

AGENDA ITEM 4B

**Conditional Use Permit—7423 S. 139th Street—Black
Sage Arms, LLC**



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

CASE NUMBERS: PCUP20-0001;

FOR HEARING OF: DECEMBER 10, 2020
REPORT PREPARED ON: NOVEMBER 19, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Black Sage Arms, LLC
Attn: Louis Wagner
7423 S. 139th Street
Omaha, NE 68138

B. PROPERTY OWNER:

Louis Wagner
7423 S. 139th Street
Omaha, NE 68138

C. LOCATION: 7423 S. 139th Street, Omaha, NE 68138; East of the intersection of S. 139th Street and Margo Street.

D. LEGAL DESCRIPTION: Lot 29 Stonybrook South.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit for a gunsmithing home occupation.

F. EXISTING ZONING AND LAND USE: R-1 Single-Family Residential.

G. PURPOSE OF REQUEST: Allow for the operation of a gunsmithing business in a portion of the single-family home located at 7423 S. 139th Street.

H. SIZE OF SITE: Approximately .25 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes slightly downward to the west.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction</u> <u>From</u> <u>Subject</u> <u>Property</u>	<u>Future Land Use</u> <u>Designation</u>	<u>Current Zoning</u> <u>Designation</u>	<u>Surrounding</u> <u>Development</u>
North	Medium-Density Residential	R-1 Single-Family Residential	Single-family homes; Stonybrook South Neighborhood
East	Medium-Density Residential	R-1 Single-Family Residential	Single-family homes; Southridge Neighborhood
South	Medium-Density Residential; Parks & Recreation	R-1 Single-Family Residential	Single-family home, and Stonybrook South Park
West	Medium-Density Residential	R-1 Single-Family Residential	Single-family homes; Stonybrook South Neighborhood

C. RELEVANT CASE HISTORY: N/A

D. APPLICABLE REGULATIONS:

1. Section 5.06 of the Zoning Regulations – R-1 Single-Family Residential
2. Article 6 of the Zoning Regulations – Conditional Use Permits
3. Section 7.10 of the Zoning Regulations – Home Occupations
4. Regulations of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the requirements of the Federal Firearms License (FFL)

III. ANALYSIS

A. COMPREHENSIVE PLAN: N/A

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The property has driveway access to S 139th Street and Margo Street along the western edge of the property.

D. UTILITIES: N/A

E. PARKING REQUIREMENTS:

1. Client parking will be limited to the driveway of the property.

IV. REVIEW COMMENTS:

- A. The activities included in the proposed home-occupation include firearm cleaning, coating, and repair, manufacturing of firearm components and alterations of firearms, manufacturing of custom match-grade, small-batch ammunition, firearm sales and transfers, instruction of case reloading, and web development.

- B. The applicant must maintain a Federal Firearms License (FFL) at all times and adhere to the rules and regulations of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The process to obtain an FFL includes a background check, interview, and inspection. If the applicant's FFL lapses, expires, or terminates, the Conditional Use Permit authorizing the gunsmithing Home Occupation will also terminate. Confirmation of local zoning approval (a valid conditional use permit) is part of the process for the applicant to obtain his FFL.
- C. The Fire Marshal reviewed the application and has expressed that he is comfortable with the Conditional Use Permit request with the addition of the following conditions, included in the draft CUP attached as Exhibit "D":
 1. Owner shall comply with all sections of the International Fire Code, and NFPA 495 (2010) Sections 14.3-14.5 regarding the storage of small arms ammunition and its components in an R occupancy.
 2. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, regulations, or other requirements, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 3. Fire escape routes shall be properly designated.
 4. There will be no test firing or discharge of the firearms on the premises.
- D. The Police Department has reviewed the application and has no concerns with the proposal since the property owner will need to comply with all the requirements of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Police Department did request to receive copies of any inspection reports issued by the ATF to the applicant, and a condition has been included in the draft Conditional Use Permit to require the forwarding of such inspection reports to the City immediately upon receipt.
- E. As the proposed home-occupation would result in customers coming to the home, it is considered a "Major Home Occupation" per the La Vista Zoning Ordinance. One requirement of Major Home Occupations is that a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. The applicant has provided the City with a "no objections form" that includes signatures from 80% of the required surrounding properties (20 of 25). This "No Objections Form" satisfies the City's requirement, and is attached to this staff report as Exhibit "C".

- F. Waste materials from activities shall be properly disposed of as per Nebraska Department of Environmental Quality (NDEQ) guidelines.
- G. All firearms on the premises shall be stored in acceptable safes while they are not being worked on or looked at by a prospective buyer.
- H. Any class being instructed on the property shall be limited to 4 students. No student shall be allowed to bring firearms on the premises while attending class, and all students must be given a full safety briefing and be provided with proper safety equipment. Student parking shall be limited to the driveway and no deliveries or client appointments may be scheduled during the time when a class is in session. Classes shall be limited to 2 times per month.
- I. Additional information about the proposed use and the safety measures is included in the "Operating Statement" as an attachment to the Draft Conditional Use Permit attached to this staff report as Exhibit "E". Additional information regarding the storage of materials on the site is also included in the e-mail attached to this staff report as Exhibit "D".
- J. In accordance with the Operating Statement provided by the applicant, the Conditional Use Permit will expire 5 years after the date of issuance.

V. **STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**
Staff recommends approval of the Conditional Use Permit for Lot 29 Stonybrook South, subject to any revisions deemed necessary by the City Attorney, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. **ATTACHMENTS TO REPORT:**
A. Vicinity Map
B. Review Letters
C. No Objections Form
D. Storage Details - Email
E. Draft Conditional Use Permit

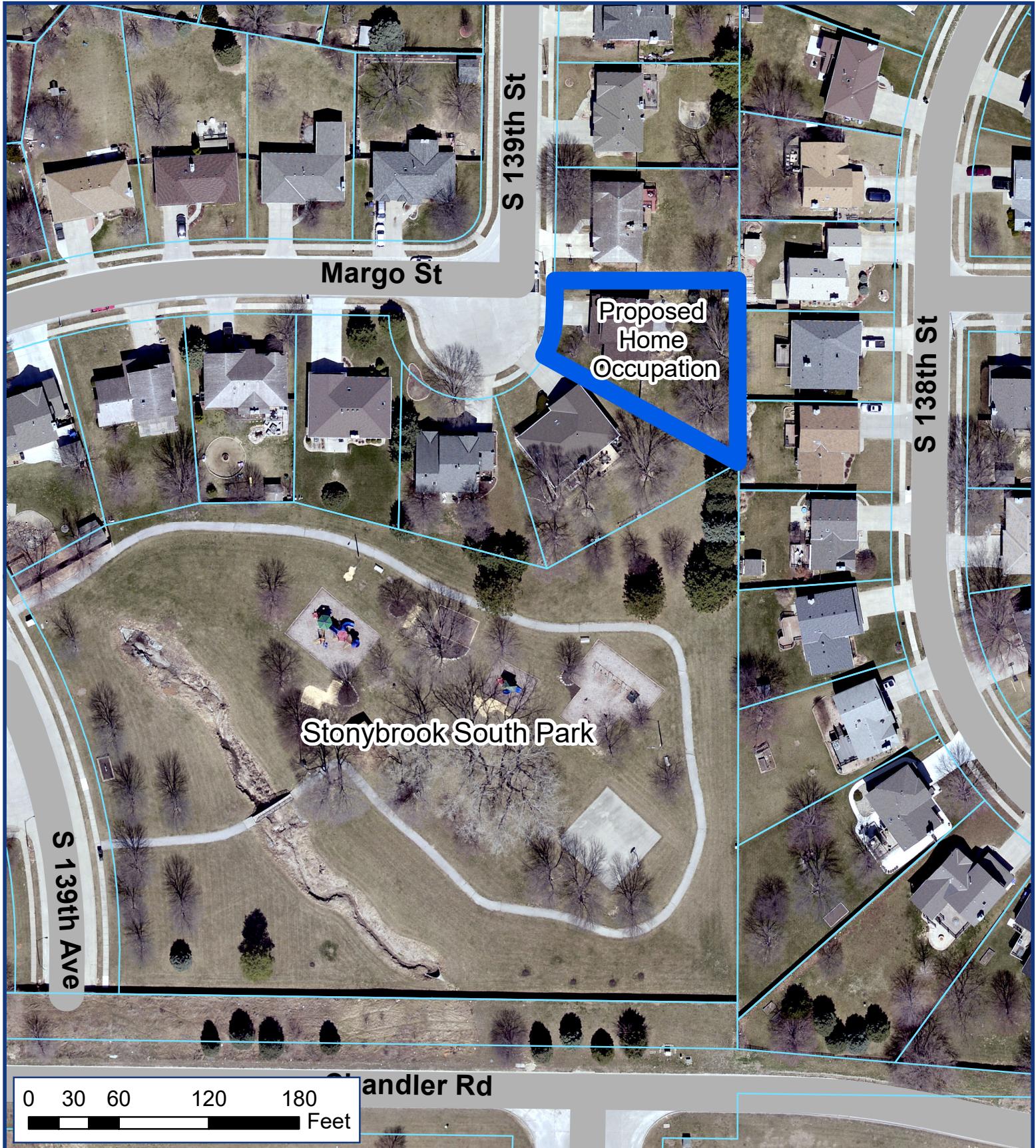
VII. **COPIES OF REPORT SENT TO:**
A. Louis Wagner, Black Sage Arms, LLC
B. Public Upon Request



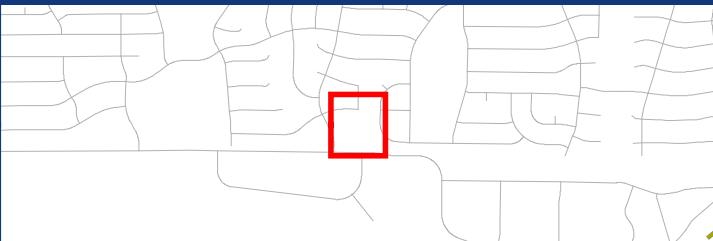
Prepared by: Assistant Planner



Community Development Director



Conditional Use Permit Vicinity Map



Black Sage Arms, LLC
7423 S. 139th Street
11/19/2020 CB





January 22, 2020

Louis Wagner
Black Sage Arms, LLC
7423 S. 139th Street
Omaha, NE 68138

RE: Conditional Use Permit – Initial Review
Lot 29 Stonybrook South
Home Occupation – Gunsmithing

Louis:

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff has reviewed the initial submittal and has provided the following initial comments:

Section 6.05.01:

1. In regard to storage and/or use of chemical compounds in cleaning and/or coating operations, if deemed potentially hazardous to the environment and/or human interaction, this should be addressed within the Project Information/Proposed Use statement. Address if chemicals would require specialized transportation, storage, application practices, and/or delivery methods, as well as have on file any required documentation on said chemical compounds.

Section 6.05.10:

1. It would appear within the Project Information/Proposed Use statement that parking may be needed for as many as four (4) individuals at one time, in which parking is to be confined to the driveway. If the intent is to also have customer appointments during these times, applicant may need to schedule appointments appropriately and/or require that parking only be only confined to the driveway during times the applicant is open for business.
2. If the applicant is anticipating commercial couriers at a greater frequency than a typical residential setting. Applicant will need to schedule pickups/deliveries that would be of least impact to neighborhood traffic.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
8116 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Fire
8110 Park View Blvd.
p: 402-331-4748
f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

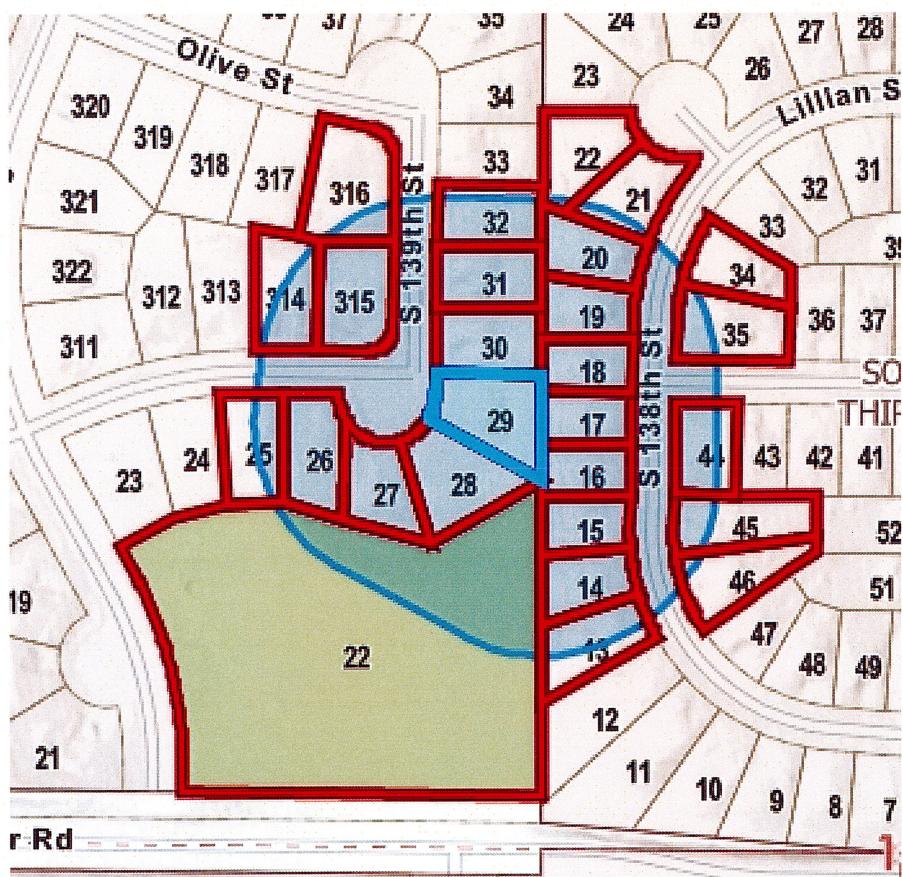
Public Buildings & Grounds
8112 Park View Blvd.
p: 402-331-4343
f: 402-331-4375

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

General Comments:

1. For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75 %) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation, per Section 2.09 of the La Vista Zoning Ordinance. A “no objections” signature form is attached to this letter and said residents shall sign next to their respective address. Please visit with the necessary neighbors (lots shown in the picture below and addresses listed in the attached form) and return the completed attached form as quickly as possible.



2. Is there an ATF requirement that you must be “open” to the public during set operating hours in order to allow for their ability to do drop-in inspections without notice? We were made aware of this from other jurisdictions in the area.

A draft Conditional Use Permit (CUP) will be developed after your information resubmittal based on the comments in this letter. Please submit 4 full size copies (along with electronic copies) of the revised documents. A timeline for review by Planning Commission and City Council will be determined after review of the revised documents.

Should you have any questions please contact me at 402-593-6405 or cbrodersen@cityoflavista.org.

Sincerely,

A handwritten signature in blue ink that reads "Cale Brodersen". The signature is fluid and cursive, with a horizontal line extending from the end of the "n" in "Brodersen" to the right.

Cale Brodersen
Assistant Planner

Cc: Bruce Fountain, Community Development Director
 Chris Solberg, Deputy Community Development Director



November 17, 2020

Louis Wagner
Black Sage Arms, LLC
7423 S. 139th Street
Omaha, NE 68138

RE: Conditional Use Permit – Second Review
Lot 29 Stonybrook South
Home Occupation – Gunsmithing

Louis:

Thank you for your submittal of the required “no-objection” signatures for the above referenced Conditional Use Permit (CUP) application. Staff has the following remaining questions and comments:

Section 6.05.01:

1. As noted in the Initial Review Letter dated January 22, 2020, please address what chemicals may be used in the operation of your home occupation and if any chemicals are deemed potentially hazardous. In the Operating Statement, please discuss any required specialized transportation, storage, application practices, and/or delivery methods for any potentially hazardous chemical compounds.
2. Our Fire Marshall with the Papillion Fire Department has requested the following information for review:
 - a. What are the maximum amounts of stored black powder and smokeless propellant that you may have on-site at any given time?
 - b. What is the maximum storage quantity of primers that you may have on-site at any given time?

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
402.331.4343 P
402.331.4375 F

Community Development
8116 Park View Blvd.
402.593.6400 P
402.593.6445 F

Library
9110 Giles Rd.
402.537.3900 P
402.537.3902 F

Police
7701 S. 96th St.
402.331.1582 P
402.331.7210 F

Public Works
9900 Portal Rd.
402.331.8927 P
402.331.1051 F

Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

- c. What is the maximum storage quantity and what is the storage arrangement of completed ammunition that you may have on-site at any given time?

Any specific details that you can provide regarding the storage of these materials will be helpful in performing an efficient and accurate review.

General Comments:

1. Please provide an answer to the following question posed in the Initial Review Letter dated January 22, 2020: Is there an ATF requirement that you must be “open” to the public during set operating hours in order to allow for their ability to do drop-in inspections without notice? We were made aware of this from other jurisdictions in the area.
2. Number 7 of the provided operating statement mentions that the BATF will inspect the property once the permit has been issued. We will request that a copy of the inspection report be provided to the City when it comes back from the BATF.

A draft Conditional Use Permit (CUP) is being prepared and will be shared with you upon completion. Please submit a response electronically that addresses all of the comments in this letter. A timeline for review by Planning Commission and City Council will be determined after review of the revised documents. Feel free to contact me with any questions.

Sincerely,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6405

Cc: Bruce Fountain, Community Development Director
Chris Solberg, Deputy Community Development Director



No Objection Form – City of La Vista Home Occupations

For major home occupations, per the La Vista Zoning Ordinance, a minimum of seventy-five percent (75) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. Black Sage Arms, LLC has applied for a Conditional Use Permit to operate a major home occupation at 7423 S 139th Street, Omaha, NE 68138, within the planning jurisdiction of the City of La Vista. If you are a resident or property owner within 200 feet of the address listed above and you have no objections to the proposed home occupation, please sign this form on the line that corresponds with your property.

Parcel Id	Site Address	Owner Name	Postal Address	City, State, Zip	Resident/Owner Signature
10940820	X 7415 S 139th St <i>Comeback</i>	Bessembinders, Timothy J	7415 S 139th St	Omaha, NE 68138	<i>Timothy J. Bessembinders</i>
11214678	13719 Margo St <i>X</i>	Klesitz Realty LLC	3205 N 90th St Ste 202	Omaha, NE 68134	
11214384	X 7532 S 138th St <i>Comeback</i> <i>X</i>	Bowen Jr, John R & Barbara	7532 S 138th St	Omaha, NE 68138	<i>Not want to sign</i>
10940863	13905 Margo St <i>Comeback</i>	Dutcher, Richard & Corinne	13905 Margo St	Omaha, NE 68138	<i>Richard Dutcher</i>
11214562	X 7523 S 138th St <i>X</i>	Pleskac, Joseph B & Mary K	7523 S 138th St	Omaha, NE 68138	<i>Mary J. Pleskac</i>
10940871	X 13909 Margo St <i>X</i>	Lhotak, Jeanette G & Jan J	13909 Margo St	Omaha, NE 68138	
10940855	13901 Margo St <i>Z</i> <i>X</i>	Corwine, Richard L	13901 Margo St	Omaha, NE 68138	<i>Richard L. Corwine</i>
10937714	X 13910 Margo St <i>Come</i>	Warren, Joseph P, John, & Susan	13910 Margo St	Omaha, NE 68138	<i>John Warren</i>
11214694	X 7615 S 138th St <i>X</i>	White, Sinda L	16014 N Cir	Omaha, NE 68135	<i>Sinda L. White</i>

*in, II
City*



No Objection Form – City of La Vista Home Occupations

For major home occupations, per the La Vista Zoning Ordinance, a minimum of seventy-five percent (75) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. Black Sage Arms, LLC has applied for a Conditional Use Permit to operate a major home occupation at 7423 S 139th Street, Omaha, NE 68138, within the planning jurisdiction of the City of La Vista. If you are a resident or property owner within 200 feet of the address listed above and you have no objections to the proposed home occupation, please sign this form on the line that corresponds with your property.

Parcel Id	Site Address	Owner Name	Postal Address	City, State, Zip	Resident/Owner Signature
11214392	7528 S 138th St	Bencker, Jeremiah S & Sarah A <i>Aurelio Rodriguez Rodriguez</i>	7528 S 138th St	Omaha, NE 68138	<i>A. R. Rodriguez</i>
11214686	7611 S 138th St	Palmer, Phillip J & Keri A	7611 S 138th St	Omaha, NE 68138	
11214368	7608 S 138th St	Toledo, Judith K	14934 Dayton St	Omaha, NE 68137	<i>Judith Toledo</i>
11214414	13736 Lillian Cir	Ringer, Kenneth E	13736 Lillian Cir	Omaha, NE 68138	<i>Ken Ringer</i>
11214325	7620 S 138th St	Amlee, Scott A & Lori L Corwine	7620 S 138th St	Omaha, NE 68138	<i>Lori L. Amlee</i>
10937692	13907 Olive St	Pearson, Kathleen M	13907 Olive St	Omaha, NE 68138	<i>Kathleen Pearson</i>
10937706	13906 Margo St	Figgins, Jeffrey S	13906 Margo St	Omaha, NE 68138	<i>Jeffrey Figgins</i>
11214570	7527 S 138th St	Hess, Scott E & Christine L	7527 S 138th St	Omaha, NE 68138	<i>Scott E. Hess</i>
10940812	7411 S 139th St	Richards, Ronald F & Gail D	7411 S 139th St	Omaha, NE 68138	<i>Ronald F. Richards</i>



No Objection Form – City of La Vista Home Occupations

For major home occupations, per the La Vista Zoning Ordinance, a minimum of seventy-five percent (75) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. Black Sage Arms, LLC has applied for a Conditional Use Permit to operate a major home occupation at 7423 S 139th Street, Omaha, NE 68138, within the planning jurisdiction of the City of La Vista. If you are a resident or property owner within 200 feet of the address listed above and you have no objections to the proposed home occupation, please sign this form on the line that corresponds with your property.

<u>Parcel Id</u>	<u>Site Address</u>	<u>Owner Name</u>	<u>Postal Address</u>	<u>City, State, Zip</u>	<u>Resident/Owner Signature</u>
11214406	7524 S 138th St	Townsend, Thomas J Charlotte	7524 S 138th St	Omaha, NE 68138	<i>No objection won't sign Verbal confirmation</i>
10940839	7419 S 139th St	Lawrenson, Travis J & Brandy E	7419 S 139th St	Omaha, NE 68138	<i>TJ</i>
10940847	7423 S 139th St X	Wagner, Louis, & Shedd- Wagner, Tracy	7423 S 139th St	Omaha, NE 68138	<i>Wagner</i>
11214376	X 7604 S 138th St	Fick, Shane	7604 S 138th St	Omaha, NE 68138	<i>Shane Fick</i>
11214422	13732 Lillian Cir	McKeighan, John E & Matthew M	13732 Lillian Cir	Omaha, NE 68138	<i>John McKeighan</i>
10940898	13913 Margo St	Harrill, David L & Sandra K	13913 Margo St	Omaha, NE 68138	<i>Sandra Harrill</i>
11214341	X 7612 S 138th St	Rodgers, Keith A & Erin	7612 S 138th St	Omaha, NE 68138	<i>Keith & Erin</i>
11214333	7616 S 138th St	Snyder, Ryan Matthew & Tiffany L	7616 S 138th St	Omaha, NE 68138	<i>Ryan Snyder</i>

Catch outside

From: Zack Wagner <zack.wagner@blacksagearms.com>
Sent: Wednesday, December 2, 2020 12:33 AM
To: Cale Brodersen <cbrodersen@cityoflavista.org>; 'Steve Thornburg' <sthornburg@papillion.org>
Cc: Christopher Solberg <csolberg@cityoflavista.org>; Bruce Fountain <bfountain@cityoflavista.org>
Subject: RE: [EXT]RE: Check-In

Steve and Cale,

Thank you for replying to me. Sorry I haven't gotten back to you sooner. Between work, deer season, and the holidays, I haven't had much time go get back to this.

To be honest, the moment I knew I was going to try for a business, I built the exact cabinet for powder that I am required to have. It is padlocked with a bar across it to keep people out as well as vented at both the top and bottom to keep excess pressure from building in case there is a fire. I have it labeled and an MSDS is behind the sign for anyone to review. Below is a photo of the cabinet. I can send you photos of it's construction if you wish to see them.



As far as the Hoppes #9 Bore Cleaner, like Walmart, it sits on a shelf until used. I have 2 bottles of it in my possession. There is a 5oz bottle that I have been working on for the past 5 years, and a 32oz bottle that I keep under my bench until the 5oz bottle runs out, then I will probably just refill it in a few years. It really doesn't take much to do the work.

I currently do not have any Cerakote Coatings at the house. This is on the radar after I get my Conditional Use Permit and FFL. When I do get that, it is my intention that these will be in a locked cage in the garage where there is plenty of ventilation. There is no specialized transportation. If there is proper ventilation with the Cerakote, and I have half a brain and wear a respirator, then there is no danger. Regarding any other solvents, such as the isopropyl alcohol and the acetone, again, proper ventilation, it's sitting on a shelf until needed, and there is not a need for any specialized storage or transportation. (as far as I know) Everything I am using can pretty much be purchased at Home Depot or Walmart.

If I plan on moving propellant (smokeless gun powder or black powder) to any gun shows, I will need to build another cabinet for the transportation of any powder, each canister separated by 1" plywood. This will be in a large box as prescribed by the ATF.

As far as black powder, I do not have any in canisters. I have one box of pre-measured tablets that I use for my personal use. It's less than on pound an I keep that for my black powder rifle. Though I plan on reloading as part of the business, I do not plan on running anything in bulk. That's not my business model and I am not set up to do it. Regarding ammunition. Again, the business does not have any completed ammunition. I have my own personal ammunition and that is stored in a safe. Once the business starts acquiring ammunition, I will store it in a keyed storage locker to keep it safe. The idea will be to not load ammunition until it is ordered, then either ship said ammunition (per ATF, Fedex and UPS guidelines) or have the client come and pick it up. Though I can store a fair amount of it, if I am not moving it, it isn't making me any money... So the plan is to load only what I can sell. Though right now it is really hard to get supplies.

As far as my planned dates and times, as I am a home based gunsmith, I will be Monday – Saturday by appointment only. We will be open to the public Sundays from 1PM – 5PM. This is a rather common practice for home based gunsmiths with a "day job". The ATF is welcome to come and inspect my set up at any time.

I am going to be blunt. I don't want to work out of my house, but I do not have the operating capital to move into a retail space. My plan is that if I am not in a commercial or industrial space within 5 years, I plan on shutting down the business. I am a gunsmith. On January 4th, I will become a certified gunsmith. 16 weeks after that, I will have an associates degree in Firearms Technologies from Sonoran Desert Institute. (This along with my Associate Degree in Electronics Engineering from ITT, and my Bachelor's from Bellevue University in Management of Information Systems). I just want a career change and I can't just jump in without building a client base.

Thank you,

~Louis "Zack" Wagner



Zack Wagner - BlackSage Arms LLC
Omaha, Nebraska
402-235-6512
<http://www.blacksagearms.com>

City of La Vista Conditional Use Permit

Conditional Use Permit for Home Occupation (Gunsmith)

This Conditional Use Permit issued this _____ day of _____, 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Black Sage Arms, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (Gunsmith) in a single-family dwelling at 7423 S. 139th Street upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 29 Stonybrook South, a Subdivision of Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (Gunsmith); 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 of the property described herein for a home occupation (Gunsmith), 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. Operation of this home occupation must be in accordance with the "Operating Statement" attached to this permit as "Exhibit A".
 - b. Permitted use will utilize approximately 245 square feet in the basement and 90 square feet in the garage.
 - c. Hours of operation will generally be from 9:00 a.m. to 8:00 p.m. Monday through Sunday, by appointment only. There will be no on-site advertising or signage regarding the Use, beyond a 2" X 8" sticker in the storm door which may only display white letters.
 - d. There will be no employees.
 - e. Owner will maintain a Federal Firearms License (FFL) at all times and adhere to the rules and regulations of the ATF.
 - f. Waste material from activities shall be properly disposed of as per all Nebraska Department of Environmental Quality (NDEQ) guidelines and other applicable laws, regulations and requirements as in effect or amended from time to time.
 - g. There will be no test firing or discharge of the firearms on the premises.
 - h. Any class being instructed on the property shall be limited to 4 students. No student shall be allowed

to bring firearms on the premises while attending class, and all students must be given a full safety brief and be provided with proper safety equipment. Student parking shall be limited to the driveway and no deliveries or client appointments may be scheduled during the time when a class is in session. Classes shall be limited to 2 times per month.

- i. Only ten firearms, other than those owned by the property owner, will be on site at any one time. All firearms shall be secured in an acceptable gunsafe whenever the operator is not actively working with the firearms or they are not being looked at by a prospective buyer.
- j. Fire escape routes shall be properly designated.
- k. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use.
- l. Client parking will consist of owner's driveway.
- m. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Building Inspector.
- n. Owner shall comply with all sections of the International Fire Code, and NFPA 495 (2010) Sections 14.3-14.5 regarding the storage of small arms ammunition and its components in an R occupancy.
- o. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, regulations, or other requirements, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- p. Owner shall forward any and all inspection reports received of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) per the requirements of the Federal Firearms License to the City of La Vista Community Development Department immediately upon receipt.
- q. 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/her 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 renewal of a home occupation license and 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 and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as 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/her failure to correct such breach within ten (10) days of City's giving notice thereof.
- d. A period of 5 years have passed since the issuance date of this Conditional Use Permit noted on page 1.

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 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/her 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: Black Sage Arms, LLC
Attn: Louis Wagner
7423 S. 139th Street
Omaha, NE 68138

Effective Date:

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

THE CITY OF LA VISTA

By: Douglas Kindig, Mayor

Attest:

Pam Buethe
City Clerk

CONSENT AND AGREEMENT

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

Owner:

By: _____

Title: owner/operator _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

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) ss.

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COUNTY OF _____

On this _____ day of _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

)

) ss.

)

COUNTY OF _____

On this _____ day of _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Louis Wagner personally known by me to be the owner/operator of Black Sage Arms, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

EXHIBIT A

Project Information (Proposed Use):

1. Black Sage Arms LLC intends to use both 245 Sq Ft of the Basement as well as 90 Sq Ft of the garage.
2. Hours of Operation will generally be Monday Through Sunday by 9AM through 8PM by appointment only.
3. There will not be any on site advertisements, billboards, signage regarding the business other than a 2" X 8" sticker on the bottom right of the glass storm door to denote the location of the business. (White vinyl, no colors, only letters)
4. Client parking will consist of the owner's driveway.
5. There will be no employees, only partners within the LLC. Currently, these are limited to Louis Wagner, Tracy Shedd-Wagner and Kelsey Shedd.
6. Activities will include:
 - a. Firearm Cleaning
 - b. Firearm Coating
 - c. Firearm Repair
 - d. Manufacturing of Firearms and components for Firearms in accordance with all State and Federal Laws as well as all ATF Regulations.
 - e. Alterations of Firearms in accordance with all State and Federal Laws as well as all ATF Regulations.
 - f. Manufacturing of custom, match grade, small batch, ammunition in accordance with all State and Federal Laws as well as all ATF Regulations.
 - g. Firearms Sales and Transfers as regulated by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
 - h. Instruction of NRA Certified Metallic Case Reloading to no more than 4 students at a time.
 - i. Web development for the Firearm Community and Second Amendment Advocates.
7. Safety:
 - a. Firearms will not be fired or discharged on premises, but at a gun range or other location.
 - b. There are minimum 3 fire extinguishers within the facility
 - c. Security System is monitored by Cox Communications
 - d. There currently 3 camera systems at the location with a 4th more robust system currently being installed.
 - e. All firearms are secured in one of 2 safes on premises.
 - f. All Ammunition for the business is stored in a locked cabinet
 - g. All primers are stored in a locked and labeled storage crate with ventilation to prevent detonation as well as separately from all propellant.
 - h. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will be on site to inspect the premises once the use permit has been granted as well as follow up inspections as the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) deems necessary.

- i. All students for the reloading class will be given a full safety brief as well as the proper safety equipment.
- j. All students for the reloading class will not be allowed to bring firearms on the premises while attending the class.
- k. There will not be more than 10 firearms, other than the firearms owned by the property owner, on site at any one time.
- l. Fire escape routes shall be properly designated.
- m. Waste materials from activities shall be properly disposed of as part of the Nebraska Department of Environmental Quality (NDEQ) guidelines and other applicable laws, regulations, and requirements as in effect or amended from time to time.
- n. All deliveries will be signed for by one of the partners of the LLC as this is part of the requirements of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

8. Plan:

- a. There is no plan to forever run it out of a home, but to grow the business to move it to its own location.
- b. If we have not grown the business to the point where it can have its own location within 5 years of approval, the business will be either shut down until such time as a location can be found for it or dissolved and the assets liquidated.

9. Status:

- a. Black Sage Arms LLC has been in business since October, 2013 and is in good standing with the Federal Government and the State of Nebraska. We have done web development, parts and accessories, NRA Metallic Case Reloading instruction, and been a part of the Omaha firearm community.