



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

**PLANNING COMMISSION AGENDA  
SEPTEMBER 3, 2020 – 6:30 P.M.**

- 1. *Call to Order***
- 2. *Approval of Meeting Minutes – August 6, 2020***
- 3. *Old Business***
- 4. *New Business***
  - A. *Planned Unit Development Amendment – Lots 1 through 4 Echo Hills Replat Four – West Management, LLC***
    - i. Staff Report – Cale Brodersen
    - ii. Public Hearing
    - iii. Recommendation
  - B. *Conditional Use Permit Amendment – 8802 S 121<sup>st</sup> Street – The Waldinger Corporation***
    - i. Staff Report – Cale Brodersen
    - ii. Public Hearing
    - iii. Recommendation
  - C. *Conditional Use Permit – 7303 S 85<sup>th</sup> Street – Giandinoto, LLC***
    - i. Staff Report – Cale Brodersen
    - ii. Public Hearing
    - iii. 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**  
**AUGUST 6TH, 2020 6:30 P.M.**

The City of La Vista Planning Commission held a meeting on Thursday, August 6, 2020 in the La Vista Community Center Gymnasium. Chairman Kevin Wetuski called the meeting to order at 6:30 p.m. with the following members present: Kevin Wetuski, Mike Krzywicki, Gayle Malmquist, Kathleen Alexander, John Gahan, Mike Circo, Jason Dale, and Patrick Coghlan. Members absent were: Josh Frey and Harold Sargus. Also, in attendance were Bruce Fountain; Community Development Director; Chris Solberg; Deputy Community Development Director, Cale Brodersen, Assistant Planner; Meghan Engberg, Permit Technician; Rita Ramirez, Assistant City Administrator; Jeff Calentine, Deputy Public Works Director, and Pat Dowse; 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 Wetuski 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

**2. Approval of Meeting Minutes – June 18, 2020**

*Krzywicki* moved, seconded by *Malmquist*, to approve the June 18th minutes. **Ayes: Krzywicki, Gahan, Wetuski, Coghlan, Dale, Alexander and Malmquist. Nays: None. Abstain: Circo. Absent: Frey and Sargus. Motion Carried, (7-1)**

**3. Old Business**

None.

**4. New Business**

**A. Ratify Actions Taken by the La Vista Planning Commission During Meetings Held Virtually from March 19, 2020 Through June 18, 2020**

- i. **Staff Report – Chris Solberg:** Solberg stated that based on the recommendation from the League of Nebraska Municipalities and the City Attorney, they felt that it was best to ratify the actions that took place and were approved during the last few meetings that were held over Zoom or phone conference call. He said that City Council has done the exact same process with their own actions. Solberg said that in order to make these truly legally binding, it was felt that ratifying these was necessary.



- ii. **Resolution-** Krzywicki moved, seconded by Malmquist, to ratify the actions taken by the La Vista Planning Commission during meetings held virtually on March 19<sup>th</sup>, May 21<sup>st</sup>, and June 18<sup>th</sup>, 2020. **Ayes: Krzywicki, Gahan, Wetuski, Coghlan, Dale, Alexander and Malmquist, and Circo. Nays: None. Abstain: None. Absent: Frey and Sargus. Motion Carried, (8-0)**

## **B. 2021-2025 Capital Improvements Plan**

- i. **Staff Report-Jeff Calentine:** Calentine delivered a PowerPoint presentation highlighting the FY21 and FY22 CIP, for which the Planning Commission will provide a recommendation to the City Council. He said that the CIP this year has been both a long and arduous process with the COVID situation. Calentine said that with the uncertainty with budget projections, there have been some things that have had to be moved around.

Calentine went over projects that were completed in FY20, including the adaptive signal project with the City of Omaha, the city street pavement assessment, the 84<sup>th</sup> Street Final Streetscape plan, the Eberle Walden Park improvements, the opening of Civic Center Park and Phase II completion, as well as Parking Structure #2 design.

Calentine discussed the projects that are planned for FY21 and FY22, and showed some charts displaying the breakdown of the FY21 and FY22 CIP projects by funding source and by project category.

Circo brought up the Applewood Trail project and mentioned that the CIP showed that the project was supposed to start in 2018 and asked if any work had been done on it.

Dowse said they have been working on it and are in the middle of their preliminary design and are in the public comment period right now. He said that the intent is to close that comment period on August 14<sup>th</sup> at which point the project will go into the final design phase. It is expected to go to bid in December of 2021 and be completed in 2022.

- ii. **Public Hearing: Wetuski opened Public Hearing.**

**Wetuski closed the Public Hearing as no members of the public were present.**

- iii. **Recommendation-** Circo moved, seconded by Gahan, to approve the 2021-2025 Capital Improvement Plan as presented. **Ayes: Krzywicki, Gahan, Wetuski, Coghlan,**

***Dale, Alexander and Malmquist, and Circo. Nays: None. Abstain: None. Absent: Frey and Sargus. Motion Carried, (8-0)***

**5. Comments from the Floor**

No members of the public were present.

**6. Comments from the Planning Commission**

Circo asked what the building is that is currently going up at City Centre.

Solberg said that the one being framed out right now is Starbucks. He said that they will be seeing the footings underway for the Chili's strip mall.

**7. Comments from the Staff**

Solberg gave his thanks for the commission adjusting to the different meeting format and is hoping that we will not have to stick with this format for very long, but will more than likely be like this for the next few meetings.

**8. Adjournment**

Wetuski adjourned the meeting at 6:52 p.m.

Reviewed by Planning Commission:

---

Planning Commission Secretary

---

Planning Commission Chair

---

Date



## **AGENDA ITEM 4A**

**Planned Unit Development Amendment—Lots 1  
through 4 Echo Hills Replat Four —West  
Management, LLC**





**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE NUMBERS: PPUD20-0003;

FOR HEARING ON: SEPTEMBER 3, 2020  
REPORT PREPARED ON: AUGUST 25, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Brett West  
West Management, LLC  
3042 Sheridan Blvd  
Lincoln, NE 68502

**B. PROPERTY OWNER:**

Vandelay Investments, LLC  
PO BOX 22151  
Lincoln, NE 68542

**C. LOCATION:** Northwest of the intersection of Chandler Road and 144<sup>th</sup> Street (Highway 50).

**D. LEGAL DESCRIPTION:** Lots 1 through 4 Echo Hills Replat Four.

**E. REQUESTED ACTION(S):** Approval of an amendment to the Planned Unit Development Site Plan for Lots 1 through 4 Echo Hills Replat Four.

**F. EXISTING ZONING AND LAND USE:** R-3 – High-Density Residential, Gateway Corridor District (Overlay District), and Planned Unit Development for Lots 1 and 2 Echo Hills Replat Four, and C-1 – Shopping Center Commercial District, Gateway Corridor District (Overlay District), and Planned Unit Development for Lots 3 and 4 Echo Hills Replat Four.

**G. PURPOSE OF REQUEST:** Allow for changes in the number of provided parking stalls and the stall configurations in the previously approved PUD Site Plan.

**H. SIZE OF SITE:** Approximately 12.4 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes downward to the south and to the east; the site is currently vacant.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<b><u>Direction From Subject Property</u></b>	<b><u>Future Land Use Designation</u></b>	<b><u>Current Zoning Designation</u></b>	<b><u>Surrounding Development</u></b>
Northeast	Commercial	C-1 Shopping Center Commercial, Gateway Corridor Overlay District	Tornado Car Wash
Northwest	Low-Medium Density Residential	RS-72 – Single Family Residential	Echo Hills Neighborhood
East	Commercial	C-1 Shopping Center Commercial, Gateway Corridor Overlay District	Dino's Storage
South	Industrial	I-1 Light Industrial, Gateway Corridor Overlay District	Vacant Lot
West	Low-Medium Density Residential	RS-72 – Single Family Residential	Echo Hills Neighborhood

**C. RELEVANT CASE HISTORY:**

1. On February 4, 2020 the City Council of the City of La Vista approved a Planned Unit Development Site Plan for Lot 3 Echo Hills (later replatted as Lots 1 through 4 Echo Hills Replat Four) for the development of an assisted living and memory care facility, apartments, and commercial development.
2. The City Council also approved the following relating to the Echo Hills development: Comprehensive Plan Future Land Use Map amendment, rezoning, preliminary and final plats, conditional use permits for the assisted living and memory care facility and the apartments, and the subdivision agreement.
3. Building permits have been issued for the Assisted Living and Memory Care facility on Lot 1 Echo Hills Replat Four, and for apartment buildings #1 and #2 on Lot 2 Echo Hills Replat Four. A building permit application has been received by the Community Development Department for apartment building #3 on Lot 2, but building permits cannot be issued as submitted without approval of this PUD Site Plan amendment, as it deviates from the existing PUD Site Plan regarding parking stall numbers and configuration.
4. On May 26, 2020 the applicant requested an amendment to the PUD Site Plan relating to the amount and configuration of the provided off-street parking. Further design of the buildings necessitated a reduction in the number of provided stalls from 352 stalls on Lot 2 to 337 stalls in addition to the removal of one stall on Lot 1. Since the proposed number of

parking stalls still greatly exceeded the number required by the La Vista Zoning Ordinance, this change was considered minor, qualified for administrative approval, and was approved by the City Administrator.

5. An additional amendment to the PUD Site Plan relating to the off-street parking was requested by the applicant on July 14, 2020. This request removed 28 stalls from the parking count on Lot 2 Echo Hills Replat Four. The space for these stalls still exists, but the stalls would not be striped or counted in the total parking count to reduce confusion and the likelihood that parked cars would block access to the attached parking garages in apartment buildings #1 and #2. Like the previous request, the updated proposed number of parking stalls still exceeded the number required by the La Vista Zoning Ordinance. As a minor change, this request qualified for administrative approval, and was approved by the City Administrator.
6. Staff determined that any additional changes to the parking must be reviewed by the Planning Commission and City Council. Based on this determination, the applicant has applied for an amendment to the PUD Site Plan due to additional proposed changes to the parking layout.

**D. APPLICABLE REGULATIONS:**

1. Section 5.08 of the Zoning Regulations – R-3 High Density Residential
2. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial
3. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development (Overlay District)
4. Section 7.09 of the Zoning Regulations – Off-Street Parking Design Criteria.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. This proposal is consistent with the Future Land Use Map of the Comprehensive Plan, which designates Lots 1 and 2 Echo Hills Replat Four for high-density residential development and Lots 3 and 4 Echo Hills Replat Four for commercial development.

**B. OTHER PLANS:**

1. N/A.

**C. TRAFFIC AND ACCESS:**

1. The changes included in this PUD Site Plan amendment have no known impacts to the traffic and access in or around the site.

**D. UTILITIES:**



1. The changes included in this PUD Site Plan amendment have no known impacts to the utilities servicing the site.

**E. PARKING REQUIREMENTS:**

1. The minimum off-street parking stall requirements for the proposed development per Section 7.06 of the La Vista Zoning Ordinance and the number of proposed parking stalls for each lot in the development are as follows:

<u>Lot #</u>	<u>Use</u>	<u>Required Stalls</u>	<u>Provided Stalls</u>
Lot 1	Assisted Living & Memory Care	80 + 24 Employees	82
Lot 2	Multi-Family	283	312
Lot 3	Commercial	104 + Employees	124
Lot 4	Commercial	21	23

2. With the approval of the original PUD Site Plan, the applicant was granted a reduction in the required parking stall count for the assisted living and memory care facility and Lot 1 based on historical data from the operating history of similar projects. The applicant anticipates that only 5 assisted living residents will operate vehicles, and that no memory care residents will be operating a vehicle, greatly reducing the need for parking.
3. The proposed number of provided off-street parking stalls for Lot 2, Lot 3, and Lot 4 meet the required minimums per the La Vista Zoning Ordinance.
4. The applicant has requested approval of alternative parking stall dimensions for the 91 stalls in the underground parking garage under apartment building #3 on Lot 2. Standard configurations for 90-degree parking stalls, per Section 7.09 of the La Vista Zoning Ordinance are 9' wide by 18' deep with an isle width of 24' for two-way traffic. The proposed dimensions for the underground garage stalls include a 22'-4" drive isle width (a 1'-6" reduction), and some stalls with a depth of 17' (a 1' reduction). Other stalls in the garage will have a depth of 19'-6" (an increase of 1'-6"). The Underground Parking Garage Exhibit, attached to this report, shows these stall dimensions and a sample turning diagram.

**F. LANDSCAPING:**

1. The changes included in this PUD Site Plan amendment have no known impacts to the landscaping for the site.

**IV. REVIEW COMMENTS:**

- A. Section 7.09.03 of the La Vista Zoning Ordinance allows for the use of alternative minimum parking dimensions and configurations for compact car spaces with approval from the Planning Commission and City Council upon recommendation of the City Engineer. While

the City allows for the use of compact parking stalls, the City does not currently have any published standards for compact stall dimensions. Staff researched surrounding communities and found that the City of Omaha has adopted standard compact parking stall layout dimensions in their Zoning Ordinance (Table 55-740(2)) that Planning Staff and the City Engineer deem appropriate.

- B. Omaha's standards include the following for 90 degree parking stalls: 16' parking space depth, 8' curb length (width), and 20' drive aisle width. The proposed compact parking stall dimensions for the spaces in the underground garage of apartment building #3 exceed all of the standard compact stall dimensions for the City of Omaha, as displayed in the table below:

<u>Dimension</u>	<u>City of Omaha Compact Stall Dimensions</u>	<u>Proposed Dimensions for Apartment Bld. #3</u>
Width	8'	9'
Depth	16'	17' minimum
Drive Aisle	20'	22'-4"

While some of the parking stalls in the underground garage will exceed the depth of a standard stall (19'-6" as compared to 18'), they still must be considered compact because vehicles accessing them must use a drive aisle width that is considered compact. The City of Omaha limits the percentage of compact parking stalls for any one facility to 40% of the total stalls, per Section 55-737 of their Zoning Ordinance. For Lot 2 Echo Hills Replat Four, which will contain the four apartment buildings, 29% of the total parking stalls would be considered compact if the alternative dimensions are approved and all 91 underground stalls are considered compact. The percentage of compact stalls for the entire development, which can utilize shared parking through the PUD, would be approximately 17%.

- C. As a private garage that will contain reserved stalls that will be leased by tenants, the property manager and developer will have more control in allowing only vehicles that will properly be able to access and fit the compact parking stalls in the underground garage.
- D. The City Engineer recommends approval of the proposed alternative compact stall dimensions, considering that all 91 stalls in the underground garage for apartment building #3 are classified as compact, as denoted on the PUD Site Plan attached to this report.

- V. **STAFF RECOMMENDATION – PUD SITE PLAN AMENDMENT:**  
Staff recommends approval of the Planned Unit Development Site Plan Amendment, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

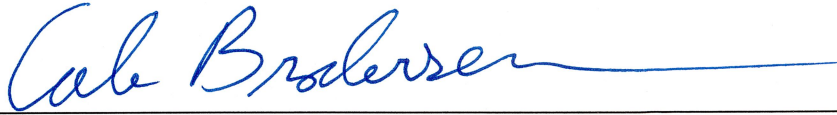


**VI. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. City of Omaha Off-Street Parking Standards
- C. PUD Site Plan
- D. Underground Parking Garage Exhibit

**VII. COPIES OF REPORT SENT TO:**

- A. Brett West, West Management, LLC
- B. Public Upon Request



Prepared by: Assistant Planner



Community Development Director

  
Date

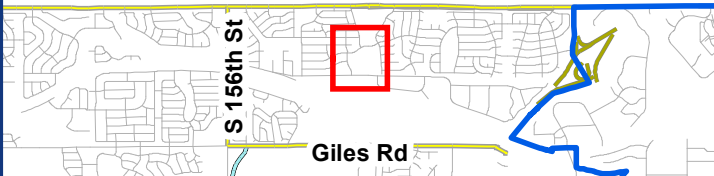




## Vicinity Map - Planned Unit Development Site Plan Amendment

**Lots 1-4 Echo Hills Replat Four**  
**West Management, LLC**

8/26/2020 CB





## **City of Omaha Off-Street Parking Standards**

Select Sections from Article XIV. ("Off-Street Parking and Loading Regulations") of Omaha's Zoning Ordinance, Chapter 55 of the Omaha, Nebraska Code of Ordinances

### **Sec. 55-737. - Compact car parking.**

- (a) Each parking facility may provide a maximum of 40 percent of its spaces for compact cars.
- (b) Dimensions for compact spaces are set forth in section 55-740, "Off-street parking design standards."
- (c) Compact spaces shall be located in groups of five or more contiguous spaces, be appropriately identified by markings, and be located in a manner affording the same convenience as standard stalls.

(Code 1980, § 55-737)

### **Sec. 55-740. - Off-street parking design standards.**

- (a) *Standards.* This section establishes minimum standards for the design, construction and maintenance of off-street parking areas.
- (b) *Dimensions.*
  - (1) Standard parking stalls must comply with minimum dimensions specified in Table 55-740(1) and Figure 55-740 (following this section). The standard size parking stall shall be at least nine feet wide and 18 feet long.

TABLE 55-740(1). STANDARD PARKING LAYOUT DIMENSIONS

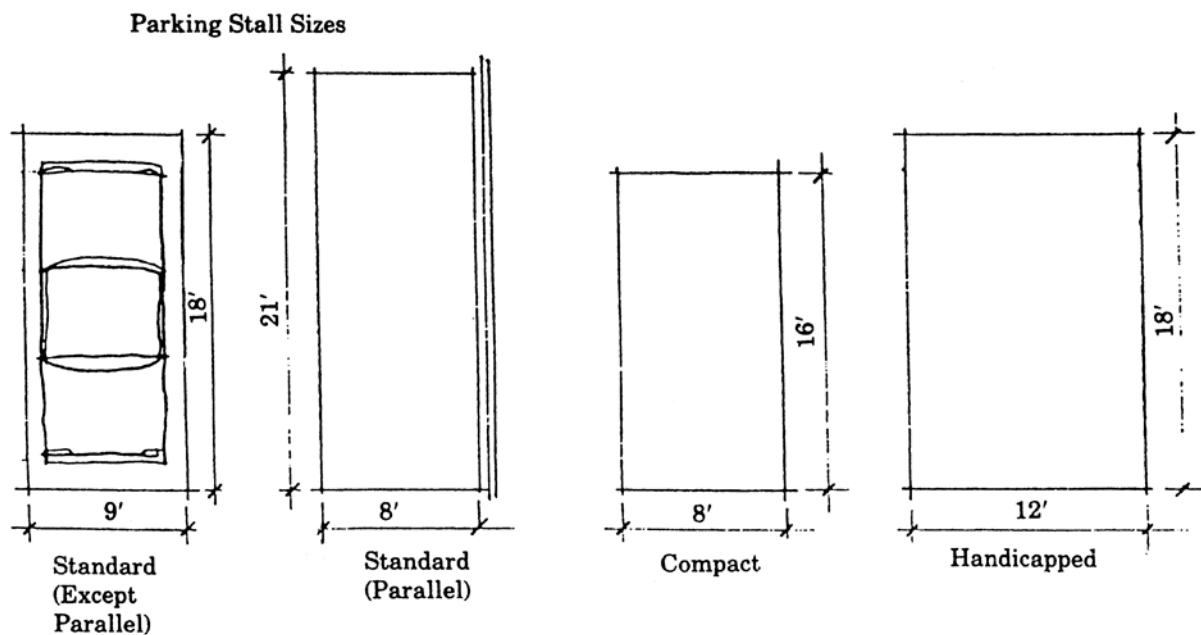
Parking Pattern or Angle	Curb Length per Car (B) (feet)	Parking Space Depth (A) (feet)	Drive Aisle Width (C) (feet)
0°	21	8	12
45°	12.7	19	13
60°	10.4	20	16
75°	9.3	19.7	22
90°	9.0	18	24

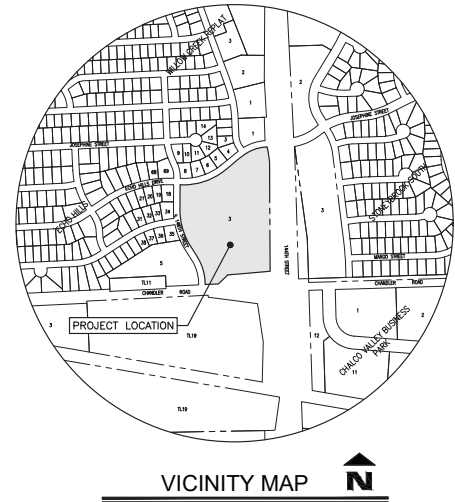
- (2) Compact parking stalls as required by section 55-737 shall be eight feet in width and 16 feet in depth. These stalls shall comply with minimum dimensions specified in Table 55-740(2) and Figure 55-740.

TABLE 55-740(2). COMPACT PARKING LAYOUT DIMENSIONS

Parking Pattern or Angle	Curb Length per Car (B) (feet)	Parking Space Depth (A) (feet)	Drive Aisle Width (C) (feet)
0°	19	8	11
45°	11.3	17	11
60°	9.2	17.9	14
75°	8.3	17.5	17.5
90°	8	16	20

*Figure 55-740. Off-street Parking Design Standards*





**SITE KEY NOTES**

- A. TRASH ENCLOSURE LOCATION
- B. MONUMENT SIGN LOCATION
- C. DRIVE THRU SIGN LOCATION
- D. PROPOSED ADA STALLS
- E. PROPOSED POOL LOCATION
- F. PROPOSED FENCE LOCATION
- G. PROPOSED SPEED HUMP
- H. PROPOSED SPEED TABLE & PEDESTRIAN CROSSING

**LEGAL DESCRIPTION**

ECHO HILLS REPLAT 4, LOTS 1-4, BEING A REPLATTING OF LOT 3, ECHO HILLS, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

**LEGEND**

- PROPOSED P.C.C. PAVEMENT
- PROPOSED P.C.C. SIDEWALK
- PROPOSED SANITARY SEWER MANHOLE
- PARCEL BOUNDARY
- PROPOSED LOT LINES
- BUILDING SETBACK
- LANDSCAPE SETBACK
- PROPOSED ACCESS EASEMENT
- PROPOSED SIDEWALK EASEMENT
- PERMANENT SANITARY SEWER EASEMENT AS SHOWN ON THE FINAL PLAT OF ECHO HILLS.
- UTILITY EASEMENT GRANTED TO OMAHA PUBLIC POWER DISTRICT AND NORTHWESTERN BELL TELEPHONE COMPANY IN THE FINAL PLAT DEDICATION OF ECHO HILLS.
- EASEMENT AND RIGHT-OF-WAY GRANTED TO METROPOLITAN UTILITIES DISTRICT OF OMAHA RECORDED AS INSTRUMENT NO. 98-022243 OF THE SARPY COUNTY RECORDS.

**BUILDING HEIGHT**

LOT NUMBER	BUILDING NUMBER/NAME	STORIES	HEIGHT
1	ASSISTED LIVING	2	35'
	MEMORY CARE	1	20'-24'
2	BUILDING 1	3	45' MAX
	BUILDING 2	3	45' MAX
	BUILDING 3	3	45' MAX
	BUILDING 4	3	45' MAX
3	RETAIL	1	20'-24'
4	RETAIL	1	20'-24'

**SITE STATISTICS**

LOT NUMBER	PROPOSED ZONING	LOT SIZE (SF/AC)	BUILDING COVERAGE (SF)	BUILDING COVERAGE (%)	GROSS FLOOR (SF)	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)	OPEN SPACE (SF)	TOTAL OPEN SPACE (%)
LOT 1	R-3 (PUD) GATEWAY CORRIDOR DISTRICT	165,737 SF / 3.805 AC	61,216	37	122,432 SF	38,500	99,716	60 %	65,548	40 %
LOT 2	R-3 (PUD) GATEWAY CORRIDOR DISTRICT	251,191 SF / 5.767 AC	81,500	32	237,900 SF	95,657	177,157	70 %	73,127	30 %
LOT 3	C-1 (PUD) GATEWAY CORRIDOR DISTRICT	77,327 SF / 1.775 AC	9,600	12	9,600 SF	46,100	55,700	72 %	20,528	27 %
LOT 4	C-1 (PUD) GATEWAY CORRIDOR DISTRICT	48,233 SF / 1.107 AC	5,240	11	5,240	18,170	24,410	51 %	23,725	49 %

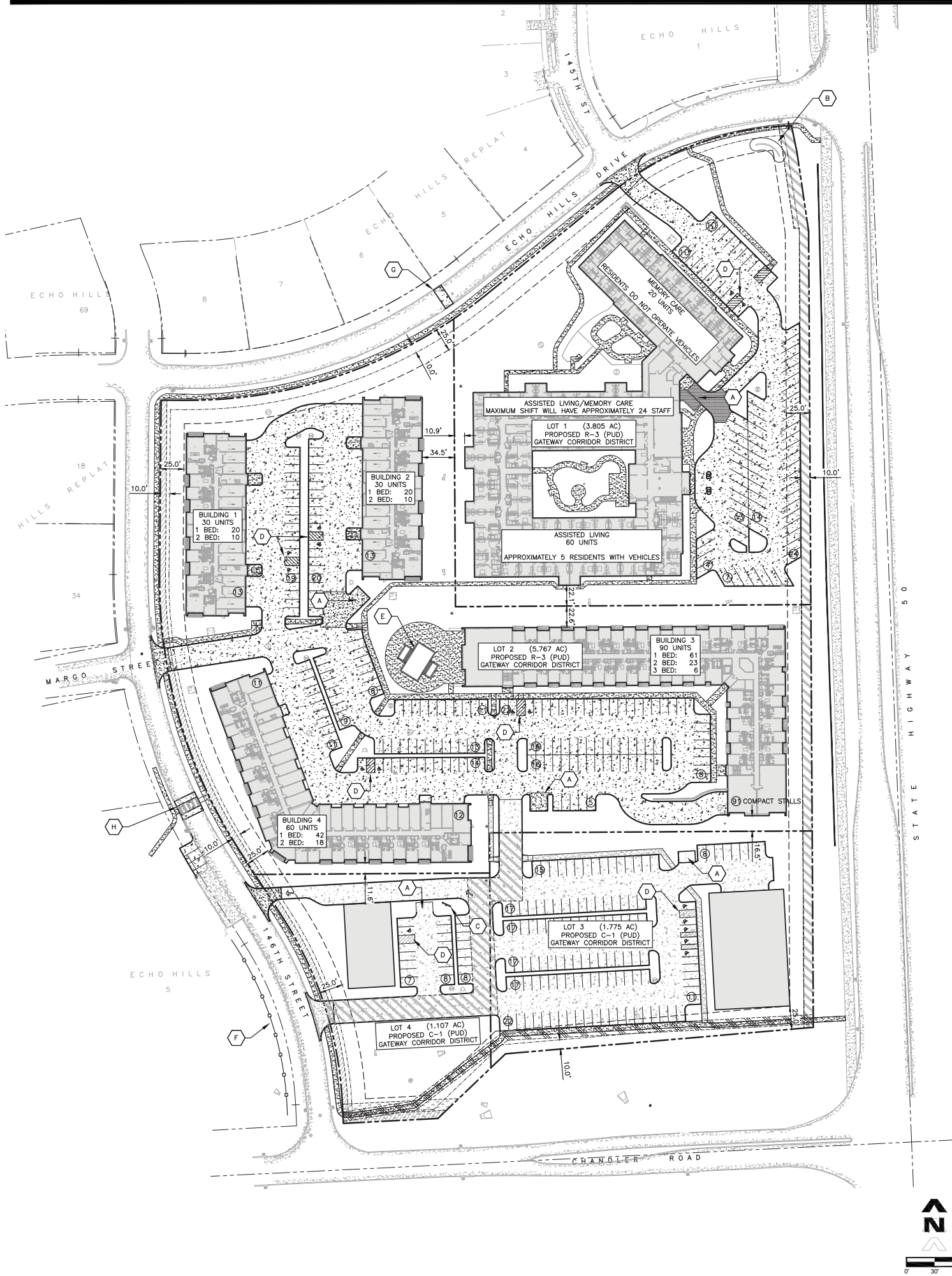
**PARKING SUMMARY**

LOT NUMBER	PARAMETERS	REQUIRED STALLS	PROVIDED STALLS
1	60 ASSISTED CARE UNITS & 20 MEMORY CARE UNITS	80 + 24 EMPLOYEES **	82
2	210 UNITS	105 COVERED	49 STANDARD COVERED
-	-	-	91 COMPACT UNDERGROUND
-	283 BEDROOMS	283	312
3	10,400 SF (INCLUDES OUTDOOR SEATING)	104 + EMPLOYEE	124
4	4,200 SF	21	23

\*\* APPROXIMATELY 5 ASSISTED LIVING RESIDENTS OPERATE VEHICLES & MEMORY CARE RESIDENTS DO NOT OPERATE VEHICLES

**PHASING INFORMATION**

PHASE NUMBER	LOT NUMBER	PROPOSED USE
PHASE 1	LOT 1	ASSISTED LIVING
PHASE 2	LOT 2	MULTI-FAMILY
PHASE 3	LOT 3	COMMERCIAL
PHASE 4	LOT 4	COMMERCIAL



Client Name  
**West Management  
L.L.C.**

Professional Seal

No.	Description	MM-DD-YY
1	Updates Per City Comments	01-20-20
2	Updates to Reflected Construction Design	05-22-20
3	Update Lot 2 Parking Count	07-14-20
4	Update Lot 2 Parking Count	08-05-20
5	Update Lot 2 Parking Count	08-14-20
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--
--	--	--

Drawn By: TDV    Reviewed By: JAD  
Job No.: 2142-102    Date: 11.04.19

Sheet Title  
**PUD  
Site Plan**

Sheet Number

PARKING GARAGE SUMMARY	
	PROVIDED STALLS
COMPACT STALL (9' x 17')	63
STANDARD STALL (9' x 18')	25
HANDICAP STALL (9' x 18')	2
TOTALS =	90 SPACES

PERCENT  
REVIEW

NOT TO BE USED FOR  
CONSTRUCTION

PROJECT CONSULTANTS

STRUCTURAL ENGINEER  
500 W. 12th Street, Suite 200  
Lincoln, NE 68508  
402.478.8341  
402.478.8342

MECHANICAL/ELECTRICAL  
ENGINEER  
500 W. 12th Street, Suite 200  
Lincoln, NE 68508  
402.478.8341  
402.478.8342

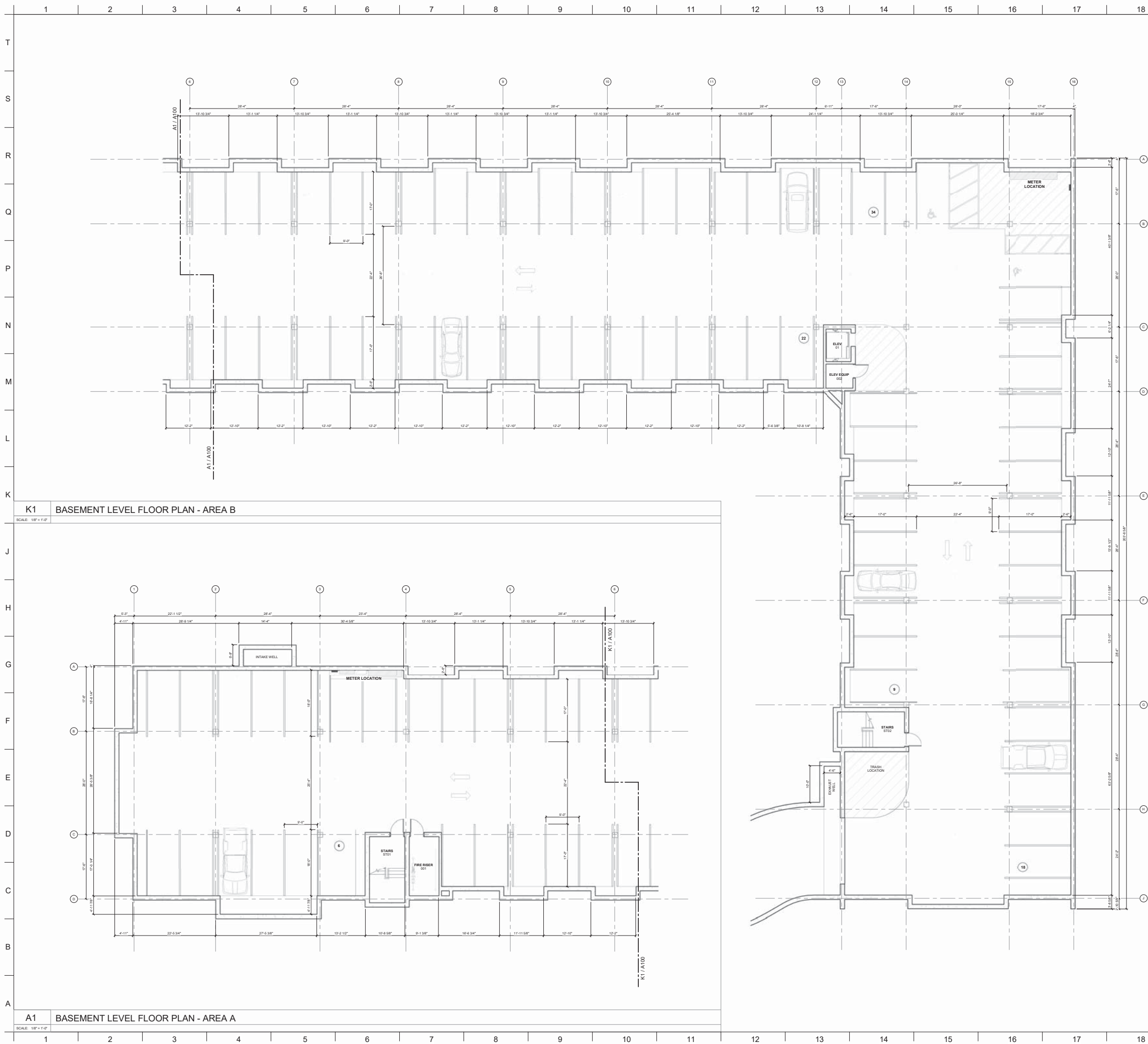
## Echo Hills Apartments

### Building 3 - 90 Units

SINCLAIR|hille  
architects  
700 Q St. Lincoln, NE 68508  
T: 402.478.7331 F: 402.478.8341

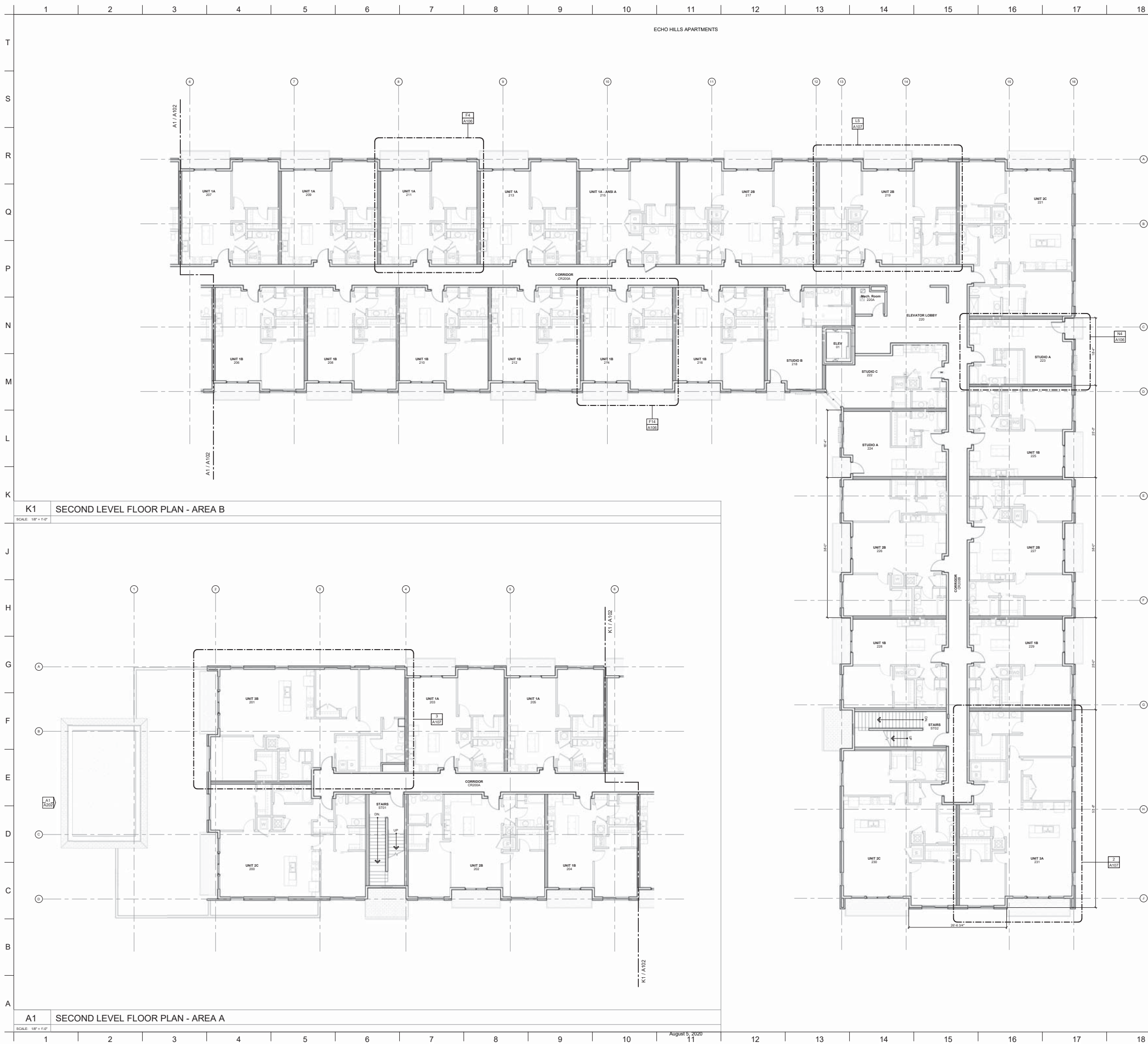
Basement Floor Plan - Area A & B

A100





[illegible]



Echo Hills Apartments  
Building 3 - 90 Units

SINCLAIR|hille  
architects  
700 Q St. Lincoln, NE 68508  
T: 402.478.7331 F: 402.478.8341

Second Floor Plan - Area A & B

SHA PROJECT NO. 20022

A102

PERCENT  
REVIEW

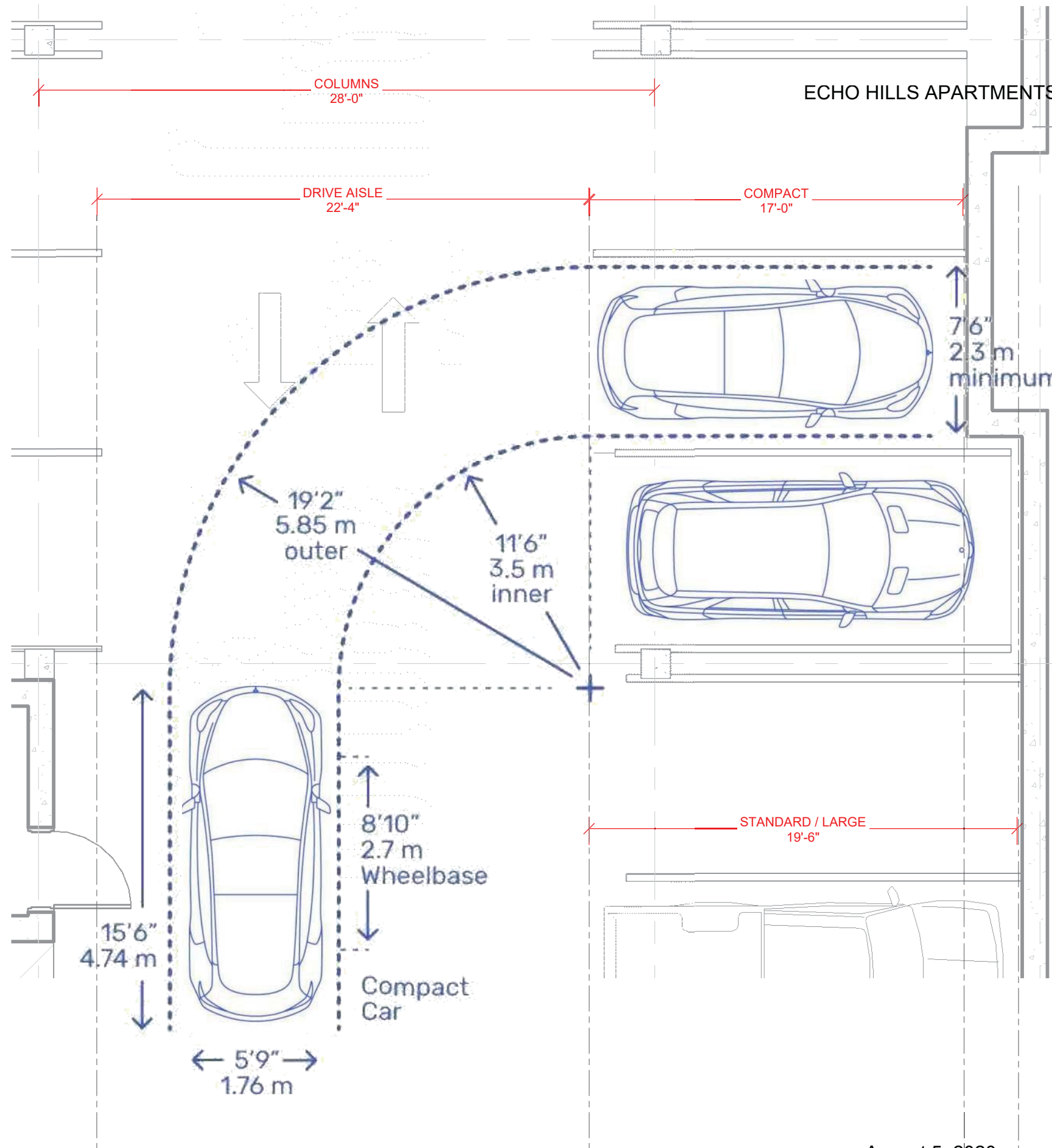
PROJECT CONSULTANTS

STRUCTURAL ENGINEER  
510 S. 7th Street, Suite 200  
Lincoln, NE 68508  
402.478.1275

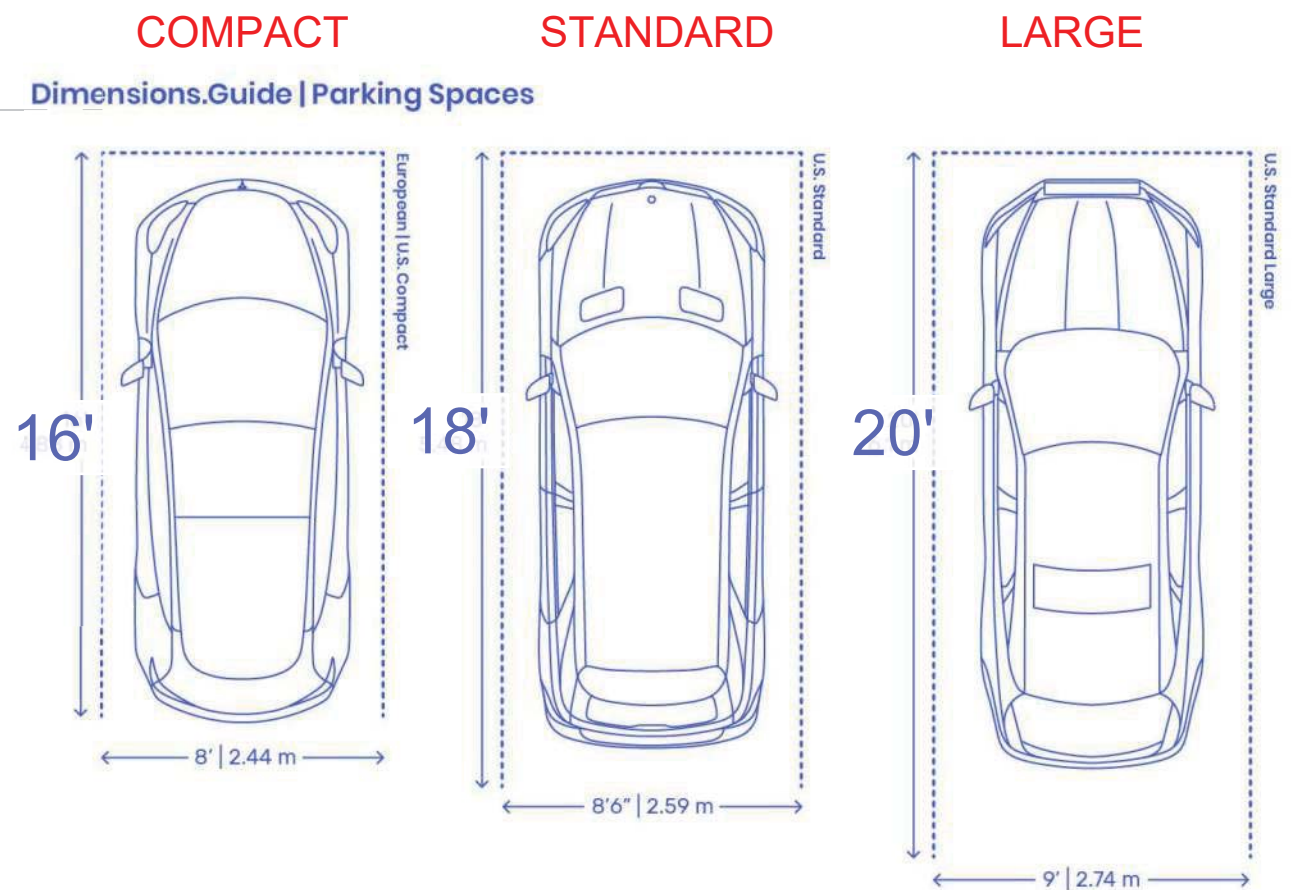
MECHANICAL/ELECTRICAL  
ENGINEER  
510 S. 7th Street, Suite 200  
Lincoln, NE 68508  
402.478.1275

DESIGN ARCHITECT  
XXX  
DATE OF ARCHITECT  
XXX  
DRAWN BY  
XXX  
CHECKED BY  
XXX  
DATE  
XXX





## PARKING EXHIBIT: TURNING DIAGRAM FOR COMPACT VEHICLES / SPACES



August 5, 2020



**AGENDA ITEM 4B**

**Conditional Use Permit Amendment—  
8802 S 121st Street—The Waldinger Corporation**





**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP20-0004;

FOR HEARING OF: SEPTEMBER 3, 2020  
REPORT PREPARED ON: AUGUST 7, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

The Waldinger Corporation  
Attn: Chad Westphalen  
8802 S 121<sup>st</sup> Street  
La Vista, NE 68128

**B. PROPERTY OWNER:**

BAP 2018 LLC  
2601 Bell Avenue  
Des Moines, IA 50321

**C. LOCATION:** 8802 S. 121<sup>st</sup> Street; Generally located west of S. 121<sup>st</sup> Street between Portal Road and Centennial Road.

**D. LEGAL DESCRIPTION:** Lot 2 Papio Valley 2 Business Park Replat 1.

**E. REQUESTED ACTION(S):** Approval of an amendment to an existing Conditional Use Permit for outdoor storage.

**F. EXISTING ZONING AND LAND USE:** I-2 Heavy Industrial Zoning District; Flood Plain District (Overlay District) on the western edge of the property.

**G. PURPOSE OF REQUEST:** Amend the Site Plan in the existing Conditional Use Permit to expand the area for which outdoor storage is permitted on the site.

**H. SIZE OF SITE:** Approximately 9.76 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes gradually downward to the west toward Westmont Creek; the site has been developed and houses The Waldinger Corporation.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial	I-2 Heavy Industrial District; Flood Plain District (Overlay District)	The Weitz Company
East	Industrial	I-2 Heavy Industrial District	MH Equipment & ADI Global Distribution
South	Industrial	I-2 Heavy Industrial District; Flood Plain District (Overlay District)	Nebraska Atlantic Transportation, Inc.
West	Industrial	I-1 Light Industrial District; Flood Plain District (Overlay District)	Westmont Creek; GILES Warehouse

**C. RELEVANT CASE HISTORY:**

1. The applicant applied for and was granted a Conditional Use Permit for outdoor storage by the City Council of the City of La Vista on June 16, 2009. However, the use did not commence within the required time period and the permit lapsed.
2. The applicant reapplied for the Conditional Use Permit in 2014 and it was granted by the City Council on January 20, 2015. The necessary site improvements were constructed, and the use was commenced.
3. A CUP Violation letter was sent to the applicant on February 8, 2019 notifying the applicant that materials were being stored outside of the permitted area per the existing CUP.
4. A meeting was held between the applicant and the Community Development Department in February of 2019 to discuss the concerns and a plan was created to bring the applicant back into compliance with the CUP. The plan included removal of stored materials, the construction of additional screened fencing, and an application for an amendment to the CUP to partially expand the area where storage is permitted.
5. The issue was partially corrected, and a follow-up letter was sent to the applicant on December 13, 2019 inquiring on the status of the plan to bring Waldinger back into compliance.
6. The applicant confirmed their intention to move forward with the plan to come into compliance and submitted an application for this Conditional Use Permit amendment on 2/25/2020. The applicant worked with City Staff to refine their submittal and received the final documents on 8/3/2020.



**D. APPLICABLE REGULATIONS:**

1. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial
2. Section 5.18 of the Zoning Regulations – FF/FW Flood Plain Districts (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. This proposal is consistent with the Future Land Use Map of the Comprehensive Plan, which designates Lot 2 Papio Valley 2 Business Park Replat 1 for industrial development.

**B. OTHER PLANS: N/A.**

**C. TRAFFIC AND ACCESS:**

1. The property has two driveway connections to S 121<sup>st</sup> Street, a public street that connects to 120<sup>th</sup> Street through Centennial Road and Portal Road.

**D. UTILITIES:**

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.

**E. PARKING REQUIREMENTS:**

1. The principle building meets the minimum parking requirements of the Zoning Ordinance. The expansion of the outdoor storage will not displace any of the existing striped parking stalls.

**F. LANDSCAPING:**

1. The landscaping that was installed with the construction of the building exceeded the landscaping requirements for industrial properties per Section 7.17 of the Zoning Ordinance. Landscaping was utilized to aid in the visual screening of the originally planned outdoor storage.
2. Additional evergreen trees will be installed to improve the visual screening for the expanded outdoor storage, and are called out in Exhibit “A” (Site Plan) of the attached draft Conditional Use Permit.

**IV. REVIEW COMMENTS:**

- A.** Screened fencing will be installed south of the building along the east edge of the property (as displayed in Exhibit “A” of the attached draft CUP) in order to reduce visibility of the outdoor storage from the street. Additional evergreen trees will be planted along the south edge of the property to serve the same purpose. The 6’ tall fencing and the additional trees will be installed/planted this fall.

- B. The gate that will provide access to the south parking lot and outdoor storage through the screened fencing will be kept open during the day for ease of access by employees and trucks, but will be closed and locked at night for security.
- C. The applicant confirmed that staff perform daily walk-throughs at the end of each workday to ensure a clean and secure site.

V. **STAFF RECOMMENDATION – PUD SITE PLAN:**

Staff recommends approval of the Conditional Use Permit Amendment for Lot 2 Papio Valley 2 Business Park Replat 1, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. **ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review Letters
- C. Draft Conditional Use Permit
- D. CUP Violation Letters

VII. **COPIES OF REPORT SENT TO:**

- A. Chad Westphalen, The Waldinger Corporation
- B. Public Upon Request

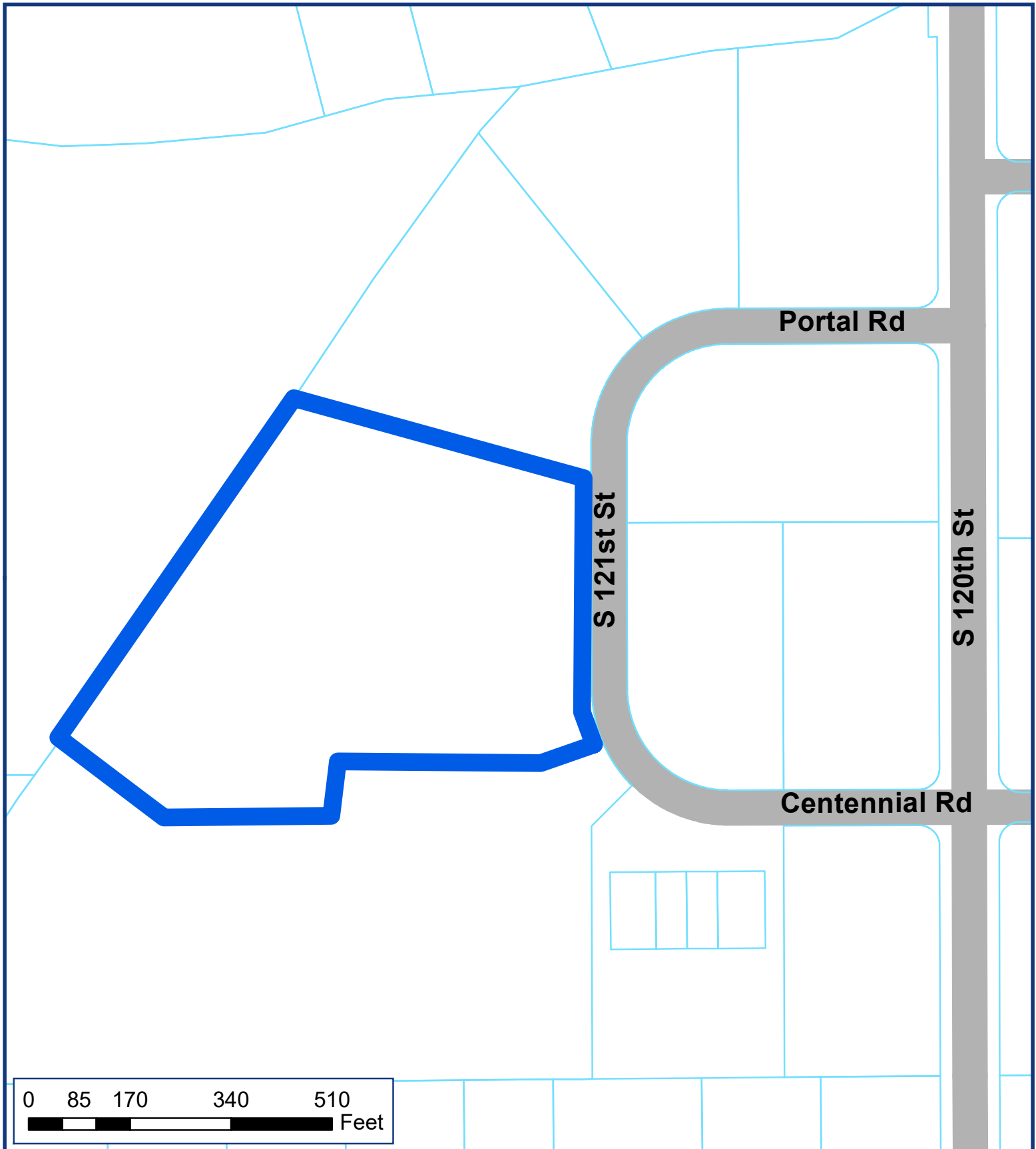


Prepared by: Assistant Planner

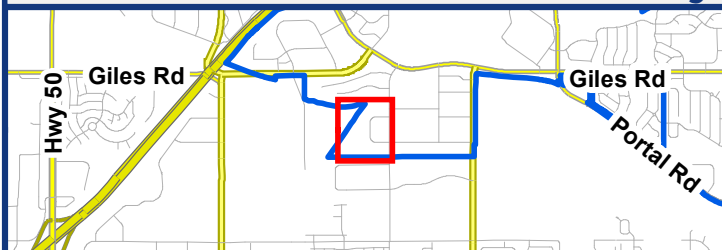


Community Development Director

8/26/2020  
Date



### Conditional Use Permit Vicinity Map



**Waldinger Outdoor Storage**  
**8802 S 121st Street**

8/10/2020 CB





March 24, 2020

The Waldinger Corporation  
Attn: Chad Westphalen  
8802 S. 121<sup>st</sup> Street  
La Vista, NE 68128

RE: Conditional Use Permit Amendment – Initial Review  
Waldinger

Mr. Westphalen,

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

1. Please submit an operations plan/statement that addresses the following concerns:
  - a. Will the parking lot within the gated area continue to be used by employees?
  - b. How will Waldinger meet the required parking spaces if these are to be used for storage?
  - c. Please state if the increase in stored materials will cause an impact to traffic and or delivery staging offsite within the local roadway network. Operations plans should address any traffic related issues as to not adversely impact traffic in the general vicinity of the site.
  - d. Will the gate close between deliveries to ensure that it is effective at screening or will it need to be open during all operating hours to allow for employee parking and truck traffic?
  - e. Please explain any housekeeping measures that will be taken to ensure that materials and debris are kept on-site, and that they will not impact neighboring properties or the general public.
2. The updated site plan does not sufficiently depict the entire property and the area proposed as the new outdoor storage area (see attached original site plan for contrast). Please submit an updated site plan that clearly outlines the following:

**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

[www.cityoflavista.org](http://www.cityoflavista.org)  
[info@cityoflavista.org](mailto:info@cityoflavista.org)



- a. Proposed outdoor storage area.
  - b. If you intend to include the entire south parking area within the proposed outdoor storage area, fencing needs to continue along the south side of the intended area to assist in the screening and limitation of materials blowing onto adjacent properties.
  - c. Location of additional parking spaces (if necessary due to any potentially displaced spaces).
3. Part of the outdoor storage is currently on unimproved areas on the west-side of the property without a paved or rock base or a fence to keep materials out of the adjoining creek area. These materials must be removed, and no other materials shall be permitted in this area.
4. The types of materials and/or quantities of materials may have an impact to the stormwater runoff anticipated onsite. You may need to install BMPs and/or other provisions to ensure there are no concerns with the qualitative properties of the stormwater runoff.
5. Any gate that will be locked that is necessary for fire department access must have a lock with a key readily available to the fire department in a Knox box or have a Knox box brand lock if the gate is solely for fire department access.
6. The proposed gate appears to interfere with existing plantings that are intended to screen the proposed outdoor storage area. Will these plantings be impacted?

Please submit any revised documents and responses for further review by the City. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

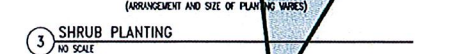
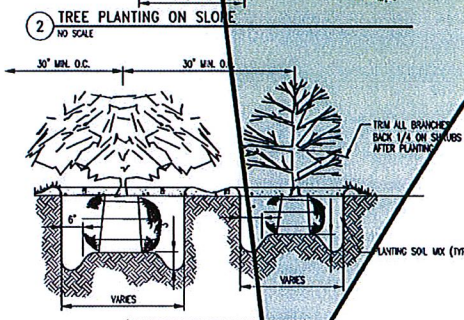
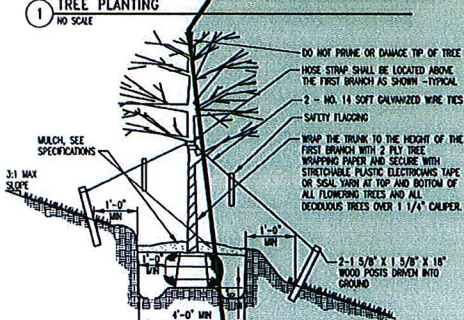
Attachment



1. PLANT NEW TREE, SEE DETAILS 1/C1-08 AND 2/C1-08.
2. ALL DISTURBED AREA NOT RECEIVING HARD SURFACING SHALL BE SEEDED AND MULCHED AS SPECIFIED.

- A. DO NOT BEGIN WORK UNTIL ALL REQUIRED PERMITS ARE IN HAND AND APPROVED DRAWINGS REFLECTING THE REQUIREMENTS OF THE PERMITS ARE PHYSICALLY ON THE JOB SITE. REQUIRED PERMITS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:
  1. VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
  2. VERIFY LOCATION OF ALL UTILITIES PRIOR TO STARTING CONSTRUCTION. CARE SHOULD BE TAKEN NOT TO DISTURB UTILITIES SERVING ADJACENT PROPERTIES.
  3. ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THE CONTRACT DOCUMENTS AND ALL APPLICABLE CODES, STANDARDS, ORDINANCES, ETC.
  4. ALL PLANTS TO BE GUARANTEED FOR ONE FULL YEAR AT FULL REPLACEMENT VALUE INCLUDING LABOR.
- F. ALL DEEPS FROM CONSTRUCTION SHALL BE LATERALLY DEEPSPOSED OFF SITE.
- G. ALL PLANTING AREAS MUST BE FREE OF ALL WEEDS AND DEBRIS BEFORE BEGINNING WORK.
- H. PROVIDE AND INSTALL A LOCALLY AVAILABLE HARDWOOD MULCH IN A 3" DIAMETER AROUND ALL TREES WITH A 3"-4" THICKNESS.
- I. ALL PLANT MATERIAL SHALL BE OF GOOD QUALITY AND SIZES SHALL MEET REQUIRED SIZES SPECIFIED. ALL PLANTS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- J. ALL GRADING AND SERVING SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR.

ABBREVIATION	COMMON NAME	SCIENTIFIC NAME	WILK SIZE
C	COLORADO SPRUCE	PICEA PUNGENS	2" - 8"
OM	OCTOBER GLORY MAPLE	ACRE RUBRUM "OCTOBER GLORY"	7" - 8"
SL	SKYLINE LOOIST	CLEDITUS TRACANTOS	2" CAL
R	RED OAK	QUERCUS RUBRA	2" CAL
J	JAPANESE TREE CRAB	SYNGRA RETOJANUA	2" CAL
W	SPRING SNOW CRAB	MALUS "SPRING SNOW"	2" CAL
PC	PROSTRATION CRAB	MALUS "PROSTRATION"	2" CAL
SW	SUMMER WINE HIBERNIC	PHAROSOPARUS OLEIFOLIOS "SUMMER WINE"	2"
CWS	COLD WINDY SPIREA	SPIRADA JAPONICA "COLD WINDY"	3"
DG	DIARY FOUNTAIN GROSS	PENINSULAN ALCOPECURUS "WIMELY"	2" CAL
DL	DWARF LILY	HEMORCALSUS "STELLA DE ORO"	1" CAL
KOR	RED KNOCKOUT ROSE	ROSA X "WABAZEE"	18" POT
GP	GREENWING ALICE CURRANT	RIBES ALPINA "GREEN WIND"	18" POT



This area is native trees and grass down at the creek and represents approximately 250' of natural buffer

**PROPOSED ROCK AREA**

## EXHIBIT A



DESIGNED: MJM      ISSUE DATE: 09/03/2014  
REVISIONS:

THIS DOCUMENT WAS  
ORIGINALLY ISSUED  
AND SEALED BY  
MATTHEW J. HUBEL, E-12955,  
ON 09/03/2014.  
THIS MEDIA SHOULD NOT  
BE CONSIDERED A  
FOOTNOTED DOCUMENT

# SCHENKER

RECEIVED  
ARCHITECTURAL ENGINEERS' HANDBOOK  
JAN 7 2015

121ST & CENTENNIAL RD  
OFFICE & SHOP  
8802 S. 121ST STREET  
LAVISTA, NEBRASKA

SITE LANDSCAPING PLAN

PROJECT NO.: 06521.001

C1-08





## THE WALDINGER CORPORATION

Over 100 Years of Excellence -  
People, Process, Productivity

May 8<sup>th</sup>, 2020

City of LaVista  
8116 Park View Blvd.  
LaVista, NE 68128-2198



**E-MAILED**

**5/8/20**

Attention: Cale Brodersen  
Reference: Conditional Use Permit Amendment – Initial Review  
Subject: Waldinger Response

Cale-

I appreciate the initial review on our plan for the amendment application. Below are itemized responses to your questions.

1. Plan responses below.
  - a) The current parking lot will be continually used for parking and the marked stalls will not be altered.
  - b) The required parking spaces will not be altered.
  - c) The stored materials will not increase and not cause an impact to the local roadway network.
  - d) The gate will need to be open to allow for continuous employee traffic and general truck traffic.
  - e) We currently have our staff do site walks at the end of their work day to aid in housekeeping measures. Our outdoor storage consists of prefabricated piping and sheet metal duct work that is awaiting transport to construction projects. Typically, these items are not blown around and do not create excess trash.
2. Exhibit A has been updated with the requested layout.
  - a) Storage will occur in the highlighted hatched areas.
  - b) We are not including the entire south parking lot as storage.
  - c) N/A – parking will not be altered.
3. The items in question have been removed.
4. We do not currently see an impact to the stormwater runoff.
5. Understood.
6. Our current proposed layout of the fence and gate have taken in account the current plantings and we do not foresee an impact.

Again, I appreciate your willingness to work with us on a solution that we both agree upon.

If there are any questions or additional information is required feel free to contact me.

Sincerely,

Chad Westphalen  
The Waldinger Corporation

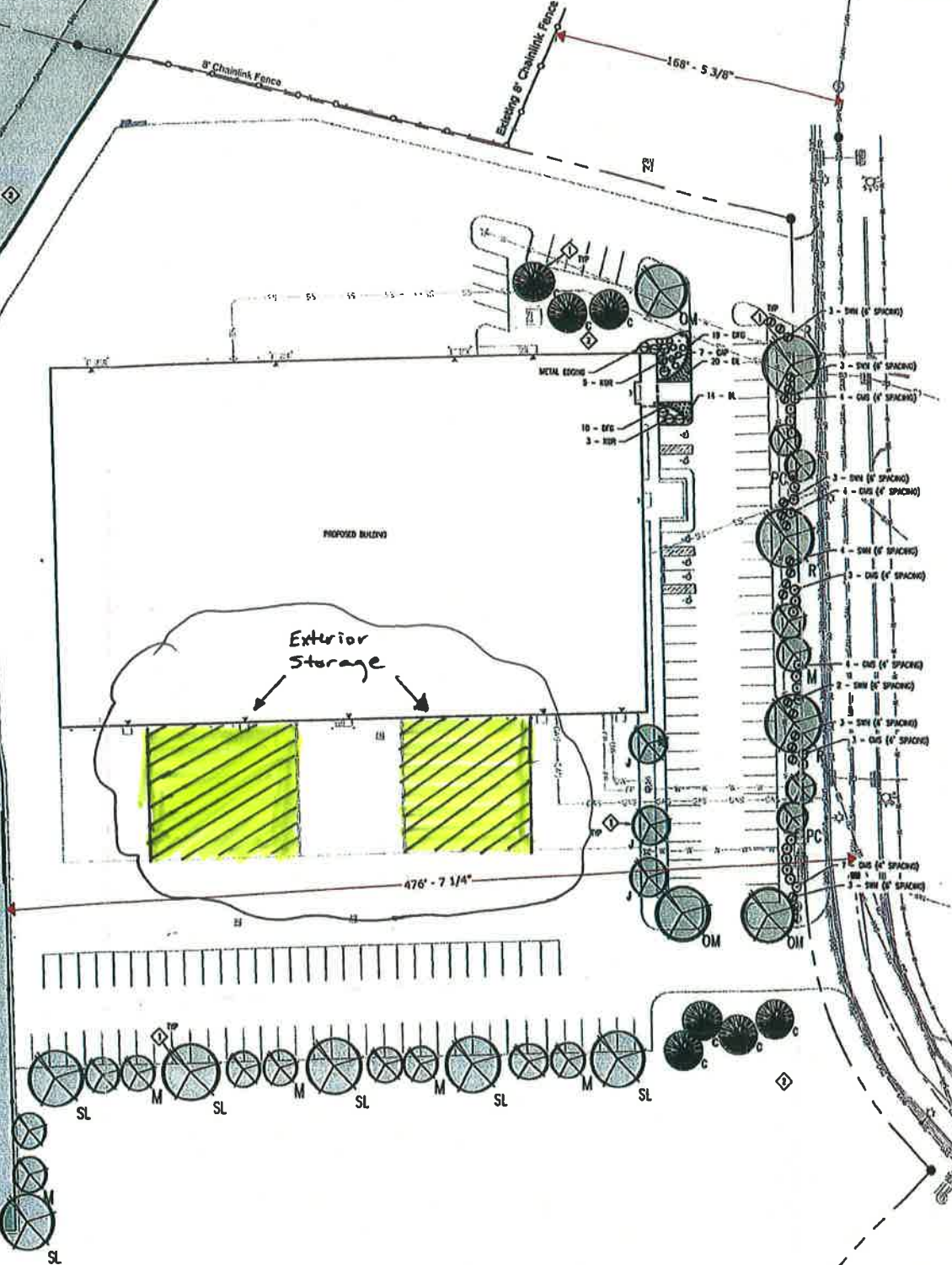
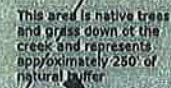


1. PLANT NEW TREE, SEE DETAILS 1/C1-03 AND 2/C1-03.
2. ALL DISTURBED AREA NOT RECEIVING HUNG SURFACING SHALL BE SEEDS AND MULCHED AS SPECIFIED.

- G. NO WORK** SHALL BE DONE ON ANY LOT REQUIRING PERMITS AND/OR APPROVED REPAIRS/REPLACEMENTS RELATING TO THE EXISTING DRIVEWAY, DRIVE, SIDEWALK OR THE JOINT SITE. REPAIRS/REPLACEMENTS SHALL NOT BE LIMITED TO THE FOLLOWING:

  - 1. VERIFY** ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
  - 2. VERIFY** ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION. CARE SHOULD BE TAKEN NOT TO DISTURB UTILITIES DURING CONSTRUCTION.
  - 3. ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THE CURRENT EDITIONS AND ANY AMENDMENTS OF THE CITY OF CHICAGO ORDINANCES, ETC.**
  - 4. ALL PLANTS TO BE PLANTED FOR ONE FULL YEAR AT FULL REPLACEMENT VALUE INCLUDING LABOR.**
- F. ALL PLANTING FROM CONSTRUCTION SHALL BE LATERALLY DISPOSED OF OFF SITE.**
- G. ALL PLANTING AREAS SHALL BE FREE OF ALL WEEDS AND DEBRIS BEFORE REPAIRING WORK.**
- H. PROVIDE AND INSTALL A LOCUSTLY ANTIWIND HURRICANE MOUND IN A T-D JUNCTION AREAS ALL SPECIES ARE 2'-4" TALL.**
- I. ALL PLANT MATERIAL SHALL BE OF GOOD QUALITY AND IDEAS SHALL MEET REQUIRED SPECIFICATIONS. ALL PLANTS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.**
- J. ALL GRADING AND DRAINAGE SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR.**

ABBREVIATION	COMMON NAME	SCIENTIFIC NAME	MAX. SIZE
C	COLORADO SPRUCE	<i>PICEA PARVEXIS</i>	7'-8'
OC	OCTOBER GLORY MAPLE	<i>ACER RUBRUM 'OCTOBER GLORY'</i>	2' 6"
IL	INTAKE LOCUST	<i>CESTRA RUMICORNIS</i>	2' 6"
R	RED GUY	<i>QUERCUS RUBRA</i>	2' 6"
J	JAPANESE TREE LARIC	<i>LARIX KOREANICA</i>	2' 6"
M	SPRING SHOW CUP	<i>MALUS 'SPRING SHOW'</i>	2' 6"
PC	PRODIGIOUS CHERRY	<i>MALUS 'PRODIGIOUS'</i>	2' 6"
DM	DANISH RED JACOBIN	<i>HYDRANGEA PLENIFLORA 'DANISH RED'</i>	3'
OD	OLD GOLD SPINDLE	<i>SPINEX JAPONICA 'OLD GOLD'</i>	3'
DB	DEWY FOLIAGE SPICE	<i>FOXTAILLEA JAPONICA 'DEWY SPICE'</i>	2' 6"
DL	DWARF	<i>HYDRANGEA PLENIFLORA 'DWARF'</i>	1' 6"
DR	RED KNOCKOUT ROSE	<i>ROSA 'ELEGANT'</i>	1' 6"
GA	GLADIOLUS ALBA CORNUS	<i>BREX ALBA 'GLADIOLUS'</i>	1' 6"



RECEIVED  
JAN 7 2015

PROJECT NO.: 06521.001

C1-08



# **City of La Vista Conditional Use Permit**

## **Conditional Use Permit for Outdoor Storage for Waldinger Corporation**

This Conditional Use Permit issued this \_\_\_\_ day of \_\_\_\_\_, 2020, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to The Waldinger Corporation (Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an outdoor storage area upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2, Papio Valley 2 Business Park Replat 1 located in the NE ¼ Section 19, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8802 S. 121<sup>st</sup> Street.

WHEREAS, Owner has applied for a conditional use permit for the purpose of storing materials and finished product outdoors; 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 outdoor storage, said use hereinafter being referred to as "Permitted Use or Use".

### **Conditions of Permit**

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
  - a. A Site Landscaping Plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A".
  - b. A security fence with a minimum height of six feet has been constructed around the graveled surface to reduce the chance of gravel dust going airborne due to vehicles driving or parking on the graveled area. The fence shall be maintained in good repair by the property owner or business owner.
  - c. Screened fencing and a gate shall be installed on the west end of the south parking lot, as designated on the site plan attached as "Exhibit A". The fence type shall be approved by the Community Development Department of the City of La Vista.
  - d. Additional evergreen trees shall be planted in the locations depicted in the site plan attached as "Exhibit A" to provide for additional screening of the proposed outdoor storage.
  - e. There will be no parking of vehicles, motorized machinery, or trailers within the designated area.
  - f. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the designated exterior storage area and the rock area for the Permitted Use, except trash receptacles and those approved in writing by the City.

- g. Landscaping requirements from Section 7.17.03 and 7.17.04 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner. Attached to the permit as "Exhibit A" is the Site Landscaping Plan for the property.
  - h. Owner is required to control weed growth in the storage area as per City Code Section 92.15.
  - 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. 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.
  - k. 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:** Chad Westphalen  
The Waldinger Corporation  
8802 S 121<sup>st</sup> Street  
La Vista, NE 68128

## 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: \_\_\_\_\_

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Bueche, 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 \_\_\_\_\_, 2020, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Chad Westphalen personally known by me to be the Waldinger Division President of The Waldinger Corporation, 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



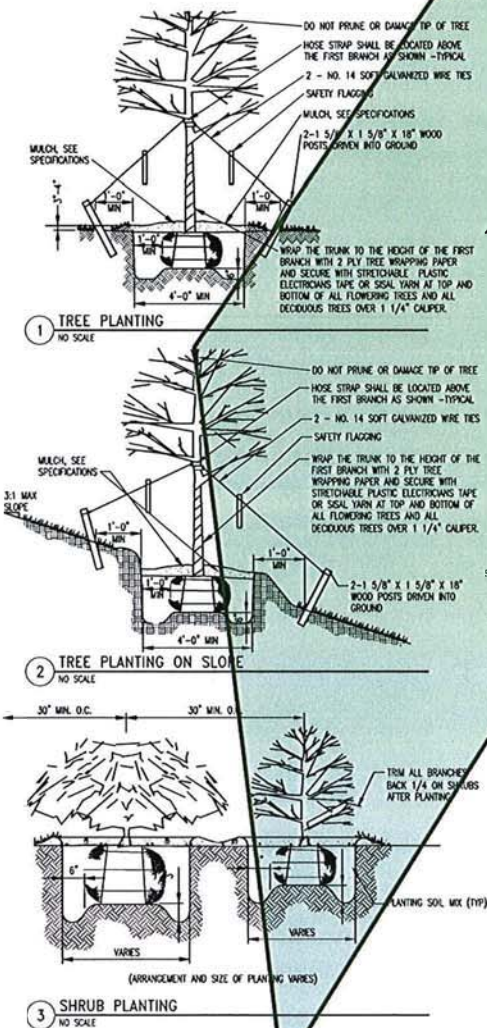
REFERENCED CONSTRUCTION NOTES(1):

1. PLANT NEW TREE, SEE DETAILS 1/C1-08 AND 2/C1-08.
2. ALL DISTURBED AREA NOT RECEIVING HARD SURFACING SHALL BE SEEDED AND MULCHED AS SPECIFIED.

GENERAL LANDSCAPING NOTES:

- A. DO NOT BEGIN WORK UNTIL ALL REQUIRED PERMITS ARE IN HAND AND APPROVED DRAWINGS REFLECTING THE REQUIREMENTS OF THE PERMITS ARE PHYSICALLY ON THE JOB SITE. REQUIRED PERMITS SHALL INCLUDE BUT NOT BE LIMITED TO THE LANDSCAPE PERMIT.
- B. VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
- C. VERIFY LOCATION OF ALL UTILITIES PRIOR TO STARTING CONSTRUCTION. CARE SHOULD BE TAKEN NOT TO DISTURB UTILITIES DURING CONSTRUCTION.
- D. ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THE CONTRACT DOCUMENTS AND ALL APPLICABLE CODES, STANDARDS, ORDINANCES, ETC.
- E. ALL PLANTS TO BE GUARANTEED FOR ONE FULL YEAR AT FULL REPLACEMENT VALUE INCLUDING LABOR.
- F. ALL DEBRIS FROM CONSTRUCTION SHALL BE LAWFULLY EXPOSED OF OFF SITE.
- G. ALL PLANTING AREAS MUST BE FREE OF ALL WEEDS AND DEBRIS BEFORE BEGINNING WORK.
- H. PROVIDE AND INSTALL A LOCALLY AVAILABLE HARDWOOD MULCH IN A 3" DIAMETER AROUND ALL TREES WITH A 3"-4" THICKNESS.
- I. ALL PLANT MATERIAL SHALL BE OF GOOD QUALITY AND SIZES SHALL MEET REQUIRED SIZES SPECIFIED. ALL PLANTS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- J. ALL GRADING AND BORING SHALL BE COORDINATED WITH THE GENERAL CONTRACTOR.

PLANT SCHEDULE			
ABBREVIATION	COMMON NAME	SCIENTIFIC NAME	MIN. SIZE
C	COLORADO SPRUCE	PICEA PUNGENS	7'-8'
OM	OCTOBER GLORY MAPLE	ACRE RUBRUM 'OCTOBER GLORY'	2" CAL
SL	SKYLINE LOCUST	GLADISTIA TRACANTHOS	2" CAL
R	RED OAK	QUERCUS RUBRA	2" CAL
J	JAPANESE TREE LILAC	SYRINGA RETICULATA	2" CAL
M	SPRING SHIMU CRAB	MALUS 'SPRING SNOW'	2" CAL
PC	PROFUSION CRAB	MALUS 'PROFUSION'	2" CAL
SW	SUNSHINE WINEHOLM	PHYSCARPUS OPULIFOLIUS 'SUNSHINE WINE'	3'
DWS	GOLD WOUND SPREA	SPRAEA JAPONICA 'GOLD WOUND'	3'
DWG	DWARF FOUNTAIN GRASS	POINSETTIA ALPINOIDEA 'HAKULU'	2 CAL
DL	DAIRY	HEMEROCALLIS 'STELLA DE ORO'	1 CAL
KOR	RED KNOCKOUT ROSE	ROSA X 'KNOCKOUT'	18" POT
GP	GREENWOUND ALPINE CURRANT	RIBES ALPIMUM 'GREEN WOUND'	18" POT



Original outdoor storage area permitted with 2015 CUP

Additional storage area per CUP amendment

Additional storage area per CUP amendment

Legend

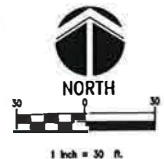
Screened Fencing

Gate

Outdoor Storage

Additional Evergreen Trees

EXHIBIT A



ISSUE DATE	REVISIONS	DATE	DESCRIPTION
09/27/2014	1		
01/07/2015	2		

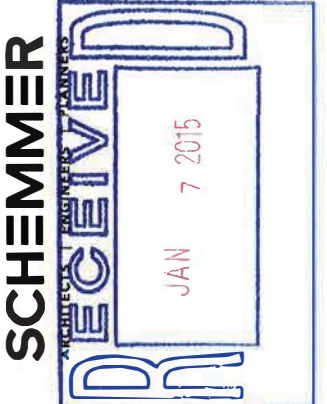
DESIGNED BY: [Signature]

DRAWN BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

THIS DOCUMENT IS THE PROPERTY OF SCHEMMER ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED WITHOUT THE WRITTEN PERMISSION OF SCHEMMER ARCHITECTS.



121ST & CENTENNIAL RD

OFFICE & SHOP

8802 S. 121ST STREET

LAVISTA, NEBRASKA

SITE LANDSCAPING PLAN

PROJECT NO.: 06521.001

C1-08



February 8, 2019



Blaine Wilcoxson  
Bell Avenue Properties, Inc.  
2601 Bell Avenue  
Des Moines, IA 50321

RE: Violation of Conditional Use Permit – **1<sup>st</sup> NOTICE**

To Whom It May Concern:

On January 31, 2019, an annual site review was conducted as required by the Conditional Use Permit (CUP) issued by the City to Bell Avenue Properties, Inc. dba The Waldinger Corporation on January 20, 2015 for the address of 8802 S 121<sup>st</sup> St. These annual reviews are required to ensure that the business remains in compliance with the terms and conditions of the permit.

There was one condition of the permit noted as non-compliant: **the requirement to keep all outdoor storage within the designated area.** According to Condition 2d of the Conditional Use Permit, “there shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the designated area for the Permitted Use, except trash receptacles and those approved in writing by the City”. The approved Conditional Use Permit has been attached for reference.

During the initial inspection on January 31, items that could be considered outdoor storage were located on the south, west, and northwest areas of the property outside of the designated outdoor storage area. Staff returned to the property on February 4, 5, and 6 and determined that these items had not moved and are considered outdoor storage. Photos of these violations are attached.

Failure to comply with these regulations shall be subject to the enforcement remedies provided by the La Vista Zoning Ordinance and by state law.

If you have any questions, please call me at (402) 593-6400.

Respectfully,

Christopher Solberg, AICP  
City Planner

Enclosure:

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

[www.cityoflavista.org](http://www.cityoflavista.org)  
[info@cityoflavista.org](mailto:info@cityoflavista.org)



December 13, 2019



Blaine Wilcoxson  
Bell Avenue Properties, Inc.  
2601 Bell Avenue  
Des Moines, IA 50321

RE: Violation of Conditional Use Permit – **2nd NOTICE**

To Whom It May Concern:

On February 8<sup>th</sup>, 2019 a letter was sent to the address listed above to serve as a notification that the Conditional Use Permit (CUP) issued by the City of La Vista to Bell Avenue Properties, Inc. dba The Waldinger Corporation was in non-compliance due to the existence of outdoor storage not contained to the area designated in the CUP (see attached 1st Notice Violation letter).

Through subsequent conversations we had the understanding that you were going to work to clean up the site and propose some changes to your fenced-in outdoor storage area to bring your Conditional Use Permit into compliance. Through site inspections on 11/7/2019 and 12/13/2019, we have noted that you still have storage outside of the approved area. Could you please update us on the status of your work and plan to come into compliance?

Failure to comply with these regulations shall be subject to the enforcement remedies provided by the La Vista Zoning Ordinance and by state law. Let me know if you have any questions.

Respectfully,

Cale Brodersen  
Assistant Planner  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

Enclosure:

Violation of Conditional Use Permit – 1<sup>st</sup> Notice Letter

CC: Bruce Fountain, Community Development Director  
Chris Solberg, Senior Planner  
Colin Ruppert, Code Enforcement Officer

**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

[www.cityoflavista.org](http://www.cityoflavista.org)  
[info@cityoflavista.org](mailto:info@cityoflavista.org)



**AGENDA ITEM 4C**

**Conditional Use Permit—7303 S 85th Street—  
Giandinoto, LLC**





**CITY OF LA VISTA  
PLANNING DIVISION  
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP20-0005;

FOR HEARING OF: SEPTEMBER 3, 2020  
REPORT PREPARED ON: AUGUST 19, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Jeff Giandinoto  
Giandinoto, LLC  
7301 S 85<sup>th</sup> Street  
La Vista, NE 68128

**B. PROPERTY OWNER:**

Giandinoto, LLC  
4242 S 167<sup>th</sup> Avenue  
Omaha, NE 68135

**C. LOCATION:** 7301 S 85<sup>th</sup> Street; Generally located east of S 85<sup>th</sup> Street between Park View Blvd and Maple Ct.

**D. LEGAL DESCRIPTION:** Lot 16A3B Park View Heights.

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to operate a private car wash.

**F. EXISTING ZONING AND LAND USE:** C-2 General Commercial District and Gateway Corridor District (Overlay District).

**G. PURPOSE OF REQUEST:** Allow for the operation of a private car wash to prepare vehicles to be sold at a dealership off-site.

**H. SIZE OF SITE:** Approximately 0.29 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes gradually downward to the north and to the east; the building on the site previously housed McCann Plumbing and is being renovated for the private car wash use.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	La Vista Auto Plex
East	Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	84 <sup>th</sup> Street & Shell Station (previously Dual Stop)
South	Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	Bright Stars Child Care
West	Medium-Density Residential	R-1 Single-Family Residential	Park View Heights Neighborhood

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. This proposal is consistent with the Future Land Use Map of the Comprehensive Plan, which designates Lot 16A3B Park View Heights for commercial development.

**B. OTHER PLANS:**

1. The Vision 84 Plan (La Vista's long-range plan for the 84<sup>th</sup> Street Corridor adopted in April of 2010) calls out this area for residential uses.

**C. TRAFFIC AND ACCESS:**

1. The property has a driveway connection to S 85<sup>th</sup> Street.

**D. UTILITIES:**

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.

**E. PARKING REQUIREMENTS:**

1. The principle building meets the minimum parking requirements of the Zoning Ordinance.



2. Exhibit A of the attached draft Conditional Use Permit designates the area on the lot for which cars waiting to be washed may be parked.
3. A condition included in the draft CUP limits the number of vehicles able to be parked on the lot to 12. Specifically, 4 stalls for employees working on-site and 8 stalls for cars waiting to be washed.

**F. LANDSCAPING:**

1. N/A

**IV. REVIEW COMMENTS:**

- A. As a car wash land use, the only activities that will be permitted on the lot are the washing of vehicles and accessory uses like detailing. Activities prohibited by the Zoning Ordinance and the Conditional Use Permit include but are not limited to vehicle body work, repair and maintenance, storage and display of vehicles for sale, and activities related to the sale of vehicles.
- B. As to not expand the legally non-conforming auto sales use on the adjacent lot (Lot 16A3A Park View Heights), advertising of vehicles for sale including pricing and dealership information will be prohibited.
- C. Since the proposed car wash will be for private use only and not open to members of the general public, signage will not be necessary and will be prohibited through the Conditional Use Permit.

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

Staff recommends approval of the Conditional Use Permit for Lot 16A3B Park View Heights, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VI. ATTACHMENTS TO REPORT:**

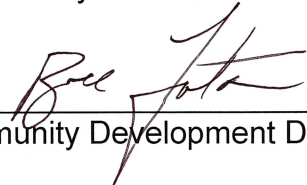
- A. Vicinity Map
- B. Review Letters
- C. Draft Conditional Use Permit & Exhibits

**VII. COPIES OF REPORT SENT TO:**

- A. Jeff Giandinoto, Giandinoto, LLC
- B. Public Upon Request



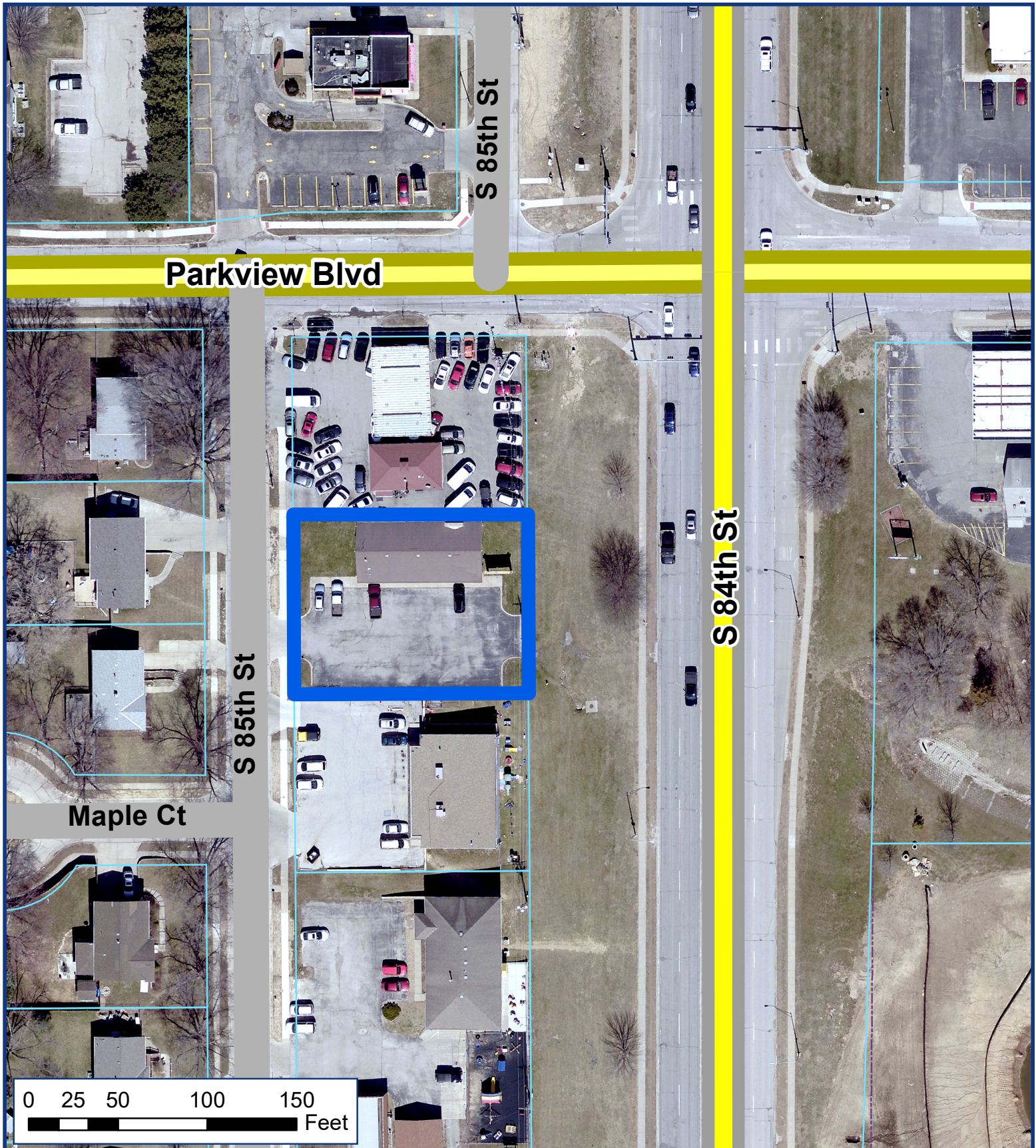
Prepared by: Assistant Planner



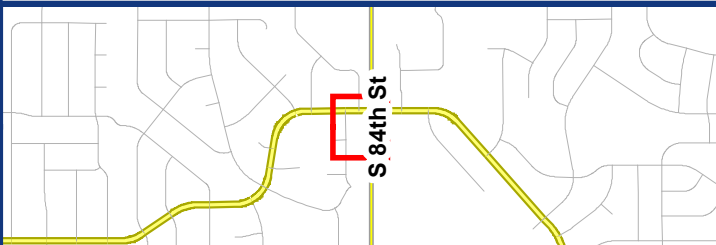
Community Development Director

8/26/2020  
Date





## Conditional Use Permit Vicinity Map



**Giandinoto, LLC Private Car Wash**

**7303 S. 85th Street**

7/21/2020 CB





August 4, 2020



Jeff Giandinoto  
Giandinoto LLC  
4242 S 167<sup>th</sup> Avenue  
Omaha, NE 68135

RE: Car Wash Conditional Use Permit – Initial Review

Mr. Giandinoto,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal and have provided the following initial comments:

1. Please confirm that all operations shall be contained within the building, and that no noise related to the operations are anticipated to carry outside the property.
2. Please confirm that any chemicals and/or processes of the operation will not give off any vapors, odors, or particulates outside of the building, or if any filtration system will be necessary to mitigate such items.
3. Please confirm that the ADA parking stall requirements will be met per Section 7.08 of the Zoning Ordinance.
4. A draft Conditional Use Permit will be provided to you next week for your review.

Please submit a response to the items above by August 11, 2020. Upon satisfactory review of this resubmittal, the CUP application will be reviewed by the Planning Commission at the September 3, 2020 meeting at 6:30pm in the La Vista Community Center Gym. We would like for you to be in attendance to answer any questions that the Planning Commission might have. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,

Cale Brodersen  
Assistant Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)  
(402) 593-6400

**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

[www.cityoflavista.org](http://www.cityoflavista.org)  
[info@cityoflavista.org](mailto:info@cityoflavista.org)

**From:** [Jeff Giandinoto](#)  
**To:** [Cale Brodersen](#)  
**Subject:** [EXT]Re: Initial Review Letter - Car Wash CUP  
**Date:** Wednesday, August 5, 2020 3:27:59 PM

---

**Mr Broderson,**

I have reviewed your conditional use permit initial review.

1. All of our operations will be contained inside the building.
2. No chemical vapors or particles will be dispersed outside the building.
3. On completion of the project we will be having the parking lot resurfaced and a ADA parking stall will be added.

Thank you for your questions, hopefully these answers are satisfactory. I look forward to hearing from you on the next step.

Jeff Giandinoto  
402.651.0859



# **City of La Vista Conditional Use Permit**

## **Conditional Use Permit for Car Wash**

This Conditional Use Permit issued this \_\_\_\_ day of \_\_\_\_\_, 2020, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Giandinoto, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to operate a private, fully enclosed car wash (“Car Wash”) upon the following described tract of land within the City:

Lot 16A3B Park View Heights, La Vista, Nebraska (“Property”).

WHEREAS, Owner owns the Property and has applied for a conditional use permit for the purpose of operating the Car Wash; and

WHEREAS, Owner also owns Lot 16A3A Park View Heights, immediately north of the Property, and uses such lot and the improvements on such lot for the sale of motor vehicles, which use is nonconforming and shall not be enlarged, expanded, or extended (“Car Lot”); and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to Owner for the Car Wash on the Property, subject to the terms and conditions as provided in this Permit.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the Owner to use the area of the Property designated on Exhibit “A” hereto for a Car Wash, 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. This conditional use permit and the right to operate a car wash that comes with it shall expire and terminate with any change of ownership or control of the business, Owner, or Property designated on Exhibit “A”, or of the business, owner, or property on or comprising Lot 16A3A Park View Heights. In addition, any deviation from or breach of any terms hereof shall automatically cause permit to expire and terminate.
2. In respect to the proposed Permitted Use:
  - a. The Property only shall be used for a private, fully enclosed Car Wash. The Car Wash only will be used for washing motor vehicles of Owner that are for sale or lease on the Car Lot. For purposes of this Permit, “wash” shall mean cleaning, washing, polishing, or waxing of motor vehicles, and related vacuuming of motor vehicle carpet and upholstery as an accessory use, as ordinarily provided by car washes in the City. The Property or Car Wash will not be directly or indirectly used for any other purpose.
  - b. Operations on the Property will be limited to and be carried out in accordance with the Operational Statement/Project Narrative attached as Exhibit “B” and incorporated into

- this permit by reference. If there is any conflict between or among provisions of Exhibit “B” and this permit, the more restrictive provisions shall apply and govern.
- c. There shall be no storage, placement or display of motor vehicles, goods, supplies or any other materials, substances, containers or receptacles outside of the car wash building, except as approved in writing by the City.
  - d. No advertising shall be allowed on vehicles on the Property.
  - e. Vehicle parking on the Property is limited to 4 stalls for employees working at the Car Wash and 8 stalls for vehicles waiting to be washed.
  - f. Parking of vehicles waiting to be washed shall be limited to the area outlined in red in the attached site plan (Exhibit “A”). No additional paving of unpaved areas shall be permitted after the date this CUP is executed.
  - g. The amount of time that any one vehicle may be parked on the lot waiting to be washed shall be limited to 3 days.
  - h. Any additional site lighting shall be reviewed and approved by the Community Development Department prior to installation to ensure that it does not have a significant negative impact on neighboring properties.
  - i. The existing sign for McCann Plumbing (including the entire structure) shall be removed within 6 months of the commencement of this use. Since the car wash is not open for use by the general public, signage shall be prohibited.
  - j. The Property and Car Wash shall be limited to the use as provided in this Permit, subject to the specified terms and conditions of this Permit. The Property or Car Wash will not be directly or indirectly used for any other purpose. Not in limitation of the foregoing sentence, the following activities shall be prohibited:
    - i. Sale, acquisition, transfer, lease, or financing of motor vehicles, or any other activities in support or connection with the Car Lot or motor vehicle purchases, sales, leasing, transfers, or financing;
    - ii. Storage, showing, demonstration, or display of motor vehicles. Display of motor vehicles shall include without limitation vehicle pricing, vehicle information, or dealership information and is prohibited on the Property;
    - iii. Repairs, maintenance, replacement or installation of equipment, parts or components of, on, or in motor vehicles;
    - iv. Body work, painting, or touch-up of motor vehicles; and
    - v. Administration, advertising, financing, closing, processing, managing, or support of motor vehicle purchases, sales, or leasing.
  - k. This car wash shall be used only by the Owner for vehicles owned by the Owner, and shall not be open to, or used by, the general public.
  - l. Owner shall obtain all required permits, including without limitation all required permits of the City of La Vista, and shall comply with any additional requirements as determined by the La Vista Planning Department or other applicable authorities.
  - m. 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.
  - n. 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, or any agents, employees, assigns, suppliers or invitees of Owner, 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.



- o. Any exhibit attached to or referenced in this permit, together with the recitals at the beginning of this permit, are hereby incorporated by reference.
  - p. This Permit shall not add to, subtract from, or modify any rights, obligations, or limitations under the City's Zoning Ordinance, or otherwise have any effect, with respect to the Car Lot.
- 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, in the event of any authorized administrative extensions for good cause shown, shall in all cases 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 and accessory facilities and any remaining environmental or safety hazard shall be abated and/or removed at owner's expense within the time required by applicable law or regulations, and in all cases no later than twelve (12) months of cessation of the Permitted 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 Conditional 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 failure to correct such breach within ten (10) days of City's giving notice thereof.
  - e. Transfer of ownership of the property or business entity.
- 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 the permitted structures 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 irrevocably grants to City permission to assess, impose and file with the Sarpy County Register of Deeds against the property a lien for any such costs that are not paid within 30 days. Owner hereby irrevocably grants the City, its agents and employees an easement and 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 in writing 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:** Jeff Giandinoto  
Giandinoto LLC  
4242 S 167<sup>th</sup> Avenue  
Omaha, NE 68135



**Effective Date:**

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof. This Permit shall be filed with the Sarpy County Register of Deeds, shall constitute covenants running with the land, and shall be binding on the Owner and all successors and assigns of the Owner.

THE CITY OF LA VISTA

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

Attest:

\_\_\_\_\_  
Pam Buethe, CMC  
City Clerk

**CONSENT AND AGREEMENT**

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

Owner:

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

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

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

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Bueth, 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 \_\_\_\_\_ )

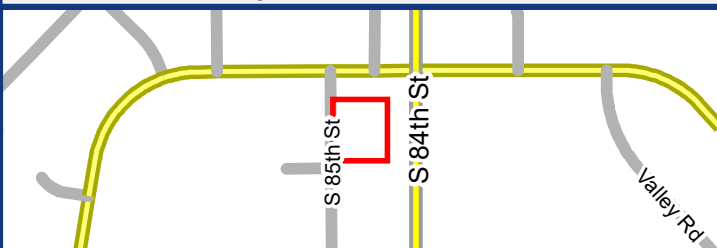
On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Jeff Giandinoto personally known by me to be the owner of all membership interests of Giandinoto LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

\_\_\_\_\_  
Notary Public





## Giandinoto, LLC Private Car Wash CUP Site Plan



**Exhibit A**  
**7303 S. 85th Street**  
8/5/2020 CB

July 20, 2020

City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: Private Car Wash Operating Statement

We are requesting a Conditional Use Permit to operate a private car wash that will wash cars to prepare them to be sold off-site. This will include the washing of vehicles and the accessory uses of vacuuming and light detailing. We anticipate washing approximately four vehicles per day. These activities will occur indoors in the renovated building located at 7303 S 85<sup>th</sup> Street in La Vista, which provide for a cleaner and more professional business environment. This car washing service is for private use only and will not be open to the general public as a retail establishment. Staff include myself and three employees, and operating hours shall be as follows:

- Monday: 9:00am – 7:00pm
- Tuesday: 9:00am – 7:00pm
- Wednesday: 9:00am – 6:00pm
- Thursday: 9:00am – 7:00pm
- Friday: 9:00am – 6:00pm
- Saturday: 9:00am – 5:00pm
- Sunday: Closed

Parking on-site will include 4 stalls for employees and up to 8 stalls for cars waiting to be washed and detailed.

Sincerely,



Jeff Giandinoto  
Giandinoto, LLC  
7303 S 85<sup>th</sup> St  
La Vista, NE 68128

**Exhibit B**