

CITY OF LA VISTA
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2013-CUP-01

FOR HEARING OF: September 19, 2013
Report Prepared on September 12, 2013

I. GENERAL INFORMATION

- A. **APPLICANT:** Retreat Financial, LLC
- B. **PROPERTY OWNER:** Retreat Financial, LLC
- C. **LOCATION:** 145th Street, North of Meadows Blvd.
- D. **LEGAL DESCRIPTION:** Lot 4, Lakeview South II and Lot 2 Lakeview South Replat 3, Sarpy County, Nebraska. A separate platting has been proposed as per Agenda Item 4A to consolidate the two lots into Lot 1 Lakeview South II Replat 5.
- E. **REQUESTED ACTION(S):** Conditional Use Permit of the expansion of Farm Implement Sales and Service to include the lot to the immediate south.
- F. **EXISTING ZONING AND LAND USE:**
I-1 Light Industrial District; Farm Implement Sales and Service use.
- G. **PROPOSED USES:** The Conditional Use Permit would allow for the expansion of an existing Farm Implement Sales and Service operation.
- H. **SIZE OF SITE:** 4.546 acres

II. BACKGROUND INFORMATION

- A. **EXISTING CONDITION OF SITE:** Of the two lots that will be combined through Lakeview South Replat Five, the north lot is currently developed for the existing use of Farm Implement Sales and Service, whereas the southern lot is currently vacant. The lots have a gradual downward slope to the north.
- B. **GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** Tax Lot 4 23-14-11; C-1, Shopping Center Commercial, Gateway Corridor District (Overlay District)
 - 2. **East:** The Meadows; R-1 Single-Family Residential
 - 3. **South:** Lakeview South II; I-1 Light Industrial, Gateway Corridor District (Overlay District)

4. West: Lakeview South II; I-1 Light Industrial, Gateway Corridor District (Overlay District)

C. **RELEVANT CASE HISTORY:** N/A.

III. ANALYSIS

- A. **COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses.
- B. **OTHER PLANS:** The property lies within the Gateway Corridor District (Overlay District). The expansion lot has been reviewed as per the design guidelines for the district. A copy of the approval letter from the City's third party architect, BCDM, is enclosed.
- C. **TRAFFIC AND ACCESS:**
 1. Access would be from egress / ingress drives on 145th Street. The peak hour traffic associated with this facility will be rather light and does not warrant a traffic impact study.
- D. **UTILITIES:** All utilities are available to the site.
- E. **PARKING REQUIREMENTS:**
 1. Parking requirements would follow the minimum needed for a Farm Implement Sales and Service facility.
- F. **LANDSCAPING:** The existing property is located within the Gateway Corridor District, yet was developed while within Sarpy County jurisdiction. The expansion lot has been reviewed under the design guidelines for the Gateway Corridor District. The final review letter has been included.

IV. REVIEW COMMENTS:

1. A separate platting has been proposed as per Agenda Item 4A to consolidate the two lots involved in the CUP into Lot 1 Lakeview South II Replat 5.
2. The equipment demonstration area shall utilize permanent BMPs to control sediment and dust from the disturbed ground areas. The permanent BMPs shall be illustrated and attached to the permit.

V. STAFF RECOMMENDATION:

Approval of the Conditional Use Permit for Retreat Financial, LLC.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Draft CUP
3. City Engineer's Report
4. City's Third-Party Architect review letter

VII. COPIES OF REPORT TO:

1. Byron Stigge, Retreat Financial, Applicant
2. Mark Westergard, E&A Consulting Group
3. Public Upon Request

Prepared by

Community Development Director

9-13-13

Date

1\Community Development\Planning Department\Planning Commission\Staff Reports\13memos\2013-CUP-01 - Bobcat CUP Recommendation Report.doc



September 13, 2013

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

RE: Application for Replat-Initial Review
Lakeview South II Replat Five

Chris:

I have reviewed the replat application drawings package that you sent to me on August 27, 2013. The proposal would replat Lot 4, Lakeview South II and Lot 2, Lakeview South II Replat 3 into one lot to be known as Lot 1, Lakeview South II Replat Five as proposed by the applicant. I offer the following comments:

TRAFFIC & ACCESS:

1. Vehicular access is provided to the property over an existing public street. Since the street currently dead-ends at the north end of the proposed lot, there appears to be temporary turn-around pavement on this lot. The applicant needs to provide a copy of a recorded easement for the turn-around or else provide an easement. Sidewalks do not exist along 145th Street and have not been provided along the lots already developed. Sidewalks have not been required in industrial subdivisions in the past and would not be required until determined to be necessary in accordance with City policies. The proposed use of the property is consistent with the existing zoning, subject to a conditional use permit, so no traffic impact study is needed for this replatting. There needs to be a notation added to the plat stating that there will be no direct vehicular access to State Hwy. 50/144th Street from Lot 1. The plat also needs to be sent to the NDOR for comment via Tim Weander, District 2 Engineer.

UTILITIES & DRAINAGE:

2. Sanitary sewer exists in 145th Street abutting the lot. The sanitary sewer ends at a lift station at the current end of 145th Street and then pumps south into the (whose system?????)

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4. Chapter 154 of the City Municipal Code requires a Post Construction Storm Water Management Plan and a permit will be required through the Permix web site that is utilized by all Papillion Creek Watershed Partnership communities. A conceptual Post Construction Storm Water Management Plan and drainage plan has been set forth in the proposed Site Plan for the Conditional Use Permit. It is recognized that detailed plans for the proposed silt trap and rain garden are not available at this time. The conceptual design on the Site Plan needs to include notation of a small berm (approx. 18 inches in height) along the north and west sides of the equipment demonstration area to divert silt-laden runoff to the proposed sediment trap. There also needs to be a notation as to the nearest source of water to use for dust control on the demonstration area which could be a yard hydrant or a hose connection on an irrigation system. A final PCSMP plan and associated Post Construction Storm Water Management Maintenance Agreement and Easement based on the a prototype document that can be found at <http://www.papliopartnership.org/resources/documents/PCSMPMaintenanceAgreement-LaVista.pdf> will be required as part of obtaining a building permit for the proposed parking lot.
5. The Papillion Creek Watershed Partnership storm water management fee set forth in the City of La Vista Master Fee Schedule is not applicable to this property. As noted in the Master Fee Schedule the fee is collected when set forth in a subdivision agreement for new development or significant redevelopment. In accordance with Article 3.03.15 of the Subdivision Regulations, a draft subdivision agreement is required when the proposed subdivision will include public and/or private, shared (common area) infrastructure improvements which is not proposed in this application.

PRELIMINARY PLAT REVIEW:

6. The preliminary plat was reviewed for compliance with Section 3.03 of the Subdivision Regulations. Items requiring further information are listed in the foregoing comments. Certain items are not applicable due to the nature of the proposed replat.

FINAL PLAT REVIEW:

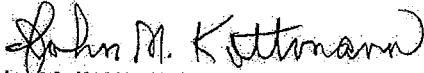
7. The final plat was reviewed for compliance with Section 3.03 of the Subdivision Regulations. Various items are not applicable due to the nature of the replatting, however, the applicant will need to request release of the side lot line easements along the common line between Lot 4, Lakeview South II and Lot 2, Lakeview South II Replat 3 that is being dissolved by this replatting. Releases from the affected utility companies need to be provided prior to the final plat mylars being signed by the City and released for recording.

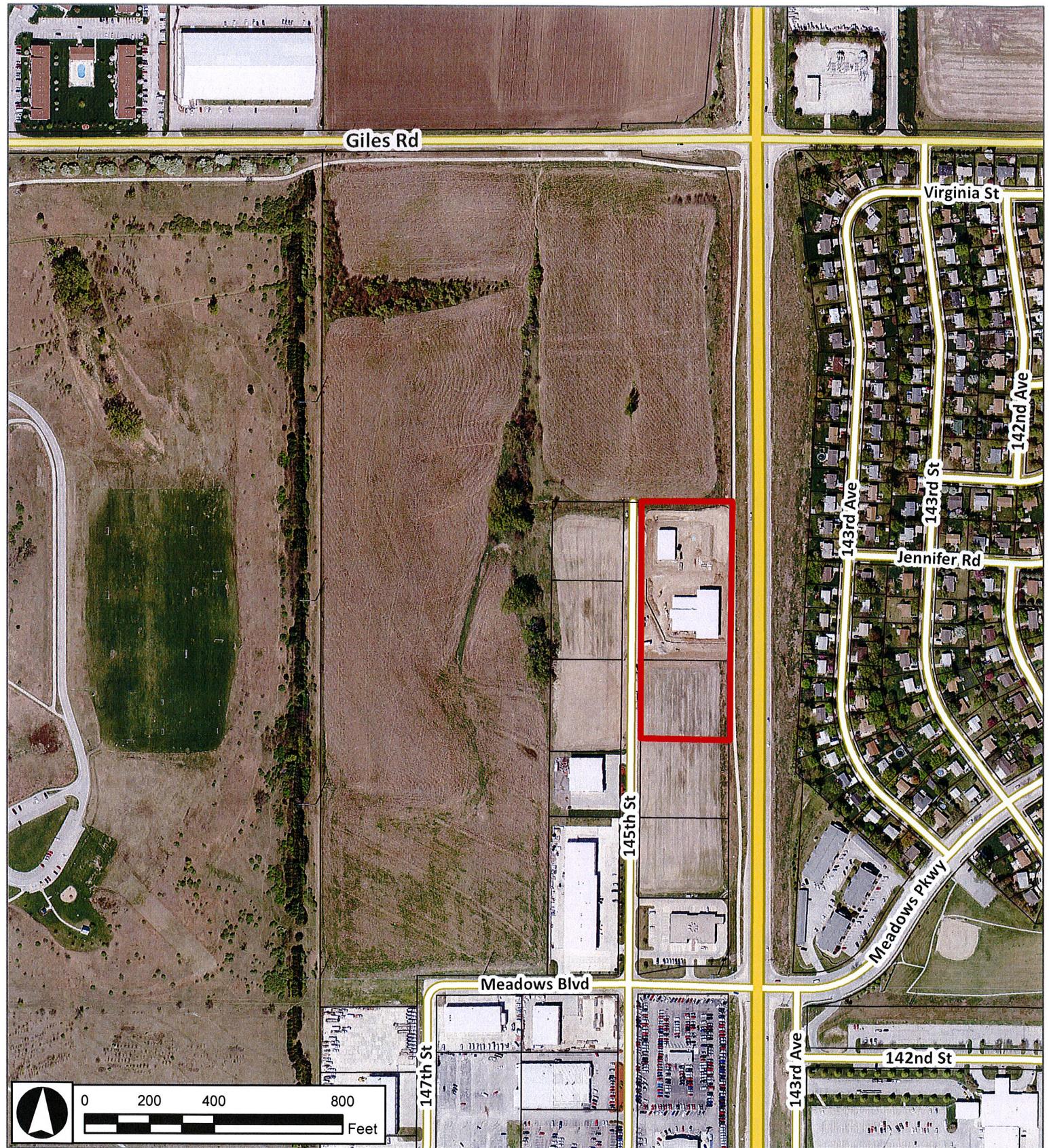
PLAT APPLICATION & MISC:

8. I did not see an Application form. I assume the applicant provided the names of owners within 300 feet of the property, the necessary number of copies, and the plat application fee for a Replat application.
9. Provide a copy to the City of any existing or proposed private protective covenants affecting this property.
10. The Site Plan for the CUP should be expanded to include the entire area of proposed Lot 1 since it will all be one lot of record upon completion of the replatting.

I recommend that the applicant revise and resubmit documents to address the items listed above.

Please feel free to contact me if you have questions about my recommendations.


John M. Kottmann
City Engineer



Bobcat of Omaha

Conditional Use Permit Application

September 12, 2013

CAS



**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Farm-Implement Sales and Service

This Conditional Use Permit issued this ____th day of ____, 2013, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Retreat Financial, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to expand the operations of a Farm-Implement Sales and Service operation upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Lakeview South Replat 5, in Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of expanding the operations of a Farm-Implement Sales and Service use; and

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

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

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. A site plan 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 8:00 a.m to 12:00 p.m. on Saturday.
 - c. There will be up to 25 employees on site per shift.
 - d. The site will be comprised of an 18,000 square foot building main building, a 4,600 square foot accessory structure, required parking and landscaping.
 - e. The premises shall be developed and maintained in accordance with the site plan (Exhibit A) and landscape plan (Exhibit B) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
 - f. 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.
 - g. All permanent and temporary signs shall comply with the City's sign regulations.
 - h. Owner shall abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – *Performance Standards for Industrial Uses*.

- i. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- j. 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.
- k. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- l. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
- m. The equipment demonstration area shall utilize permanent BMPs to control sediment and dust from the disturbed ground areas. The permanent BMPs are illustrated and attached to the permit as "Exhibit ".

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

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

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's 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.

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: Byron T. Stigge
Retreat Financial, LLC
9317 South 144th 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

CONSENT AND AGREEMENT

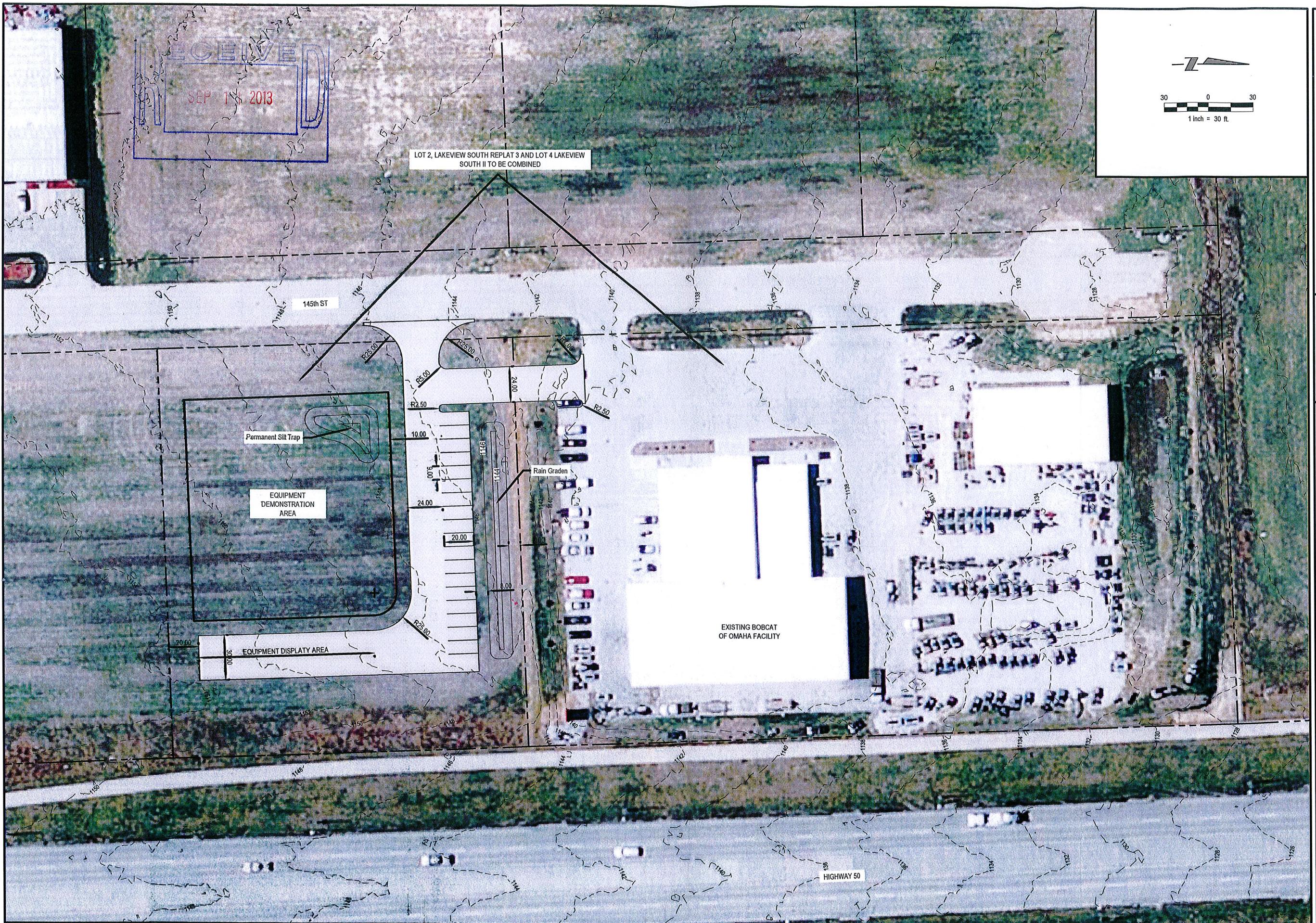
The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and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

Owner:

By: _____

Title: _____

Date: _____



E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
330 North 17th Street, Omaha, NE 68154
Phone: 402.885.3700 Fax: 402.885.3399
www.eacg.com

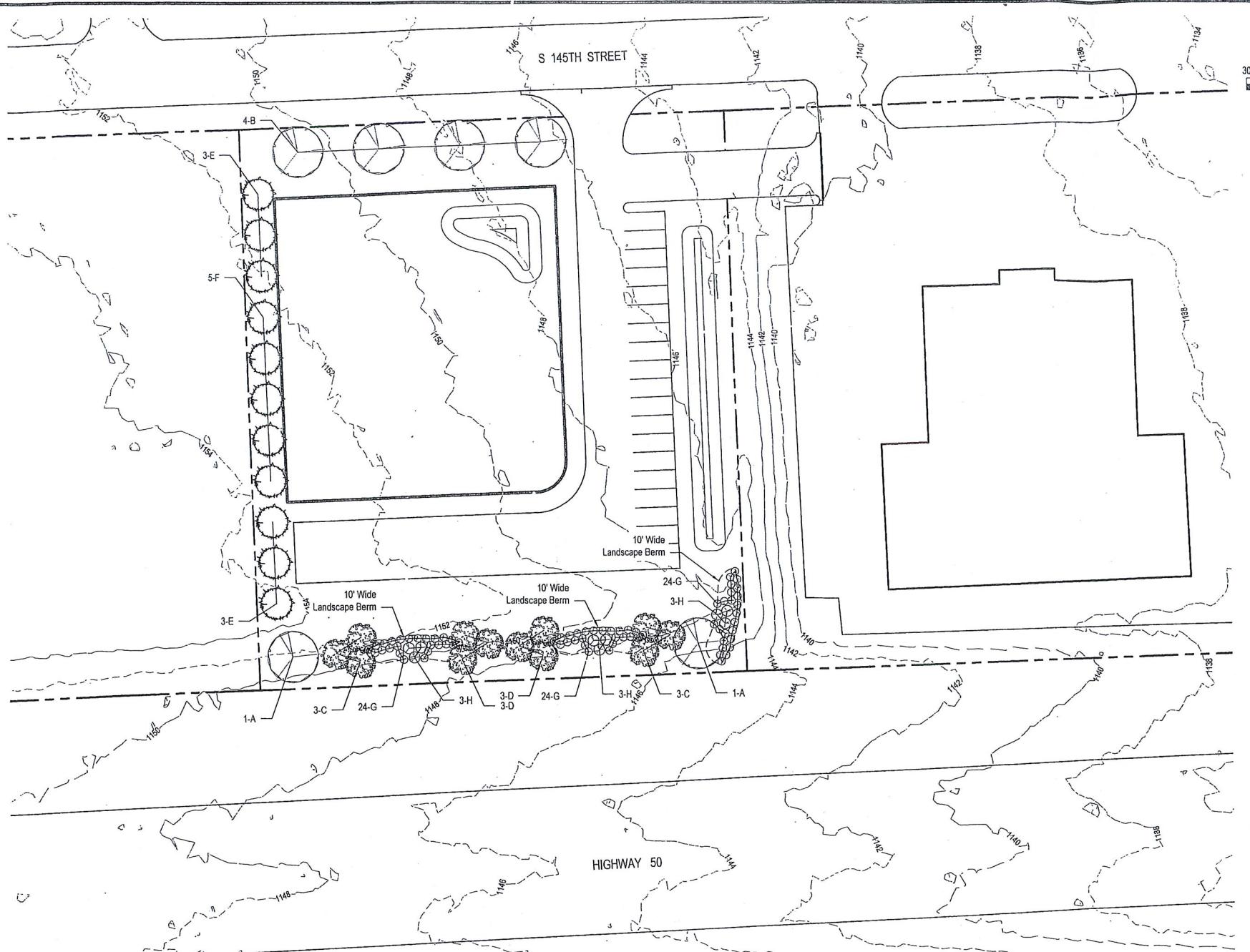


Engineering Answers

BOBCAT OF OMAHA
OMAHA, NEBRASKA

SITE PLAN

Proj No: 2013-01-001 Date: 6/21/2013
Date: 6/21/2013
Designed By: MAW
Drawn By: SOC
Scale: 1"=30'
Sheet: 1 of 1
Shawn Cor:



LANDSCAPE NOTES:

1. Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
2. All plant material shall be of good quality and sizes shall meet required size specifications. Owner reserves the right to substitute plant material type, size and/or quantity.
3. All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
4. All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (two years) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
5. Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
6. The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
7. Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth on top of Landscape fabric unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
8. All trees are to be staked for a period of not less than one year from time of planting.
9. Contractor to coordinate work with other amenities contractors.

IRRIGATION NOTES:

1. All landscaped and seeded areas to be irrigated.
2. Irrigation bid to include meter pit and MUD fees.
3. Irrigation controller to be mounted in a steel utility box with hasp for pad lock.
4. Irrigation system to be guaranteed for 1 year. Written guarantee to be supplied prior to final payment.
5. Irrigation contractor responsible to winterize system one time.
6. Irrigation contractor to furnish as built drawing of the system and catalogue cuts of the installed equipment prior to final payment.
7. Irrigation contractor to provide owner and engineer an irrigation plan shop drawing and equipment catalog cuts for approval prior to installation.
8. Contractor to coordinate work with other amenities contractors.

SEEDING NOTES:

1. Seed to be installed as per City of Omaha specifications. Use the Type A seed in Table 802.06 Seed Application Rates of Part (D) of Section 802.03, which is the Tall Fescue in Table 802.01 Non-Irrigated Lawn and Turf Seed of Part (B) of Section 802.02.
2. All seed to be covered by S-150 matting.
3. Contractor to coordinate work with other amenities contractors.

PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
A	2	Gleditsia triacanthos 'Shademaster'	Shademaster Honeylocust	3"	B&B
B	4	Acer rubrum 'Franksred'	Red Sunset Maple	3"	B&B
C	6	Malus 'Indian Magic'	Indian Magic Crabapple	2 1/2"	B&B
D	6	Amelanchier arborea	Downy Serviceberry	2 1/2"	B&B
E	6	Picea abies	Norway Spruce	8'-9'	B&B
F	5	Picea pungens	Colorado Blue Spruce	8'-9'	B&B
G	72	Juniperus horizontalis 'Plumosa Compacta'	Compact Andorra Juniper	5 GAL	CONT.
H	9	Rhus aromatica 'Gro-Low'	Gro-Low Fragrant Sumac	5 GAL	CONT.

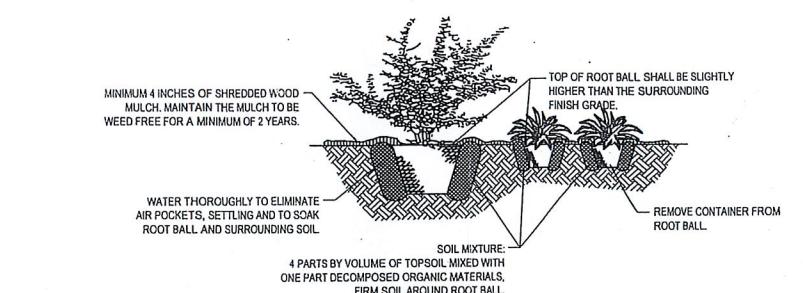


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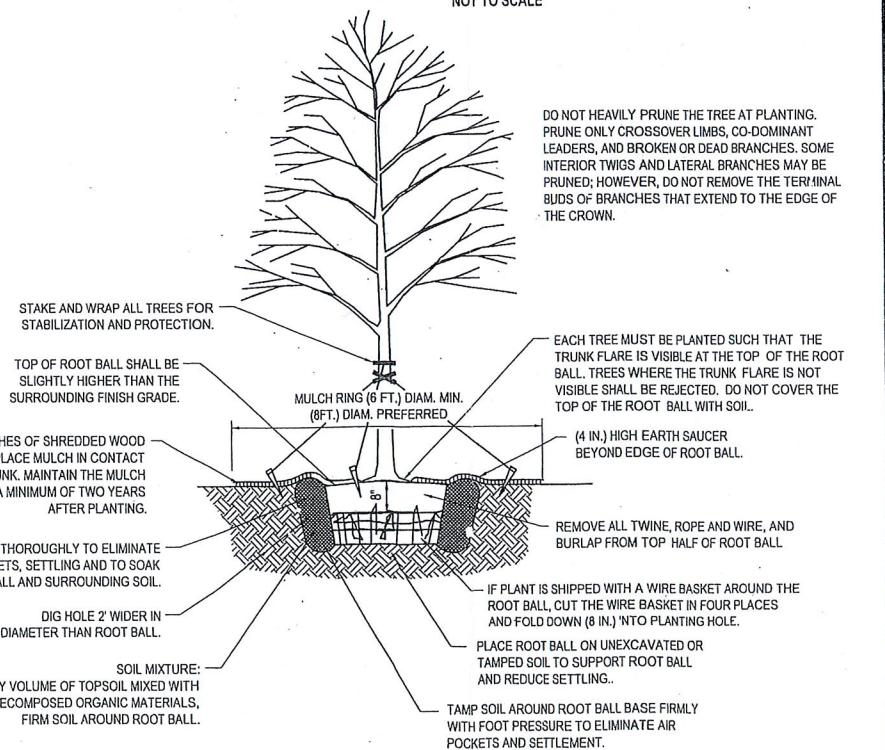
BOBCAT OF OMAHA

LANDSCAPE PLAN



SHRUB & PERENNIAL PLANTING DETAILS

NOT TO SCALE



TREE PLANTING DETAIL - B & B TREE

NOT TO SCALE

Project No.:		Revisions	
Date:	Designated By:	No.	Date
8/26/2013	NAT		
	Drew By:		
	Sealed:	1-20	
	Sheet#:	1	of 1



September 13, 2013

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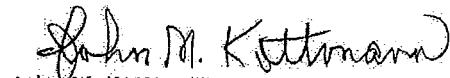
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Please feel free to contact me if you have questions about my recommendations.



John M. Kottmann
City Engineer



20 August 2013, Revised per plans dated 8-26-13, Revised per plan dated 8-26-13 delivered 9-11-13

Mr. Christopher Solberg
City of La Vista
8116 Parkview Boulevard
La Vista, Nebraska 68128-2198

RE: Design Review
Bobcat of Omaha Expansion
BCDM Project No. 3700-02

Dear Chris:

Per your request, we have completed a design review for the above referenced project using the Architectural and Site Design Guidelines for the Gateway Corridor District (dated 15 September 1999) as required per the PUD acceptance. These comments are based on a Landscape Plan with a cover sheet date of submission noted as 7-23-13. This is a parking lot expansion project so only the landscape requirements apply.

■ Plant selections:

Deciduous Trees:

1. One of two required tree varieties conform with the approved Plant Materials list in Appendix A. If the Shadblow Serviceberry is replaced with a Downey Serviceberry (smaller fruit) this item could conform. Currently Non-Compliant. Revised plan addressed item, Compliant.

Coniferous Trees:

1. No coniferous trees conforming with Appendix A are provided. Currently Non-Compliant. Revised plan addressed item, Compliant.

Deciduous Shrubs:

2. No deciduous shrubs conforming with Appendix A are provided. Currently Non-Compliant. Revised plan addressed item however, the size is recommended at 5 Gal, Non-Compliant pending size update. Revised plan addressed item, Compliant.

Coniferous Shrubs:

1. No coniferous shrubs conforming with Appendix A are provided. Currently Non-Compliant. Revised plan addressed item however, the size is recommended at 5 Gal, Non-Compliant pending size update. Revised plan addressed item, Compliant.

Mr. Christopher Solberg
City of La Vista
26 August 2013
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▪ Planting Plan comments:

1. Recommend additional evergreen tree plantings along the south for a denser screening solution. Currently Non-Compliant. Revised plan addressed item, Compliant.
2. Planting layout on the east has the correct elements. However, no low or medium screening exists directly east of the proposed parking stalls. We recommend extending the low and medium height elements north to the south lot line of existing development. Also, note plant selection concerns noted previously. Currently Non-Compliant. Revised plan addressed item, Compliant.
3. Please describe the intended open area use in the expanded lot. Additional low and medium height planting would be required if it may be used for parking or storage. Compliance pending. Per current understanding this item is Compliant.
4. Is the landscape and turf area irrigated? Compliance pending. Revised plan addressed item, Compliant.

If you have any questions on any of the comments listed above, please do not hesitate to contact me.

Sincerely,



Kevin Schluckebier, AIA, LEED AP
BCDM Architects

KES/mmm

c: File 3700-02 , 1.0