

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 18, 2014 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – EDGE BODY BOOTCAMP LOT 48, BROOK VALLEY BUSINESS PARK (SE OF 110 TH & HARRISON)	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit to locate and operate an indoor recreational facility on Lot 48, Brook Valley Business Park, generally located southeast of 110th Street and Harrison Street.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by Melissa Henry, representing Edge Body Bootcamp, for a Conditional Use Permit to locate and operate an indoor recreation facility on Lot 48, Brook Valley Business Park. The property is zoned I-1 Light Industrial and indoor recreation is listed in the I-1 District as a conditional use. The applicant proposes to operate an indoor cross-training facility in a 3,600 s.f. bay within the building.

A detailed staff report is attached.

The Planning Commission held a public hearing on October 16, 2014 and unanimously recommended approval of the Conditional Use Permit to City Council.

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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 EDGE BODY BOOTCAMP TO LOCATE AND OPERATE AN INDOOR RECREATION FACILITY IN A 3,600 SQUARE FOOT BAY OF A BUILDING ON LOT 48, BROOK VALLEY BUSINESS PARK.

WHEREAS, Melissa Henry representing Edge Body Bootcamp, on behalf of property owner Central Holding Properties, has applied for a Conditional Use Permit to locate and operate an indoor recreation facility within a 3,600 square foot bay of a building on Lot 48, Brook Valley Business Park located at 10931 Harrison Street; 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, for Edge Body Bootcamp to locate and operate an indoor recreation facility within a 3,600 square foot bay of a building on Lot 48, Brook Valley Business Park.

PASSED AND APPROVED THIS 18TH DAY OF NOVEMBER, 2014.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2014-CUP-05

FOR HEARING OF: November 18, 2014

Report Prepared on November 10, 2014

I. GENERAL INFORMATION

- A. APPLICANT:** Edge Body Bootcamp, Melissa Henry
- B. PROPERTY OWNER:** Central Holding Properties
- C. LOCATION:** 10931 Harrison St.
- D. LEGAL DESCRIPTION:** Lot 48, Brook Valley Business Park
- E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to use a portion of the building for an indoor recreational facility as conditionally permitted in the I-1 Light Industrial district in the City of La Vista Zoning Ordinance.
- F. EXISTING ZONING AND LAND USE:**
I-1 Light Industrial; the property contains one existing building which houses six bays for miscellaneous industrial use.
- G. PROPOSED USES:** The Conditional Use Permit would allow for indoor recreation, specifically cross-training in an approximately 3,600 sq. ft. bay within a 30,000 sq. ft. building.
- H. SIZE OF SITE:** 2.3 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** The property contains one building which has tenant bays for industrial flex space. Sue's Stepperettes, The Shirt Shack, and Central West Building Management operate in separate bays of the same building. A home furnishing store will soon occupy another of the 3,600 sq. ft. bays.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. **North:** Omaha; Residential
 - 2. **East:** Brook Valley Business Park; I-1 Light Industrial
 - 3. **South:** Brook Valley Business Park; I-2 Heavy Industrial
 - 4. **West:** Brook Valley Business Park; I-1 Light Industrial

C. RELEVANT CASE HISTORY: N/A

D. APPLICABLE REGULATIONS:

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial
2. Article 6 of the Zoning Regulations – Conditional Use Permits
3. Section 7.06 of the Zoning Regulations – Schedule of Minimum Off-Street Parking Requirements

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates this property for industrial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access would be from an existing drive providing egress / ingress to Emiline Street. One access point currently exists on the property.

E. UTILITIES: All utilities are available to the site.

F. PARKING REQUIREMENTS:

1. Parking requirements would follow the minimum needed for a recreational facility. The site has 107 parking spaces. Sue's Stepperettes, which occupies another bay in the building and will have hours overlapping those of Edge Body Bootcamp, utilizes an estimated 39 spaces during its busiest time. This leaves 68 spaces for use by Edge Body Bootcamp.
2. Other uses in the building that will coincide with this use include the Shirt Shack, which mostly deals with online orders, and the building's management. Their overlap with Edge Body Bootcamp occurs for one hour, 8:30am-9:30am, Monday through Friday, and requires a maximum of about 12 parking spaces.
3. A new home décor/furniture store will be opening in one of the bays. The Zoning Ordinance requires this use to have 18 spaces available, one for every 200 square feet. During times of overlap, particularly when including Sue's Stepperettes, 50 spaces will still be available for Edge Body Bootcamp.

G. LANDSCAPING: N/A

IV. REVIEW COMMENTS:

1. Parking will need to be monitored to insure it does not exceed available spaces.

V. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on October 16, 2014 and unanimously recommended approval of the Conditional Use Permit to City Council.

VI. STAFF RECOMMENDATION:

Approval of the Conditional Use Permit for Edge Body Bootcamp.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Draft CUP
3. Applicant's written proposal

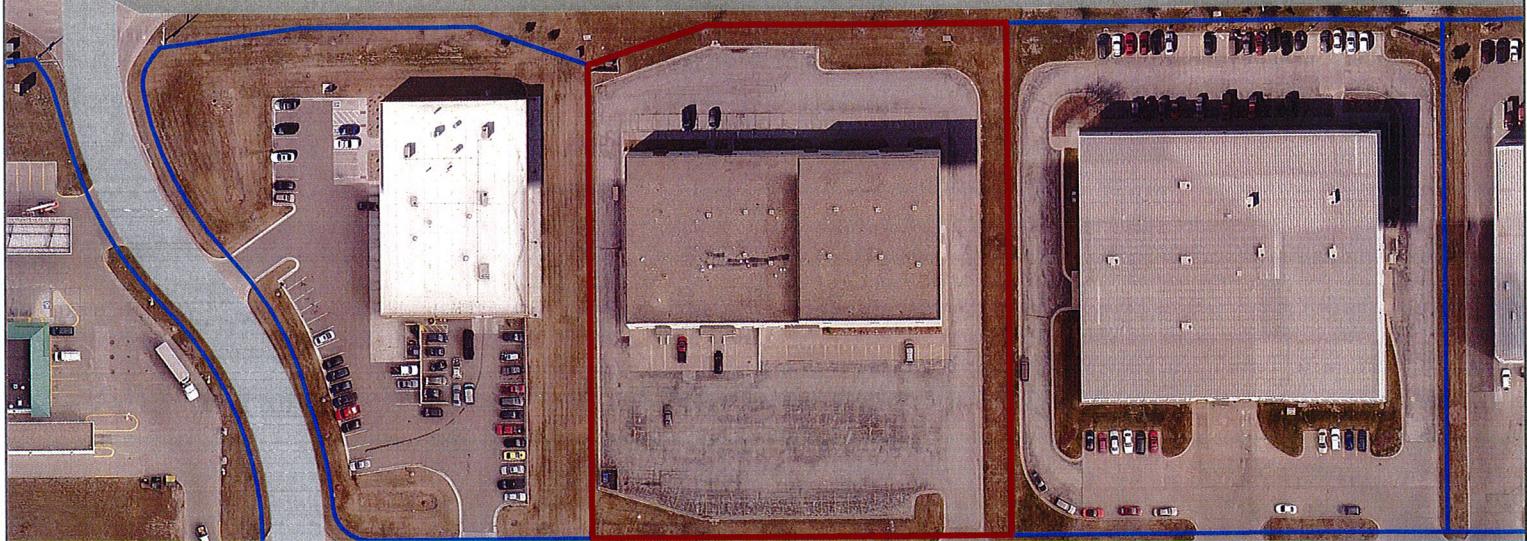
VIII. COPIES OF REPORT TO:

1. Melissa Henry, Edge Body Bootcamp; Applicant
2. Dale Watts, Central Holding Properties; Owner
3. Public Upon Request

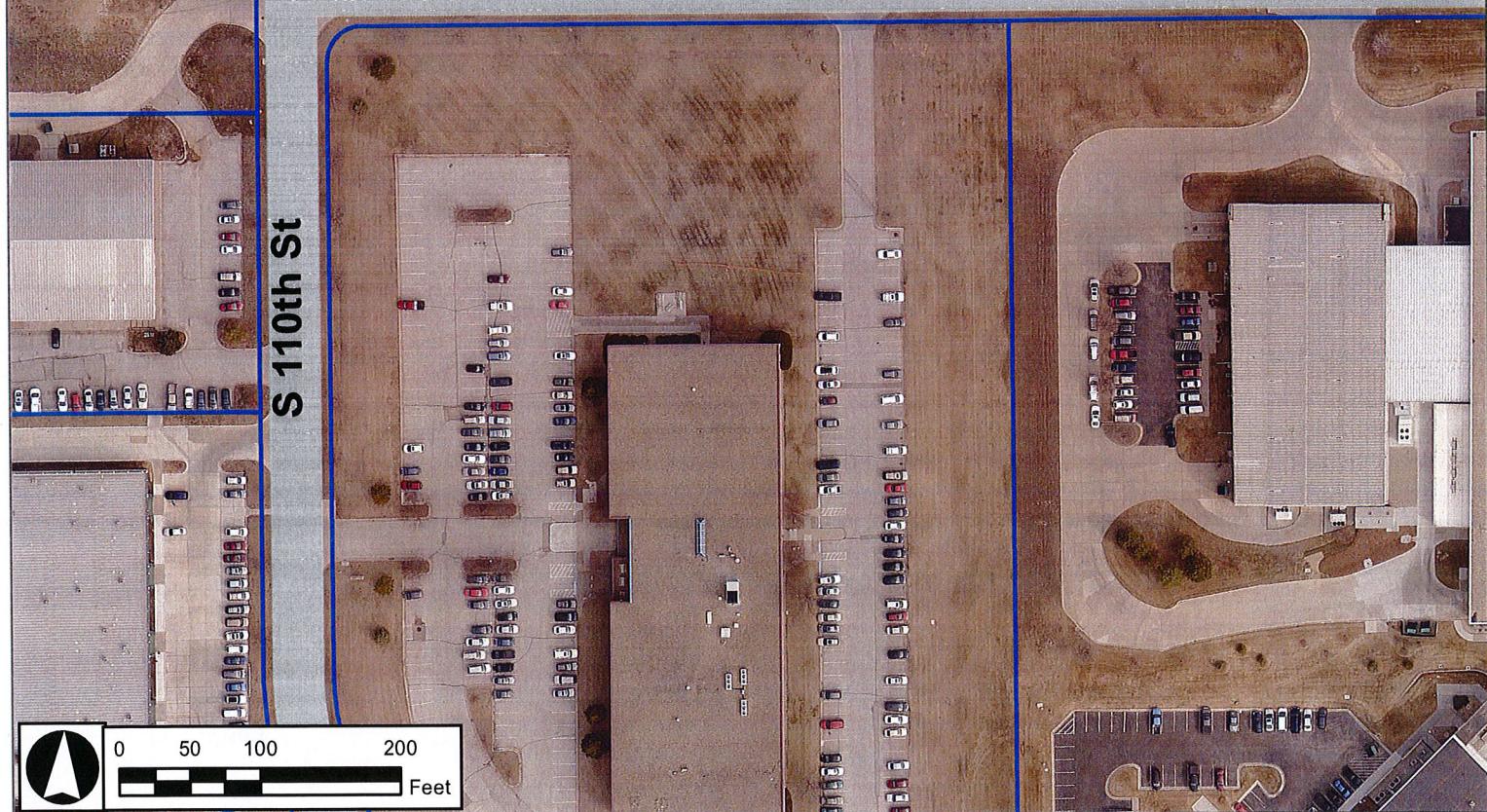
request
Christopher Johnson
Prepared by: Ami Bond 11-10-14
Community Development Director Date

I:\Community Development\Planning Department\Planning Commission\Staff Reports\14memos\2014-CUP-03 - Papio CrossFit.doc

Harrison St



Emiline St



0 50 100 200
Feet

Vicinity Map

Edge Body Bootcamp CUP

October 6, 2014
CSB



City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility (Training Facility)

This Conditional Use Permit issued this _____ day of _____, 2014, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Lion Heart Enterprises, DBA Edge Body Bootcamp ("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 48 Brook Valley Business Park located in the NE ¼ Section 17, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 10931 Harrison Street (3600 sq. ft. of the building).

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 "A" 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. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
 - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A" and "Exhibit B".
 - b. Hours of operation of classes for said indoor recreational facility will generally be Monday through Friday from 5:45 a.m. – 6:45 a.m., 8:30 a.m. – 9:30 a.m., 5:30 p.m. – 7:30 p.m.; Saturday from 8:30 a.m. – 10:00 a.m.; and Sunday from 11:00 a.m. – 12:00 noon. Additionally, one-on-one personal training will occur by appointment in between classes.
 - c. There will be approximately 2 staff members on site for the Permitted Use. During peak use, approximately 20 clients will utilize the facility at any one time.
 - d. 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 trash receptacles and those approved in writing by the City.
 - e. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training activities.

- f. 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.
- 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 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 against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

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

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

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

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

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

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

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address: Melissa Henry
Edge Body Bootcamp
1223 Mayberry Plaza
Omaha, NE 68108
(402) 618-8506

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

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

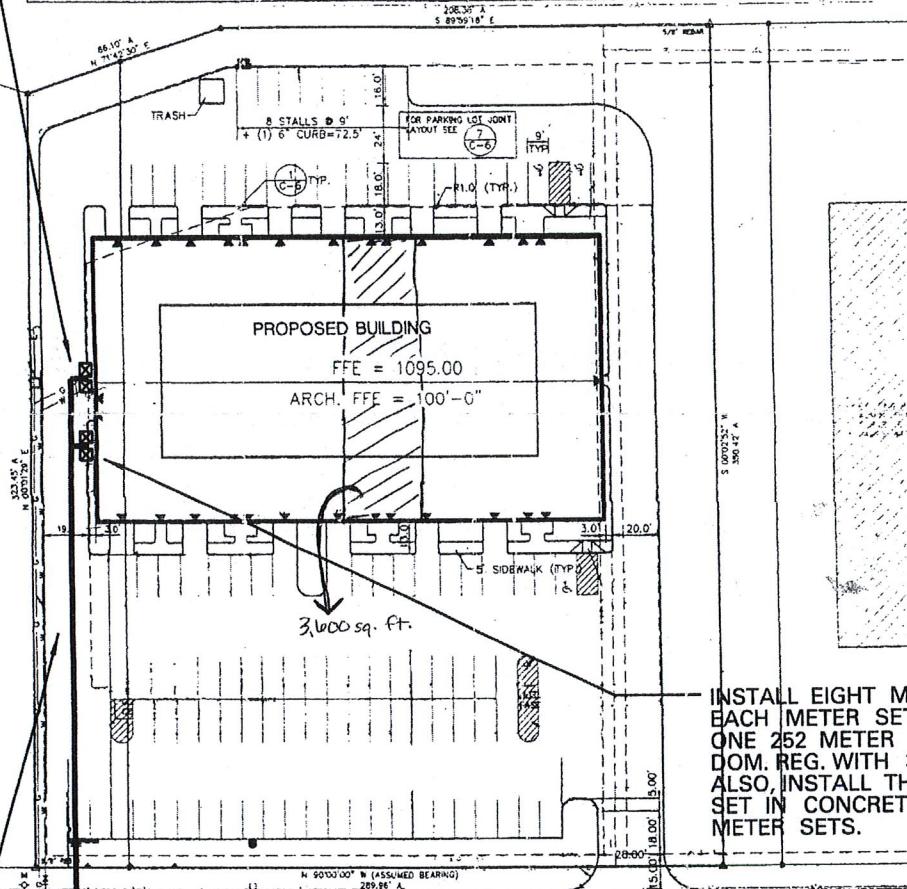
DRAWING NO. ADDRESS: 109TH & EMILINE PROJECT: BROOK VALLEY
PROJECT NO. GWO

ENGINEER
S. L. HENN

INSTALL SEVEN METER SETS.
EACH METER SET SHALL HAVE
ONE 252 METER AND ONE 2#
DOM. REG. WITH 316" ORIFICE.
ALSO, INSTALL THREE 4" POSTS
SET IN CONCRETE TO PROTECT
METER SETS.

- EX. 4" 60# WRP. STL.
GAS MAIN (10' SNPL)

HARRISON STREET



INSTALL EIGHT METER SETS.
EACH METER SET SHALL HAVE
ONE 252 METER AND ONE 2#
DOM. REG. WITH 3/16" ORIFICE.
ALSO, INSTALL THREE 4" POSTS
SET IN CONCRETE TO PROTECT
METER SETS.

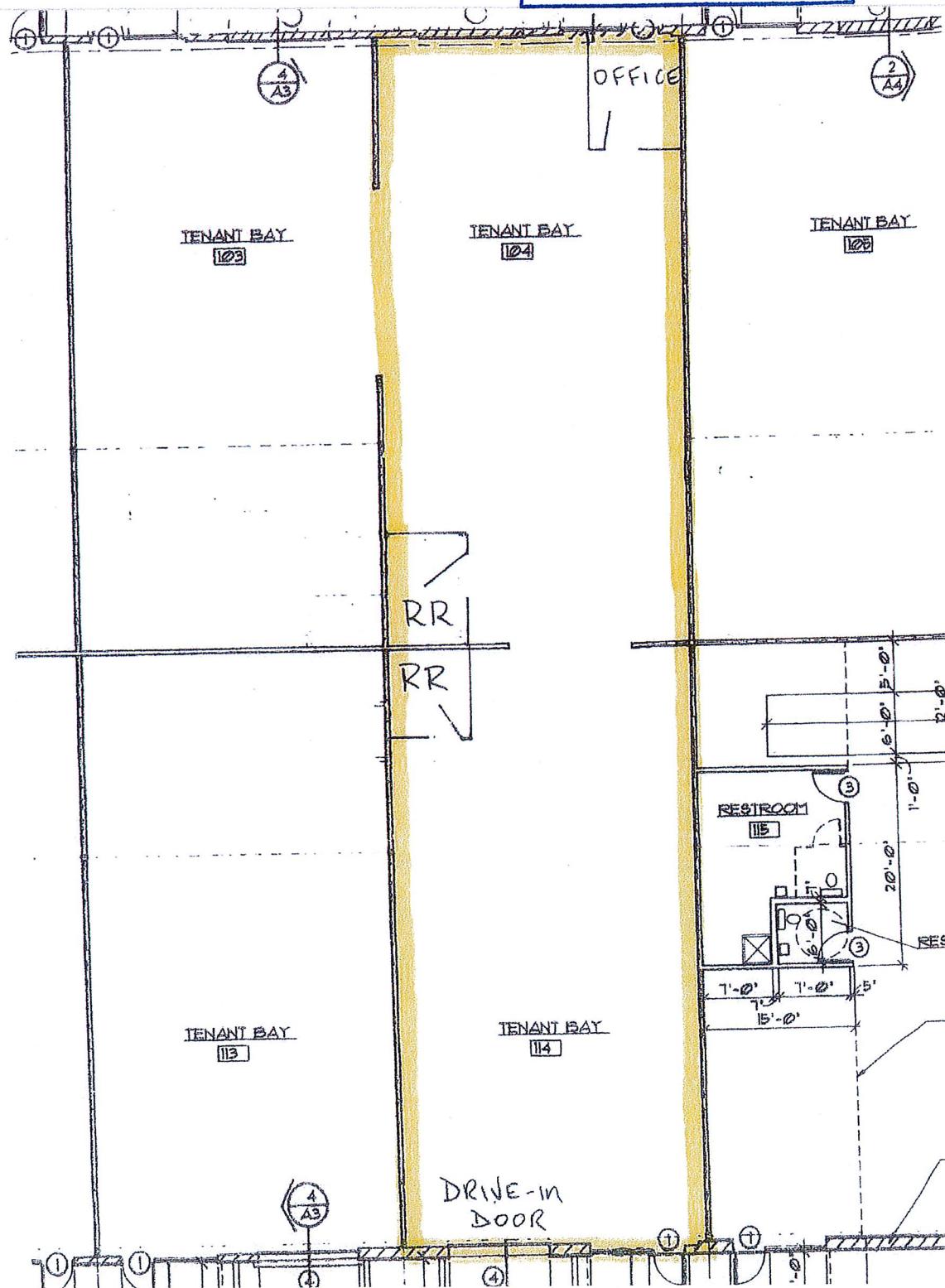
PROPS. 1" 60# CTS PLASTIC GAS
SERVICE (260° +/-). USE ONE 2" X 1"
PLASTIC TAPPING TEE.

EX. 2" 60# PLASTIC GAS
MAIN (8' SSCL)

NOTE:
ELEVATION DROP OF
APPROXIMATELY 10'
FROM PARKING LOT
SOUTH TO EMILINE
STREET.

FILE N:\CAD\GDN\PROPOSED\SERVICE\GS4595.DGN
SCAN N:\CAD\GDN\PROPOSED\SERVICE\GS4595.CIT

10931 Harrison St. Floor Plan.pdf



Edge Body Bootcamp Proposal

The 3,600 sq. foot bay will be used as the first Edge Body Boot Camp (EBBC) in the state of Nebraska. EBBC was founded back in 2012 and currently has 5 locations operating in the state of Kentucky. This business was created to provide group training classes (boot camps) designed for weight loss and improved fitness ability. The workouts programmed for the group classes are more high-intensity in nature, but have modifications for all fitness levels. A variety of equipment is used; ranging from barbells and dumbbells, to sleds, medicine balls and kickboxing bags. The owner, Melissa Henry, will be bringing this to the Omaha metro area. She has been teaching exercise science courses full time at the University of Nebraska Omaha. Her credentials include; B.S. Exercise Science, M.S. Fitness/Wellness Mgmt., American College of Sports Medicine (ACSM) certified Health Fitness Specialist (HFS) and a certified Strength and Conditioning Coach (CSCS) through the National Strength and Conditioning Association (NSCA).

The classes at EBBC will average about 8-15 members per class. A more popular class time or larger class may have 20. There will always be 1 certified instructor teaching each class, larger class sizes may have 2 instructors for safety and coaching purposes. Class times are as follows; 5:45-6:45am, 8:30-9:30am, 4:30-7:30pm (3 classes) Monday through Thursday. Fridays would be same day time classes, but only a 4:30 and 5:30pm class. Saturday morning classes are 8:30-10:30am (2 classes) and Sunday 11-12:00pm. If the need presents itself as membership grows, there may be an additional noon class offered Monday- Friday. During the off hours (when no classes are going on), personal training sessions will be available to schedule. This will be strictly due to the owner's/trainer's availability. Personal training would involve one trainer and one client during either a 30 minute or 50 minute session.