

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 6, 2024 AGENDA

| Subject: | Type: | Submitted By: |
|--|---|--|
| CONDITIONAL USE PERMIT – HOPE COURT HOOPS LLC | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | CALE BRODERSEN ASSOCIATE CITY PLANNER |

SYNOPSIS

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit for Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of a high-tech basketball training facility as a tenant in an industrial flex building that is under construction at 7769 S. 133rd Street, located east of 133rd Street midblock between Centech Road and Chandler Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approval of the Conditional Use Permit for Hope Court Hoops, LLC.

BACKGROUND

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit for Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of a high-tech basketball training facility as a tenant in an industrial flex building that is under construction at 7769 S. 133rd Street, located east of 133rd Street midblock between Centech Road and Chandler Road.

Shoot360 is a membership-based training facility that will house 8 shooting units, 8 ball handling/passing units, and 1 full basketball court. Members make appointments to use the equipment or register for personal training, skills classes, or clinics. The space will not be used to host any spectator sports. If approved, the applicant would occupy half of the building. “Indoor Recreational Facility” is listed as a Permitted Conditional Use in the I-1 Light Industrial Zoning District, per Section 5.13.03 of the La Vista Zoning Ordinance.

A detailed staff report is attached.

The Planning Commission held a public hearing on January 4, 2024 and voted 8-0 to recommend approval of the Conditional Use Permit for Hope Court Hoops, LLC d.b.a. Shoot360 for an indoor recreational facility, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR HOPE COURT HOOPS, LLC D.B.A. SHOOT360 TO ALLOW FOR THE OPERATION OF AN INDOOR RECREATIONAL FACILITY ON LOT 1 CENTECH BUSINESS PARK REPLAT 7.

WHEREAS, Hope Court Hoops, LLC has applied for a Conditional Use Permit to allow for the operation of an indoor recreational facility on Lot 1 Centech Business Park Replat 7; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of an indoor recreational facility on Lot 1 Centech Business Park Replat 7.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk



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

CASE NUMBERS: PCUP23-0008;

FOR HEARING ON: FEBRUARY 6, 2024
REPORT PREPARED ON: JANUARY 18, 2024

I. GENERAL INFORMATION

A. APPLICANT(S):

Hope Court Hoops, LLC d.b.a. Shoot 360
Attn: Alex Bahe
5500 Thistle Circle
Lincoln, NE 68516

B. PROPERTY OWNERS:

Walnut Acres, LLC
Attn: Kyle Pelster
9808 S 148th Street
Omaha, NE 68138

C. LOCATION: 7769 S. 133rd Street, La Vista, NE 68138, generally located east of S. 133rd Street midblock between Centech Road and Chandler Road.

D. LEGAL DESCRIPTION: Lot 1 Centech Business Park Replat 7.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to operate an indoor recreational facility.

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 open a high-tech basketball training facility in a bay in an industrial building currently under construction in Centech Business Park owned by Walnut Acres, LLC.

H. SIZE OF SITE: The size of the total site is approximately 2.68 acres, however, the bay that this tenant will occupy will be 14,400 square feet (half of the building).

II. BACKGROUND INFORMATION

A. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

| <u>Direction</u> <u>From Subject Property</u> | <u>Future Land Use Designation</u> | <u>Current Zoning Designation</u> | <u>Surrounding Development</u> |
|--|--|---------------------------------------|------------------------------------|
| North | Industrial | I-1 Light Industrial | Millard Sprinkler |
| East | Industrial | I-1 Light Industrial | Vacant Property/Cell Tower |
| South | Industrial | I-1 Light Industrial | Dr. Pepper Snapple Group |
| West | Industrial | I-1 Light Industrial | Vacant Property |

B. RELEVANT CASE HISTORY:

1. On March 3, 2023 the City Council approved a replat to combine Lot 25 Centech Business Park and Lot 1 Centech Business Park Replat 3, replatted as Lot 1 Centech Business Park Replat 7 to allow for the construction of a 28,800 square foot speculative, multi-tenant industrial building.
2. On May 3, 2023, building permits were issued for the building and construction activity began. Building construction began before any future tenants were identified.
3. Building permits were issued on December 27, 2023 for the buildout of the other half of the building (neighboring tenant) for an industrial/warehouse type user.

C. APPLICABLE REGULATIONS:

1. Section 5.13 of the City of La Vista Zoning Ordinance – I-1 Light Industrial Zoning District
2. Article 6 of the City of La Vista Zoning Ordinance – Conditional Use Permits
3. 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 S. 133rd Street.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The applicant has indicated in the Operating Statement included as an Exhibit in the attached draft conditional use permit that the maximum number of occupants that will be in their facility during peak time shall be 36 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. Shoot 360 will have a minimum of 19 parking stalls (their portion of the stalls provided on the property) which exceeds the minimum of 9 stalls required by the La Vista Zoning Ordinance.
2. The neighboring tenant occupying the same building, Builder Services Group, will have 1,217 square feet of office and 13,183 square feet of warehouse. The minimum parking requirement for this tenant, per the La Vista Zoning Ordinance Section 7.06 is 11 stalls (6 stalls for the office - 1 per 200 square feet, and 5 stalls for the warehouse space - 1 per 3,000 square feet), which is well under the 22 stalls provided for this tenant.
3. The building owner has indicated that shared parking is permitted between the two tenants, so individuals visiting Shoot 360 may park in any of the stalls on the site.
4. If overflow parking is needed, Shoot 360 will also have access to the large un-striped lot just east (behind) the building on the same property. 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 rear parking lot.
5. No on-street parking will be allowed.

IV. REVIEW COMMENTS:

1. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
2. As the peak operating times for Shoot 360 will be during typical non-work hours (evenings and weekends), and as the nature of the business is by-appointment training classes, the impact of this use on surrounding businesses is expected to be minimal.
3. A draft conditional use permit for the proposed use is attached to this report.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Hope Court Hoops, LLC dba Shoot 360 for an indoor recreational facility, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission held a public hearing on January 4, 2024 and voted 8-0-0 to recommend approval of the Conditional Use Permit for Hope Court Hoops, LLC dba Shoot 360 for an indoor recreational facility, as the request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Initial Review Letter
- C. Response Letter
- D. Draft Conditional Use Permit with Operating Statement and Site Plan

VIII. COPIES OF REPORT SENT TO:

- A. Alex Bahe, Hope Court Hoops LLC
- B. Kyle Pelster, Walnut Acres, LLC
- C. Public Upon Request



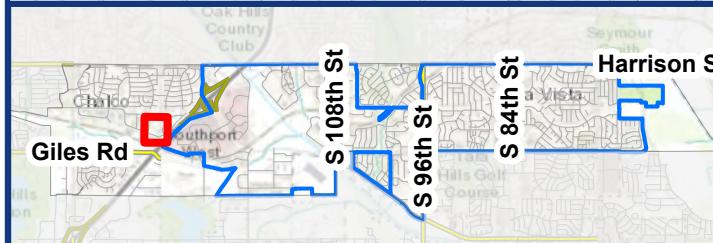
Prepared by: Associate City Planner


Community Development Director
Date



**Indoor
Recreational
Facility CUP
Location**

Shoot 360 CUP - 7769 S 133rd St - Vicinity Map



Legend

- Property Lines
- CUP Boundary





December 11, 2023

Walnut Acres, LLC
Attn: Kyle Pelster
9808 S. 148th Street
Omaha, NE 68138

RE: Indoor Recreational Facility (Shoot 360) Conditional Use Permit – Initial Review Letter

Mr. Pelster,

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 in your application a parking management plan that includes the details below:
 - a. The exact number of parking stalls dedicated for use by Shoot360, and by the neighboring tenant(s)
 - b. The square footage for neighboring tenant(s) broken down by office and warehouse space, to aid in the determination of the off-street parking requirements for this building and its users
 - c. Whether shared parking will be permitted and if it is expressly noted in the lease agreements
 - d. Whether the back of the building can be used for overflow parking if necessary
 - e. Whether the ADA parking stall requirements will be met per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference.
2. 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.

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

3. 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.
4. Confirm that all activities related to the operation of this facility will take place inside of the facility.
5. 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 4, 2024 meeting, please submit a response to the items above by this Friday, December 15, 2024 at 12:00pm 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 January 18, 2024. 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, or someone else with knowledge of this application, 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, AICP
Associate City Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

CC Alex Bahe, Hope Court Hoops
 Christopher Solberg, Deputy Community Development Director
 Bruce Fountain, Community Development Director

Enclosure.

Section 7.07 Off-street Parking: Shared Parking requirements

7.07.01 Notwithstanding the provisions of Section 7.06, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Planning Commission and City Council. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD) and the request is made during the PUD application process. All regulations of the PUD District shall be adhered to within the development.

7.07.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Planning Commission and City Council may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces. Said request for a decrease in parking spaces shall be accompanied by a rezoning to a Planned Unit Development (PUD) and the request is made during the PUD application process. All regulations of the PUD District shall be adhered to within the development.

Section 7.08 Off-Street Parking: Parking for Individuals with Disabilities

7.08.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

| Total Parking Spaces | Column A Required Minimum Number of Accessible Spaces | Column B Minimum Number of Van- Accessible Parking Spaces (1 of 6 available spaces) |
|----------------------------|---|--|
| 1 to 25 | 1 | 1 |
| 26 to 50 | 2 | 1 |
| 51 to 75 | 3 | 1 |
| 76 to 100 | 4 | 1 |
| 101 to 150 | 5 | 1 |
| 151 to 200 | 6 | 1 |
| 201 to 300 | 7 | 2 |
| 301 to 400 | 8 | 2 |
| 401 to 500 | 9 | 2 |
| 501 to 1,000 | 2 percent of the total | 1/6 of Column A |
| 1,001 and over | 20 plus 1 for each 100 over 1,000 | 1/6 of Column A |

7.08.02 Except as provided in Section 7.08.02.01 of this Ordinance, access aisles adjacent to accessible spaces shall be sixty (60) inches (1525 mm) wide minimum. (**Ordinance No. 899, 2-04-03**)

7.08.02.01 One (1) in every eight (6) accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches (2440 mm) wide minimum and shall be designated "van accessible" as required by Section 7.08.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.08.05 of this Ordinance. All such spaces may be grouped on one (1) level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions, except for angled parking spaces which must have access aisles located on the passenger side of the parking spaces.

7.08.02.02 If passenger-loading zones are provided, then at least one (1) passenger loading zone shall comply with 7.08.06 of this Ordinance.

7.08.02.03 At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.08 of this Ordinance shall be provided in accordance with 7.08.01 of this Ordinance; except as follows:

1. Outpatient units and facilities: ten percent (10%) of total number of parking spaces provided serving each such outpatient unit or facility;
2. Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20%) of the total number of parking spaces provided serving each such unit or facility.

7.08.02.04 Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.08.06 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.08.01, 7.08.02.01, and 7.08.02.03 of this Ordinance do not apply to valet parking.

7.08.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

7.08.03.01 In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

7.08.03.02 In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7.08.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.08.02.01 shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space. ADA mandates the sign height be at least sixty (60) inches above ground surface measured from the bottom of the sign.

7.08.05 Minimum vertical clearance of one hundred fourteen (114) inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.08.02.01, provide minimum vertical clearance of ninety-eight (98) inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

7.08.06 Passenger Loading Zones shall provide an access aisle at least sixty (60) inches (1525mm) wide and twenty (20) feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

December 14, 2023

City of La Vista

Attn: Cale Brodersen, AICP
8816 Park View Blvd.
La Vista, NE 68128-2198

RE: Indoor Recreational Facility (Shoot360) Conditional Use Permit – Initial Review Response Letter

- 1. Parking management plan.** The permit plan calls for 41 parking stalls, of which two will be assigned handicap stalls.
 - a. There will not be assigned parking stalls at this time, if the property owner was to assign parking stalls on a pro rata basis, Shoot360 would be allotted 19 parking stalls.
 - b. The adjacent Tenant, Builder Services Group will have a total of 14,400 SF. Total office space of 1,217 SF. Total warehouse space of 13,183 SF.
 - c. Shared parking will be permitted, it is not expressly noted in the lease that either Tenant has dedicated parking stalls.
 - d. If necessary, additional parking can be added to the East side of the building adjacent to Shoot360's proposed space. In most cases, patrons of Shoot360 are dropped off and picked up for training sessions.
 - e. Current parking layout conforms to ADA parking requirements.
- 2. Stripping of additional parking.** Property owner acknowledges this stipulation. We estimate that East side of the building can easily accommodate and additional 8-12 parking stalls.
- 3. Certificate of Occupancy.** Building owner acknowledges that a Certificate of Occupancy must be issued before Tenant may occupy the building.
- 4. Indoor activities.** Property owner and Tenant attest that all activities will be performed inside of the building.

Walnut Acres, LLC
9808 S 148th Street
Omaha, NE 68138



Vic Pelster, Member

City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility

This Conditional Use Permit issued this 6th day of February 2024, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Hope Court Hoops, LLC d.b.a. Shoot 360 (“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 1 Centech Business Park Replat 7, located in the SE ¼ Section 13, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 7769 S. 133rd Street, La Vista, NE 68138.

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 Community Development 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. The maximum number of occupants allowed in the facility will be 36.
 - d. 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 Community Development 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 Community Development Department or City Engineer approval. The Community Development Department or City Engineer may require that additional parking stalls be striped in the potential overflow parking area located on the east side of the property if the Permitted Use requires additional off-street parking. On-street parking on 133rd Street, Chandler Road, or Centech Road, 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 S. 133rd 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.

- e. 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.
- f. 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 2c above being exceeded.
- g. 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.
- h. 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.
- i. 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: Hope Court Hoops, LLC d.b.a. Shoot 360
Attn: Alex Bahe
5500 Thistle Circle
Lincoln, NE 68516

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

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF _____

On this _____ day of _____, 2024, 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

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

COUNTY OF _____

)
) ss.
)

On this _____ day of _____, 2024, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Alex Bahe, personally known by me to be the Owner of Hope Court Hoops, 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 - Operating Statement

SHOOT 360 OMAHA OVERVIEW

As part of a national franchise, Shoot 360 Omaha will be a brand new basketball training facility and will add a unique layer to an already rich basketball and youth athletics community in Omaha, Nebraska. Utilizing cutting-edge basketball technology, Shoot 360 Omaha will offer a variety of unique basketball training and membership experiences to young athletes across the Omaha community and the surrounding area. We will provide a single location for youth athletes to improve their overall basketball skills, gain confidence, and grow their love for the game of basketball.

Shoot 360 Omaha will offer three types of memberships (Month-to-Month, 3-month, & 6-month) and each membership tier will include discounted pricing structures in all our other programming. In addition to our outstanding membership experience, non-members will have access to nearly all of our additional programming to maximize revenue streams and court new members.

We project an operational capacity of between 400-600 members and anticipate our break-even point in financial returns by the end of our 6th month of operation as we ramp up to full membership. The business then projects strong profits at operational capacity.

In short, Shoot 360 will be a first-class facility that pairs state-of-the-art Shoot 360 technology with second-to-none basketball instruction and a personalized membership experience to improve overall skills, self-confidence, and love for basketball amongst young athletes in the Omaha community.

Physical Layout:

Roughly 12,000-14,000 sq ft of floor space will consist of 8 Shooting Units, 8 Ball-Handling & Passing Units, and 1 Full Basketball Court.

The remaining non-basketball space will include a front desk, lobby, office, and restrooms

Hours of Operation:

School Year Hours

- Monday-Friday: 3pm-9pm
- Saturday: 10am-6pm
- Sunday: 10am-6pm

Summer Hours (June & July)

- Monday-Saturday: 9am-9pm
- Sunday: 12pm-6pm

***Shoot 360 Omaha will offer special holiday hours and programming as well.

KEY SHOOT 360 OMAHA PERSONNEL

Shoot 360 Omaha will be owned and operated by Alex and Nick Bahe. Both will oversee all aspects of the business, including strategic vision, company culture, basketball programming, business funding, and both the recruiting & hiring of all staff. Alex and Nick will use their vast basketball network to build relationships with all members, families, prospective clients, and potential stakeholders in the Omaha community.

A management team will run daily operations. This team will consist of a General Manager (GM), Assistant General Manager (AGM), and Head Floor Coach (HFC), each with an articulated purpose and specific roles.

Additional part-time floor coaches will be hired on an as-needed basis during peak seasons and as the business ramps up over the first two years. At any given time during operation, the number of onsite working employees (including managers) will not exceed 8 in total.

SHOOT 360 OMAHA USAGE

Due to Shoot 360's appointment-based structure, a maximum of 16 total members can be using a facility at any given time. Ancillary programming - personal training, skills classes, and clinics - could add up to 12 additional athletes to that number.

