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

PLANNING COMMISSION AGENDA
MAY 18, 2023 – 6:30 P.M.

1. ***Call to Order***

2. ***Approval of Meeting Minutes – April 20, 2023***

3. ***Old Business***

4. ***New Business***

   A. Conditional Use Permit Amendment for Farm Implement Sales and Service – 8701 S 145th Street (Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I) – DOO, LLC d.b.a. Bobcat of Omaha

   i. Staff Report — Cale Brodersen, Associate City Planner
   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 three minutes. We ask for your cooperation in order to provide for an organized meeting.

MEETING MINUTES
CITY OF LA VISTA PLANNING COMMISSION
8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128
P: (402) 593-6400

THURSDAY, APRIL 20 AT 6:30 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, April 20, 2023, in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. 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. The following Planning Commission members were present and absent:

PRESENT: Gayle Malmquist, Patrick Coghlan, Josh Frey, Kathleen Alexander, Jason Dale, Harold Sargus, John Gahan, and Mike Krzywicki

ABSENT: Mike Circo, Patrick Coghlan, Austin Partridge

STAFF PRESENT: Bruce Fountain, Community Development Director; Chris Solberg Deputy Community Development Director; Meghan Engberg, Permit Technician; Pat Dowse, City Engineer

Call to Order

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

1. Approval of Meeting Minutes from March 16, 2023

Motion: *Malmquist* moved, seconded by *Gahan,* to **approve** the March 16, 2023, minutes.

RESULT:	**Motion carried 7-0**
MOTION BY:	Malmquist
SECONDED BY:	Gahan
AYES:	Coghlan, Gahan, Krzywicki, Malmquist, Dale, Sargus, Alexander, Frey
NAYS:	None
ABSTAINED:	None
ABSENT:	Circo, Coghlan, Partridge

2. Old Business

None.

3. New Business

A. PUD Amendment – Lot 2 Woodhouse Place and Lots 1 & 2 Woodhouse Place Replat 2 - Woodhouse Auto Family

i. Staff Report – Christopher Solberg, Deputy Community Development Director: Solberg stated that the applicant, LB Southwest, LLC, is asking for an amendment to the PUD Site Plan and Ordinance for an automobile dealership to incorporate a small automotive leasing facility into the site plan and to incorporate the Automotive Rental/Leasing use as permitted within the PUD area.

Staff recommends approval of the PUD Amendment as the request is consistent with the Zoning Regulations and the Comprehensive Plan.

ii. Public Hearing: Rob Vanderveen gave a presentation to the commission and showed a site plan indicating where the car rental facility would be going.

Krzywicki asked if the car rental business would be sharing parking with the car dealership, stating that he had concerns about overflow parking. He mentioned that there are other places in La Vista that he has noticed are supposed to have shared parking, but that are still parking off-site.

Vanderveen said that the dealerships have ample parking to share with the proposed rental business.

Soberg mentioned that shared parking is part of the PUD.

Chair Sargus opened the Public Hearing.

Chair Sargus closed the Public Hearing as no members of the public came forward.

iii. Recommendation: *Gahan* moved, seconded by *Dale* to recommend **approval** of the PUD Amendment as the request is consistent with the Zoning Regulations and the Comprehensive Plan.

RESULT:	**Motion carried 7-0**
MOTION BY:	Gahan
SECONDED BY:	Dale
AYES:	Coghlan, Malmquist, Dale, Sargus, Gahan, Wetuski, Krzywicki, Alexander
NAYS:	None
ABSTAINED:	None
ABSENT:	Circo, Coghlan, Partridge

4. **Zoning Map Amendment – Lots 1-3 Mayfair 2nd Addition Replat Seven and Lot 2 Mayfair 2nd Addition Replat Three (northeast of the intersection of S 99th Street and Hillcrest Plaza) – Hubbell Development Services, Inc.**

i. Staff Report – Christopher Solberg, Deputy Community Development Director: Solberg stated the applicant, Hubbell Development Services, is requesting an approval of an amendment to the Official Zoning Map to rezone Lots 1-3 Mayfair 2nd Addition Replat Seven and Lot 2 Mayfair 2nd Addition Replat Three from C-1 Shopping Center Commercial and Gateway Corridor Overlay District (GWC) to R-3 Hugh-Density Residential, Planned Unit Development Overlay District (PUD) and Gateway Corridor Overlay District (GWC). The applicant is seeking to construct a multifamily development consisting of a mixture of multi-family apartment buildings, multi-plex residential buildings, and townhome-style residential units. The site plan, unit counts, conditions of operation and other aspects of the proposed development will be analyzed during the review processes related to the required PUD, CUP, and Replat actions.

Staff recommends approval of the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of a PUD Site Plan, Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

ii. Public Hearing: Trevor Veskerna and Josh Vickery of Hubbell Development Services gave a presentation to the commission and showed the site plan of the proposed development. Vickery spoke about how he hosted a neighborhood meeting where he was able to listen to and address concerns from surrounding residents and businesses.

Sargus opened the public hearing.

Todd Kathor owns the CPA business across from where the proposed apartments are located and has concerns about people using his parking lot. He asked if it would be possible to have the taller apartment buildings moved to the other side of the development. Mr. Kathor also mentioned a desire to include fencing around the development.

Kristin Schreck lives in the neighborhood behind the development and said that she is happy that a residential development will be going behind her house instead of a commercial one. She was appreciative of the fact that the one-story townhomes will be going behind her home, rather than the three-story apartments.

Krzywicki mentioned the percentage of rentals already in La Vista and that he understood that the developers would make more money off of rentals, but asked if it would be possible to develop more owner-occupied single-family residents.

Vickery noted that Hubbell does not intend to do owner-occupied units on this site.

Solberg mentioned that there are really no sites left in La Vista to develop large single-family owner-occupied subdivisions, but smaller areas in various parts of the city could be used for row housing developments. However, that is not what is proposed at this time.

Fountain said that there aren't many developers in the area who are building "for sale" condos or townhomes at this time. He also said that although the city is encouraging developers to build more diverse housing, including owner-occupied, we do regulate whether the units are owner occupied or rental. The main intent of the recently adopted City Land Use Plan was to encourage and require more choice of housing types being developed.

Frey asked if a traffic study would be done and if there would possibly be a stoplight added at 99th St. He mentioned that this intersection is becoming increasingly busy with the added businesses on both sides of Giles and currently the only stoplight to exit this area is on Brentwood.

Solberg said that a traffic study would be required as part of the approval process.

Sargus Closed the Public Hearing

iii. **Recommendation:** *Frey* moved, seconded by *Malmquist,* to recommend **approval of** the Zoning Map Amendment, subject to satisfaction of all applicable requirements, including without limitation, notice, hearing, and approval of the PUD Site Plan, Conditional Use Permit, and approval and recording of the final replat and subdivision agreement.

RESULT:	**Motion carried 6-1**
MOTION BY:	Frey
SECONDED BY:	Malmquist
AYES:	Coghlan, Malmquist, Dale, Sargus, Wetuski, Krzywicki, Alexander Gahan
NAYS:	
ABSTAINED:	None
ABSENT:	Circo, Coghlan, Partridge

5. Comments from the Floor

None.

6. Comments from the Planning Commission

None.

7. Comments from the Staff

Fountain recognized and congratulated Chris Solberg for receiving recent awards from the NE APA Chapter, the Nebraska Planning & Zoning Association, and the National American Planning Associtiation for his contributions to planning and his work on his blog "Rural Resurrection," Solberg presented Gayle Malmquist with the Loretta Ludemann Excellence in Planning by a Woman in the State of Nebraska Award. The Nebraska Planning and Zoning Association selected Gayle for this award for your long career of contributions to the planning profession and her volunteer service on Planning Commissions in La Vista and Sarpy County.

8. Adjournment

Chairman Sargus adjourned the meeting at 7:16 p.m.

Reviewed by Planning Commission:

_____
Planning Commission Secretary

_____ _____
Planning Commission Chair

AGENDA ITEM 4A

Conditional Use Permit Amendment for Farm Implement Sales and Service – 8701 S 145th Street (Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I) – DOO, LLC d.b.a. Bobcat of Omaha

CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT

CASE NUMBERS: PCUP23-0005;

FOR HEARING ON: MAY 18, 2023
REPORT PREPARED ON: MAY 12, 2023

I. GENERAL INFORMATION

A. APPLICANT(S):
Heimes Corp.
Attn: Jeff Jenkins
9144 S 147th Street
Omaha, NE 68005

B. PROPERTY OWNERS:
DOO, LLC
8701 S 145th Street
Omaha, NE 68138

C. LOCATION: 8701 S. 145th Street, La Vista, NE 68138, generally located east of the intersection of S 145th Street and Portal Circle.

D. LEGAL DESCRIPTION: Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I.

E. REQUESTED ACTION(S): Approval of an amendment to the Conditional Use Permit for Bobcat of Omaha for Farm Implement Sales & Service.

F. EXISTING ZONING AND LAND USE: I-1 Light Industrial Zoning District and Gateway Corridor District (Overlay District).

G. PURPOSE OF REQUEST: Applicant is seeking to expand their Farm Implement Sales & Service operation for Bobcat of Omaha to include two additional lots to the south (Lot 1 Lakeview South II Replat 3 and Lot 2 Lakeview South II Replat I).

H. SIZE OF SITE: Approximately 7.63 acres.

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

Direction From Subject Property	Future Land Use Designation	Current Zoning Designation	Surrounding Development
North	Regional Commercial	C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)	Woodhouse Dealership
East	Urban Medium-Intensity Residential and Urban High-Intensity Residential	R-1 Single Family Zoning District	The Meadows Neighborhood
South	Industrial	C-2 General Commercial District and Gateway Corridor District (Overlay District).	Asset Strategies Multi-Tenant Commercial Building
West	Industrial	I-2 Heavy Industrial Zoning District and Gateway Corridor District (Overlay District)	Vacant properties; Hotsy Equipment Co.; Leisure Life Sports

B. RELEVANT CASE HISTORY:

1. On October 15, 2013 the City Council issued a Conditional Use Permit for Bobcat of Omaha for Lot 1 Lakeview South Replat 5 for a Farm Implement Sales and Service operation.
2. On July 17, 2018, City Council approved an amendment to Bobcat of Omaha's CUP to allow for a building expansion on Lot 1 Lakeview South Replat 5 for the Farm Implement Sales and Service operation.

C. APPLICABLE REGULATIONS:

1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
2. Section 5.17 of the City of La Vista Zoning Ordinance – Gateway Corridor District (Overlay District)
3. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
4. Section 7.16 of the City of La Vista Zoning Ordinance – Performance Standards for Industrial Uses

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the La Vista Comprehensive Plan designates this property for industrial development and use. This application corresponds with the intended use of the property.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The existing property has two access driveways on 145th Street. The expansion detailed in the proposed site plan would include an additional driveway onto 145th Street on the south end of the properties, which will provide additional room and capacity for deliveries and equipment pickup/drop-off. This additional access and driveway length will reduce the likelihood of trucks blocking 145th Street as they wait to enter the site.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. Paved parking capacity on the site exceeds the minimum off-street parking required by Section 7.06 of the La Vista Zoning Ordinance for Farm Implement Sales and Service operations.
2. No parking related to the use will be permitted on S. 145th Street, per a requirement included in the attached draft Conditional Use Permit.

IV. REVIEW COMMENTS:

1. Additional fencing and landscaping screening will be installed around the perimeter of the properties. The landscaping plan has been reviewed and approved by the City's third-party design review architect for conformance with the landscaping requirements in the Gateway Corridor Design Guidelines and Section 7.17 of the La Vista Zoning Ordinance. The landscaping plans are included in the draft Conditional Use Permit, attached as Exhibit B.
2. Review and approval of the drainage study and post-construction stormwater management plan will be required as a condition of approval for the grading and building permits prior to construction activities.
3. Included in this expansion is a grass demonstration and merchandise display area for non-vehicle type merchandise including trailers, generators, and other non-self propelled pieces of equipment on display for sale. A condition has been included in the attached draft Conditional Use Permit that the site must be

maintained in accordance with the site plan, including maintaining the health of the grass in the display area which will require regularly moving the merchandise. If track-out of mud or dirt occurs onto public streets resulting from the proposed grass display area or the existing dirt demonstration area, the owner will be required to pave the problem areas to abate track-out issues.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT AMENDMENT:

Staff recommends approval of the amendment to the existing Conditional Use Permit for DOO, LLC d.b.a. Bobcat of Omaha for Farm Implement Sales and Service, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

A. Vicinity Map
B. Review and response letters
C. Draft Conditional Use Permit with Site Plan, Landscaping Plans, and Operating Statement

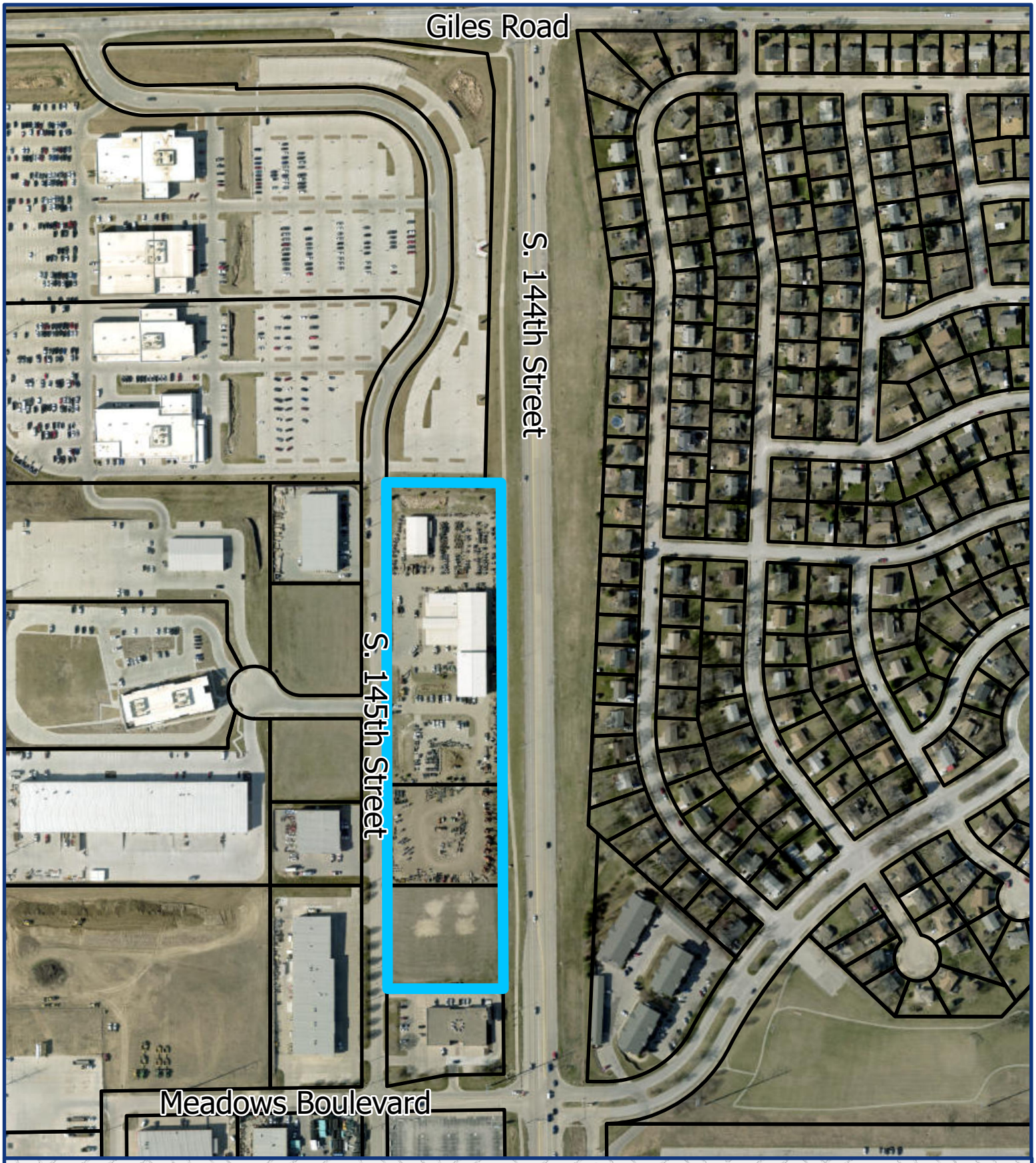
VII. COPIES OF REPORT SENT TO:

A. Jeff Jenkins, Heimes Corporation
B. Scott Loos, Thompson, Dreessen & Dorner, Inc.
C. Public Upon Request

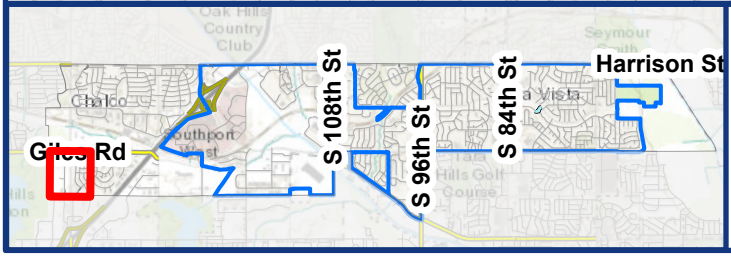
Prepared by: Associate City Planner

5/12/23

Community Development Director Date



Vicinity Map - Bobcat of Omaha CUP Amendment



Legend

- Property Lines
- CUP Amendment Area

LA VISTA

LA VISTA

IMPROVE YOUR POINT OF VIEW.

April 28, 2023

Thompson, Dreessen, & Dorner
Attn: Scott Loos
10836 Old Mill Road
Omaha, NE 68154

RE: Conditional Use Permit Amendment – Bobcat of Omaha – Initial Review Letter
8701 S 145th Street – Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I

Mr. Loos,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

1. The proposed landscaping plans for the Bobcat of Omaha site have been reviewed by the City's third-party design review architect for conformance with the requirements of the Gateway Corridor Overlay District and the Zoning Ordinance. Please find attached an initial review letter detailing some necessary changes to the landscaping plans.

2. Please include additional details in the operating statement about the overall business operation, including the square footage of existing buildings and the total number of employees that will be on-site during peak times.

3. Sheets 1 and 2 of the most recently submitted site plan package appear to be early versions of the site plan, and do not include the full extent of paving proposed for Lot 1 Lakeview South II Replat 3. Please review and revise the site plans.

4. Regarding the proposed grass demonstration/merchandise display area, restrictions will be made and enforced through the CUP on the types of merchandise that can be displayed in that area to ensure conformance with Section 7.05.03 of the La Vista Zoning ordinance which requires that all parking be paved with asphalt or concrete. Consistent with the operating statement that you provided, only non-vehicle type merchandise will be permitted to be displayed in this grass area (such as trailers, generators, and other non-self propelled pieces of equipment that are on display for sale).

5. A grading permit and building permit from the City of La Vista will be required prior to any ground disturbance or paving activities on the subject properties. As part of this permit approval process, review and approval of the Post-Construction Stormwater Management Plan and drainage study will be required.

6. A condition will be placed within the CUP that the property will need to be maintained according to the site plan, including ensuring that the health of the grass in the merchandise display area is maintained. This will necessitate regularly moving merchandise placed on the grass area. A condition will be included in the CUP that if track-out occurs onto public roadways, the City may require that the property owner pave areas creating the problem. Additional paving will also be required if unauthorized parking of equipment/merchandise is occurring on the grass area. Please be advised that staff conducts regular reviews of properties with CUPs to ensure compliance with the approved permit.

7. The operating statement mentions a potential future retail building on the south end of the property. Please note that the design for such potential building will need to be reviewed through the City's design review process as the property is located within La Vista's Gateway Corridor Overlay District.

Please submit 2 full size revised copies of the CUP plans and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed. A draft CUP will be prepared and shared with you in the near future. If you have any questions regarding these comments, please feel free to contact me at any time.

Thank you,

Cale Brodersen, AICP
Associate City Planner
cbrodersen@cityoflavista.org
(402) 593-6400

cc:

Jeff Jenkins, Heimes Corp.
Brendan Finley, Thompson, Dreessen & Dorner
Bruce Fountain, Community Development Director – City of La Vista Chris Solberg, Deputy Community Development Director – City of La Vista Pat Dowse, City Engineer – City of La Vista

Enclosure.

SCHEMMER

Design with Purpose. Build with Confidence.

April 25, 2023

Mr. Chris Solberg
City of La Vista
8116 Park View Blvd
La Vista, NE 68128

RE: Bobcat of Omaha - Design Review Letter #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the Applicant's submittal containing drawings received on 4/12/2023. For tracking purposes, I have noted deficiencies in the CUP submittal package below, and where appropriate, the corresponding requirements outlined in the Gateway Corridor Design Guidelines for landscaping compliance only.

General:

1. The following drawings were submitted:
    a. Site Layout 1 of 2
    b. Site Layout 2 of 2
    c. Landscape Plan
    d. Landscape Plan Phase 1
    e. Landscape Plan Phase 2

Drawings:

1. Landscaping Plan
    i. Coniferous tree on plant schedule not included on list of approved plant materials.
    ii. Both deciduous shrubs and coniferous shrubs shade trees are required to be 5 gallons. Scheduled shrubs are shown as 3 gallons, revise as required.
2. Landscape Plan Phase 2
    i. Both deciduous shrubs and coniferous shrubs shade trees are required to be 5 gallons. Scheduled shrubs are shown as 3 gallons, revise as required.

Please notify the Applicant of the review comments above and request clarification and/or resubmittal as the case may be. Please remind the Applicant to properly date all resubmittals.

PHONE 402.493.4800
FAX 402.493.7951

1044 North 115th Street, Suite 300
Omaha, Nebraska 68154-4436

SCHEMMER.COM

EMPLOYEE OWNED

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6377 direct
dkerns@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.



Dan Kerns, AIA, NCARB
Principal
Executive Manager, Architecture
Commercial Market Leader

City of La Vista
Conditional Use Permit

Conditional Use Permit for Farm-Implement Sales and Service

This Conditional Use Permit issued this _____ day of _____, 2023, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, DOO, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner was granted a conditional use permit by the City Council of the City of La Vista on October 15, 2013 for a Farm-Implement Sales and Service operation upon Lot 1, Lakeview South II Replat Five within the City of La Vista's zoning jurisdiction in Sarpy County, Nebraska; and

WHEREAS, Owner submitted an application for an amendment to their conditional use permit for the purpose of expanding the operations of a Farm-Implement Sales and Service use that was approved on July 17, 2018; and

WHEREAS, Owner wishes to further expand the operations of a Farm-Implement Sales and Service operation; and

WHEREAS, Owner has applied for an additional amendment to their conditional use permit for the purpose of such expansion to allow for the Farm-Implement Sales and Service use on the following properties within the City of La Vista's zoning jurisdiction in Sarpy County, Nebraska:

Lot 1 Lakeview South II Replat Five
Lot 1 Lakeview South II Replat 3
Lot 2 Lakeview South II Replat I; and

WHEREAS, the Mayor and City Council of the City of La Vista by this instrument are agreeable to amending the conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

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

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Conditions of Permit

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

1. The rights granted by this permit shall supersede any prior conditional use permit and are transferable. Any transferee shall be bound to perform this permit the same as the original Owner. Any variation or breach of any terms hereof shall cause permit to expire and terminate, subject to any cure right below.

2. In respect to the proposed Use:
   a. Site plans showing the property boundaries of the tract of land and easements, proposed structures and orientation, parking, access points, and drives is approved by the City and attached to the permit as "Exhibit A". Access will be from South 145th Street.

b. Hours of operation for said Farm-Implement Sales and Service will be from 7:30 a.m. to 5:30 p.m. Monday through Friday, and between March-November, from 7:30 a.m. to 1:00 p.m. on Saturdays.
c. The premises shall be developed and maintained in accordance with the site plans (Exhibit A), landscape plans (Exhibit B), and the building renderings (Exhibit C) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Community Development Director for approval.
d. The use shall be consistent with that described in the Operating Statement attached as "Exhibit D".
e. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.
f. Merchandise shall only be displayed in the proper areas designated on the site plans (Exhibit A). Only non-vehicle type merchandise will be permitted to be displayed in the grass display area (such as trailers, generators, and other non-self propelled pieces of equipment that are on display for sale), in accordance with Section 7.05.03 of the La Vista Zoning Ordinance.
g. All landscaping identified in the landscaping plans attached as "Exhibit B" shall be maintained in good health. The health of the grass in the grass merchandise display area shall also be maintained in good health, which will necessitate regularly moving merchandise placed on the grass area. If track-out of dust, dirt, or mud occurs onto public roadways from the subject properties in this CUP, the City will require that Owner pave areas creating the problem with concrete. Additional paving will also be required if unauthorized parking of equipment/merchandise is occurring on the grass area.
h. No parking related to this use or these properties shall occur on S. 145th Street.
i. The existing monument sign, originally permitted through Sarpy County, shall be acceptable. All other permanent and temporary signs shall comply with the City's sign regulations.
j. Owner shall abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – *Performance Standards for Industrial Uses*.
k. 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.
l. The owner shall make annual inspections of the premises and structures, and the operation thereof for any hazard or risk, including, but not limited to, those of an environmental or safety nature. The owner shall take immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises and to abate any hazard or risk and remove it from the premises in accordance with any applicable laws, rules or regulations, as amended or in effect from time to time.
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 the 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. A building permit shall be required prior to any paving activities on the premises.
p. The equipment demonstration area shall utilize permanent BMPs to control sediment and dust from the disturbed ground areas. The permanent BMPs are illustrated in the site plans attached to the permit as "Exhibit A". Two existing stormwater detention basins on the property shall be converted to underground storage chambers, and are identified in the site plans. All underground storage chambers and BMPs on the properties shall be maintained in efficient working order.

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

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

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
   a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
   b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
   c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
   d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

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

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

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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: DOO, LLC d.b.a. Bobcat of Omaha
Attn: Don Partridge
E-mail: donpartridge@bobcat-omaha.com
8701 S 145th Street
Omaha, NE 68138

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

DRAFT

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.

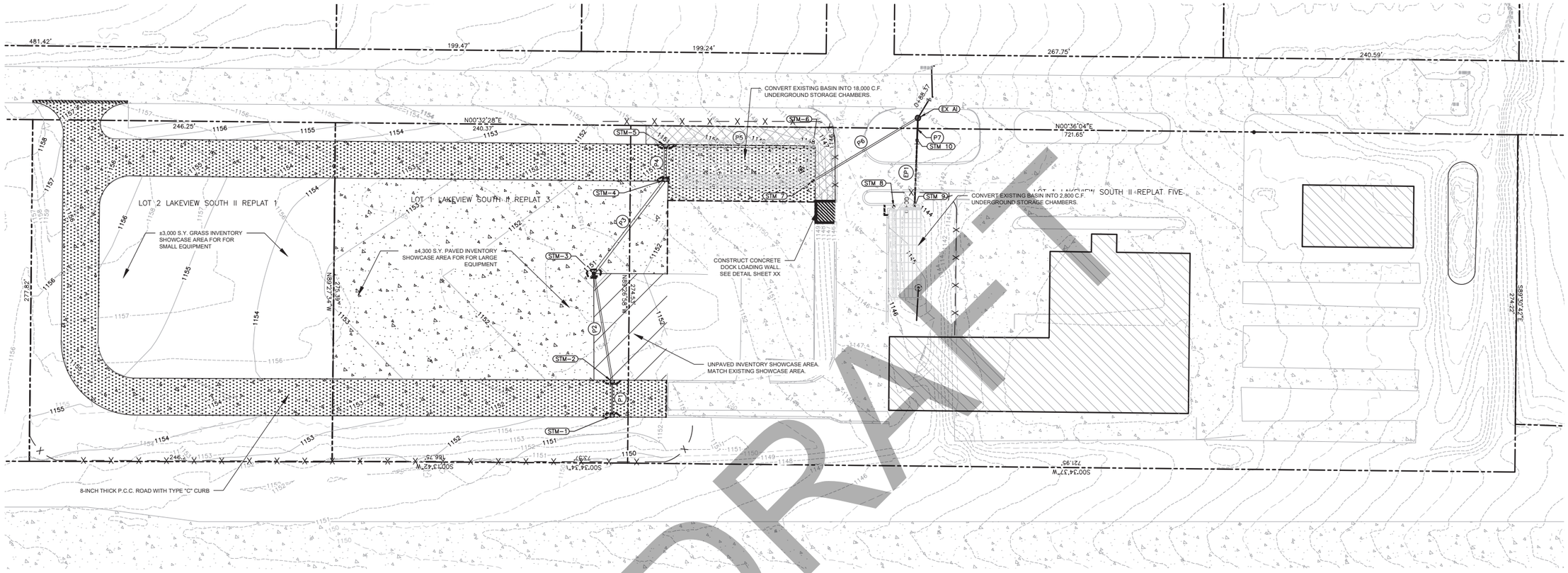
Owner:

By: _____

Title: _____

Date: _____

Exhibit A





VICINITY MAP

LEGEND

- EXISTING P.C.C. PAVEMENT
- PROPOSED 7" THICK P.C.C. PAVEMENT
- PROPOSED 9" P.C.C. PAVEMENT WITH INTEGRAL TYPE "C" CURB
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED STORM SEWER

0' 15' 30'

NOTES

1. EXISTING CONDITIONAL USE PERMIT TO BE AMENDED TO ALLOW FOR THE PROPOSED SITE AND USE.
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PIPE TABLE (Storm Sewers)

NAME	SIZE	LENGTH	SLOPE	MATERIAL
EP1	12"	53.02'	0.68%	CMP
P1	10"	27.95'	1.00%	HDPE/PVC
P2	15"	88.92'	1.00%	HDPE/PVC
P3	24"	95.72'	0.80%	HDPE/PVC
P4	24"	27.97'	0.80%	HDPE/PVC
P5	24"	119.96'	1.93%	HDPE/PVC
P6	15"	99.57'	1.44%	HDPE/PVC
P7	12"	18.18'	0.50%	RCP

SITE STATISTICS

LOT NUMBER	ZONING	LOT SIZE (AC/ SF)	BUILDING COVERAGE (SF)	BUILDING COVERAGE (%)	PAVEMENT AREA (SF)	TOTAL IMPERVIOUS (SF)	TOTAL IMPERVIOUS (%)
LOT 2 LAKEVIEW SOUTH II REPLAT 1	I-1 LIGHT INDUSTRIAL	1.56 AC / 68,100 SF	–	–	16,150	16,150	26.8 %
LOT 1 LAKEVIEW SOUTH II REPLAT 3	I-1 LIGHT INDUSTRIAL	1.52 AC / 66,132 SF	–	–	51,100	51,100	77.3 %
LOT 1 LAKEVIEW SOUTH II REPLAT FIVE	I-1 LIGHT INDUSTRIAL	4.55 AC / 198,048 SF	27,500	13.8 %	83,900	111,400	56.2 %

STRUCTURE TABLE (Storm Sewers)

STRUCTURE NAME	ELEVATIONS	LOCATION TO CENTER OF STRUCTURE
EX AI 24" I.D. NYLOPLAST INLET	RIM: ??? I.E. 15": 1139.57 (SE) I.E. 12": 1137.32 (E)	CHAMBER 2 OUTLET: 0+71.20, 0.00 N: 77875.50 E: 106395.63
STM-1 NYLOPLAST GRATE INLET 2x3	RIM: 1151.16 I.E. 10": 1147.16 (W)	STM1: 3+60.53, 0.00 N: 77626.66 E: 106637.75
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TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name

Bobcat of Omaha

Client Name

Heimes Corporation

Professional Seal

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DATE PRINTED: MAY 2, 2023

Revision Dates

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Drawn By: BJF Reviewed By: SRL
Job No.: 1642-115 Date: 05/02/23

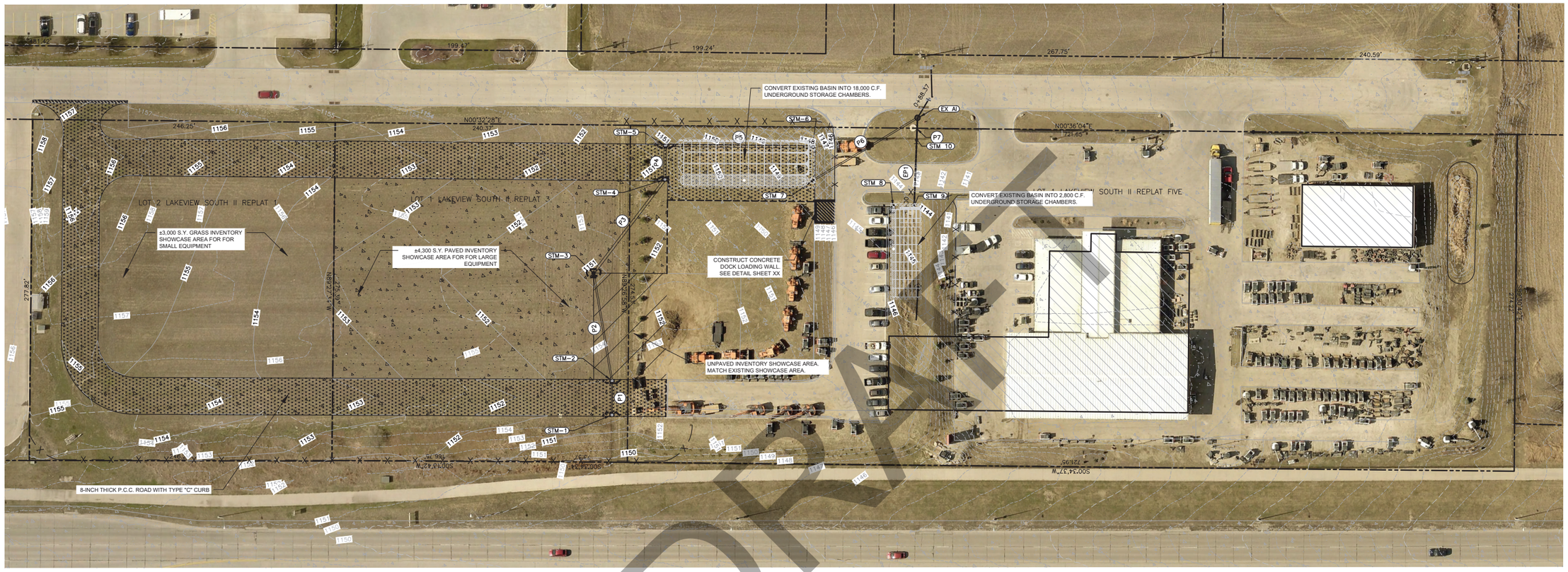
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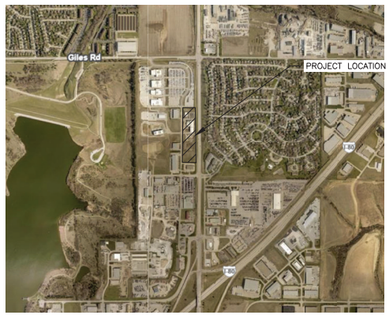
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Sheet Number

Sheet 1 of 5

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DRAFT

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Professional Seal

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Revision Dates

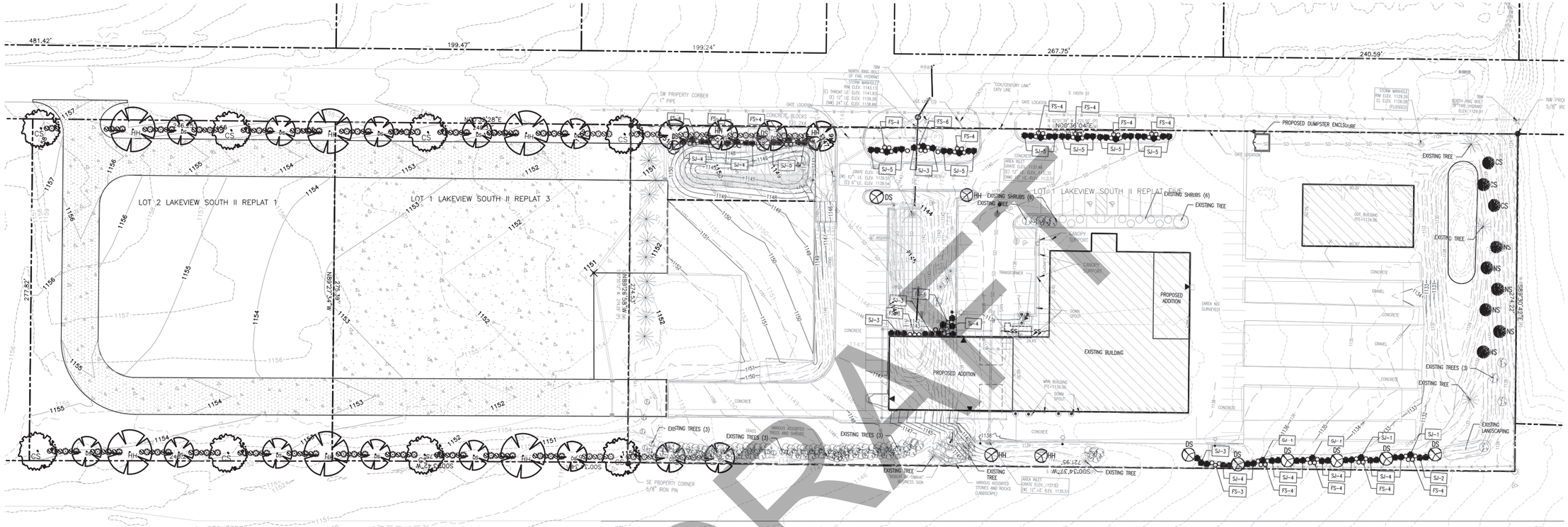
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Drawn By: BJF Reviewed By: SRL
Job No.: 1642-115 Date: 05/02/23

Sheet Title
Site Layout

Sheet Number
Sheet 2 of 5

Exhibit B



LANDSCAPING NOTES

1.1 MINIMUM OF TWO SPECIES LISTED UNDER THE DECIDUOUS TREE CATEGORY
- DOWNY SERVICE BERRY (5.17.06.02)
- HALKA HONEYLOCUST

1.2 MINIMUM OF ONE SPECIES LISTED UNDER THE CONIFEROUS TREE CATEGORY.
- NORWAY SPRUCE (5.17.06.02)

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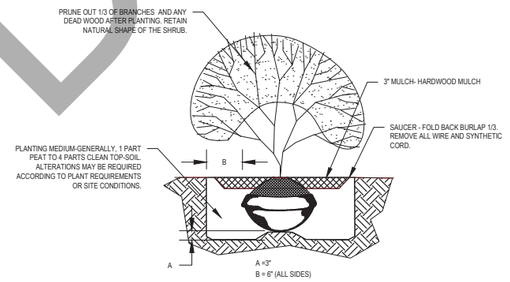
0' 15' 30'

LEGEND

- NORWAY SPRUCE
- DOWNY SERVICEBERRY
- DOWNY SERVICEBERRY
- SEA GREEN JUNIPER
- GRO-LOW FRAGRANT SUMAC

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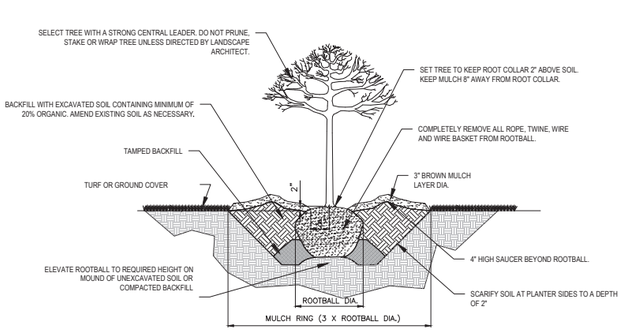


SHRUB PLANTING DETAIL
NOT TO SCALE

PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE HEIGHT	MATURE SPREAD	TOTAL QUANTITY
DS	AMELANCHIER ARBOREA – CLUMP FORM	DOWNY SERVICEBERRY	3" CAL. MIN.	B&B	30'	25'	17
HH	GLEDITSIA TRIACANTHOS VAR. INMERIS 'HALKA'	HALKA HONEYLOCUST	3" CAL. MIN.	B&B	75'	50'	6
CS	PICEA PUNGENS	COLORADO SPRUCE	3" CAL. MIN.	B&B	40'	25'	8
FS	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	5 GAL.	CONT.	4'	3'	87
SJ	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	5 GAL.	CONT.	20'	5'	88

NOTE: PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF LA VISTA'S GATEWAY DISTRICT DESIGN GUIDELINES AND THE CITY OF LA VISTA ZONING ORDINANCE.



NOTES:
1. SOIL USED AS BACKFILL SHALL BE AMENDED AS NECESSARY TO CONTAIN 20% ORGANIC MATERIAL.
2. PLANTING STAGES:
   A) REMOVE BOTTOM THIRD OF BASKET, ROPE AND TWINE.
   B) SET TREE AND PLUMB. TAMP BACKFILL TO STABILIZE.
   C) COMPLETE REMOVAL OF ALL WIRE, ROPE, AND TWINE.
   D) FINISH BACKFILL AND WATER.
3. STREET TREE PLANTING INSPECTION AND APPROVAL BY CITY OF OMAHA AND THE OWNER SHALL BE DONE IN TWO STAGES:
   A) EXCAVATION OF PLANTER AREA AND COMPACTION RELIEF TREATMENT PRIOR TO PLANTING AND BACKFILLING.
   B) FINAL INSTALLATION AFTER PLANTING AND BACKFILLING.

TYPICAL TREE PLANTING DETAIL
NOT TO SCALE

TD2 engineering & surveying
thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

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Job No.: 1642-115 Date: 05/02/23

Sheet Title
Landscaping Plan

Sheet Number
Sheet 3 of 5

Exhibit B

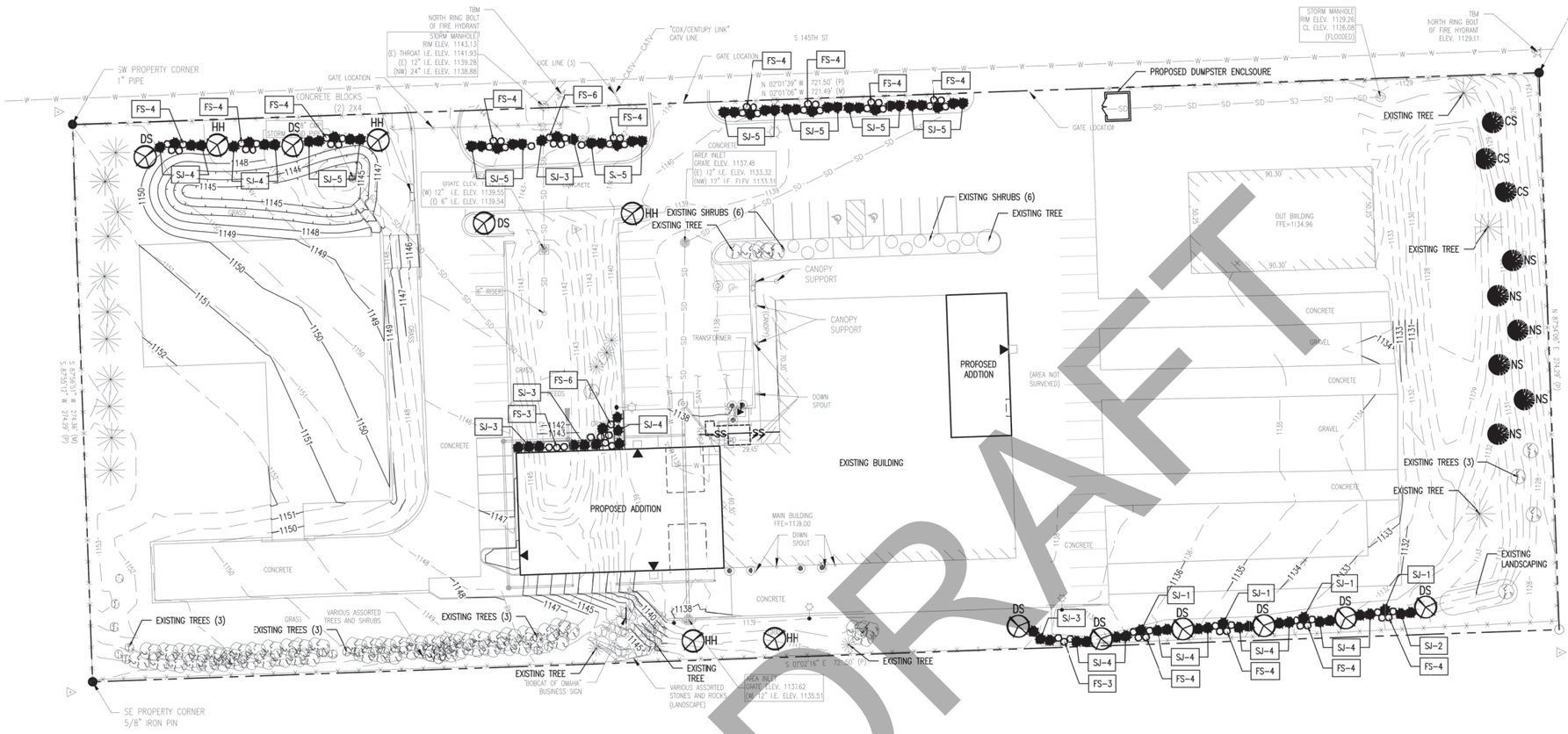
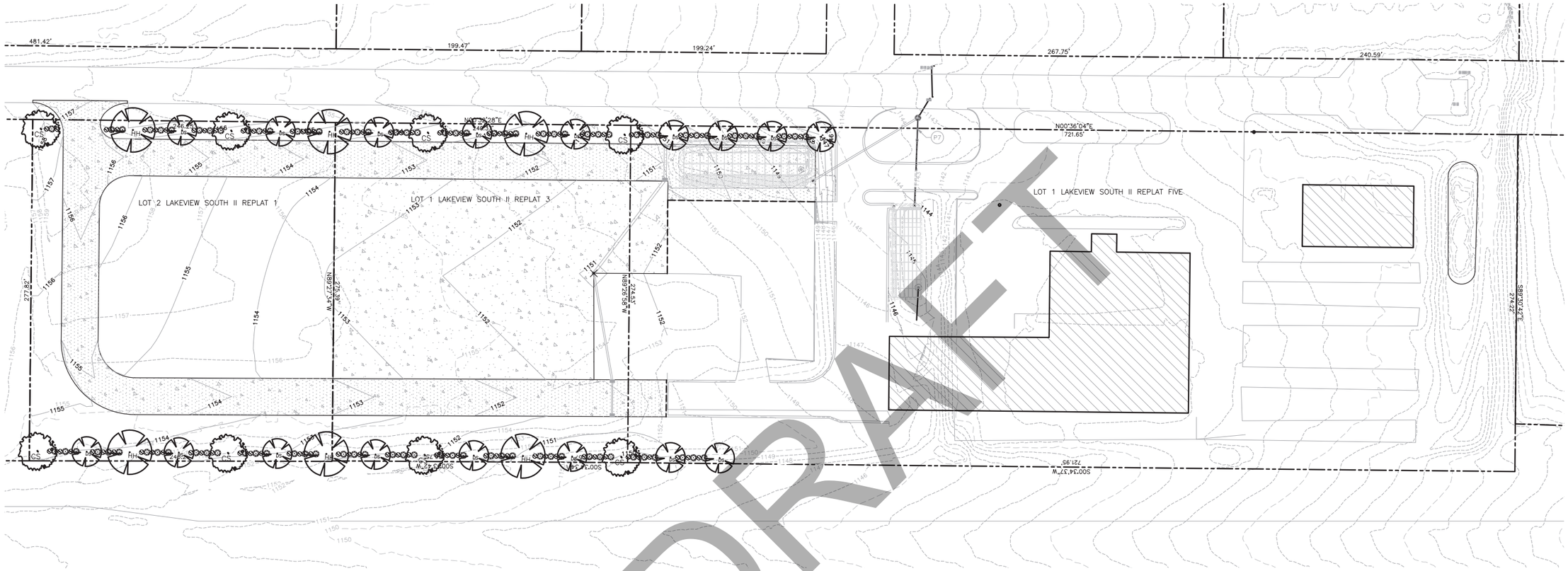

NORTH
30 0 30
1 inch = 30 ft.
SW PROPERTY CORNER 1" PIPE
SE PROPERTY CORNER 5/8" IRON PIN
NW PROPERTY CORNER 5/8" IRON PIN
TBM NORTH RING BOLT OF FIRE HYDRANT ELEV. 1129.51
STORM MANHOLE RIM ELEV. 1129.26 (CL ELEV. 1126.08) (FLOODED)
STORM MANHOLE RIM ELEV. 1143.13 (E) THROAT I.E. ELEV. 1141.93 (E) 12" I.E. ELEV. 1139.28 (NW) 24" I.E. ELEV. 1138.88
"COX/CENTURY LINK" CATV LINE
UGE LINE (S)
S 145TH ST
GATE LOCATION
CONCRETE BLOCKS (2) 2X4
PROPOSED DUMPSTER ENCLSOURE
EXISTING TREE
EXISTING SHRUBS (6)
CANOPY SUPPORT
TRANSFORMER
DOWN SPOUT
PROFOSED ADDTION
(AREA NOT SURVEYED)
OUT BRILDING FFE=1134.96
EXISTING BUILDING
PROPOSED ADDITION
MAIN BUILDING FFE=1139.00
CONCRETE
GRAVEL
GRASS
EXISTING TREES (3)
VARIOUS ASSORTED TREES AND SHRUBS
EXISTING TREES (3)
EXISTING TREE
"BOBCAT OF OMAHA" BUSINESS SIGN
EXISTING TREE
VARIOUS ASSORTED STONES AND ROCKS (LANDSCAPE)
AREA INLET GRATE ELEV. 1137.62 (W) 12" I.E. ELEV. 1135.51
S 87°42'16" E 721.50' (P)
EXISTING LANDSCAPING
EXISTING TREES (3)
EXISTING TREE
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0' 15' 30'

LEGEND

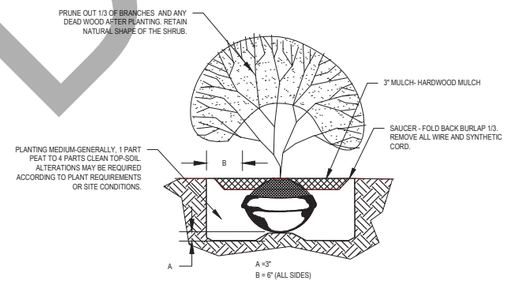
NORWAY SPRUCE

DOWNY SERVICEBERRY

DOWNY SERVICEBERRY

SEA GREEN JUNIPER

GRO-LOW FRAGRANT SUMAC

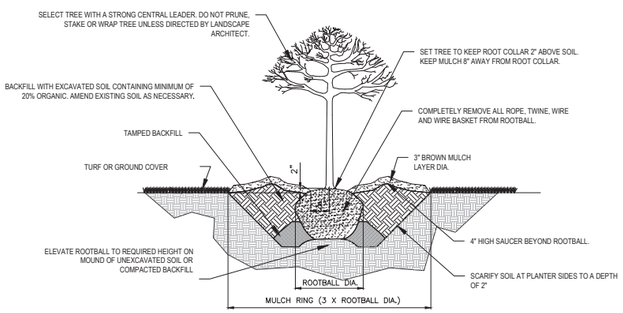


SHRUB PLANTING DETAIL
NOT TO SCALE

PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	SIZE	COND.	MATURE HEIGHT	MATURE SPREAD	TOTAL QUANTITY
DS	AMELANCHIER ARBOREA – CLUMP FORM	DOWNY SERVICEBERRY	3" CAL. MIN.	B&B	30'	25'	17
HH	GLEDITSIA TRIACANTHOS VAR. INMERIS "HALKA"	HALKA HONEYLOCUST	3" CAL. MIN.	B&B	75'	50'	6
CS	PICEA PUNGENS	COLORADO SPRUCE	3" CAL. MIN.	B&B	40'	25'	8
FS	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	5 GAL.	CONT.	4'	3'	87
SJ	JUNIPERUS CHINENSIS 'SEA GREEN'	SEA GREEN JUNIPER	5 GAL.	CONT.	20'	5'	88

NOTE: PLANT SCHEDULE IS APPROXIMATE AND SUBJECT TO CHANGE; HOWEVER, ANY CHANGES MUST BE IN ACCORDANCE WITH THE CITY OF LA VISTA'S GATEWAY DISTRICT DESIGN GUIDELINES AND THE CITY OF LA VISTA ZONING ORDINANCE.



NOTES:
1. SOIL USED AS BACKFILL SHALL BE AMENDED AS NECESSARY TO CONTAIN 20% ORGANIC MATERIAL.
2. PLANTING STAGES:
   A) REMOVE BOTTOM THIRD OF BASKET, ROPE AND TWINE.
   B) SET TREE AND PLUMB. TAMP BACKFILL TO STABILIZE.
   C) COMPLETE REMOVAL OF ALL WIRE, ROPE, AND TWINE.
   D) FINISH BACKFILL AND WATER.
3. STREET TREE PLANTING INSPECTION AND APPROVAL BY CITY OF OMAHA AND THE OWNER SHALL BE DONE IN TWO STAGES:
   A) EXCAVATION OF PLANTER AREA AND COMPACTION RELIEF TREATMENT PRIOR TO PLANTING AND BACKFILLING.
   B) FINAL INSTALLATION AFTER PLANTING AND BACKFILLING.

TYPICAL TREE PLANTING DETAIL
NOT TO SCALE

TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 www.td2co.com

Project Name

Bobcat of Omaha

Client Name

Heimes Corporation

Professional Seal

PROGRESS PRINT

NOT TO BE USED FOR CONSTRUCTION

DATE PRINTED: MAY 2, 2023

Revision Dates

No.	Description	MM-DD-YY
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Drawn By: BJF Reviewed By: SRL
Job No.: 1642-115 Date: 05/02/23

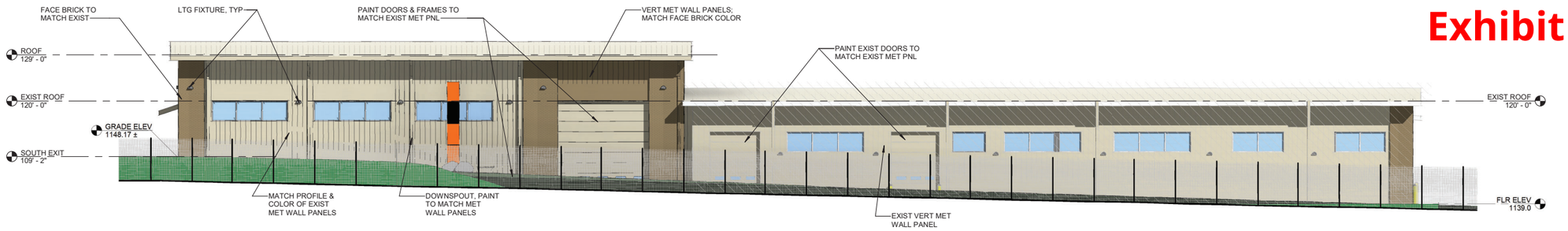
Sheet Title

Landscaping Plan - Phase 2

Sheet Number

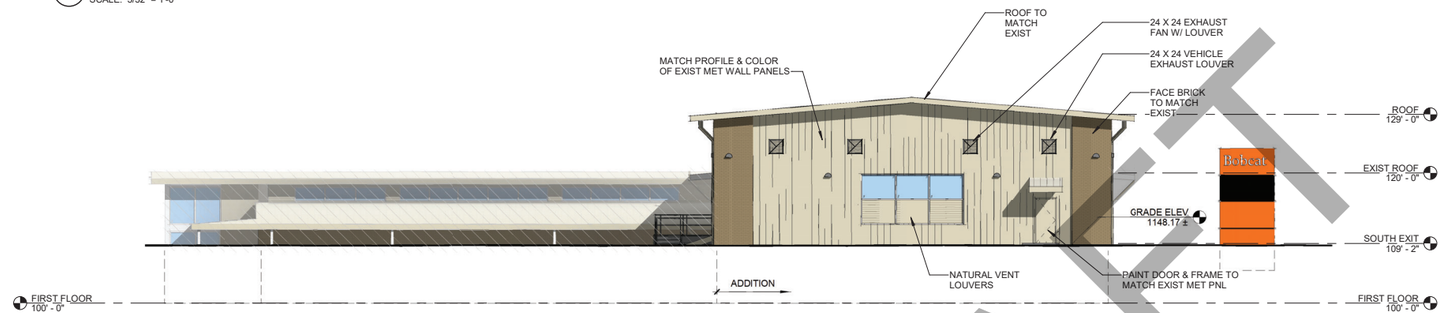
Shee 5 of 5

Exhibit C



1 EAST ELEVATION FROM SIDEWALK
SCALE: 3/32" = 1'-0"

0' 6' 12' 24'
SCALE: 3/32" = 1'-0"

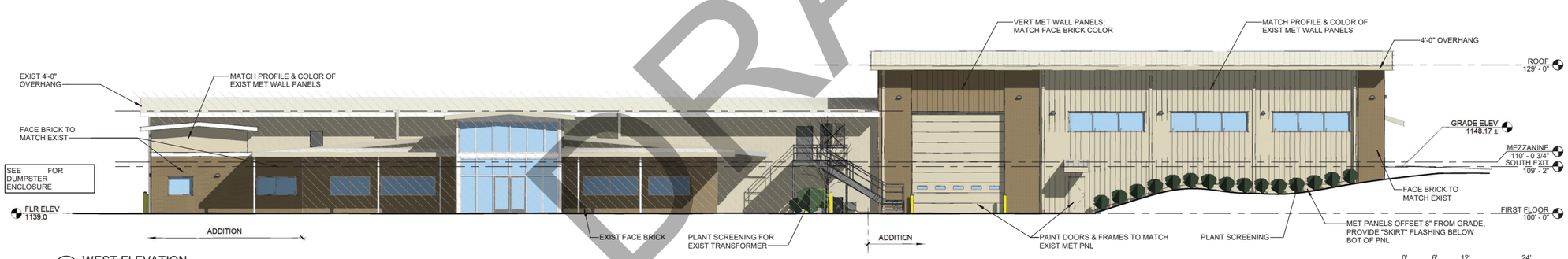


2 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

0' 6' 12' 24'
SCALE: 3/32" = 1'-0"

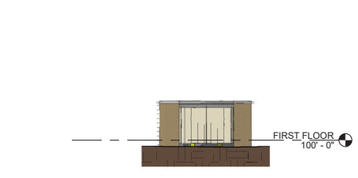
LEGEND:

EXISTING BUILDING



3 WEST ELEVATION
SCALE: 3/32" = 1'-0"

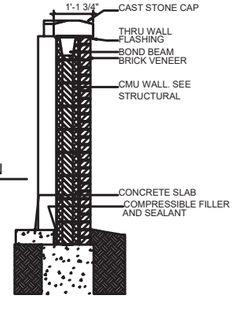
0' 6' 12' 24'
SCALE: 3/32" = 1'-0"



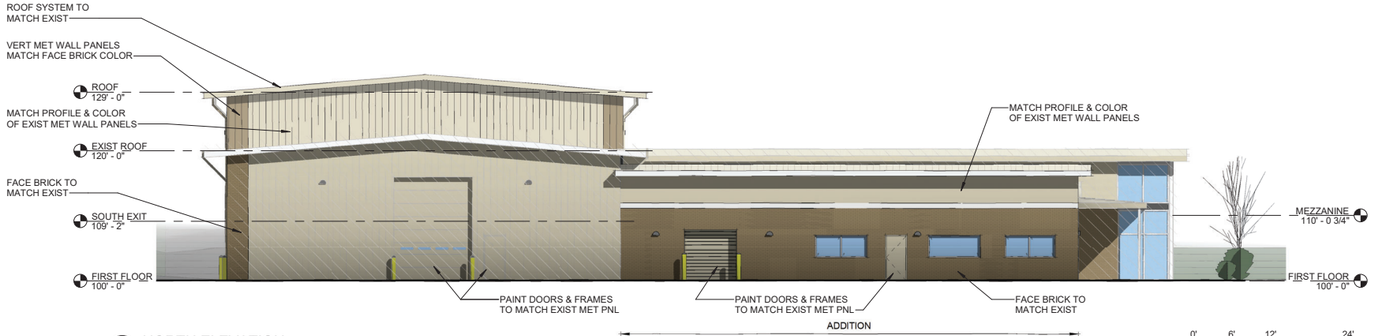
5 DUMPSTER ENCLOSURE - SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



6 DUMPSTER ENCLOSURE - WEST ELEVATION
SCALE: 3/32" = 1'-0"



7 DUMPSTER
SCALE: NOT TO SCALE



4 NORTH ELEVATION
SCALE: 3/32" = 1'-0"

0' 6' 12' 24'
SCALE: 3/32" = 1'-0"

DRAFT

DESIGNED: Designer
DRAWN: Author
CHECKED: Checker
ISSUE DATE: 7/11/2018
REVISIONS:
No.: DATE: BY: DESCRIPTION:

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CONDITIONAL USE PERMIT

SCHEMMER
Design with Purpose. Build with Confidence.

BOBCAT OF OMAHA
BUILDING ADDITION
8701 S 145th St.
La Vista, NE
BUILDING ELEVATIONS

PROJECT NO.: 07277001
DISCIPLINE NO.: -2-

A201

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Exhibit D

Operating Statement

Bobcat of Omaha is expanding our display area for our retail products.

With our expanding product lines, we need a proper well-designed area to display our equipment.

We are also going to relocate our dock area to reduce the amount of truck traffic on 145th street.

With the new paved areas we will be able to display all types of equipment, and then the grass display area will be non-motorized items such as trailers, generators and accessories.

The new paved loop will allow deliveries and loading rented equipment to reside on our property instead of happening on public streets.

There is approximately 28,914 Square feet of existing buildings on the property with a total of 48 employees.

We are looking at the possibility of a future retail building on the South end of the property.

This would include the additional of 6 new employees. Four Customer Support representatives and two service Technicians.

Our Hours of Operations would be Monday- Friday 7:30 AM to 5:30 PM and Saturdays from 8AM to 1PM from March to November.

DRAFT