

## **AGENDA ITEM 4A**

**Conditional Use Permit—**

**Birdies Indoor Golf, Games & Events—**

**8019 S. 83rd Avenue—Sara Gamon**



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

CASE NUMBERS: PCUP24-0003;

FOR HEARING OF:  
REPORT PREPARED ON:

AUGUST 1, 2024  
JULY 24, 2024

**I. GENERAL INFORMATION**

**A. APPLICANT:**

G5G, LLC (Birdies Indoor, Golf, Games & Events)  
Attn: Luis & Sara Gamon  
8019 S 83<sup>rd</sup> Avenue  
La Vista, NE 68128

**B. PROPERTY OWNER:**

83<sup>rd</sup> & Giles Center, LLC  
Attn: Laurie Stites  
PO Box 241468  
Omaha, NE 68124

**C. LOCATION:** 8019 S 83<sup>rd</sup> Ave; Located northeast of the intersection of 84<sup>th</sup> Street and Giles Road

**D. LEGAL DESCRIPTION:** Lot 8 Wiltham Place Replat 1

**E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow for the operation of a Recreational Establishment in the tenant bay located at 8019 S 83<sup>rd</sup> Ave in the Brentwood Village commercial strip center.

**F. EXISTING ZONING AND LAND USE:** C-1 Shopping Center Commercial Zoning District and Gateway Corridor District (Overlay District).

**G. PURPOSE OF REQUEST:** To operate an indoor self-service event and entertainment space including a multi-sport and game simulator in a 1,600 square foot tenant bay. Customers can rent the entire space and access the site with a door code for their private parties and events.

**H. SIZE OF SITE:** The tenant bay located at 8019 S 83<sup>rd</sup> Ave is 1,600 square feet of the 37,000 total building square footage. The property (parcel 011288388) is 4.24 acres in size.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property slopes downward slightly to the north and to the east.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

| <u>Direction From Subject Property</u> | <u>Future Land Use Designation</u> | <u>Current Zoning Designation</u>  | <u>Surrounding Development</u> |
|--|------------------------------------|--|--------------------------------|
| North                                  | Urban Commercial                   | MU-CC Mixed-Use City Centre District; GWC Gateway Corridor Overlay District    | Vacant property; City Centre   |
| East                                   | Public                             | R-1 Single Family Residential District   | La Vista Middle School         |
| South                                  | Urban Commercial                   | C-1 Shopping Center Commercial District; GWC Gateway Corridor Overlay District | A&W & Long John Silver's       |
| West                                   | Urban Commercial                   | C-1 Shopping Center Commercial District; GWC Gateway Corridor Overlay District | Taco Bell & Fazoli's           |

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.10 of the Zoning Regulations – C-1 Shopping Center Commercial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:** The Comprehensive Plan Future Land Use Map designates this property as Urban Commercial. This proposal is consistent with the comprehensive plan.

**B. OTHER PLANS:** N/A.

**C. TRAFFIC AND ACCESS:**

1. The property currently has dual driveway access off S. 83<sup>rd</sup> Avenue.

**D. UTILITIES:**

1. The property has access to all necessary utilities.

**E. PARKING REQUIREMENTS:**

1. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for General Retail shall be one (1) space per 200 square feet of

gross floor area. For this 37,000 square foot commercial strip center, this requirement equates to a minimum of 185 stalls. The parking lot for the building contains 191 parking stalls and satisfies the minimum parking requirement. The parking lot for the building is shared between each of the tenants (there are not stalls specifically dedicated for each business) which further adds to the availability of parking due to businesses that create the need for parking stalls at different times of the day.

**IV. REVIEW COMMENTS:**

- A. The applicant will be required to obtain building permits prior to any construction activity and buildout of the space.
- B. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
- C. A copy of the applicant's proposed operating statement and floor plan are included in the draft Conditional Use Permit attached to this staff report.

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit for Birdies Indoor, Golf, Games & Events for Lot 8 Wiltham Place Replat 1, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

**VI. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review Letter
- C. Draft Conditional Use Permit
  - a. Operating Statement
  - b. Floor plans

**VII. COPIES OF REPORT SENT TO:**

- A. Sara Gamon, Birdies Indoor, Golf, Games & Events
- B. Public Upon Request



Prepared by: Associate City Planner



Community Development Director

7-25-24

Date

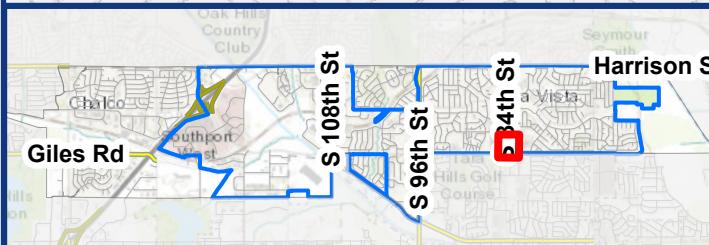
S. 84th Street

Proposed  
Birdies  
Indoor  
Location

S. 83rd Avenue

Giles Road

## Birdies Indoor CUP - Vicinity Map



### Legend

- Property Lines
- CUP Boundary





July 17, 2024

Birdies Indoor Golf, Games & Events

Attn: Sara Gamon  
8019 S 83<sup>rd</sup> Avenue  
La Vista, NE 68128

RE: Conditional Use Permit – Initial Review

Mrs. Gamon,

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:

1. Building permits must first be obtained prior to any construction activity and build-out of the space.
2. Final inspections must be conducted and approved by the Chief Building Official and Fire Inspector, and a Certificate of Occupancy must be issued for the Birdies Indoor space at 8019 S 83<sup>rd</sup> Ave in La Vista, prior to occupation of the space and the opening of your proposed business.
3. If electrical work is being performed, permits must be pulled with the State of Nebraska Electrical Inspector.
4. A sign permit must be obtained prior to installation of the exterior wall signage. We have been in contact with your signage company about such permit and will issue it upon execution of the Conditional Use Permit.

A public hearing has been scheduled for the Planning Commission to review your request on Thursday, August 1<sup>st</sup>. The Planning Commission will make a recommendation to City Council who will then review your application on August 20<sup>th</sup>, pending no delays or obstructions. Please let me know if you have any questions.

Sincerely,

Cale Brodersen, AICP  
Associate City Planner  
City of La Vista  
[cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org)

**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

# **City of La Vista Conditional Use Permit**

## **Conditional Use Permit for Recreational Establishment**

This Conditional Use Permit issued this 20<sup>th</sup> day of August, 2024, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to G5G LLC (“Owner”), pursuant to the La Vista Zoning Ordinance for Birdies Indoor Golf, Games, and Events.

WHEREAS, Owner wishes to locate and operate a recreational establishment upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 8 Wiltham Place Replat 1, located in the SW ¼ Section 14, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8019 S 83<sup>rd</sup> Avenue.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a recreational establishment that includes a self-service event/party rental space with a golf/game simulator; 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 tenant bay located at 8019 S 83<sup>rd</sup> for a recreational establishment, 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. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
  - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
  - b. A floor plan showing how the tenant bay will be utilized for the Use is attached to the permit as Exhibit “B”.
  - c. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor recreational facility, except appropriately screened trash receptacles and those approved in writing by the City.
  - d. There shall not be any games, tournaments, or other events that draw a larger spectator crowd than typical training or camp activities.
  - e. 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.

- f. 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 laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- g. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City (“Indemnified Parties”) against, and holds the Indemnified Parties 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, or Owner’s 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 Owner’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; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
- 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 Owner 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.

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

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

## **Miscellaneous**

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

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

**Contact Name and Address:** G5G LLC  
Attn: Sara Gamon  
10147 Olive Street  
La Vista, NE 68128

4. The City staff report presented with the Council agenda item to consider this permit, and all recitals and Exhibits of this permit, shall be incorporated into this permit by reference.

**Effective Date:**

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

THE CITY OF LA VISTA

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

Attest:

Pamela A. Buethe  
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, 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

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: \_\_\_\_\_

**ACKNOWLEDGMENT OF NOTARY**

STATE OF NEBRASKA

)  
 ) ss.  
 )

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Sara Gamon, personally known by me to be the Owner of G5G, 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

## **Birdies. Indoor Golf. Games. Events Executive Summary**

### **Business**

Birdies is a minority and disabled veteran owned business, formed for the purpose of operating a self-service entertainment space for use of a multi-sport and game simulator and events in Papillion, NE.

Birdies is owned and operated under G5G LLC, by Luis and Sara Gamon of La Vista, NE. The business will be housed in a store front, multi-use retail space at 8019 South 83<sup>rd</sup> Avenue in La Vista NE. The space will be used as a self-service private event venue with the capability of hosting a variety of different recreational activities, sports, parties, & corporate events.

### **Business Opportunity**

Our chosen site will be an approximate 1,600 sq. ft. space that will be able to hold an occupancy of 43. There are a limited number of private event venues and entertainment facilities in the Omaha area. While the market exists for golf simulator businesses, none offer a multi-sport experience in a private, self-service concept. An existing market is currently not being fulfilled in the Omaha area.

Birdies will also offer unlimited free play on three classic arcade games part of the retro game collection by The Pinball Company; a gamers lounge with the most up to date gaming console systems; 3 large screens smart tv's with streaming service for sporting events; a turfed putting green; Wi-Fi and BYOB for food and drinks.

### **Competitive Edge**

The TruGolf Vista 12 Pro simulator offers an immersive widescreen view measuring 12'W x 15'D with 27 golf course selections; the multi-sport arcade addition is an innovative sports simulator experience that brings a new degree of interactive gaming. The multi-sport capabilities offer action packed games such as soccer, bowling, hockey, football, zombie dodgeball and western shootout.

The initiative is to capitalize on this market by providing a quality indoor venue that is competitively priced for entertainment, play and practice, operating 24/7/365. With its unique strategy, this service, married with the comfortable atmosphere of the facility, will allow users to play, eat, drink, and socialize all in the same setting.

Golfers will be able to use the simulator to play virtual courses and ranges that provide them with a

comprehensive shot performance analysis to improve their technique. The multi-sport arcade and other features of the space will attract casual gamers to avid sports enthusiasts, whilst the variability will serve as a relaxing environment for birthdays, corporate events, watch parties, and more.

## **Business Goals**

The business's goals are to provide high quality products and services to our customers. Our targeted customer base will cover a broad spectrum of users. The space will suit the needs of family entertainment, not only for golfers but the space will provide additional entertainment capabilities, such as hosting birthday parties, corporate events, and sports entertainment.

The space will be set up to attract customers focused on a laid back and easy-going, fun environment to a game improvement-based environment. We have appropriately sized our facility to fit our target customer base. The multi-use plaza will allow our business to build awareness and drive play. Our planned signage will be easy to see, read and understand. It will also allow our customer base to know exactly who we are and what we do.

## **Strengths**

Our product is delivered by TruGolf. Our simulator is top of the line and provides a realistic golfing experience with very accurate shot simulation. The multi-sport arcade software is powered by an interactive sports camera offering superb graphics to ensure a realistic experience. The multi-sport simulator offers multiple modes of play and difficulty settings to fit any need and ensure playability.

Our facility is also a key strength in that it is adequately designed to provide key amenities that local patrons seek in both sports and entertainment. We have developed a strategic plan focused on customer centric operations and information-based marketing strategies. There are several golf-oriented and event venue marketing databases we can leverage while we build our own data.

## **Opportunities**

Opportunities will present themselves with partnering with surrounding businesses that are non-competing but can dually market for one another's business. Birdies will not provide food & beverage, however, the opportunity to partner with restaurants/bars for potential catering options can provide free marketing and advertising for both businesses.

Birdies will seek out opportunities with local sports teams, schools, golf courses and clubs to offer promotional deals for off-season marketing. Birdies will have smart tv's synced with Amazon home operations, which will provide the capability to display advertising, being best used for in store promotional activity versus seeking extensive ad revenue. Another

opportunity is to promote business to private sporting event clientele, as the large screen tv's and simulator projector will be attached to a receiver with the capabilities to show sporting events or video games.

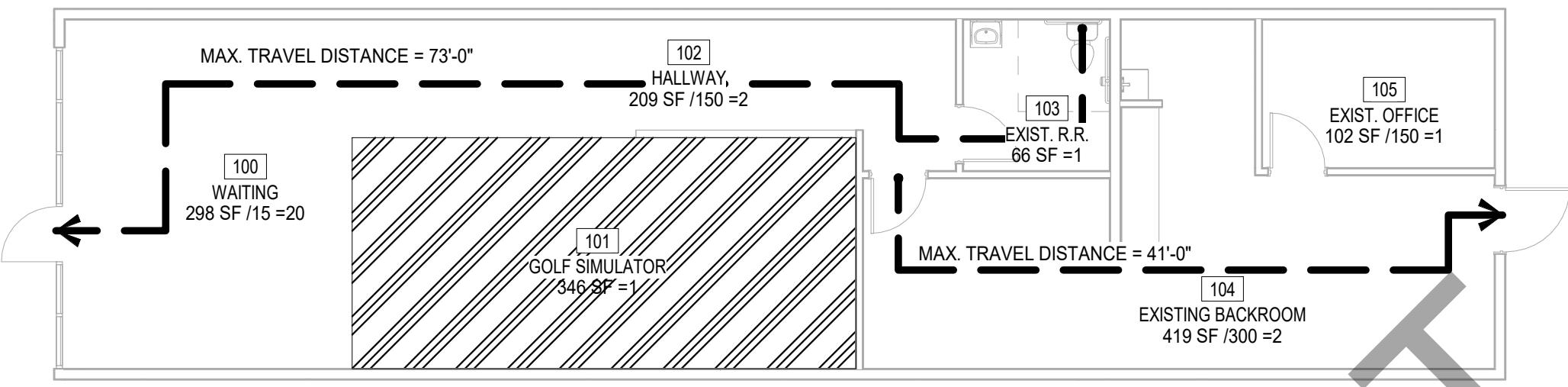
### **Operating Plan**

Birdies projected opening date is September 1<sup>st</sup>, 2024. Building permit for the minimal construction requirements is currently in the process of being obtained. Signage is ready and waiting on approval of the conditional use permit. Opening will be pending city requirements and inspections.

### **Potential Threats**

Birdies will be secured with both an alarm and camera system provided by SEI, with 24/7 access to the space. Upon booking, clients will be required to sign a liability waiver. Potential issues with equipment will be handled by our simulator company 24/7 customer support, any other concerns can be immediately addressed by phone and with an immediate response time. Our primary residence is in the city of La Vista, making responding to concerns quick and timely.

Peak Occupancy of the space will be set by Fire/Security inspection requirements; however, estimating by calculation for a 1600 sq ft space, a total number of occupancies is approximately 43 occupants. There are no dedicated parking stalls for the suite, it is a shared parking lot with neighboring businesses per lease agreement.



A000 COVER SHEET & CODE REVIEW  
A100 FLOOR PLAN

**Exhibit B**

**1 FIRST FLOOR CODE PLAN**

1/8" = 1'-0"

**BUILDING CODE ANALYSIS**

**GENERAL CODE INFORMATION:**

OCCUPANCY TYPE: A-3; ASSEMBLY FOR RECREATION  
CONSTRUCTION TYPE: II-B; ASSUMED EXISTING

ALLOWABLE BUILDING AREA: EXISTING; NO ADDITONS TO BE MADE  
ACTUAL BUILDING AREA: EXISTING; NO ADDITONS TO BE MADE

BUILDING SPRINKLED: NO

**CONSTRUCTION CODES:**

BUILDING: 2018 INTERNATIONAL BUILDING CODE (IBC)  
EXISTING BUILDING CODE: 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC)  
ELECTRICAL: 2017 NATIONAL ELECTRICAL CODE (NEC)  
ENERGY: 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)  
FIRE: 2012 LIFE SAFETY CODE (NFPA 101)  
2012 INTERNATIONAL FIRE CODE (IFC)

ACCESSIBILITY: 2009 ICC/ANSI A117.1 & 2018 IBC  
MECHANICAL: 2018 INTERNATIONAL MECHANICAL CODE (IMC)  
PLUMBING: 2018 INTERNATIONAL PLUMBING CODE (IPC)

**CHAPTER 3 - USE AND OCCUPANCY CLASSIFICATION:**

OCCUPANCY CLASSIFICATION: GROUP A  
A-3; ASSEMBLY FOR RECREATION  
(IBC SECTION 302)  
(IBC SECTION 303.4)

**CHAPTER 10 - MEANS OF EGRESS:**

**IBC SECTION 1004 - OCCUPANT LOAD.** IN DETERMINING MEANS OF EGREES REQUIREMENTS, THE NUMBER OF OCCUPANTS FOR WHOM MEANS OF EGRESS FACILITIES SHALL BE PROVIDED SHALL BE DETERMINED IN ACCORDANCE TO THIS SECTION.

**IBC TABLE 1005 - MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

| FUNCTION OF SPACE  | OCCUPANT LOAD |
|--------------------|---------------|
| 100 WAITING        | 20            |
| 101 GOLF SIMULATOR | 1             |
| 102 HALLWAY        | 2             |
| 103 RESTROOM       | 1             |
| 104 BACKROOM       | 2             |
| 105 OFFICE         | 1             |

**TOTAL OCCUPANT LOAD: 27 PEOPLE**

**IBC SECTION 1005 EGRESS SIZING.**

**IBC SECTION 1005.3 - REQUIRED CAPACITY BASED ON OCCUPANT LOAD**

REQUIRED:  $27 \times 0.2 = 5.4"$

PROVIDED: 68"

**IBC SECTION 1014.3 - COMMON PATH OF TRAVEL.** THE COMMON PATH OF TRAVEL DOES NOT EXCEED 75 FEET

**IBC SECTION 1017 - EXIT ACCESS TRAVEL DISTANCE.** THE MAXIMUM TRAVEL DISTANCE DOES NOT EXCEED 250 FEET

**IBC SECTION 1020 - CORRIDORS.** THE CORRIDOR WIDTH EXCEEDS THE 44 INCH MINIMUM

**IBC SECTION 1020.4 - DEAD ENDS.** THE MAXIMUM DEAD END DISTANCE DOES NOT EXCEED 20 FEET.

**IBC SECTION 1006 - NUMBER OF EXITS AND EXIT ACCESS DOORWAYS.** TWO (2) EXITS ARE REQUIRED; TWO (2) ARE PROVIDED

I, JEREMY L. CARLSON, AM THE COORDINATING PROFESSIONAL FOR THE TENANT REMODEL AT 8019 S. 83RD AVENUE.

06.24.2024

