



CITY OF LA VISTA  
PLANNING DIVISION

RECOMMENDATION REPORT

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CASE NUMBER: 2014-CUP-06

FOR HEARING OF: December 11, 2014  
Report Prepared on December 4, 2014

**I. GENERAL INFORMATION**

- A. APPLICANT:** Bell Avenue Properties, Inc.
- B. PROPERTY OWNER:** Bell Avenue Properties, Inc.
- C. LOCATION:** West of 121<sup>st</sup> Street, North of Centennial Road
- D. LEGAL DESCRIPTION:** Lot 2, Papio Valley 2 Business Park Replat 1
- E. REQUESTED ACTION(S):** Conditional Use Permit to allow for outdoor storage of materials on a gravel surface.
- F. EXISTING ZONING AND LAND USE:**  
I-2 Heavy Industrial; the principal building is currently under construction.
- G. PROPOSED USES:** Developer fence in an outdoor storage area to store raw materials utilized by activities within the principal building.
- H. SIZE OF SITE:** Applicant wishes to utilize a 47,677 square foot portion of western end of the current 9.752 acre parcel for the proposed use.

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Construction activities for the 69,500 square foot principal building have started on the site. The ground is relatively level with an eventual downward slope to the creek bed on western edge of the property.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Weitz; I-2 Heavy Industrial District
  - 2. **East:** Industrial strip building; I-2 Heavy Industrial District
  - 3. **South:** Vacant; I-2 Heavy Industrial District
  - 4. **West:** Perrigo; I-1 Light Industrial District

**C. RELEVANT CASE HISTORY:**

1. The applicant previously applied for a Conditional Use Permit for the same use. The CUP was recommended for approval by the Planning Commission on May 21, 2009 and approved by City Council on June 16, 2009. However, the use did not commence within one year of that date and the permit lapsed.

**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. It was determined by the City Engineer that no additional traffic studies are required for the proposed action.
2. The property has access via two driveway connections to S 121<sup>st</sup> Street, a public street that connects to 120<sup>th</sup> Street through Centennial Road.

**D. UTILITIES:** All utilities are available to the site.

**E. PARKING REQUIREMENTS:**

1. The principal building meets parking requirements. Parking requirements do not have to be reviewed as part of this Conditional Use Permit application.

**F. LANDSCAPING:**

1. The applicant exceeded the landscaping requirements for industrial properties as per Section 7.17 of the Zoning Ordinance through their application for a building permit for the principal building. The proposed landscaping will also enhance the exterior view of the fencing required as per this CUP.

**G. BUILDING DESIGN:**

1. The applicant has a building permit for the construction of the principal building. This area is not under a design review overlay corridor and therefore is not required to undergo design review for the building.

**IV. REVIEW COMMENTS:**

1. The applicant will incorporate privacy fence slats in the eastern face of the fence to provide screening and reduce the amount of gravel dust coming out of the fenced in area.

2. There will be no parking of vehicles, motorized machinery, or trailers within the designated area.

**V. STAFF RECOMMENDATION:**

Approval of the Conditional Use Permit for an outdoor storage area with a gravel surface.

**VI. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. City Engineer's Review Letter
3. Draft CUP with Exhibits

**VII. COPIES OF REPORT TO:**

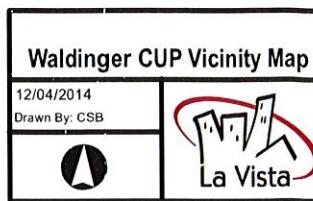
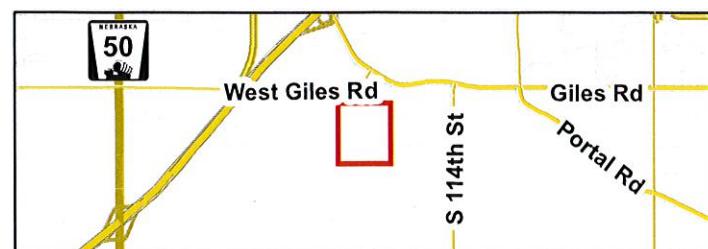
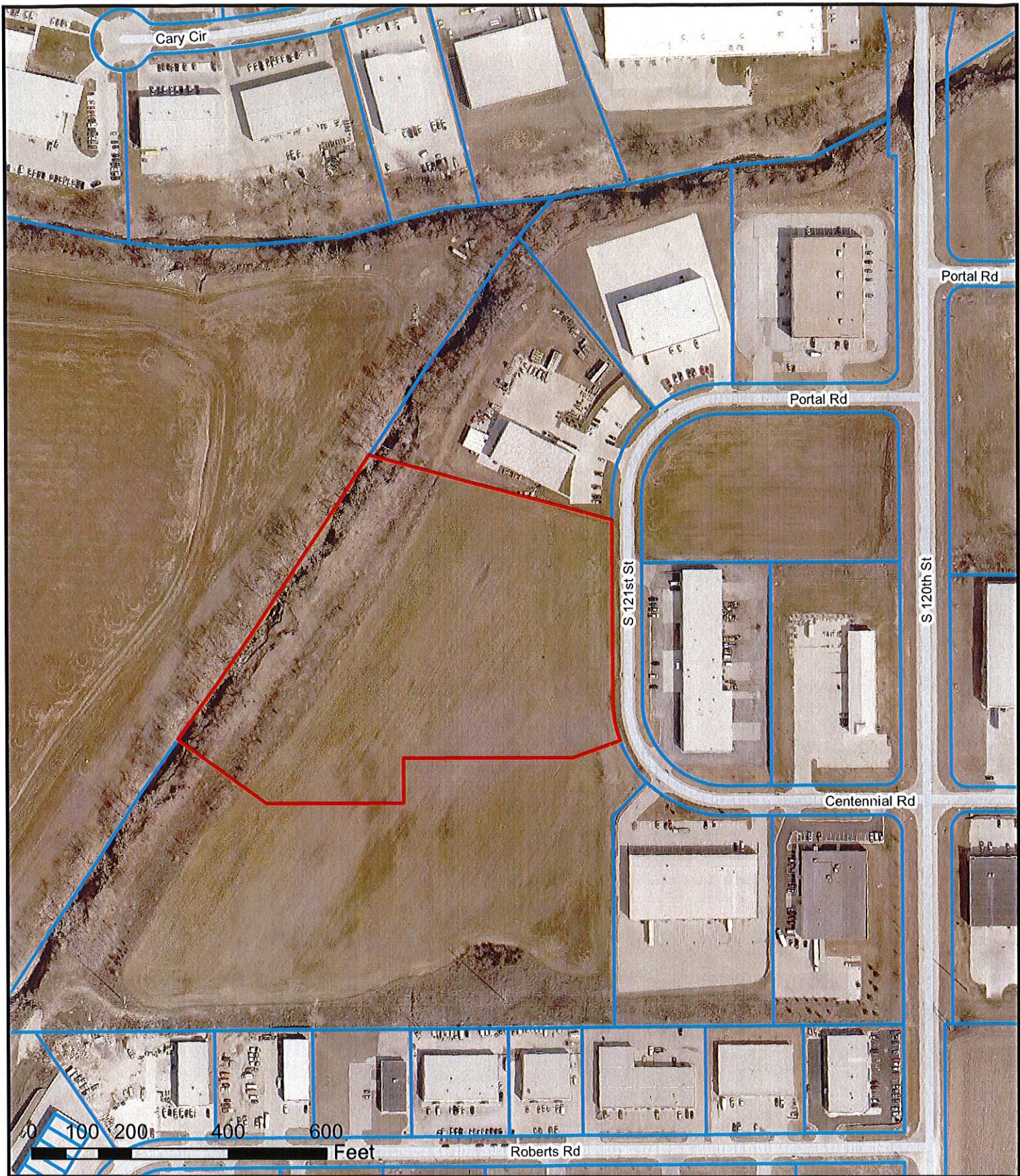
1. Blaine Wilcoxson, Bell Avenue Properties, Inc. ; Applicant
2. Jason Heinze, The Schemmer Associates; Architect
3. Public Upon Request

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Prepared by:

Community Development Director

Date



**City of La Vista  
Conditional Use Permit**

**Conditional Use Permit for Waldinger Corporation**

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 Bell Avenue Properties, Inc. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an outdoor storage area upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2, Papio Valley 2 Business Park Replat 1 located in the NE ¼ Section 19, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8802 S. 121<sup>st</sup> Street.

WHEREAS, Owner has applied for a conditional use permit for the purpose of storing materials and finished product outdoors; 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 outdoor storage, 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".
  - b. A security fence shall be constructed around the graveled surface to reduce the chance of gravel dust going airborne due to vehicles driving or parking on the graveled area. The fence shall be maintained in good repair by the property owner or business owner. Attached to the permit as "Exhibit C" is a cut sheet of the fence type to be utilized.
  - c. There will be no parking of vehicles, motorized machinery, or trailers within the designated area.
  - d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the designated area for the Permitted Use, except trash receptacles and those approved in writing by the City.
  - e. Landscaping requirements from Section 7.17.03 and 7.17.04 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner. Attached to the permit as "Exhibit B" is the landscaping plan for the property.

- f. 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.
- g. 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.
- h. 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:** Blaine Wilcoxson  
Bell Avenue Properties, Inc.  
2601 Bell Avenue  
Des Moines, IA 50321  
(515) 284-1911

## **Effective Date:**

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

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kindig, Mayor

## **Attest:**

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Pam Buethe  
City Clerk

### CONSENT AND AGREEMENT

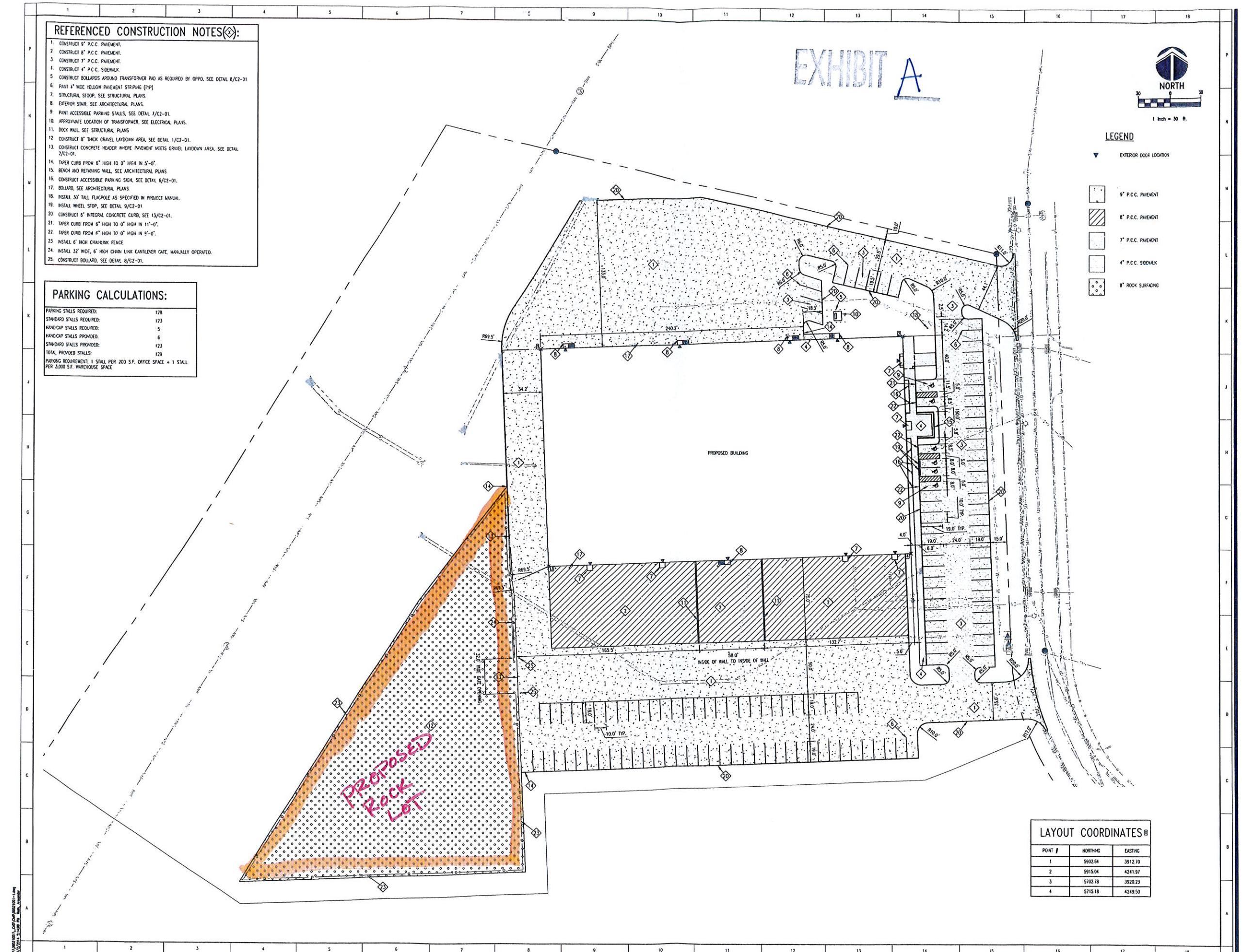
The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and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

Owner:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



1 inch = 30 ft.

EXHIBIT A

LEGEND

EXTERIOR DOOR LOCATION

■ 9" P.C.C. PAVEMENT  
■ 8" P.C.C. PAVEMENT  
■ 7" P.C.C. PAVEMENT  
■ 4" P.C.C. SIDEWALK  
■ 8" ROCK SURFACING

PROPOSED BUILDING

INSIDE OF WALL TO INSIDE OF WALL

LAYOUT COORDINATES

PONT #	NORTHING	EASTING
1	5902.64	3912.70
2	5915.04	4241.97
3	5927.78	3920.23
4	5915.18	4249.50

121ST & CENTENNIAL RD  
OFFICE & SHOP BUILDING  
8802 S. 121ST STREET  
LAVISTA, NEBRASKA

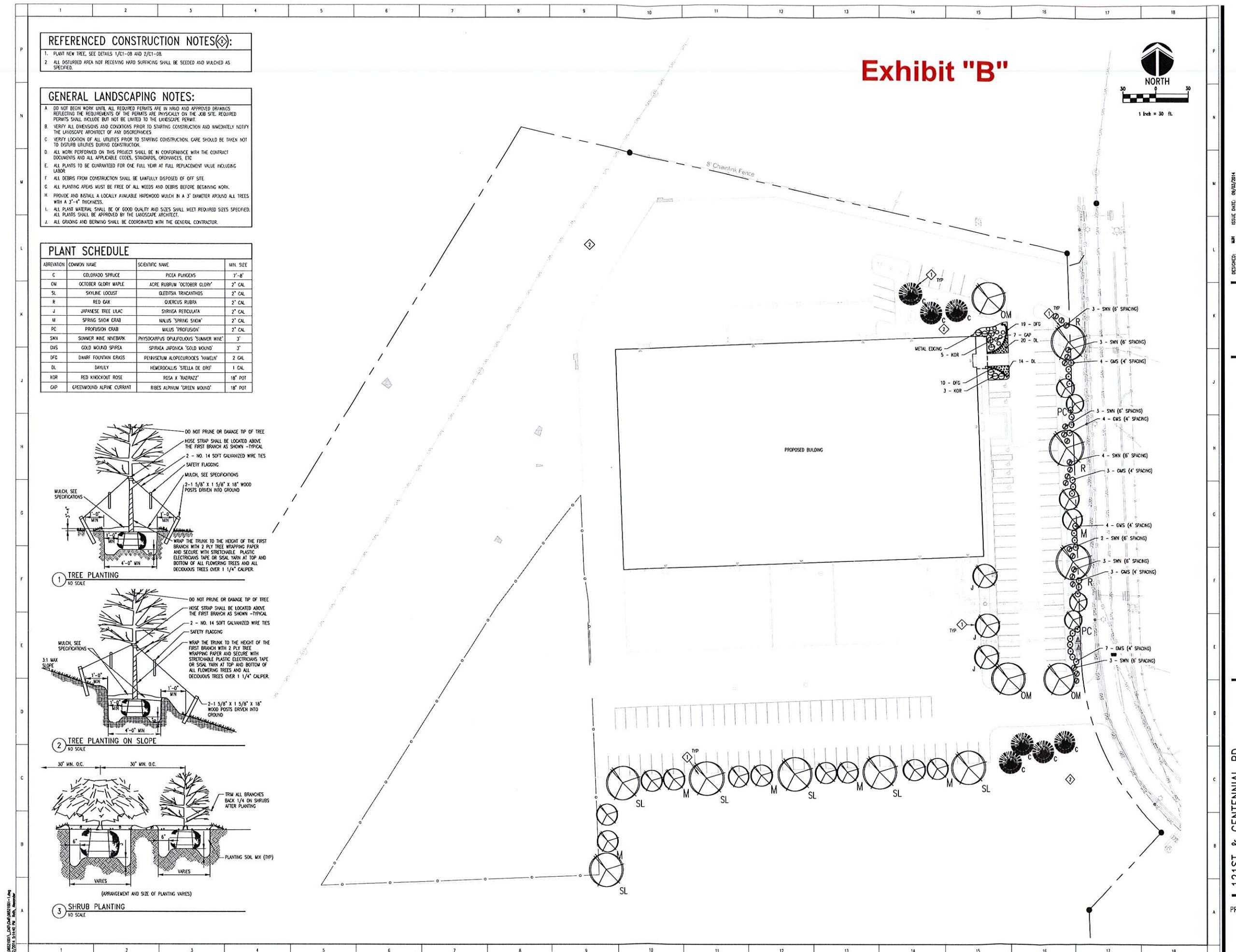
SITE LAYOUT PLAN

PROJECT NO.: 06521.001

C1-01

SCHEMMEER  
ARCHITECTS | ENGINEERS | PLANNERS

## Exhibit "B"

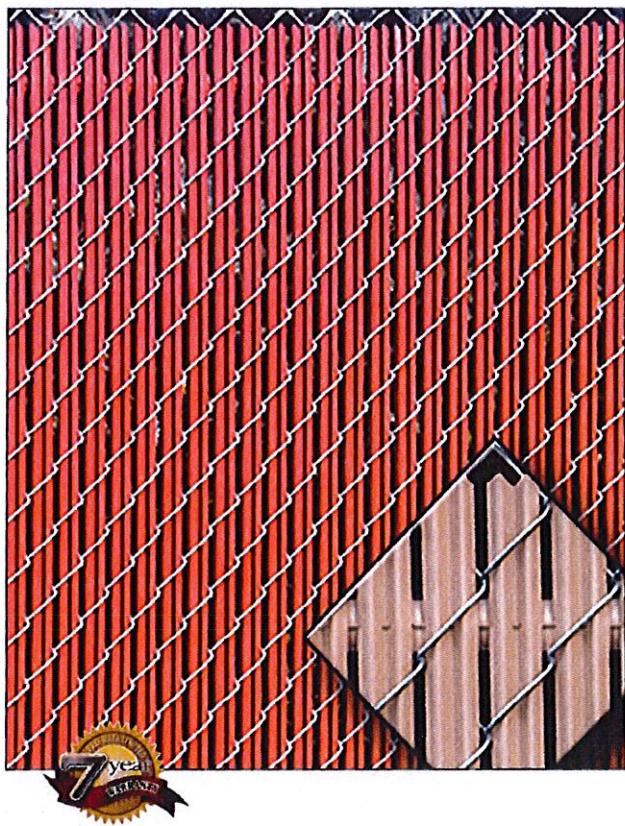


**SCHEMMER**  
ARCHITECTS | ENGINEERS | PLANNERS

THIS DOCUMENT WAS  
DRAWN AND SIGNED  
BY MATTHEW J. KERL, E.I.T.  
AND SHOULD NOT  
BE CONSIDERED A  
CERTIFIED DOCUMENT.

ISSUE DATE: 09/03/2014	REVISIONS:	NO.:	DATE:	BY:	DESCRIPTION:
DRAWN:	MM:	MS:	CC:	CC:	CH:

## Decorative Privacy Fence Slats



Slat Name	Slat Width	Mesh Size	Wire Gauge	Coverage Area
EconoLink	1 1/4"	2" & 2 1/4"	9, 11 or 11 1/2	10 Linear feet

### Available Colors

(colors are approximations)



Exact representation of colors in printing is difficult. Please refer to actual color samples for accurate matching. **Samples available upon request.**

# EconoLink™ EXHIBIT C

### Patented

EconoLink™ single-wall slats are the newest member of our SlatSource family of slats. They offer the lowest price guaranteed of any single-wall slat, plus they offer easy top-locking installation and low maintenance.

**Design** – EconoLink™ slats are compact and lightweight. Their unique shape enables them to self-stack. A package the size of a 2 x 4 contains enough material to cover approximately 10 linear feet, making this product easy to ship and efficient to store.

**Installation** – Easy “3-step” process.

Step 1: Insert the patented locking strip horizontally into the top section of the 2nd diamond down from the top.

Step 2: Insert the slats vertically until the patented notch snaps itself into the locking strip.

Step 3: Go home early today!

**Standard Heights** – 4 ft., 5 ft., 6 ft., 7 ft., 8 ft., 10 ft. and 12 ft.

*Special heights available upon request*

**Slat Length** – 3 1/2" shorter than the overall height of the fence

**Wind Load and Privacy Factor** – Approximately 75% (Based on wire/mesh used-stretch tension)

**Colors** – Beige, Redwood, Black, White, Royal Blue, Forest Green, Gray, Dark Brown, Sky Blue

### Features and Benefits

**Materials** – SlatSource® slats are extruded from High Density Polyethylene (HDPE), color pigments and ultra violet (UV) inhibitors specifically formulated to retard the harmful effects of the sun and lengthen the life of the slat.

**Durability** – Our slats are also resistant to severe weather conditions, salt water, sand, road dirt, most acids, alcohol, alkaline, ammonia, petroleum distillates, and common environmental pollutants.

**Maintenance** – Our slats are nearly maintenance free. They may be pressure cleaned of surface contaminants with plain water.

**Wind Load Disclaimer** – We will not be held responsible for fence damage resulting from wind load conditions due to insufficient structural support.

**Designations** – Meets ASTM Designation: F3000/F3000M (except HedgeLink and Aluminum Slat)

### HDPE Technical Properties

Property	Values
Melt Index	(.6) A low melt index indicates improved stress and crack resistance.
Density	(.957) Polyethylene ranges anywhere from .914 to .960 in density. A higher density yields maximum stiffness without becoming overly brittle.
Minimum Temp.	(-76°F) Polyethylene stays flexible even at this temperature extreme.
Maximum Temp.	(250°F) Polyethylene does not distort until reaching this temperature.
Tensile Strength	(3,700 psi) Material will not suffer distortion at lesser loads or impacts.



A PrivacyLink® Company

1.888.806.7528

[www.slatsforchainlinkfence.com](http://www.slatsforchainlinkfence.com)

[info@eprivacylink.com](mailto:info@eprivacylink.com)

Many patents and patents pending.