional stalls currently dedicated to Goodin Company, the neighboring tenant. Written permission has been obtained from Goodin for Quakes to use some of their parking stalls, as Quakes will generally be utilizing the facility outside of Goodin's regular operating hours, which are between 6:30am and 5:00pm on weekdays. As proposed in the site plan, the lot will have a total of 53 striped stalls with an additional area for overflow parking that is not striped. As proposed, there is enough parking to accommodate the users as outlined in the Operating Statement. However, if or when it occurs, if the provided off-street parking is no longer sufficient, Quakes may be required to provide additional parking spaces.

2. No on-street parking will be allowed on S 117th Street or Centennial Road.

IV. REVIEW COMMENTS:

1. Approval must be obtained from the Papillion Fire Marshal and Chief Building Official prior to building occupation.
2. Routine CUP inspections will occur to verify that the provided amount of off-street parking is sufficient and to ensure there is no on-street parking in relation to this use.
3. Since Quakes will be primarily using this facility during typical non-work hours (evenings and weekends), the impact of this use on surrounding businesses is expected to be minimal.

V. STAFF RECOMMENDATION – Comprehensive Plan Amendment:

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. Draft CUP
3. Statement of Operation
4. Site Plan

VII. COPIES OF REPORT SENT TO:

1. Ruby Khaleel, Hennessy & Roach P.C., on behalf of Quakes Softball, Inc.
2. Public Upon Request.

Cale Braden 8-7-19

Prepared by: Assistant Planner

Allyson G. Dwyer 8/7/19

Senior Planner

Date

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Indoor Recreational Facility

This Conditional Use Permit issued this ____ day of _____, 2019, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Quakes Softball, Inc., (“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 15, Brook Valley Business Park II, located in the NW ¼ Section 20, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8820 S. 117th Street (West 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 “B” 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. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
 - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
 - 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, subject to approval of the Planning Department or City Engineer, and attached to the permit as “Exhibit B”.
 - c. Hours of operation for said indoor recreational facility will be Monday through Friday from 5:00 p.m. – 10:00 p.m.; Saturday from 8:00 a.m. to 1:00 p.m., and Sunday from 8:00 a.m. – 10:00 p.m.
 - d. The organization has no employees, but there may be approximately 8-10 coaches on site for the Permitted Use at peak time supervising. The maximum number of occupants allowed in the space will be 100.
 - e. 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 or surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The provided off-street parking shall be consistent with the site plan attached as "Exhibit B," which parking Owner has represented to City is in accordance with City requirements and sufficient for the Permitted Use. Additional off-street parking on the property will be required if deemed necessary by the Planning Department, and the Owner at its cost shall be solely responsible for obtaining use of or constructing any such additional off-street parking. The requirements, location and other specifications of any additional off-street parking shall be subject to Planning Department or City Engineer approval. On street parking on South 117th Street, Centennial Road, or otherwise in connection with the Permitted Use shall be prohibited.

- f. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except appropriately screened trash receptacles and those approved in writing by the City.
- g. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training or camp activities or that would result in the maximum number of occupants in subsection 2d above being exceeded.
- 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 laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- j. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City ("Indemnified Parties") against, and holds the Indemnified Parties harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, or Owner's 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 Owner'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; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
 - 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 Owner 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.
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: Quakes Softball, Inc
c/o Ruby Khaleel
Hennessy & Roach P.C.
14301 FNB Parkway, STE 313
Omaha, NE 68154
(402) 933-8851

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

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 _____, 2019, 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 _____, 2019, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [_____], personally known by me to be the Manager of Quakes Softball, Inc., and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

Nebraska Quakes Softball Operating Statement

The Nebraska Quakes is a non-profit organization dedicated to developing highly competitive girls fastpitch teams. As players grow to become excellent athletes, the teams also strive to teach important life lessons through softball that will help them become solid citizens and future leaders.

The Quakes will be successful in fulfilling its mission by:

- Recognizing that this experience for our 300+ girls women's softball players assists in offering the tools of the sport and the competitive opportunities to nurture and create a greater sense of confidence in themselves and a pathway for success in their lives.
- Providing players with a well-rounded experience where they can develop their athletic skills but also learn real-life skills of discipline, dedication, sportsmanship, leadership, confidence and teamwork while also having fun and making lifelong friendships
- Emphasizing the importance of respect for teammates, opponents, coaches and officials and appreciation for parents and supporters as well as being great role models for younger players
- Teaching the fundamentals of fastpitch softball and developing outstanding softball skills in a positive, safe and rewarding environment
- Being a financially sound organization and providing quality practice facilities that demonstrate our pride and commitment to players
- Preparing our players to excel at the high school level and assisting players and families in the collegiate recruitment process
- Supporting our Prime teams that represent the Nebraska Quakes throughout the Midwest and at a national level
- Off the field, we strive to be outstanding community citizens as we represent the Nebraska Quakes organization

The Quakes Organization

Nebraska Quakes Softball organization now in its 25th year is planning to construct an indoor recreational facility consisting of approximately 21,000 square feet. Various softball related activities for youth will be conducted at the new facility, including the following: individual lessons, individual tunnel reservation and team practices. The Nebraska Quakes currently are housed at 9816 F Street in Omaha and operate in 11,000 square feet. The expansion is to accommodate more individual training via instructor lead lessons or organizational members walk-ins who voluntary train in the 15 tunnels available to them.

The facility's main hours of operation will be from 5:00pm to 10:00pm Monday through Friday and 8:00am to 1:00pm on Saturday and 8:00 a.m. to 10:00 p.m. on Sunday.

Activities

The maximum number of organization players and coaches in the facility at any one period of time as follows:

- **Private Lessons:** 1-2 students per coach (approx. 2 or 3 instructors at one specific time); occurring throughout the year.
- **Individual Walk-in Use:** 5 players are able to schedule usage of the available tunnels for individual use during the months of January-March. Beginning in April after the team practices move outdoors to Quakes' other facility, up to 15 players are able to utilize the tunnels available at any one time period via our online scheduling program.
- **Club Team Practices:** 3 teams of 11-12 players will practice in the evenings, generally between January and March (cold weather months) and then the teams move outdoors to various fields across the city. Team practices officially begin on January 1 of each year. The season ends in mid-July. From Mid-July to December the facility is low volume other than lessons and walk-in tunnel usage.

Age Groups

7 through 10 years old – 6 teams
11 through 12 years old – 6 teams
13 through 14 years old – 5 teams
15 through 16 years old – 6 teams
17 through 18 years old – 6 teams

Please note that each team has a roster of 12 individuals plus up to 3 coaches.

Maximum occupancy of 95 is calculated as follows:

- Waiting area = 30 players
- 3 teams practicing – 15 per team = 45
- Walk-in and private instruction = 5
- Parent drop-off and temporary wait = 10-15

Exhibit B

**RDg...
Rdg**
PLANNING • DESIGN

ARCHIEC
RDG Planning & Design
301 Grand Avenue
Des Moines, Iowa 50303
515-288-3441
515-288-8831

MECH/ ELEC/ PLUMB
RDG Planning & Design
301 Grand Avenue

SITE PLAN

L00.00

