

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2010 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — INDOOR RECREATIONAL FACILITY LOT 2, I-80 INDUSTRIAL PARK REPLAT 1	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled for Council to consider an application for a Conditional Use Permit for an indoor recreational facility on Lot 2, I-80 Industrial Park Replat 1, generally located south of West Giles Road on South 137th Circle.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by the Nebraska Impact Vollyball Club and Mike & Debi Godek, on behalf of the property owner, 8619 South 137th Cir, LLC or Herbert J. Lavigne, to approve a conditional use permit for an indoor recreational facility (volleyball and related uses) at 8619 S. 137th Circle, on Lot 2, I-80 Industrial Park Replat 1, generally located south of West Giles Road on South 137th Circle. The property is zoned I-1 Light Industrial and is the location of a flex-space industrial building. The proposal is to operate a volleyball recreational facility which will house four regulation courts, used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics. The proposed use would occupy 20,000 sq. ft. of an 80,000 sq. ft. building.

City Engineer John Kottmann and staff have reviewed the application; review comments are included in the attached staff report.

The Planning Commission held a public hearing on December 10, 2009, and recommended approval of the conditional use permit to City Council.

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 NEBRASKA IMPACT VOLLEYBALL CLUB TO OPERATE AN INDOOR RECREATIONAL FACILITY (VOLLEYBALL) ON LOT 2, I-80 INDUSTRIAL PARK REPLAT 1.

WHEREAS, Nebraska Impact Volleyball Club has applied for a conditional use permit for the purpose of operating an indoor recreational facility (volleyball) on Lot 2, I-80 Industrial Park Replat 1, located at 8619 South 137th Circle; 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 Nebraska Impact Volleyball Club to operate an indoor recreational facility (volleyball) on Lot 2, I-80 Industrial Park Replat 1.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2010.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

FOR HEARING OF: January 19, 2010
REPORT # 2: January 11, 2010

I. GENERAL INFORMATION

A. APPLICANT:

Nebraska Impact Volleyball Club
Mike & Debi Godek
7785 Greenleaf Drive
La Vista, NE 68128

B. PROPERTY OWNER:

8619 South 137th Cir, LLC
14803 Frontier Rd.
Omaha, NE 68138

C. LOCATION:

8619 S. 137th Circle

D. LEGAL DESCRIPTION:

Lot 2, I-80 Industrial Park Replat 1

E. REQUESTED ACTION(S):

Conditional Use Permit – Indoor Recreational Facility

F. EXISTING ZONING AND LAND USE:

I-1, Light Industrial District; flex-space industrial building

G. PURPOSE OF REQUEST:

Nebraska Impact Volleyball Club is requesting a conditional use permit to operate a volleyball recreational facility which will house four regulation volleyball courts, used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics.

H. SIZE OF SITE:

20,000 square feet (Suite 2)

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site has an existing flex-space industrial building and parking lot. Current businesses in the building (to staff's knowledge) include ASAP Express, Vision Auto Sales and some seasonal work by the Post Office. These uses do not appear to generate any significant customer parking demand within the parking lot. The rear of the building

(north side) is used for truck deliveries.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:**
I-1; existing industrial businesses
2. **East:**
I-80
3. **South:**
I-1; existing industrial businesses
4. **West:**
I-1; existing industrial businesses

C. RELEVANT CASE HISTORY:

This volleyball club has been practicing at The Courts facility at 8930 S. 137th Circle (a previously approved CUP) for the past two seasons along with three other clubs.

D. APPLICABLE REGULATIONS:

1. Section 15.13.03.14, Zoning Regulations, regarding indoor recreational facilities as a Permitted Conditional Use in the I-1 District
2. Article 6, Zoning Regulations, regarding Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area for industrial land uses.

B. OTHER PLANS:

None.

C. TRAFFIC AND ACCESS:

1. Access to the site is provided at two locations on S. 137th Circle.
2. The applicant has provided an updated traffic impact study for the intersection of 137th Circle and Giles Road. The City's consulting traffic engineer has reviewed the updated study and agrees with the conclusion that the intersection should be able to adequately handle the traffic expected to be generated by the proposed development.

D. UTILITIES:

All utilities are available to the site.

IV. REVIEW COMMENTS

1. The applicant provided plans for the proposed modifications to the building prepared by a qualified professional. The Chief Building Official will review the plans for compliance with building codes so that the proposed use can be safely accommodated in the existing facility, along with other permitted industrial uses in the building.
2. The applicant has provided a full-size site plan to scale that shows the current conditions on the site, including parking stalls and access drives. There are 115 existing parking stalls and an additional 26 proposed to be added to the rear of the building. Based on staff estimates, it

appears that adequate parking will be provided for tournament activities, including teams on the floor, teams waiting, and spectators and staff. This may, however, include adjacent tenant spaces that may be in business on Saturdays or during tournament events. The property owner has submitted a statement (attached) that they are agreeable to allowing the use of all or a majority of the parking spaces during large events. All parking shall be on-site and delineated.

3. The traffic impact study that was done previously for the intersection of 137th Circle and Giles Road has been updated to include the additional traffic generation from this facility since the proposed use will generate higher volumes of traffic than a permitted industrial use, especially during tournament events. The study (attached) identifies the ability to maintain an acceptable level of service during peak traffic generating events at the facility.
5. The applicant has submitted plans to the State Fire Marshall; approval will be required prior to building occupancy.

V. STAFF RECOMMENDATIONS

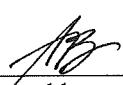
APPROVE.

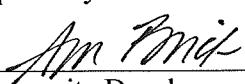
VI. ATTACHMENTS TO REPORT

1. Vicinity Map (2)
2. Map of Lot 2, I-80 Industrial Park
3. Nebraska Impact Volleyball Business Plan dated October 26, 2009
4. Letter from John Kottmann dated November 5, 2009
5. Letter from Herbert J. Lavigne dated December 10, 2009
6. Traffic Impact Analysis dated December 8, 2009 (without Appendix)
7. Letter from Mark Meisinger dated December 29, 2009
8. Draft CUP

VII. COPIES OF REPORT TO

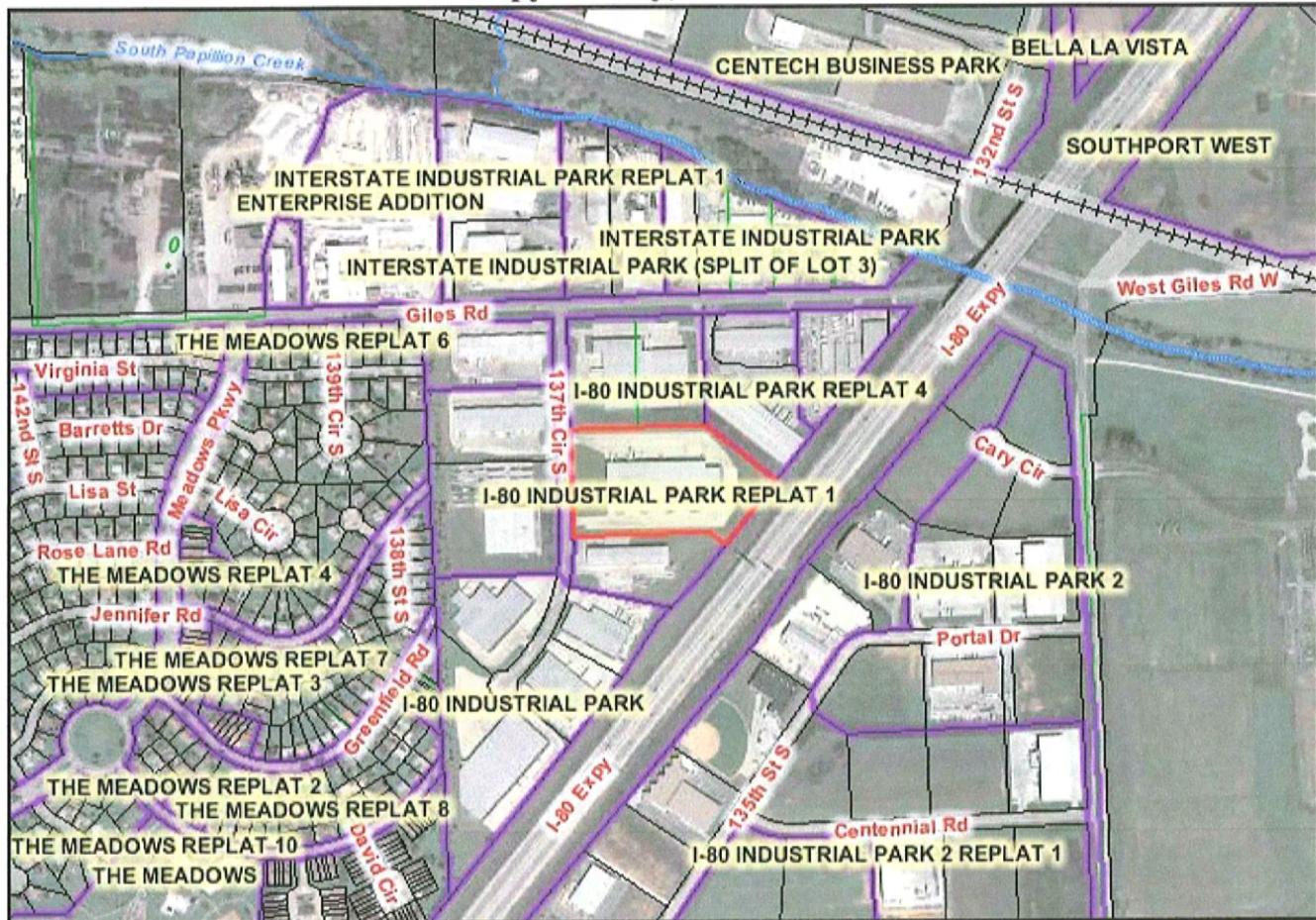
1. Mike and Debi Godek
7785 Greenleaf Drive
2. Herb Lavigne
Lavigne Enterprises
8619 S. 137th Circle
Omaha, NE 68137
3. Ron Hoffman
15574 Shirley Circle
Omaha, NE 68144
4. Public Upon Request


Prepared by:

 Community Development Director

1-11-10 Date

Sarpy County, Nebraska



Parcel ID Number	011256796	Neighborhood Code	WH225
Owner Name	8619 SOUTH 137TH CIR, LLC	Property Type	COMM
Mailing Address	14803 FRONTIER RD	Improvements Value	\$1,403,347
City State	OMAHA NE	Land Value	\$706,653
Zip Code	68138-	Total Value	\$2,110,000
Property Address	8619 S 137TH CIR	Tax District	17048
Legal Description	LOT 2 I-80 INDUSTRIAL PARK REPLAT 1		

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 768 feet

Sarpy County, Nebraska



Parcel ID Number	011256796	Neighborhood Code	WH225
Owner Name	8619 SOUTH 137TH CIR, LLC	Property Type	COMM
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Map Scale
1 inch = 256 feet



October 26, 2009

RE: Conditional Use Permit for 8619 South 137th Circle, Omaha, NE

Dear Committee Members:

Business Plan

Nebraska Impact Volleyball Club is asking for a Conditional Use Permit for 8619 South 137th Circle, Omaha, Nebraska, for a volleyball recreational facility. The proposed facility will house four (4) regulation volleyball courts which will be used for junior girls and boys club volleyball practice, occasional tournaments, camps and clinics.

Our club has approximately 150 junior players, ages 10 through 18, and 20+ adult coaches each season. We have been practicing at The Courts at 8930 South 137th Circle for the past two seasons along with three other clubs in the Omaha area. But all of the clubs that share the building have grown so much that court time is not available to our club anymore. For this reason, we are seeking our own facility.

Practice times will be Monday through Friday from 5:30-9:30 p.m. Saturday and Sunday will be used for practice, tournaments, private lessons and clinics. Hours of operation on the weekends will be 8:00 a.m. until approximately 5:00 p.m. There will be one paid employee who will manage the facility.

The club season begins in November by holding tryouts. We plan to have 16 teams this coming season. Each team will practice a minimum of twice a week for two hour sessions. The club season is usually over at the end of April. But if any of our teams qualify for nationals, the teams practice an additional month.

After club season is over, May through October, we plan to conduct juniors camps, clinics, lessons, and leagues until the next club season.

The building has approximately 100+ parking stalls for all of our proposed activities which include handicap parking stalls. There is a large parking lot on the north side of the building which could be lined with additional stalls.

A small concession area will be installed so that beverages and lunch items could be sold during tournaments and leagues.

Page Two

Nebraska Impact VBC

RE: Conditional Use Permit for 8619 South 137th Circle, Omaha, NE

A men's and women's bathroom will be installed to accommodate the required number of toilets and sinks. A handicap toilet will also be installed.

An office will also be installed which will be used for our club's facility manager.

A designated area will be used for conditioning our athletes that will contain weight and plyometric equipment supplied and implemented by Xplosive Edge.

We will also rent open practice time to other clubs. Two other clubs have already expressed their desire to rent.

Our proposed 2009/2010 Budget is attached.

Our club obtained non-profit status in January 2006 under Section 501© (3) of the Internal Revenue Code. The club's Employer I.D. # is 20-1856986. The club is exempt from federal income tax and is qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106 or 2522 of the Code.

Personal Background

My name is Michael (Mike) E. Godek. My wife Debra (Debi) and I have been residents of LaVista since 1975. I grew up in the South Omaha and 50th & Grover areas of Omaha and graduated from Archbishop Ryan High School in 1969. My wife grew up in Ralston.

We have two children, a son Michael who is 37 years old and a daughter Michelle who is 34 years old, and three grandchildren. Both of our children attended grade school in the LaVista school system and both graduated from Papillion-LaVista High School. We own our home and have been with the same bank (Wells Fargo) since we married in 1972.

I am currently employed full-time at Ryerson, Inc. in Omaha, Nebraska, as an inventory control manager and have been with the company for 22 years. Ryerson is a distribution center for specialty metal products.

My wife worked for the Great Plains Region of USA Volleyball for approximately 10 years as an administrative assistant to the Commissioner of the Nebraska Region. Previous to that she worked as a legal secretary. She now manages our volleyball club full-time.

Nebraska Impact Volleyball Club was created in the fall of 2000. At that time, I was the head volleyball coach at Omaha Burke High School. I wanted to start a volleyball club for my high school players so they had additional instruction after the high school season was over. I coached at Burke for four years, two years at Omaha Duchesne, one year at Omaha Northwest, and one year at Bennington High School. I am currently co-head coach at Weeping Water High School.

Page Three

Nebraska Impact VBC

RE: Conditional Use Permit for 8619 South 137th Circle, Omaha, NE

Enclosed is a copy of our club flyer for the upcoming season for your review.

Our club website is <http://www.cteamz.com/impactvolleyball>.

Thank you for this opportunity!

Michael E. and Debra A. Godek

Nebraska Impact VBC

7785 Greenleaf Drive

LaVista, NE 68128

402-339-6951 home

402-699-1021 cell

**NEBRASKA IMPACT VOLLEYBALL CLUB
BUDGET**

2009/2010 PROPOSED INCOME PER YEAR	
PLAYER FEES (13 TEAMS @ \$1100 + 3 TEAMS @ \$900)	170,000.00
XPLOSIVE EDGE RENT FOR CONDITIONING PROGRAM	18,000.00
VOLLEYSTRONG COURT RENT	10,000.00
IMPACT TOURNAMENTS (ENTRY FEES FOR 3-4 EVENTS)	20,000.00
VOLLEYSTRONG TOURNAMENTS (3 @ \$500)	1,500.00
OTHER CLUB TOURNAMENTS (3 @ \$400)	1,200.00
VOLLEYSTRONG RENT FOR JUNIOR CAMPS & CLINICS	3,000.00
JUNIOR CAMPS & CLINICS RUN BY CLUB	3,000.00
COACHES RENT FOR LESSONS	500.00
VOLLEYSTRONG RENT FOR LESSONS	500.00
PROFIT FROM CONCESSIONS	3,000.00
RENT FOR COURTS FROM OTHER SPORTS CLUBS	5,000.00
ADULT LEAGUES	8,000.00
TOTAL PROPOSED INCOME	243,700.00
2009/2010 PROPOSED EXPENSES PER YEAR	
LEASE PAYMENT	95,000.00
LOAN FOR EQUIPMENT & INITIAL REMODELING	12,000.00
M.U.D.	12,000.00
O.P.P.D.	12,000.00
TELEPHONE	12,000.00
CLUB UNIFORMS	24,000.00
CONTRACT LABOR (COACHES' PAY & FACILITY MANAGER)	32,000.00
DUES & SUBSCRIPTIONS	2,100.00
OFFICE EXPENSE	3,000.00
PERMITS	500.00
TOURNAMENT EXPENSES	3,000.00
TOURNAMENT SANCTION FEES TO REGION	1,600.00
TOURNAMENT ENTRY FEES FOR TEAMS	20,000.00
INSURANCE	6,000.00
SCHOLARSHIPS	2,200.00
TOTAL PROPOSED EXPENSES	237,400.00

MEET THE COACHES MEETING!

Come to the "Meet The Coaches Day" at The Courts on Sunday, October 18, 2009, at 6:00 p.m. If you are new or old to our club, meet Nebraska Impact VBC's coaches, hear about our club's philosophy, current and future plans, costs, and much more. A question and answer session will follow a short presentation.

GIRLS

- 18 Select - Mike Godek/Ashley Pike
- 181 - Dan Martin/Scott Comstock
- 17 Select - Michael Godek Jr/Carolyn Spichal
- 171 - Deryck Anderson/TBA
- 16 Select - Bo Yong/Charlie Jimenez
- 161 - Nancy Thurston/Jason Weberg
- 15 Select - Mike Godek/Monte Arnold
- 151 - Vicki Kilgore/Kelly Ketcham
- 14 Select - Bo Yong/Tessa Howe
- 141 - Scott Carne/Jessie Clark
- 13 Select - Mary Mozena/Poc Khamsant
- 131 - Brandon Cerny/Ausha Perkins
- 121 - Tracy Maison/Monte Arnold
- 122/101 - Valerie Wentworth
- 111 - Dan Martin

Nebraska Impact VBC encourages all of its teams to participate in at least one travel or qualifier tournament each season. A qualifier tournament is held outside of the Great Plains Region (Nebraska). Qualifier tournaments are an additional cost to all players (not included in club fees), but it is well worth it. All players that make Nebraska Impact's Select and 1st teams are required to commit to the club's goal of attending junior nationals if they should qualify either through the region's bid tournament or through a qualifier. Many of the club's players have been awarded college scholarships because they were seen playing at these qualifiers in Indianapolis, Kansas City, Denver and Minneapolis where college coaches do most of their college recruiting for players. Nebraska Impact also focuses on developing new players to the sport of volleyball.

Nebraska Impact has qualified team(s) for the USA Volleyball Junior National Championships for the past five years. The 2008/2009 Season proved to be a record setting season for the club by qualifying three teams for the Junior National Championships.

UNDER ARMOUR will be Nebraska Impact VBC's choice for uniforms this season.

PRACTICE FACILITIES:

Our teams will practice at The Courts located at 137th & Giles Road, La Vista, NE, on Sunday afternoons in December and will move to our new facility in January. After teams are selected, each team will determine what days they will practice. Each team will practice an average of two times per week after January 1st. Our new facility will be available every day of the week for training.

COACHES:

Nebraska Impact VBC's coaches have several years of experience coaching and/or playing. Each coach must submit and pass a background check. They must attend a required Great Plains rules clinic each year and be IMPACT (not associated with the club) certified with USA Volleyball. IMPACT certification is a program developed by USA Volleyball which focuses on player and coach

liability. Nebraska Impact VBC also requires that all of its coaches attend a coaches' clinic conducted by the club's director before each season. Please check out our website for a complete list of our coaches, their bios and what age divisions or teams they will be coaching at <http://www.teenzteamz.com/impactvolleyball>. More coaches could be added and will be announced before tryouts. Below is a tentative list of teams we plan to field this season, our coaches, and their planned age groups (subject to change):

BOYS

- 15, 16, 17 and 18 year old team - Brandon Cerny
- 12, 13, and 14 year old team - Deryck Anderson

ATTENTION---BEFORE TRYOUTS!!! GREAT PLAINS REGION REGISTRATION PROCEDURE!!!

Every prospective club volleyball player and coach is required to register as a member of the Great Plains Region. Members will register directly with the Region's on-line database system. Once you register on-line and your membership fee is received at the Great Plains office, your membership will be activated. ALL registrations **MUST** be completed AND **ACTIVATED** before you can participate in ANY club activity for the 2009/10 season. **THIS INCLUDES PRACTICES AND TRYOUTS!!!** All players must print a copy of their membership card and present it at each tryout you attend. Membership cards will be available for print from your database account after your registration fee has been submitted to the Great Plains office and your account has been activated. The registration system is open and available on or after September 1st. Register as soon as possible. Log onto www.gpvb.org and click the Online Registration tab.

JUNIOR PLAYERS: If you register prior to the region's signing date (November 7th, if you are under 14 and November 21st, if you are over 14) you **MUST** select **UNDECIDED** as your club name. Once you sign with a club, you can log back into your account and change your club affiliation. (If you originally picked a specific club, and you are not playing for that club, you must contact the registrar - registrar@gpvb.org, to have your club affiliation changed.) Players that are under 11 years of age can register for \$20. You will not see this option listed as a membership option, but the cost will be adjusted when your registration fee is sent to the office. All other players' fees are \$50 which **MUST** be sent directly to the Great Plains RVA in Ralston, NE. **NOTE:** All junior players must **still** complete a medical history and release form and give it to their club director. This form can be printed from the confirmation page or can be obtained from the FORMS section on the Great Plains website or from your club director. The completed form must

be submitted to your club director before you participate in any practices. DO NOT SEND the medical history and release form to the Great Plains office.

Use the following steps when registering for the 2009/2010 USA Volleyball season:
1) Register Online: Go to www.gpvb.org. Click on the Online Registration tab. If you are a new member, click I Am Registering for the First Time. If you are a returning member AND you know your login, click Go To Login Screen. If you do not remember your login, click I Need My Username and Password. The email address and birthday of the member must be entered. When retrieving your log-in information, the email address you type in must match the email address in the account. If the email address in that account has changed, contact the Great Plains registrar at registrar@gpvb.org.

2) Once you have logged into your account (for returning members), click on the Renew Online button on the left side of the screen or on the top of the page where it says "To apply for your membership online, click here."

3) Verify your personal information and follow the on-screen instructions.

4) On the confirmation screen:
a) You **MUST** open the USA Volleyball Waiver and Release of Liability. Read it. Close the document.
b) You **MUST** open the USA Volleyball Code of Conduct. Read it. Close the document.

c) Check both boxes that you have read and agree with the disclaimers.
d) After reading the 'Use agreement' statement, check the box.
e) Enter the driver's license or state ID number for the individual consenting above. (Note: the driver's license or state ID number is for verification purposes only.)
5) After you click confirm, you will receive a message that states "your membership application has been confirmed".

A. check for the \$50 registration fee needs to be sent to:

Great Plains Region
7545 Main St, Ste A
Ralston NE 88127
Checks can be made payable to: GPPRV A (if possible, write the name of the registered member in the memo section of the check). If you have any questions or problems with the registration process, please contact Bill Stanley (registrar@gpvb.org) at 402-593-9670 between 10 am and 6 pm. After hours, you can contact Sue Mailhot (sue@gpvb.org) at 402-594-4782.

IMPACT'S MISSION STATEMENT:

To promote the sport of volleyball by providing more girls the chance to play competitive club volleyball while improving their skills for high school and college.

IMPACT'S VISION:

Compete at the highest level to improve all middle and high school volleyball programs in the Omaha/ Metro areas.

WHAT AGE DIVISION DO I PLAY IN?
USA V JUNIOR OLYMPIC VOLLEYBALL AGE

DEFINITION

For use during the 2009-2010 Season

For eligibility purposes, a player who has just completed a grade in the Spring of 2010 will be considered in that grade just completed.

18 and Under Division:

Players who were born on or after Sept 1, 1991
(9-1-91 through 8-31-92) OR

Players who were born on or after Sept 1, 1990 and a high school

student during some part of the current academic year

17 and Under Division:

Players who were born on or after Sept 1, 1992
(9-1-92 through 8-31-93)

16 and Under Division:

Players who were born on or after Sept 1, 1993
(9-1-93 through 8-31-94)

15 and Under Division:

Players who were born on or after Sept 1, 1994
(9-1-94 through 8-31-95)

14 and Under Division:

Players who were born on or after Sept 1, 1995
(9-1-95 through 8-31-96)

13 and Under Division:

Players who were born on or after Sept 1, 1996
(9-1-96 through 8-31-97)

12 and Under Division:

Players who were born on or after Sept 1, 1997
(9-1-97 through 8-31-98)

11 and Under Division:

Players who were born on or after Sept 1, 1998
(9-1-98 or after)

TRYOUT DATES @ THE DIGZ!!!!

Tryouts will be held at The Digz, NOT at The Courts
where we practice. See directions.....

Tryout Fee: \$10 per player
Mandatory parents' meeting 15 minutes before each tryout
begins.

Tryouts for 14's, 13's, 12's and 11's will be held
Saturday, November 7, 2009, at The Digz.
14's – 8:00 a.m. (Boys 14-12 @ 8 am)
13's – 10:00 a.m.
12's, 11's & U – 1:00 p.m.

Tryouts for 15's, 16's, 17's and 18's will be held
Saturday, November 21, 2009, at The Digz.
18's & 17's – 8:00 a.m. (Boys 18-15 @ 8 am)
16's – 10:00 a.m.
15's – 1:00 p.m.

The Digz is located at 4428 S 140th St, Omaha.

From the North: Get to 144th & L Street. On L Street turn South, go Past Charlie's On The Lake, go to the corner after the new Mercedes dealership, turn East on Old L Street, go 2 blocks to the Millard American Legion and turn North. We are just down the street.

From the South: Get to 144th & Q Street. Go North on 144th, past Bryan Elementary, and turn east at the bottom of the hill (Old L Street). Go 2 blocks to the Millard American Legion and turn North. DIGZ is just down the street.

From the East: Get to 132nd and L Street. Turn South and take the first right at the gas station (Old L Street). Continue until you reach the turn for 140th Street and turn North (the first turn just past the Millard American Legion). DIGZ is just down the street on your left.

TEAMS:

Nebraska Impact VBC will select two teams per age group. We have teams which will be designated as "Select" teams and teams designated as 1st teams. If you are interested in filling an open spot on one of these teams, please contact Mike Godek at 402-339-6951 as soon as possible. Our Select teams play at higher age levels and the 1st teams play within their age level but in Gold Division tournaments.

We may select 2nd teams that will play in Silver Division tournaments for players who wish to learn and improve their skills. This will depend on the number of players trying out.

Please do not try out if you do not intend to sign the Letter of Intent to commit to play with Nebraska Impact VBC, or if you have already signed with another club.

CLUB FEES:

Players 10's, 11's & 12's \$ 900
Players 13's - 18's \$1100

Team fees can be paid in two installments: Two checks will be required at tryouts; $\frac{1}{2}$ due the day of tryouts and another check post dated January 1, 2010 for the balance due.

Qualifier fees are in addition to the above fees.

Fees include 2 UNDER ARMOUR jerseys, two pair of shorts, warm-up jacket and pants, bag, coaches' wages, practice facility rental, free specialty clinics and 8 tournaments.

In an effort to keep club costs down, we host three junior tournaments every season.

website at <http://www.eteamz.com/impactvolleyball>.

7785 Greenleaf Drive
LaVista NE 68128
Revised 10/15/09

PLAYERS WILL BE SELECTED AND SIGNED AT END OF TRY-OUTS. PLEASE DO NOT LEAVE UNTIL ALL FORMS ARE SIGNED AND TURNED-IN.



JUNIOR GIRLS
CLUB VOLLEYBALL

Nebraska Impact VBC is a 501(c)(3) non-profit organization.

Call Club Director Mike Godek or
Asst Club Director Bo Yong
for any further information:

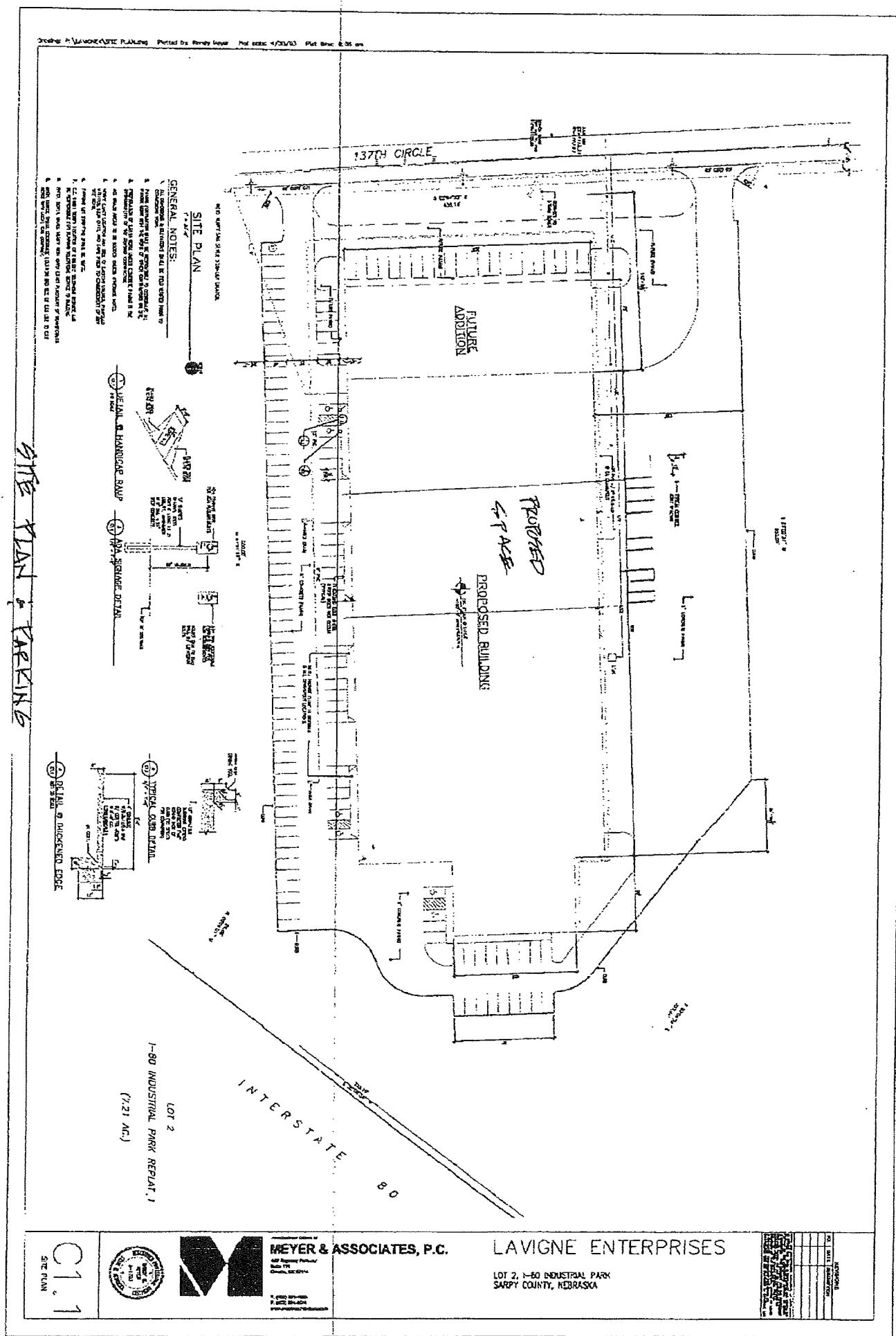
Mike 402-339-6951 or 490-2786 or 699-1021
Email: mdgodek@cox.net
Bo 402-884-7594 or 402-296-5735

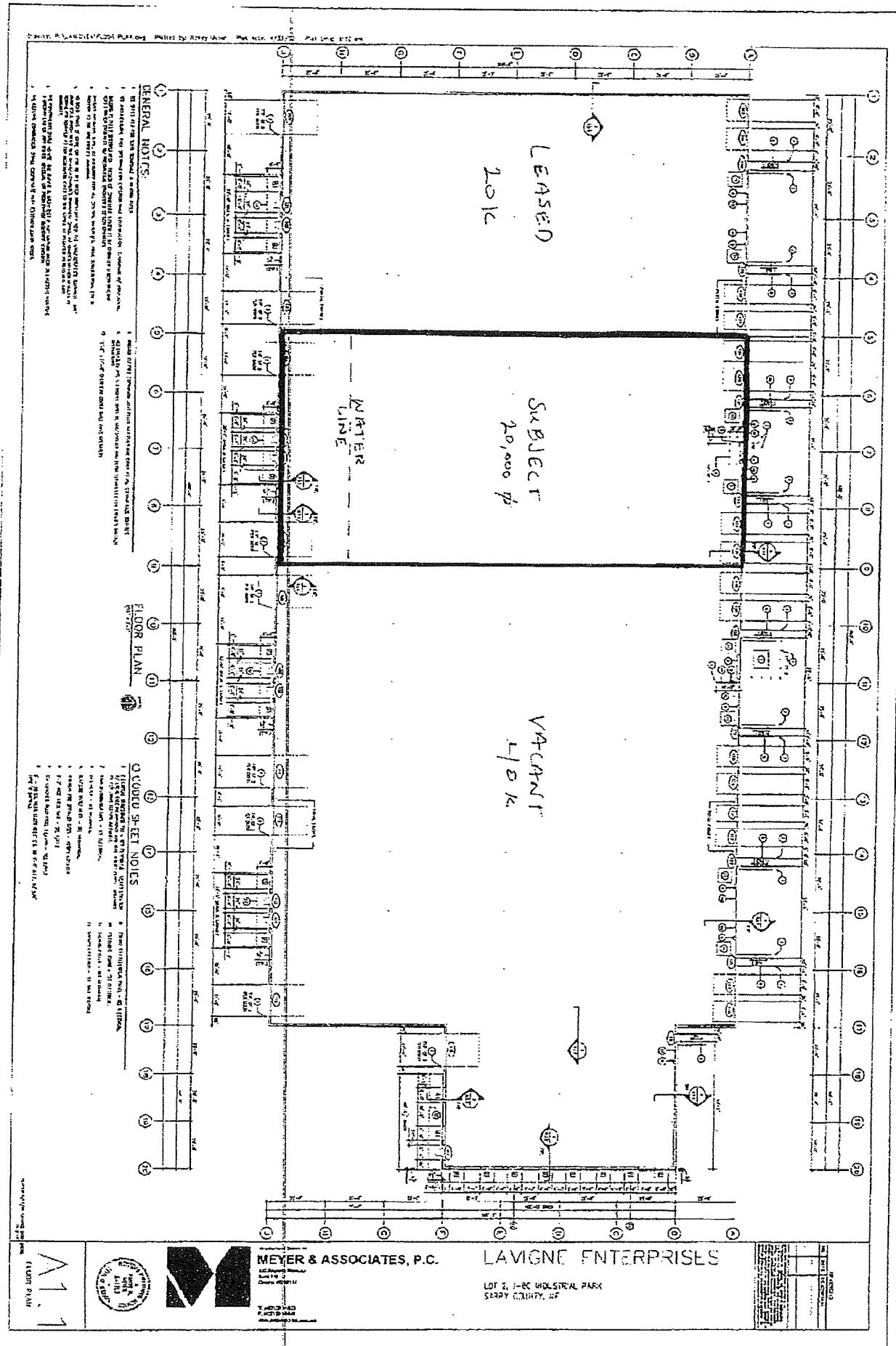
WHAT WILL I DO AT TRYOUTS?

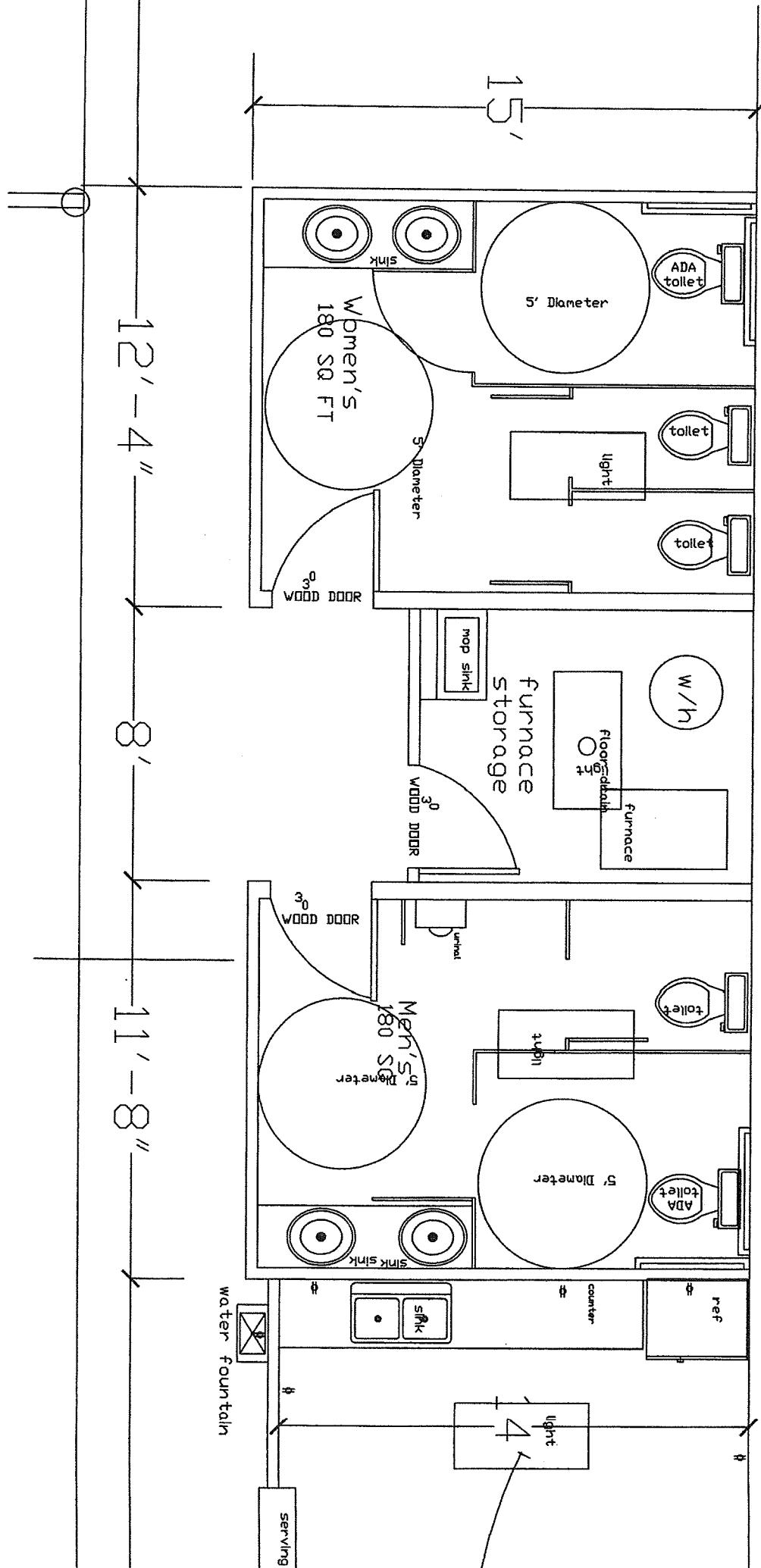
1. SIGN IN AT CHECK-IN TABLE AND PICK UP GUIDELINE SHEET.
2. COMPLETE IMPACT QUESTIONNAIRE.
3. RETURN QUESTIONNAIRE AND \$10.00 TRYOUT FEE TO TABLE.
4. PIN ON TRY-OUT NUMBER.
5. MOVE TO PHYSICAL TESTING LINE:
STATION #1: YOU WILL BE MEASURED FOR HEIGHT AND REACH.
- STATION #2: YOU WILL BE TESTED FOR BLOCK REACH AND APPROACH REACH.
- STATION #3: YOU WILL BE TESTED FOR ARM STRENGTH AT THE BASKETBALL THROW.
- STATION #4: YOU WILL BE TIMED FOR SPEED AND AGILITY AT THE SHUTTLE RUN.

AFTER COMPLETION OF STATION #4:
MOVE TO COURT #1. GET A VOLLEYBALL AND A PARTNER, STRETCH AND WARM-UP WHILE THE LAST PLAYERS ARE FINISHING UP PHYSICAL TESTING.

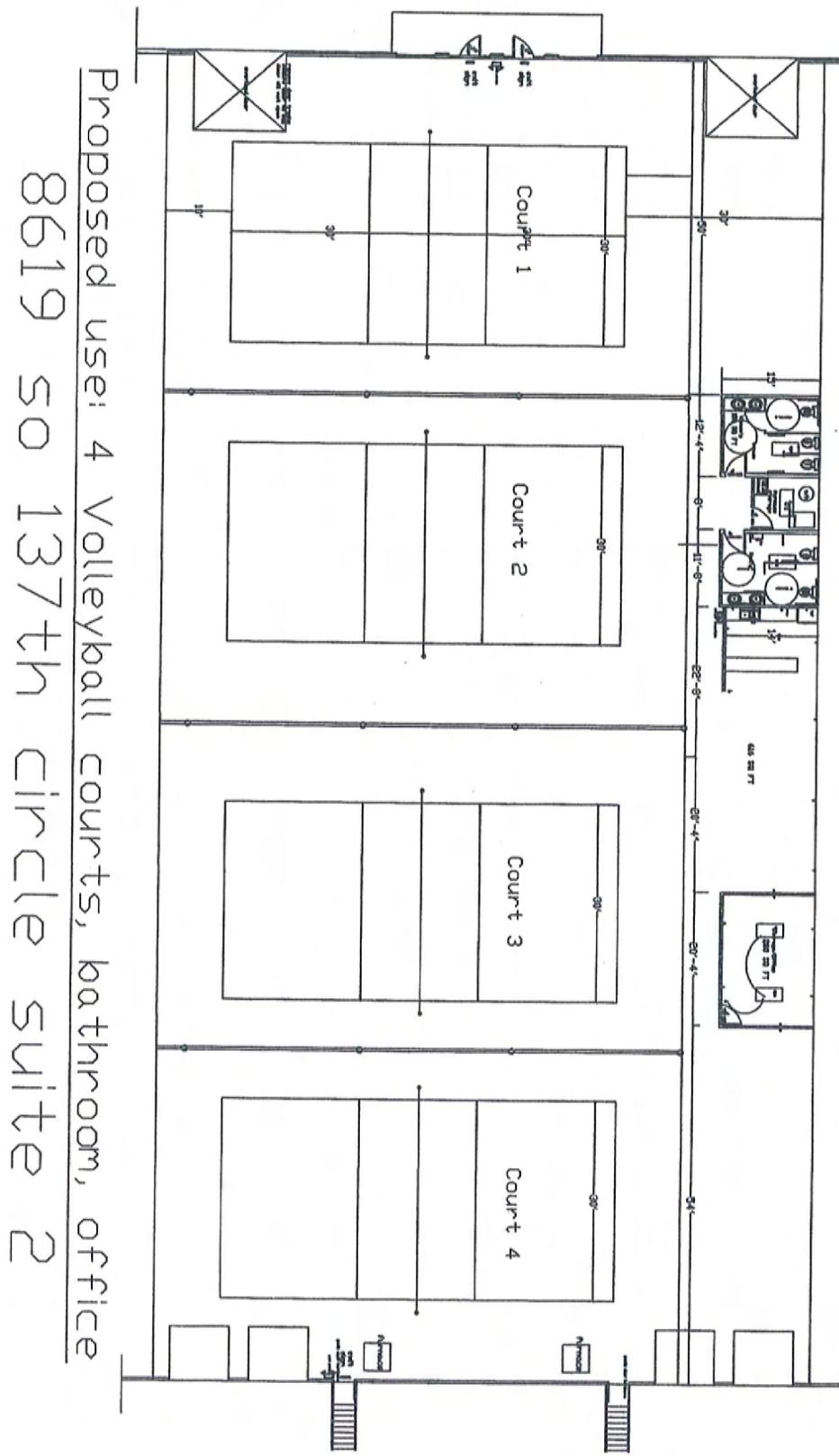
6. PLAYERS WILL BE DIVIDED UP EVENLY ONTO COURTS. WE WILL ASSESS YOUR SKILL LEVEL:
ATTACK, SETTING, BLOCK, DIGGING, PASSING,
SERVE AND SERVE RECEIVE.
(THESE COURTS WILL ROTATE EVERY 15 MINUTES WHEN THE WHISTLE SOUNDS.)
7. A SCRIMMAGE MAY BE HELD IF THERE IS TIME REMAINING.







20,000 SQ FT BAY



Proposed use: 4 Volleyball courts, bathroom, office
8619 50 137th circle suite 2

NOV 19 2009



THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

November 5, 2009

Ms. Ann Birch
Community Development Director
City of La Vista
8116 Park View Blvd.
La Vista, NE 68128

Robert E. Dreessen, P.E.
Ka "Kip" P. Squire III, P.E., S.E.
Douglas S. Dreessen, P.E.
Chris E. Dorner, L.S.
Nelson J. Hymans, P.E.
James D. Warner, L.S.
Charles E. Riggs, P.E.
John M. Kottmann, P.E.
Arthur D. Beccard, P.E.
Dean A. Jaeger, P.E.
Richard M. Broyles, L.S.
David H. Neef, L.S.
Ronald M. Koenig, L.S.
Michael J. Smith, L.S.
Troy J. Nissen, P.E., S.E.
Douglas E. Kellner, P.E.
Gary A. Norton, P.E.
Brian L. Lodes, P.E. LEED AP
Kurtis L. Rohn, P.E.
Jeffrey L. Thompson, P.E.
Daren A. Konda, P.E.
Michael T. Caniglia, L.S.
Jeremy T. Steenhoek, P.E.
Joshua J. Storm, P.E.

RE: 8619 South 137th Circle-Initial Review of CUP Application
Nebraska Impact Volleyball
Rezoning & Conditional Use Permits 2009
TD² File No. 171-366.26

Ann:

I have reviewed the documents that you provided to me via your transmittal that I received on October 30, 2009 for the above-referenced project. I offer the following comments:

1. The applicant needs to provide a plan for the proposed modifications to the building prepared by a qualified professional. Those plans would need to demonstrate compliance with various building code issues such as ingress and egress for life safety and area separation walls. The Chief Building Official, Jeff Sinnott, should be contacted to identify more completely the building code issues that need to be addressed to determine if the proposed use can be safely accommodated in the existing facility, along with other permitted industrial uses in the building.
2. The applicant needs to provide a full-size site plan to scale that shows the current conditions on the site and shows the property lines on the same drawing. This is needed to evaluate size and quantity of parking stalls and access drives. The plan needs to demonstrate that adequate parking will be provided during tournament activities, including teams on the floor, teams waiting, and spectators and staff. This should include an allowance for the adjacent tenant spaces that may be in business on Saturdays during the tournament events. The parking requirement factors are set forth in the Zoning Ordinance. All parking shall be on-site and delineated.

Ms. Ann Birch
November 5, 2009
Page Two

3. The traffic impact study that was done previously for the intersection of 137th Circle and Giles Road needs to be updated to include the additional traffic generation from this facility since the proposed use will generate higher volumes of traffic than a permitted industrial use, especially during tournament events. The purpose of the study would be to determine whether signals and/or geometric improvements are needed to maintain an acceptable level of service during peak traffic generating events at the facility. A copy of the previous Traffic Study prepared for The Courts facility at 8930 South 137th Circle can be provided to the applicant.

This information needs to be provided before I can render an opinion as to whether the request meets the standards set forth in Section 6.05 of the City of La Vista Zoning Regulations pertaining to standards for conditional use permits.

THOMPSON, DREESSEN & DORNER, INC.



John M. Kottmann, P.E.

JMK/bam

cc: File

Lavigne Enterprises

BUILDER-DEVELOPER
Warehouse, Office, Industrial Leasing

14803 Frontier Rd.

Omaha, NE 68138-3835

(402) 896-6722

(800) 242-6040

December 10, 2009

Debra A. Godek
Nebraska Impact Volleyball Club
8619 South 137th Circle
Suite 2
Omaha, NE 68138

Dear Debra:

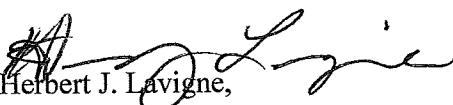
This is the response to your request for additional parking at 8619 South 137th Circle.

You may use all available parking at 8619 South 137th Circle during evening and non business hours, including weekends for your tournament play.

IF we can be of any future assistance, please call.

Sincerely,

LAVIGNE ENTERPRISES


Herbert J. Lavigne,
President



NEBRASKA IMPACT VOLLEYBALL CLUB

TRAFFIC IMPACT ANALYSIS

**Giles Road & 137th Circle
La Vista, Nebraska**

Prepared for:

CITY OF LA VISTA

Prepared by:



E & A Consulting Group, Inc.

P2009.497.001

December 8, 2009

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1- INTRODUCTION

1.1 Study Background, Purpose and Goals

This report summarizes the findings and recommendations of a traffic impact analysis prepared for the proposed Nebraska Impact Volleyball Club, located along 137th Circle south of Giles Road in La Vista, Nebraska (Figure 1).

Figure 1. Study Area



The proposed volleyball club would have adequate room for four volleyball courts, which will function as a practice facility for volleyball teams during the evening weekday hours. The proposed facility would also hold volleyball tournaments during the weekends, mostly on Sundays.

The primary purpose of this analysis was to review the potential traffic impacts to the street system adjacent to the proposed club. Specifically, the study analyzed the impact to the intersection of Giles Road and 137th Circle during the PM peak hour.

1.2 Data Gathering

The data collection effort is summarized as follows:

- Propose volleyball club capacity and services.
- Intersection traffic turning movement counts taken on December 3rd 2009 by E&A Consulting at Giles Road and 137th Circle. The traffic counts were conducted under normal traffic conditions during the P.M. (4:30 – 6:30) peak period of traffic flow.
- Site generated trips – Based upon the planned number of courts and the anticipated number of individuals using each court.
- Signal Warrant Analysis – Manual of Uniform Traffic Control Devices (MUTCD) 2003.

1.3 Study Methodology

The analysis follows closely the guidelines for traffic impact studies developed by the Institute of Transportation Engineers (ITE). To evaluate the potential impacts of the proposed development, the following tasks were accomplished:

- Field inspection to observe the current lane configuration and geometry.
- Traffic volume counts were conducted at the study intersection.
- Processing of data from proposed volleyball club.
- Estimation of site generated traffic, distribution and assignment.
- Generation of total traffic volumes (existing traffic plus site generated traffic).
- Analysis of 2009 intersection capacity to handle existing and future traffic using Synchro Version 7 and SimTraffic Software.
- Evaluation of traffic signals warrants for the unsignalized intersection of Giles Road and 137th Circle.
- Queue analysis, and development of recommendations for roadway and traffic control improvements.

2- EXISTING STREET NETWORK

Existing roadway network includes the following roads:

Giles Road, within the study area, is a two-lane roadway that runs east-west with a posted speed limit of 45 mph. The primary intersection within the study area is 144th Street, intersection that is currently signalized.

137th Circle is a two-lane local road, which provides access to the industrial buildings south of Giles Road. At its intersection with Giles Road, it is a 'T' street intersection with stop signs on the northbound approach. 137th Circle would provide access to the proposed volleyball club.

3- EXISTING TRAFFIC VOLUMES

Intersection traffic turning movement counts were taken on December 3rd 2009 at Giles Road and 137th Circle. The traffic counts were conducted under normal traffic conditions during the P.M. (4:30 – 6:30) peak period of traffic flow.

From the traffic counts, it has been determined that the peak hour volume occurs during the 4:45 to 5:45 P.M. period. Figure 2 presents the existing traffic volumes for the P.M. peak hour.

Field data worksheet is included in the Appendix.

4 - PROJECTED TRAFFIC

4.1 Site Trip Generation

Typically, the ITE Trip Generation Handbook is the industry standard for estimating traffic generation characteristics for various development types. However, there is no specific data in the latest handbook for a volleyball complex as the proposed in this study. In order to estimate the amount of traffic to be generated by the proposed volleyball club, engineering judgment and detail club information was used.

With the proposed plan of four volleyball courts, it was determined that during a normal practice session there would be approximately 50 individuals that would be using the courts. This number includes players, coaches, and people from the administration. To be conservative in the analysis, it was assumed that each one of these individuals would generate a trip entering the complex. Since the volleyball teams include kids who are not old enough to drive, it was assumed that there would most likely be one turnover for each of the players using the courts, so 40 trips would be exiting the complex during the peak hour.

For the analysis of the P.M. peak hour, a total of 90 trips is estimated to be generated by the proposed volleyball club.

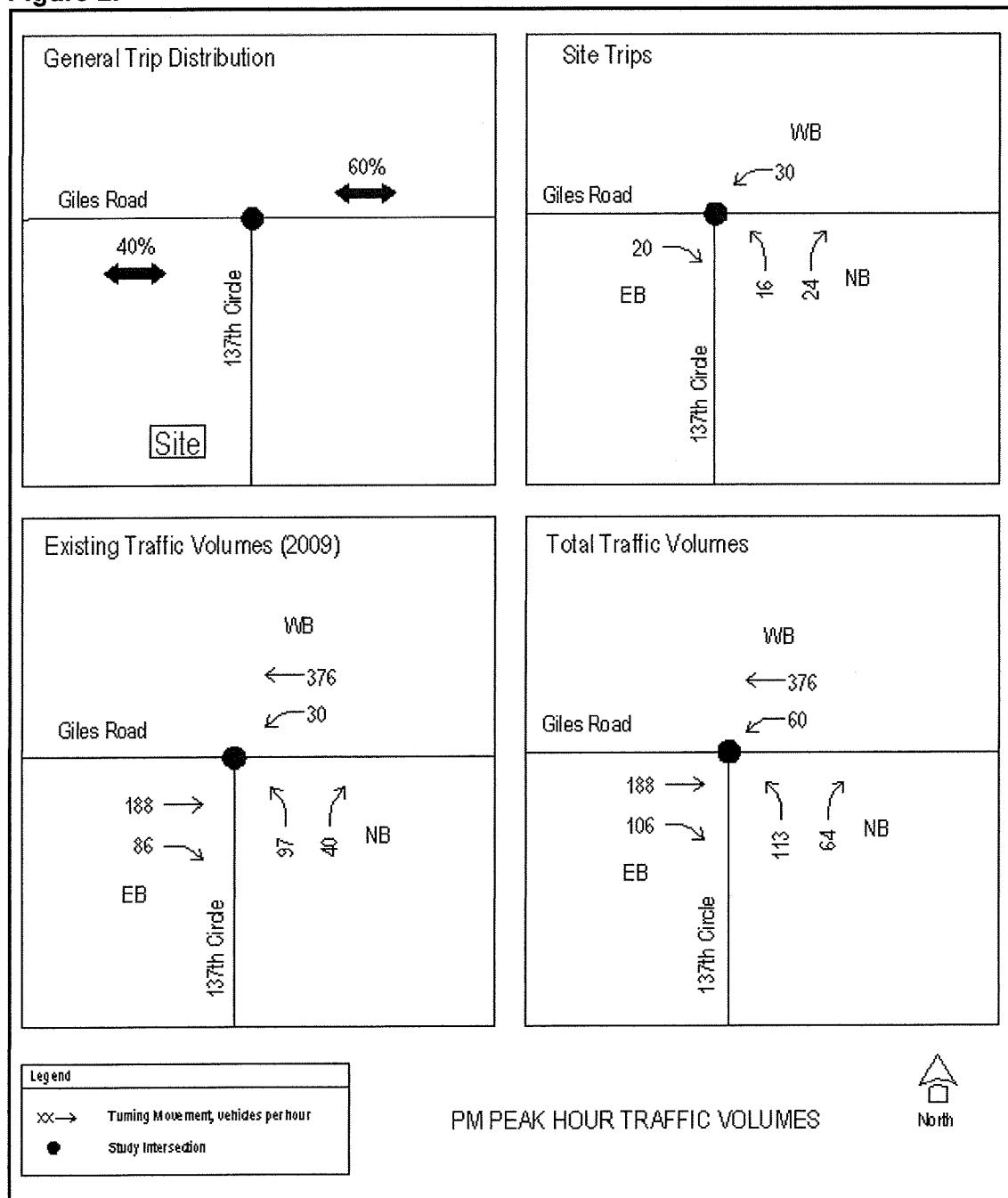
4.2 Site Trip Distribution and Assignment

The trips generated by the proposed volleyball club were distributed based upon existing and projected traffic patterns and engineering judgment. Once the approach and departure directions are estimated, the trips are assigned to the street network. Figure 2 displays the overall trip distribution for the study area and the assignment of the trips generated by the proposed site to the study area traffic network during the P.M. peak period.

4.3 Total Traffic

The project generated traffic is combined with the existing traffic to produce the expected total traffic volumes. Total traffic for the P.M. peak hour was estimated. The total volumes were adjusted and plotted on a study area roadmap to ensure reasonableness and logic. Figure 2 shows the expected total traffic volumes at the intersection of Giles Road and 137th Circle.

Figure 2.



5 – OPERATIONAL ANALYSIS

5.1 Capacity and Level of Service Description

Capacity analysis methodology is based on the concepts and procedures of the 2000 Highway Capacity Manual (HCM). The primary result of capacity analysis is the assignment of Level of Service (LOS) to traffic facilities. The concept of LOS is defined as a qualitative measure describing the operational conditions within the traffic stream and their perception by motorists and/or passengers. Six levels of service are defined for signalized intersections. They are given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst.

Levels of service for all movements at signalized and unsignalized intersections were determined using Synchro 7.0, a traffic analysis package that implements the methods of the 2000 HCM and is accepted by the industry. The HCM LOS reports on the average delay experienced by motorists. Table 1 summarizes the LOS criteria for HCM analysis.

Table 1. LOS Criteria for HCM Analysis.

LOS	Control Delay Signalized Intersection (seconds)	Control Delay Unsignalized Intersection (seconds)	Traffic Flow Characteristics
A	≤ 10	≤ 10	Free flow, insignificant delays.
B	10.1 - 20	10.1 - 15	Stable operation, minimal delays.
C	20.1 - 35	15.1 - 25	Stable operation, acceptable delays.
D	35.1 - 55	25.1 - 35	Restricted flow, regular delays.
E	55.1 - 80	35.1 - 50	Maximum capacity, extended delays. Volumes at or near capacity. Long queues form upstream from intersection.
F	>80	>50	Forced flow, excessive delays. Represents jammed conditions. Intersection operates below capacity with low volumes. Queues may block upstream intersections.

In most urban areas, overall LOS ratings of A to D are typically considered acceptable for signalized intersections during the peak hour of traffic. For this study, LOS D for the overall intersection was used as the minimum standard.

5.2 Existing Traffic Capacity and LOS Analysis - 2009

PM weekday peak traffic analysis of existing traffic conditions was performed for the intersection of Giles Road and 137th Circle.

Based on the Synchro analysis, this unsignalized intersection is operating adequately with only three seconds of average delay for all of the vehicles using the intersection. The critical northbound approach (137th Circle) operates at LOS C with a delay of approximately 17 seconds per vehicle waiting to make a left or right-turn onto Giles Road.

Summary LOS output report of the analysis is included in the Appendix.

5.3 Total Traffic Capacity and LOS Analysis

Analysis of the total traffic volumes shows that the additional traffic slightly increases the average delay up to five seconds per vehicle using this intersection. The northbound approach would continue to operate adequately at LOS C with a delay of approximately 21 seconds per vehicle waiting to make a left or right-turn onto Giles Road.

Summary LOS output reports of the analysis are included in the Appendix.

5.4 Signal Warrant Assessment

Signal warrants were examined at the unsignalized intersection of Giles Road and 137th Circle based on the 2003 Manual on Uniform Traffic Control Devices (MUTCD). Typically, traffic signalization is warranted based on a complete review of traffic volume information including pedestrians, crash experience, and traffic progression. The preliminary need for signalization was evaluated based on the peak hour volume warrant (Warrant 3). The peak hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of one (1) hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street.

The MUTCD provides guidance as to how right-turn volumes should be utilized in the analysis. The degree of conflict that minor street right-turn traffic has on major street traffic should be considered in the warrant evaluation. Based on engineering judgment, 100% of the northbound right turns at Giles Road were included in the warrant analysis due to the impact on the eastbound traffic.

The intersection does not meet the MUTCD peak hour warrant: PM Peak – 730 vph v/s 177 vph. The signal warrant analysis figure is shown in the Appendix.

5.5 Queue Length Analysis

A queue analysis was performed for the total traffic scenario. Synchro software was used to determine the expected vehicle queue lengths. The purpose for this analysis is to determine if new generated trips create situations were left turning vehicle queue up and block through traffic.

Based on the analysis, the anticipated queue length on 137th Circle would be 59 feet during the P.M. peak hour. It is equivalent to approximately three vehicles. No additional lanes are necessary on 137th Circle or Giles Road with the site added traffic.

6 – FINDINGS AND RECOMMENDATIONS

The purpose of this traffic study was to determine the anticipated traffic operations at the intersection of Giles Road and 137th Circle and to identify the roadway infrastructure necessary to support the added traffic generated by the volleyball club. Based on the results of this analysis, the following summarizes the key findings and recommendations of this study.

- Nebraska Impact Volleyball Club will have 4 volleyball courts, which are projected to generate approximately 90 vehicle trips during the weekday PM peak period. The main hours of operation includes weekday evenings from 5:30 to 9:30 P.M. and all day weekends.
- Capacity and LOS analysis conducted at the study intersection showed that it will experience minor impacts in traffic operations as a result of the new trips generated by the Nebraska Impact Volleyball Club. Existing unsignalized intersection would continue to operate satisfactorily at LOS C on its critical northbound approach.
- Signal warrant analysis performed at unsignalized intersection on Giles Road showed that the intersection does not warrant signalization with the added traffic from the Nebraska Impact Volleyball Club.
- A queue length analysis was performed at the unsignalized intersection on Giles Road. There are no significant queues at this intersection.
- The existing infrastructure, lane configurations, and traffic control at the intersection of Giles Road and 137th Circle will provide for adequate traffic operations at this intersection upon the development of the Nebraska Impact Volleyball Club.



25 years of engineering paths to transportation solutions

December 29, 2009

RE: Nebraska Impact Volleyball Club TIA Review
FHU No. 07-011-7

Mr. John Kottmann, PE
Thompson Dreessen & Dorner
10836 Old Mill Road
Omaha, NE 68154

Dear Mr. Kottmann:

We have completed our review of the Nebraska Impact Volleyball Club Traffic Impact Analysis prepared by E&A Consulting Group, Inc. dated December 8, 2009. Based upon our review of the information provided and a site field review, we offer the following comments:

- TIA Page 6: The site trip generation methodology used in the study is reasonable, and should provide a conservative number of trips for analysis.
- TIA Page 9: The report describes that MUTCD Warrant 3 was checked to determine if traffic signals were needed at the study intersections. This is appropriate for this type of complex as Warrant 3 is used for peak hour situations such as factory driveways where a shift change occurs. The nature of the trips generated by the proposed volleyball complex would be similar to a shift change.
- TIA Page 9: The MUTCD specifies that a portion of right-turning traffic may not be counted in the warrant analyses depending on engineering judgment. We concur with E&A that 100% of right-turning traffic should be included in the warrant analyses since a shared lane is provided for all movements on the northbound and eastbound approaches.
- TIA Page 10: First sentence of the second paragraph, please add verbiage describing the anticipated queue length on "the northbound approach of" 137th Circle.
- TIA Page 11: Second bullet, last sentence, "continue" is misspelled.
- TIA Page 11: Third bullet, change "warranted" to warrant.
- TIA Page 13: Erase the two extra "PM Peak" graphics from the top right.

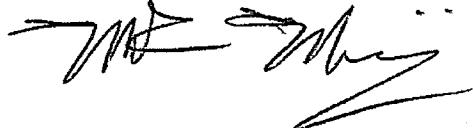
In summary, we agree with the findings that MUTCD traffic signal warrants would not be satisfied at the intersection of Giles Road with 137th Circle, and that the intersection should be able to adequately handle the traffic expected to be generated by the proposed development.

December 29, 2009
Mr. John Kottmann
Page 2

If you have any questions regarding this review of the traffic study or if you would like to meet to discuss it in further detail, please give me a call.

Sincerely,

FELSBURG HOLT & ULLEVIG

A handwritten signature in black ink, appearing to read "MM" followed by a stylized "Meisinger".

Mark Meisinger, PE, PTOE
Transportation Engineer

O:\Projects\07-011 TD2 Traffic Review Services\Impact Volleyball\Impact Volleyball TIA Review Letter.doc

**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Indoor Recreational Facility (Volleyball Courts)

This Conditional Use Permit issued this _____ day of _____, 2010, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, 8619 South 137th Cir, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an indoor recreational facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2, I-80 Industrial Park located in the SW ¼ NE ¼ Section 24, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, located at 8619 South 137th Circle (Suite 2).

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 proposed 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. Hours of operation for said indoor recreational facility will generally be from 5:30 p.m. to 9:30 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on the weekends. In no event should hours extend beyond 12:00 a.m.
 - c. There will be one paid employee who will manage the facility.
 - d. Indoor recreational facility is primarily intended to accommodate volleyball courts and their related incidental uses, such as limited concessions, an office for the facility manager, and an area containing weight and plyometric equipment (see Exhibit "B" for floor plan). Other similar indoor activities are permitted upon determination by the City. No alcoholic beverages shall be served in this facility.
 - e. The use and facility shall be limited to youth play and practice only. Parking required for this use is identified on Exhibit "A". Parking areas shall be striped and/or separate parking areas shall be

designated by the owner for this use. Additional parking areas may be required if deemed necessary by the City.

- f. Occupancy of the facility is limited to 320 persons based on the requirements of the Plumbing Code for restroom facilities. Additional occupancy will require additional restrooms.
- g. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
- h. 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.
- i. 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.
- j. 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. If the permitted use is not commenced within one (1) year from _____, 2010, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. 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.

7. 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: Herb Lavigne
Lavigne Enterprises
8619 S. 137th Circle
Omaha, NE 68137

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:

Rita Ramirez
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: _____

\\\Lvdcfp01\\users\\Community Development\\MBaker\\Community Development\\Conditional Use Permits\\Indoor Rec. Facility- Nebr Impact Volleyball.DOC