



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

**PLANNING COMMISSION AGENDA  
JANUARY 21, 2021 – 6:30 P.M.**

1. *Call to Order*
2. *Approval of Meeting Minutes – January 7, 2021*
3. *Old Business*
4. *New Business*
  - A. **Conditional Use Permit – 12005 Portal Road – 4Seams Academy, 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**  
**JANUARY 7, 2021 6:30 P.M.**

The City of La Vista Planning Commission held a meeting on Thursday, January 7, 2021 in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Kevin Wetuski called the meeting to order at 6:30 p.m. with the following members present: Kevin Wetuski, Mike Krzywicki, Gayle Malmquist, Mike Circo, Patrick Coghlan, John Gahan, Kathleen Alexander, and Josh Frey. Members absent were: Jason Dale, Mike Circo, and Harold Sargus. Also, in attendance were Chris Solberg, Deputy Community Development Director; Bruce Fountain, Community Development Director; Pat Dowse, City Engineer; and Meghan Engberg, Permit Technician.

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 – December 10, 2020**

*Krzywicki* moved, seconded by *Alexander* to approve the December 10th minutes. **Ayes:** *Krzywicki, Gahan, Alexander, Coghlan, Wetuski, Frey, and Malmquist. Nays: None. -Abstain: None. Absent: Sargus, Circo, and Dale. Motion Carried, (7-0)*

**3. Old Business**

None.

**4. New Business**

**A. Final – Lot 1 I-80 Business Park 2<sup>nd</sup> Addition Replat 1 – Dorwill, LLC**

- i. **Staff Report – Christopher Solberg, AICP:** Solberg said that the applicant, Dorwill, LLC, is requesting an approval of the Final Plat to combine Lot 1 I-80 Business Park 2<sup>nd</sup> Addition with two small pieces of former right-of-way sold by the State of Nebraska in 2019 to create Lot 1 I-80 Business Park 2<sup>nd</sup> Addition Replat 1, which is generally located Northwest of the intersection of S. 118<sup>th</sup> Street and Harry Anderson Ave.

Staff recommends approval of the Final Plat for Lot 1 I-80 Industrial Park 2<sup>nd</sup> Addition Replat 1, as the request is consistent with La Vista's Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance. Solberg said that as part of this there needs to be

a waiver of Section 4.2 of the Subdivision Regulations to allow for reduction in the six-foot sidewalk offset. Staff recommends approval of the waiver from Section 4.2 of the Subdivision Regulations to allow for a reduction in the six-foot sidewalk offset requirement for the northeast corner of Lot 1 I-80 Industrial Park 2<sup>nd</sup> Addition Replat 1.

- ii. **Recommendation:** Krzywicki moved, seconded by Malmquist, to recommend approval of the waiver from Section 4.2 of the Subdivision Regulations to allow for a reduction in the six-foot sidewalk offset requirement for the northeast corner of Lot 1 I-80 Industrial Park 2<sup>nd</sup> Addition Replat 1. **Ayes:** Krzywicki, Gahan, Alexander, Coghlann, Wetuski, Frey, and Malmquist. **Nays:** None. **-Abstain:** None. **Absent:** Sargus, Circo, and Dale. **Motion Carried, (7-0)**
- iii. **Recommendation:** Malmquist moved, seconded Gahan, to recommend approval of the Final Plat for Lot 1 I-80 Industrial Park 2<sup>nd</sup> Addition Replat 1, as the request is consistent with La Vista's Comprehensive Plan, Subdivision Regulations, and Zoning Ordinance. **Ayes:** Krzywicki, Gahan, Alexander, Coghlann, Wetuski, Frey, and Malmquist. **Nays:** None. **-Abstain:** None. **Absent:** Sargus, Circo, and Dale. **Motion Carried, (7-0)**

## 5. Comments from the Floor

No members of the public were present.

## 6. Comments from the Planning Commission

Gahan asked about the building being framed North of Godfather's Pizza.

Solberg said that is an accessory building for the car wash.

Gahan mentioned the car dealership off Harrison and said that one of them had moved to 370 and I-80 and that there is now a lot of construction going on where that dealership was and asked if something else was going in there.

Solberg said that it is a Baxter Subaru that is going there.

## 7. Comments from the Staff

Solberg said that there has been an uptick of inquiries over the last few weeks, so the commission might see quite a bit more items on the agendas coming up over the next few months.

Engberg reminded the commission that elections are in February and that the nominating committee needed to be formed. She also mentioned that the CUP for Black Sage Arms, LLC was approved by the City Council.

Fountain said that the Preliminary Plat for Dorwill, LLC was also approved by the City Council.

\*The nominating committee was formed with Malmquist, Gahan, and Krzywicki as the members\*

\*Elections will be held on February 4<sup>th</sup>. \*

**8. Adjournment**

Wetuski adjourned the meeting at 6:40 p.m.

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chair

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Date

## **AGENDA ITEM 4A**

**Conditional Use Permit—12005 Portal Road—  
4Seams Academy, LLC**



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

CASE NUMBERS: PCUP20-0008;

FOR HEARING OF: JANUARY 21 2021

REPORT PREPARED ON: DECEMBER 30, 2020

**I. GENERAL INFORMATION**

**A. APPLICANT:**

4Seams Academy, LLC  
Attn: Sean Schrader  
8417 S. 106<sup>th</sup> Street  
La Vista, NE 68128

**B. PROPERTY OWNER:**

E & R Properties, LLC  
14723 Industrial Road  
Omaha, NE 68144

**C. LOCATION:** 12005 Portal Road; Located south of Portal Road between S. 120<sup>th</sup> Street and S. 121<sup>st</sup> Street.

**D. LEGAL DESCRIPTION:** Lot 5 Papio Valley 2 Business Park.

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow for the operation of an Indoor Recreational Facility in bays 1-5 of the industrial flex building located at 12005 Portal Road.

**F. EXISTING ZONING AND LAND USE:** I-2 Heavy Industrial.

**G. PURPOSE OF REQUEST:** To operate an indoor baseball and softball training facility.

**H. SIZE OF SITE:** 150,735 square feet (3.46 acres).

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes downward slightly to the north and to the west.

**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	Multi-tenant industrial building
East	Industrial	I-2 Heavy Industrial	Multi-tenant industrial building
South	Industrial	I-2 Heavy Industrial	Multi-tenant industrial building and Dakota Wall Systems
West	Industrial	I-2 Heavy Industrial	Weitz Company and The Waldinger Corporation

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

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

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map designates this property for industrial use. This proposal is consistent with the comprehensive plan.

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

**C. TRAFFIC AND ACCESS:**

1. The property currently has driveway access off both S. 121<sup>st</sup> Street and Portal Road.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. The applicant has indicated that the maximum number of building occupants during peak time shall be 110 persons. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for recreational facilities shall be one (1) space per 4 occupants. 4Seams Academy will have a minimum of 61 dedicated parking stalls which greatly exceeds the minimum of 28 stalls required by the La Vista Zoning Ordinance.

2. If overflow parking is needed, 4Seams Academy will also have access to the large un-striped lot just south of the facility on the same lot. If the provided off-street parking is not sufficient and the overflow lot is regularly utilized, the applicant will be required to stripe additional parking stalls on the southern parking lot.
3. No on-street parking will be allowed.

**IV. REVIEW COMMENTS:**

- A. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
- B. As 4Seams Academy will primarily be using the 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 – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit for Lot 5 Papio Valley 2 Business Park, 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. Floor Plan
- D. Draft Conditional Use Permit
  - a. Operating Statement
  - b. Site Plan
  - c. Vehicle Stacking Mitigation Exhibit

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

- A. Sean Schrader, 4 Seams Academy
- B. Mike Swift, Swift Construction
- C. Eric McKee, E & R Properties, LLC
- D. Public Upon Request



Prepared by: Assistant Planner



*Sue*

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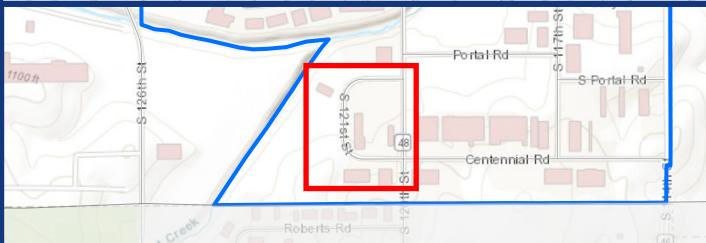
Community Development Director

1/12/2021

Date



### Conditional Use Permit Vicinity Map



**4 Seams Academy  
Indoor Recreational Facility  
12005 Portal Road**

12/15/2020  
CB





December 28, 2020

Sean Schrader  
4 Seams Academy  
8417 S. 106<sup>th</sup> Street  
La Vista, NE 68128

RE: Indoor Recreational Facility Conditional Use Permit – Initial Review

Mr. Schrader,

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 include additional details in your operating statement, per Section 6.05.02 of La Vista's Zoning Ordinance, including the following:
  - a. Hours of operation
  - b. Square footage for the proposed use by each activity
  - c. Anticipated occupancy rates during hours of operation (including numbers for the batting cages, quads, strength and conditioning section, the pro shop, staff, parents waiting, etc.)
  - d. The exact number of parking stalls available for use by the business and whether the back of the building can be used for overflow parking if necessary
  - e. That part of the facility will include strength and conditioning equipment
2. The Fire Marshall and Chief Building Official must authorize and issue a Certificate of Occupancy before you may occupy the space and have any employees or customers in the facility.
3. Please confirm that an emergency voice/communication fire alarm system is being installed in the facility, per the request of the Fire Marshal.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

**Community Development**  
8116 Park View Blvd.  
402.593.6400 P  
402.593.6445 F

**Library**  
9110 Giles Rd.  
402.537.3900 P  
402.537.3902 F

**Police**  
7701 S. 96th St.  
402.331.1582 P  
402.331.7210 F

**Public Works**  
9900 Portal Rd.  
402.331.8927 P  
402.331.1051 F

**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

4. Please confirm that the ADA parking stall requirements will be met per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference.
5. After occupancy is ascertained, you will need to confirm that any stacking/circulation at peak times can be done on the property without the stacking of vehicles into the public streets, per Section 6.05.05 of the La Vista Zoning Ordinance.
6. Parking will be limited to off-street at all times. If existing parking is determined to be insufficient, striping of additional stalls may be required for a portion of the paved area behind the building to provide for additional parking capacity.
7. Confirm that all activities related to the operation of this facility will take place inside of the facility.
8. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

For this item to be reviewed by the Planning Commission during the January 21, 2021 meeting, please submit a response to the items above by Monday, January 4<sup>th</sup>, 2021 at 9:00am in order to provide the necessary time for publication of the public hearing notices. If items remain or additional resubmittals are required after staff review of your resubmission, the next Planning Commission meeting date will be February 4, 2021. The Planning Commission meeting will be held at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). We would like for you to be in attendance to present your request and 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

CC                   Mike Swift, Swift Construction  
                         Christopher Solberg, Deputy Community Development Director  
                         Bruce Fountain, Community Development Director

Enclosure.



December 28, 2020

Sean Schrader  
4 Seams Academy  
8417 S. 106<sup>th</sup> Street  
La Vista, NE 68128

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  - b. Square footage for the proposed use by each activity
  - c. Anticipated occupancy rates during hours of operation (including numbers for the batting cages, quads, strength and conditioning section, the pro shop, staff, parents waiting, etc.)
  - d. The exact number of parking stalls available for use by the business and whether the back of the building can be used for overflow parking if necessary
  - e. That part of the facility will include strength and conditioning equipment

**See Attached Operating Statement Exhibit 1A-1E for answers to 1A-1E**
2. The Fire Marshall and Chief Building Official must authorize and issue a Certificate of Occupancy before you may occupy the space and have any **NOTED** employees or customers in the facility.
3. Please confirm that an emergency voice/communication fire alarm system is being installed in the facility, per the request of the Fire Marshal. **Submitted 12-29-2020 by Mike Swift, Swift Construction to Cale Brodersen**

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 P  
402.331.4375 F

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9900 Portal Rd.  
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**Recreation**  
8116 Park View Blvd.  
402.331.3455 P  
402.331.0299 F

4. Please confirm that the ADA parking stall requirements will be met per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference. **See Attached Striping Plan**
5. After occupancy is ascertained, you will need to confirm that any stacking/circulation at peak times can be done on the property without the stacking of vehicles into the public streets, per Section 6.05.05 of the La Vista Zoning Ordinance. **See Attached 5 Exhibit for plan**
6. Parking will be limited to off-street at all times. If existing parking is determined to be insufficient, striping of additional stalls may be required for a portion of the paved area behind the building to provide for additional parking capacity. **NOTED and will comply if needed**
7. Confirm that all activities related to the operation of this facility will take place inside of the facility. **NOTED: no plans for such activities**
8. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future. **NOTED**

For this item to be reviewed by the Planning Commission during the January 21, 2021 meeting, please submit a response to the items above by Monday, January 4<sup>th</sup>, 2021 at 9:00am in order to provide the necessary time for publication of the public hearing notices. If items remain or additional resubmittals are required after staff review of your resubmission, the next Planning Commission meeting date will be February 4, 2021. The Planning Commission meeting will be held at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). We would like for you to be in attendance to present your request and 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

CC                   Mike Swift, Swift Construction  
                         Christopher Solberg, Deputy Community Development Director  
                         Bruce Fountain, Community Development Director

Enclosure.

## FLOOR PLAN

stanley j. how  
ARCHITECTS  
HOW | SEIP | DORN  
1465 CALIFORNIA ST  
OMAHA, NE 68164-9000

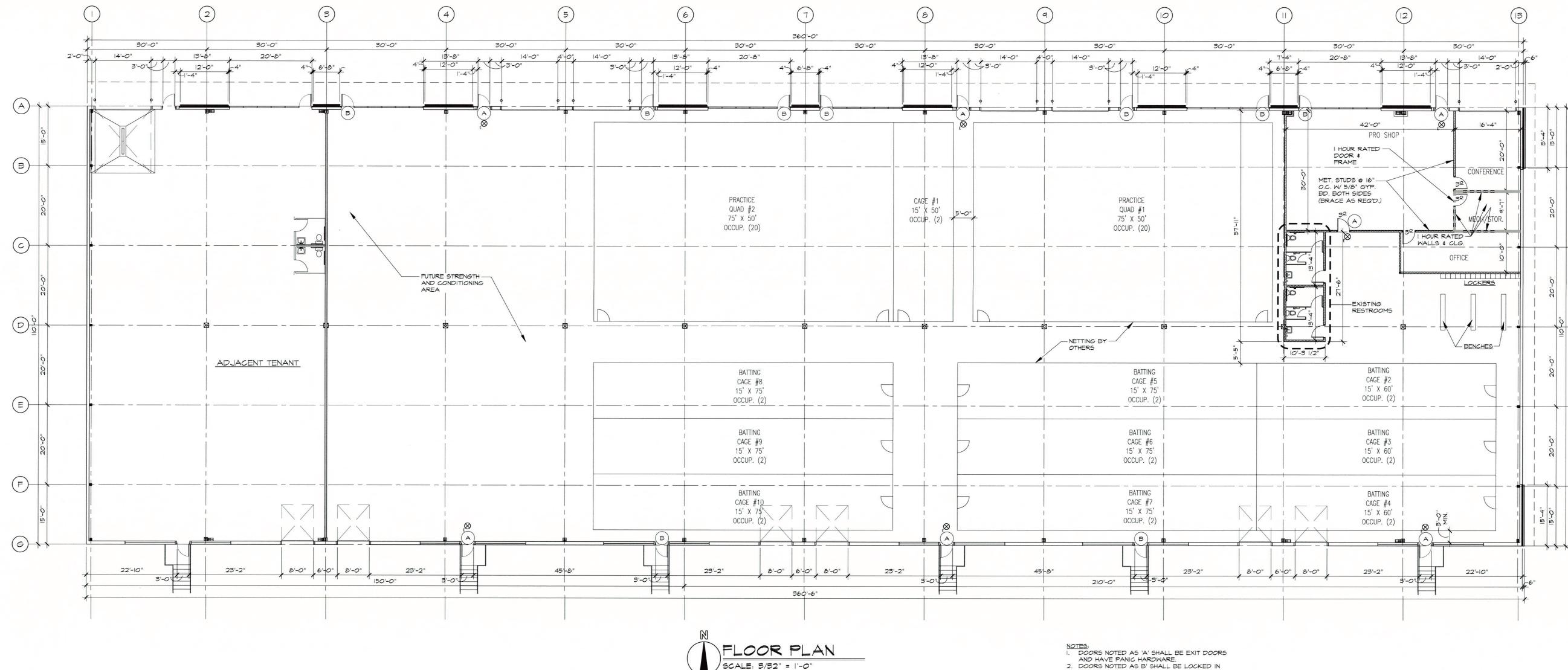
JOB NO. 2020-81  
DATE 12/22/2020

4 SEAMS ACADEMY  
12005 PORTAL ROAD



SHEET 12/22/20

A2.1



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

## **Conditional Use Permit for Indoor Recreational Facility**

This Conditional Use Permit issued this 16<sup>th</sup> day of February 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to 4Seams Academy, LLC ("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 5 Papio Valley 2 Business Park, located in the NE 1/4 Section 19, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 12005 Portal Road STE 1-5.

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, proposed structures, parking, access points, and drives is attached to the permit as Exhibit "B".
  - c. Hours of operation for said indoor recreational facility will be Monday through Friday from 10:00 a.m. – 10:00 p.m., and Saturday and Sunday from 8:00 a.m. to 10:00 p.m.
  - d. The maximum number of occupants allowed in the facility will be 110.
  - 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. The Planning Department or City Engineer may require that additional parking stalls be striped in the potential overflow parking area located on the south side of the property if the Permitted Use requires additional off-street parking. On-street parking on Portal Road, South 121<sup>st</sup> Street, South 120<sup>th</sup> Street, or otherwise in connection with the Permitted Use shall be prohibited. Stacking of vehicles in connection with the Permitted Use out onto any public street is prohibited. If vehicles stacking onto Portal Road or South 121<sup>st</sup> Street becomes a safety threat as determined by the City Engineer, the City may require additional physical or operational improvements to mitigate the risk of stacking. The inability of Owner to stop vehicles in connection with the Permitted Use from stacking into public streets is a valid cause for termination of this permit. A first response to the potential stacking of vehicles into the street, as provided by the applicant, is described in Exhibit "C" attached to this permit.

- 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:** 4Seams Academy, LLC  
Attn: Sean Schrader  
8417 S. 106<sup>th</sup> Street  
La Vista, NE 68128

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

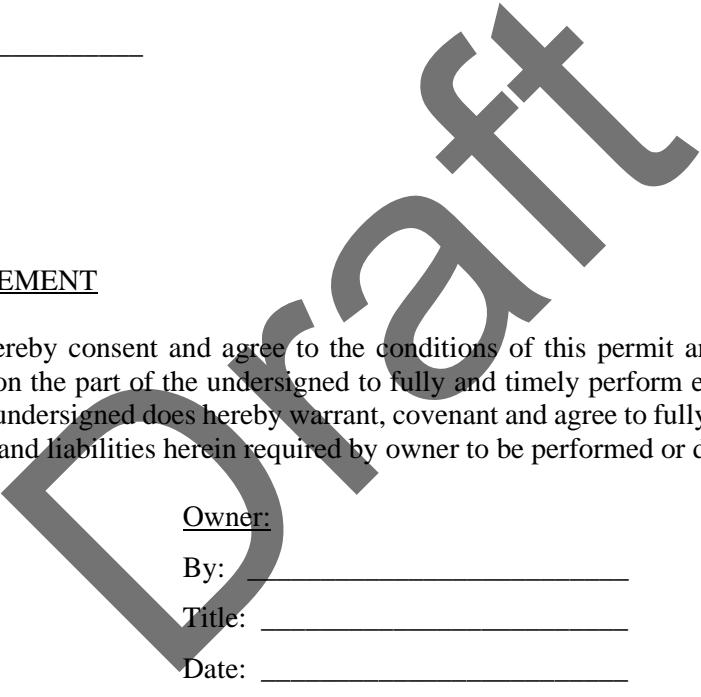
Attest:

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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 \_\_\_\_\_, 2021, 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 \_\_\_\_\_, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [\_\_\_\_\_], personally known by me to be the Owner of 4Seams Academy, 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



## Exhibit A

**Business Name:**

4Seams Academy, LLC

**Team Names:**

4SA Hornets, Hitters Choice Softball

**Owners:**

Sean Schrader  
Dan Tinnell  
Cherie Williamson

**GM of Operations & Co-Founder**

Adam White

**Building Supervisor**

"Open Position"

**Pro Shop Attendant**

"Open Position"

**Who we are:**

4Seams Academy helps athletes today compete and train at the highest level in the game of baseball and softball. 4Seams Academy offers leagues, clinics, camps, instructional baseball/softball practices, memberships, team practices & open to the public {walk-ins). We help each of our athletes perform at their best ability to become the best athlete on and off the field.

We offer the following to the public and teams (Bays 1 thru 4):

- (2) full quads at 50' X 75' & 50' x 75' w/ cage #1 15'x50' for team training, camps and clinics.
- Cages 2-4 that are 15' x 60' (900 SF each). Two of the 60' cages will have hack attack pitching machines with baseball & softball feeders. The last 60' cage will have; 1 HitTrax simulator machine and/or Rapsodo machine for pitching and hitting statistics.
- Cages 5 thru 10 that are 15' x 75' (1,125 SF each) will be used for hitting and pitching

On our website you can reserve tunnels, HitTrax, quads, lessons, buy memberships, purchase merchandise & so much more.



#### **4Seams Academy Hours of Operation:**

10AM - 10PM Monday Through Friday

8AM- 10PM Saturday & Sunday

#### **Future Strength & Conditioning:**

We are currently in talks with a sports performance coach to sublease bay 5(6,600SF) from us. They offer athletic sports performance training at the highest level possible. With their name and background, they can pull in high profile athletes such as players from the Miami Marlins, New York Yankees among others down to middle school youth players. They will have running/ stair climbing machines, weightlifting equipment, medicine balls, resistance equipment, etc... that will be placed on the rubber flooring that would occupy roughly 3,000 SF. The other 3,000 SF will have a turf area that will be used for speed and agility exercises. The remaining 600 Sf will be for access aisles and waiting area.

#### **Hours of Operation:**

10AM - 10PM Monday Through Friday

8AM- 10PM Saturday

Closed Sunday

#### **Parking:**

We will have a total of 64 parking stalls in the front and east side of the building (**see attached striping plan**). 61 available to us from 10am to 5pm during the weekday. All 64 stalls available in the evening from 5pm-10pm weeknights and available all-day Saturday and Sunday to us. The owner (Bay 6) will utilize 3 stalls on the far west end during the day 8am - 5pm Monday thru Friday. Closed Sat and Sunday.

There are currently 3 ADA accessible stalls. One of the three stalls are van accessible.

If needed, the back of the building could be used for overflow parking and employees. The back of the building could be striped for parking stalls as needed.

#### **Occupancy:**

22- in each quad space. **44 total**

Cage 1: 2 people **2 total**

Cages 2-4: 2 people in each cage at a time. **6 total**

Cages 5-10: 2 people in each cage at a time. **12 total**

Locker/bench area: **10 players total**

Conference Room – **10 total**

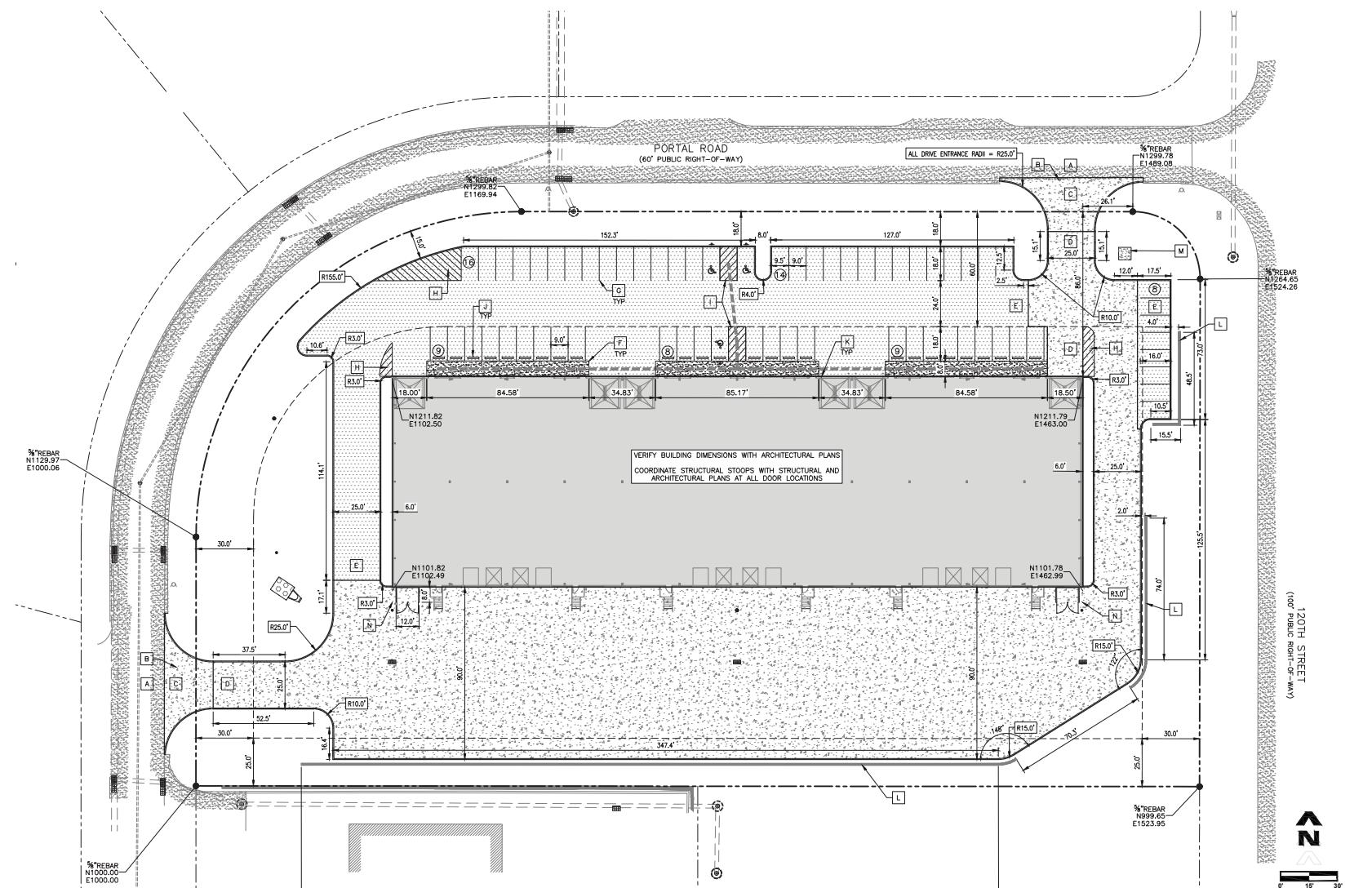
Pro-Shop/Parents Waiting – **10 total**

Employees – **6 total**

Future strength and conditioning space – **10 Total**

**Grand Total – 110 people**

## Exhibit B



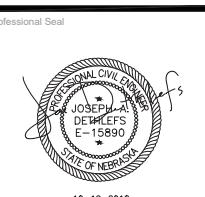
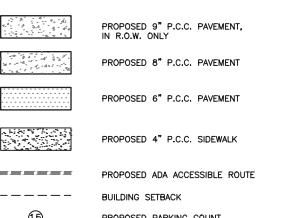
### PAVING NOTES

1. THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS IN THE FIELD PRIOR TO THE START OF CONSTRUCTION OPERATIONS. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE TO EXISTING PROPERTY, UTILITIES, AND STRUCTURES, AND WILL REPAIR AT HIS OWN EXPENSE. CONTRACTOR SHALL MAKE ALL UTILITY LOCATIONS IN THE FIELD LOCATED IN THE FIELD PRIOR TO CONSTRUCTION THROUGH THE "ONE CALL" SYSTEM.
2. DIMENSIONS SHOWN ARE TO EDGE OF SLAB, BACK OF CURB, OR FACE OF BUILDING AS APPLICABLE. CONTRACTOR SHALL VERIFY DIMENSIONS WITH OWNER AND ARCHITECT BEFORE BEGINNING CONSTRUCTION.
3. ALL RAIDS ARE 5 FOOT UNLESS OTHERWISE DIMENSIONED.
4. THE CONTRACTOR SHALL BE RESPONSIBLE TO COMPLY WITH ALL OSHA REGULATIONS IN THE PROSECUTION OF THE WORK UNDER THIS CONTRACT.
5. WATER REDUCING ADMIXTURES SHALL NOT BE USED UNLESS APPROVED BY THE ENGINEER.
6. CONCRETE PAVEMENT SHALL BE CURED USING A WHITE PIGMENTED LIQUID MEMBRANE FORMING CURING COMPOUND THAT HAS BEEN APPROVED BY THE CITY OF LA VISTA. MINIMUM RATE OF APPLICATION SHALL BE 50.0 FEET PER GALLON IF A MECHANICAL SPRAYER IS USED. 100.0 FEET PER GALLON IF A HAND SPRAYER IS USED.
7. ACCESSIBLE ROUTES SHALL BE CONSTRUCTED ACCORDING TO THE ADA STANDARDS FOR ACCESSIBLE DESIGN AND SHALL HAVE A CROSS SLOPE OF NO MORE THAN 4.99% AND SHALL HAVE A CROWN SLOPE OF NO MORE THAN 1.99%.
8. ALL SIDEWALK SHALL BE CONSTRUCTED HAVING A CROSS SLOPE OF NO MORE THAN 1.99%.
9. SEE SPECIFICATIONS, SHEET C6.0, FOR COMPACTION AND FILL REQUIREMENTS UNDER PAVING AND WALK AREAS.
10. SEE SPECIFICATIONS, SHEET C6.0, FOR PAVING TEST REQUIREMENTS.
11. CONTRACTOR SHALL ADJUST ALL MANHOLES, VALVE BOXES, ETC. AS NECESSARY TO FINISHED GRADE. NO SEPARATE PAYMENT WILL BE MADE FOR UTILITY ADJUSTMENTS TO FINISHED GRADE.

### A CONSTRUCTION NOTES

- A. DRILL & GROUT #5 X 30" EPOXY COATED TIE BARS AT 36" O.C. TO TIE INTO EXISTING P.C.C. PAVEMENT, SEE DETAIL SHEET C5.0.
- B. DRIVEWAY SHALL CONFORM TO CITY OF LA VISTA DRIVEWAY SPECIFICATIONS. CONTRACTOR SHALL CONTACT CITY OF LA VISTA FOR DRIVEWAY INSPECTION (402-331-1051).
- C. CONSTRUCT 9" P.C.C. PAVEMENT WITH INTEGRAL TYPE "A" CURB, TYPICAL.
- D. CONSTRUCT 8" P.C.C. PAVEMENT WITH INTEGRAL TYPE "A" CURB, TYPICAL.
- E. CONSTRUCT 6" P.C.C. PAVEMENT WITH INTEGRAL TYPE "A" CURB, TYPICAL.
- F. CONSTRUCT 4" P.C.C. SIDEWALK WITH THICKENED EDGE, TYPICAL. SEE SIDEWALK THICKENED EDGE DETAIL SHEET C5.0.
- G. PAINT 4" WIDE, WHITE STRIPE, MARKING PAINT SHALL BE SHERMIN-WILLIAMS, SETFAST ALKYD, WHITE (A300) MARKING PAINT OR APPROVED SUBSTITUTE, TYP.
- H. PAINT "NO PARKING" ISLAND. SEE ADA STALL DETAIL FOR STRIPE SPACING AND ANGLE.
- I. CONSTRUCT ADA STALL, STRIPING, AND SIGNAGE. SEE ADA STALL DETAIL, THIS SHEET.
- J. CONSTRUCT PARKING BUMPER ALONG ALL STALLS ALONG BUILDING, SEE DETAIL THIS SHEET.
- K. CONSTRUCT BOLLARD, SEE DETAIL SHEET C5.0. VERIFY ALL BOLLARD LOCATIONS WITH ARCHITECTURAL PLANS.
- L. PROPOSED RETAINING WALL, SEE SHEETS C8.0-C9.2 FOR DETAIL.
- M. APPROXIMATE LOCATION FOR TRANSFORMER PAD. COORDINATE LOCATION, DIMENSIONS OF PAD WITH ARCHITECT AND ELECTRICAL PLANS. COORDINATE BOLLARD LOCATIONS WITH ARCHITECTURAL PLANS.
- N. CONSTRUCT TRASH ENCLOSURE. SEE ARCHITECTURAL PLANS FOR DETAILS. VERIFY LOCATION WITH ARCHITECT AND OWNER.

### LEGEND



Revision Dates

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## Exhibit C

4Seam Academy  
12005 Portal Road  
Suite #1  
La Vista, NE 68128

5. In the event that traffic was to stack up into the street during peak times, our action plan will be to send out a mass email to all customers from our software system (Esoft) showing a diagram of the traffic flow to enter the parking lot from the west end and exit on the east end which will eliminate stacking into the street. We will also display this diagram inside at the front counter to bring awareness. Signage will be added if needed and permission from the city given to show the east end of the parking lot as an exit only.