

AGENDA ITEM 4B

**Conditional Use Permit for Recreation Facility - Lot
2 Brook Valley II Business Park Replat Three,
located northeast of the intersection of Cary Street
and S. 117th Street - Pick Up Sticks Properties, LLC**



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

CASE NUMBERS: PCUP25-0001

FOR HEARING OF: JULY 17, 2025
REPORT PREPARED ON: JULY 1, 2025

I. GENERAL INFORMATION

A. APPLICANT:

Pick Up Sticks Properties, LLC
Attn: Myles Mckeever
4716 S. 180th Street
Omaha, NE 68135

B. PROPERTY OWNER:

Pick Up Sticks Properties, LLC
Attn: Myles Mckeever
4716 S. 180th Street
Omaha, NE 68135

C. LOCATION: Parcel #011595796, located northeast of the intersection of S. 117th Street and Cary Street.

D. LEGAL DESCRIPTION: Lot 2 Brook Valley II Business Park Replat Three.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to allow for the construction and operation of a 15,000 square foot Indoor Recreational Facility.

F. EXISTING ZONING AND LAND USE: The property is currently zoned C-3 Highway Commercial/Office Park District and Gateway Corridor Overlay District. The property is currently vacant and undeveloped. If the associated rezoning request is approved, the property will be zoned I-1 Light Industrial and Gateway Corridor Overlay District. The property is designated in the Future Land Use Map of the Comprehensive Plan for Business Park development.

G. PURPOSE OF REQUEST: To allow for the construction and operation of an Indoor Recreational Facility to house Beyond All Stars Competitive Cheerleading and the various cheerleading activities, lessons, and trainings that they perform.

H. SIZE OF SITE: 91,040 square feet (2.09 acres).

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes gradually downward 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	Business Park	C-3 Highway/Office Park Commercial District with a Gateway Corridor District Overlay	Multi-tenant commercial building; Olsson, Hausmann Construction, Revolution Wraps, and Tint Revolution Businesses
East	Business Park	I-1 Light Industrial District with a Gateway Corridor District Overlay	Multi-tenant industrial building; Access Systems and Craftsman Window Coverings Businesses
South	Industrial	I-2 Heavy Industrial	The Brenmar Company industrial warehouse
West	Industrial	I-1 Light Industrial District	Multi-tenant industrial building; Productivity and Omnicare businesses

C. RELEVANT CASE HISTORY:

1. Simultaneously with this application, the property owner has submitted an application to rezone this property from C-3 Highway Commercial/Office Park District and Gateway Corridor Overlay District to I-1 Light Industrial and Gateway Corridor Overlay District. Rezoning this property to I-1 will allow for the owner to also house his contractor business in the building, adjacent to the indoor recreational facility.

D. APPLICABLE REGULATIONS:

1. Section 5.13 of the Zoning Regulations – Light Industrial
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Comprehensive Plan Future Land Use Map designates this property for Business Park development, with which commercial and light industrial development are compatible. This proposal to construct and operate an indoor recreational facility is consistent with the comprehensive plan.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The property is proposed to have two access driveways to the site; one off of S. 117th Street and one off of Cary Street.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. The applicant has indicated that the maximum number of building occupants during peak time in the recreational facility shall be 180 persons. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for recreational facilities shall be one (1) space per 4 occupants, equating to a requirement from the zoning ordinance for 45 off-street parking stalls.
2. In addition to the recreational facility, the owner is proposing an area on the site for a potential future 7,700 square foot industrial building addition. Per Section 7.06 of the La Vista Zoning Ordinance, the minimum number of provided off-street parking stalls for office uses shall be one (1) space per 200 square feet of gross floor area, and the minimum number of stalls for industrial uses/industrial flex space is one (1) space per 3,000 square feet of gross floor area. Even in the event that all of this building addition is used for an approved office use (contractor office, for example), this equates to a required 39 stalls for the future building addition.
3. The total required off street parking stalls for the site is (up to) 84 and the proposed site plan shows 123 parking stalls being provided, greatly exceeding the minimum amount required.
4. No on-street parking will be allowed on adjacent S. 117th Street, Cary Street, or other streets, and on private off-street parking lots.

IV. REVIEW COMMENTS:

- A. A Certificate of Occupancy must be granted by the Chief Building Official and the Fire Marshal prior to occupation and use of the facility.
- B. The building design, site, landscaping, and lighting plans shall be reviewed and approved through the City's Design Review Process for conformance with the Gateway Corridor District Design Guidelines prior to application for building permits.

- C. The development will be required to meet the requirements for a Post Construction Storm Water Management Plan as per City regulations.
- D. As Beyond All Stars Competitive Cheerleading will primarily be using the facility during typical non-work hours (evenings and weekends), the impact of this use on surrounding businesses is expected to be minimal.
- E. The Conditional Use permit request was initially submitted stand-alone and without the rezoning request, and was subsequently reviewed initially as if the property would remain commercial which would necessitate the construction of sidewalks. The staff review letters, therefore, reference the need to include sidewalks on the site plan. The applicant then decided to apply for a rezoning to allow for more industrial-type uses to occupy the adjacent tenant bay in the proposed building, including the option to allow for the owner's existing contractor business. If the rezoning application is approved, the applicant would not be required to construct sidewalks on the perimeters of the property, as referenced in the review letters, which is why the site plan attached to the Conditional Use Permit does not show them.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Lot 2 Brook Valley II Business Park Replat Three for an Indoor Recreational Facility, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review & Response Letters
- C. Draft Conditional Use Permit
 - a. Operating Statement
 - b. Site Plan

VII. COPIES OF REPORT SENT TO:

- A. Myles Mckeever, Pick Up Sticks Properties, LLC
- B. Mike Milburn, RoofRite Exteriors, LLC
- C. Public Upon Request

Cal Bracken

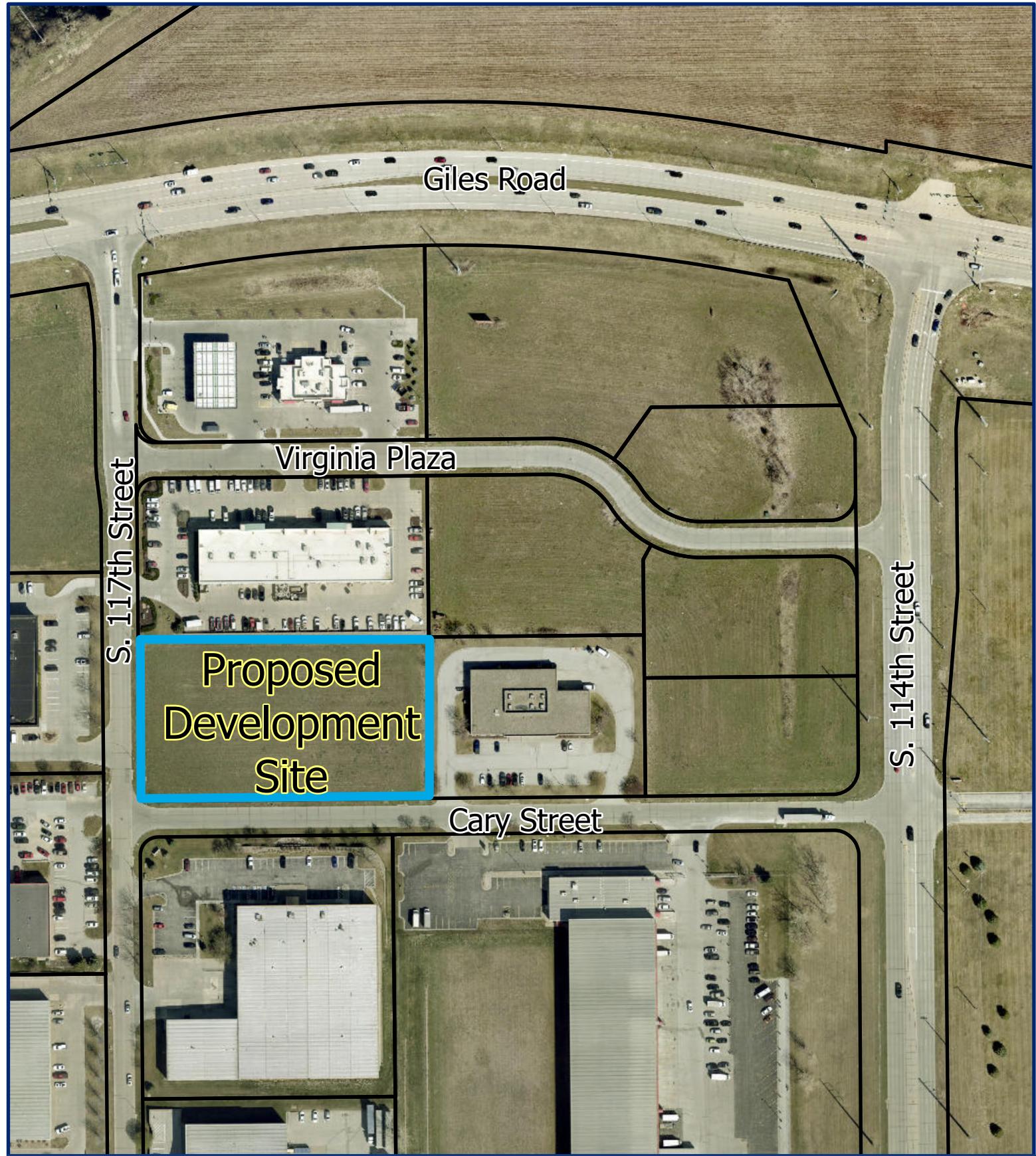
Prepared by: Associate City Planner

Bru A. Forte

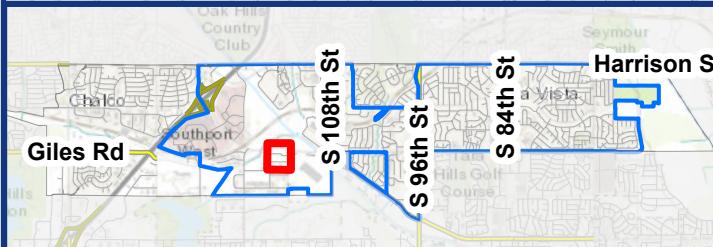
Community Development Director

1-1-25

Date



Conditional Use Permit Vicinity Map - Pick Up Sticks Properties, LLC



Legend

- Property Lines
- CUP Property





April 16, 2025

Roof Rite Exteriors, LLC
Attn: Mike Milburn
4608 Pierce Drive, STE 1
Lincoln, NE 68504

RE: Indoor Recreational Facility (Pick Up Sticks Cheer Facility) Conditional Use Permit – Initial Review Letter

Mr. Milburn,

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

1. Parking will be limited to off-street at all times as there is no on-street parking permitted within Brook Valley Business Park. If existing parking is determined to be insufficient during operation of the site, paving and striping of additional stalls may be required for a portion or all of the area currently marked for future expansion.
2. Please include in your operating statement a parking contingency plan for the high-volume/peak events if parking demand exceeds the number of stalls present on-site. Additionally, what methods will you take to mitigate concerns with traffic and circulation during the peak-demand events (i.e. staggered arrivals, scheduling, etc.)?
3. Standard parking stall dimensions, per Section 7.09 of the La Vista Zoning Ordinance, are nine (9) feet by eighteen (18) feet. Except where the end of the parking space abuts a curbed area at least five (5) feet in width (with landscaping or a sidewalk), an overhang may be permitted which would reduce the length of the parking space by (2) feet. It appears that no such 5-foot buffer from the curb is present along the northern property line to allow for the reduction in stall length to 16 feet. Please review and correct as necessary.

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

4. The site plan marks an area for a potential 10,000 square foot future building addition. Prior to issuance of building permit for that future expansion, the proposed occupants/land uses will need to be reviewed for conformance with Section 5.12 of the La Vista Zoning Ordinance pertaining to the permitted uses within the C-3 Highway Commercial/Office Park Zoning District, in addition to Section 7.06 pertaining to the minimum required off-street parking stalls which vary based upon the anticipated land use.
5. The Fire Marshall and Chief Building Official must authorize and issue a Certificate of Occupancy before you may occupy the space and have any employees or customers in the facility. We would highly recommend that you meet with the Fire Plans Examiner and/or Fire Inspector as soon as possible to discuss your proposal and ensure that you understand the life safety code requirements prior to the building permitting process.
6. Confirm that all activities related to the operation of this facility will take place inside of the facility.
7. Prior to the issuance of a building permit, the building design and elevations, landscaping plan, and site lighting plan will need to be reviewed and approved for conformance with the Gateway Corridor Overlay District Design Guidelines through the city's design review process. Please let us know when you are prepared to schedule a pre-application meeting with our third-party design review architect to describe the process in more detail.
8. Several items that will be identified through the design review process but that also pertain to this site plan include a required dumpster enclosure for the trash dumpsters that will need to be constructed of the same masonry utilized in the building, in addition to needing to utilize the approved site lighting pole and fixture for the Gateway Corridor Overlay District. There are multiple dumpster locations identified on the site plan within parking stalls. Please confirm the location(s) for the dumpster enclosure(s), and ensure that the space is not counted as a parking stall.
9. As a commercially zoned property, sidewalks shall be installed along perimeters with street frontage upon development of the property. Please include sidewalks in the site plan along Cary Street and S. 117th Street.
10. Please submit the address labels for property owners within 300 feet of the subject property, prepared by a title company, along with this resubmittal to allow for the scheduling and required notice for the Planning Commission and City Council public hearings.
11. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

For this item to be reviewed by the Planning Commission during the May 15, 2025 meeting, please submit a response to the items above by next Wednesday, April 23 in order to provide the necessary time for publication of the public hearing notices. The Planning Commission meeting will be held at 6:30 pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). We would like for you, or someone else with knowledge of this application, to be in attendance to present your request and answer any questions that the Planning Commission might have. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



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

CC Myles Mckeever, Pick Up Sticks Properties, LLC
 Christopher Solberg, Deputy Community Development Director
 Bruce Fountain, Community Development Director

Cale Brodersen

From: Mike Milburn <mike@roofriteexteriors.com>
Sent: Friday, April 25, 2025 1:22 PM
To: Cale Brodersen
Subject: [EXT]Re: Initial Review Letter - Cheer Facility CUP

Follow Up Flag: Follow up
Flag Status: Completed

Hello Cale,

Below is a copy of the letter that was sent. All of our responses will be in **BOLD** **ORANGE**.

April 16, 2025
Roof Rite Exteriors, LLC
Attn: Mike Milburn
4608 Pierce Drive, STE 1
Lincoln, NE 68504

RE: Indoor Recreational Facility (Pick Up Sticks Cheer Facility) Conditional Use Permit - Initial Review Letter

Mr. Milburn,

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

1. Parking will be limited to off-street at all times as there is no on-street parking permitted within Brook Valley Business Park. If existing parking is determined to be insufficient during operation of the site, paving and striping of additional stalls may be required for a portion or all of the area currently marked for future expansion.

1. This should never be a problem, because with our 4 to 1 rule with parking, there will never be over 520 people in this building.

2. Please include in your operating statement a parking contingency plan for the high-volume/peak events if parking demand exceeds the number of stalls present on-site. Additionally, what methods will you take to mitigate concerns with traffic and circulation during the peak-demand events (i.e. staggered arrivals, scheduling, etc.)?

2. Parking demand will never exceed the number of stalls present on-site. Classes are approximately one hour with 20 to 40 people and practice is two hours with 20 to 40 people. These arrival times are staggered and practices are not always open to parents. Additionally, there will be traffic arrows showing the direction to enter and exit the parking lot.

3. Standard parking stall dimensions, per Section 7.09 of the La Vista Zoning Ordinance, are nine (9) feet by eighteen (18) feet. Except where the end of the parking space abuts a curbed area at least five (5) feet in width (with landscaping or a sidewalk), an overhang may be permitted which would reduce the length of the parking space by (2) feet. It appears that no such 5-foot buffer from the curb is present along the northern property line to allow for the reduction in stall length to 16 feet. Please review and correct as necessary.

3. Architectural innovations are working to clarify this issue with a new site plan. We're currently waiting for the civil engineer's report to address this issue and the stormwater retention area.

4. The site plan marks an area for a potential 10,000 square foot future building addition. Prior to issuance of building permit for that future expansion, the proposed occupants/land uses will need to be reviewed for conformance with Section 5 . 12 of the La Vista Zoning Ordinance pertaining to the permitted uses within the C-3 Highway Commercial/Office Park Zoning District, in addition to Section 7 .06 pertaining to the minimum required off-street parking stalls which vary based upon the anticipated land use.

4. At this time, we may decide to go ahead and build on this future site. If we decide to build now on this future site, we will adjust the site plan and the design review application.

5. The Fire Marshal and Chief Building Official must authorize and issue a Certificate of Occupancy before you may occupy the space and have any employees or customers in the facility. We would highly recommend that you meet with the Fire Plans Examiner and/or Fire Inspector as soon as possible to discuss your proposal and ensure that you understand the life safety code requirements prior to the building permitting process.

5. We plan on setting up a meeting with the fire plans examiner in the near future.

6. Confirm that all activities related to the operation of this facility will take place inside of the facility.

6. All activities related to this operation will take place inside the facility.

7. Prior to the issuance of a building permit, the building design and elevations, landscaping plan, and site lighting plan will need to be reviewed and approved for conformance with the Gateway Corridor Overlay District Design Guidelines through the city's design review process. Please let us know when you are prepared to schedule a pre-application meeting with our third-party design review architect to describe the process in more detail.

7. We are prepared to schedule a pre application meeting with the 3rd party design review architect in the near future. We have some proposed dates for May 14th, May 15th and May 16th.

8. Several items that will be identified through the design review process but that also pertain to this site plan include a required dumpster enclosure for the trash dumpsters that will need to be constructed of the same masonry utilized in the building, in addition to needing to utilize the approved site lighting pole and fixture for the Gateway Corridor Overlay District. There are multiple dumpster locations identified on the site plan within parking stalls. Please confirm the location(s) for the dumpster enclosure(s), and ensure that the space is not counted as a parking stall.

8.3. Architectural innovations are working to clarify this issue with a new site plan. We're currently waiting for the civil engineer's report to address this issue and the stormwater retention area.

9. As a commercially zoned property, sidewalks shall be installed along perimeters with street frontage upon development of the property. Please include sidewalks in the site plan along Cary Street and S. 117th Street.

9. 3. Architectural innovations are working to clarify this issue with a new site plan. We're currently waiting for the civil engineer's report to address this issue and the stormwater retention area.

10. Please submit the address labels for property owners within 300 feet of the subject property, prepared by a title company, along with this resubmittal to allow for the scheduling and required notice for the Planning Commission and City Council public hearings.

10. These labels have been provided.

11. Staff will create a draft of the Conditional Use Permit to be shared with you in the near future.

For this item to be reviewed by the Planning Commission during the May 15, 2025 meeting, please submit a response to the items above by next Wednesday, April 23 in order to provide the necessary time for publication of the public hearing notices. The Planning Commission meeting will be held at 6: 30 pm in the Council Chambers at La Vista City Hall (8 1 16 Park View Blvd, La Vista, NE 68128). We would like for you, or someone else with knowledge of this application, to be in attendance to present your request and answer any questions that the Planning Commission might have. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,
Cale Brodersen,

**If you have any questions or need anything else additional please contact me directly.
Thanks.**

**Mike Milburn
C: 402-499-8514**

On Wed, Apr 16, 2025 at 8:18 AM Cale Brodersen <cbrodersen@cityoflavista.org> wrote:

Good morning,

We have reviewed your application for a conditional use permit for the facility for Beyond All Stars competitive cheerleading, and have several comments and requested revisions. Please see the attached initial review letter, and don't hesitate to reach out if you have any questions. Thanks,

Cale Brodersen, AICP

City of La Vista | Associate City Planner

402.593.6400 (Office)

402.593.6405 (Direct)

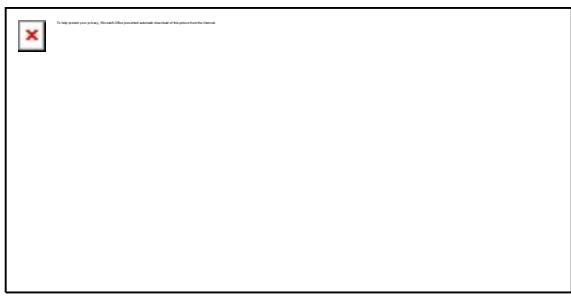
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CityofLaVista.org

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Mike Milburn
General Manager
Cell: 402.499.8514
Office: 402.430.9538
mike@roofriteexteriors.com

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Cale Brodersen

From: Cale Brodersen
Sent: Friday, June 13, 2025 2:58 PM
To: Mike Milburn
Subject: RE: [EXT]Beyond All Stars Gym

Hi Mike,

We are still reviewing the updated site plan, but here are a few additional changes that were not addressed in this site plan that we will need made:

- As a commercially zoned property, sidewalks shall be installed along perimeters with street frontage upon development of the property. Please include sidewalks in the site plan along Cary Street and S. 117th Street.
- It looks like the southern frontage does not contain the 15' required landscape buffer. Per Section 7.17.03.02 shown below, this 15 feet can be reduced to 10' if that additional square footage can be made up elsewhere. Could you have your architect/engineer provide that calculation to show that the additional landscaping area is made up elsewhere?
- Lastly, I know elsewhere 24' drive aisles have been required by the fire marshal. I will need to double check if that will be required here around each side of the building, and if so, could the building be shifted 6 inches to the east to help both the east and west aisles be 24'? Additionally, the northern most stall on both the east and west sides of the building may need to be removed to ensure that there is at least the 24' clearance on the north side of the building.

7.17.03.02

Street Frontage:

A landscaped area having a minimum depth of fifteen feet (15') from the property line shall be provided along the street frontage of all lots or sites including both street frontage of corner lots.

1. The required landscaped area fifteen feet (15') may be reduced to ten feet (10') if an equal amount of square feet of landscaped area, exclusive of required side and rear yard landscaped areas, is provided elsewhere on the site.
2. Exclusive of driveways and sidewalks not more than twenty five percent (25%) of the surface of the landscaped area shall have inorganic materials such as brick, stone, concrete, asphalt, aggregate, metal or artificial turf.
3. A minimum of one (1) tree shall be planted for every forty lineal feet (40') or fraction thereof.

Could you see if the above noted changes can be made to the site plan by next Wednesday afternoon so we can have the update site plan for the Planning Commission packets? Give me a call if you'd like to discuss. Thanks!

Cale Brodersen, AICP

City of La Vista | Associate City Planner

402.593.6400 (Office)

402.593.6405 (Direct)

8116 Park View Blvd. | La Vista, NE 68128

CityofLaVista.org

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From: Mike Milburn <mike@roofriteexteriors.com>
Sent: Wednesday, June 11, 2025 5:18 PM
To: Cale Brodersen <cbrodersen@cityoflavista.org>
Subject: [EXT]Beyond All Stars Gym

Hi Cale, Here is the most updated site plan.

--



Hi Cale

Mike Milburn
General Manager
Cell: 402.499.8514
Office: 402.430.9538
mike@roofriteexteriors.com

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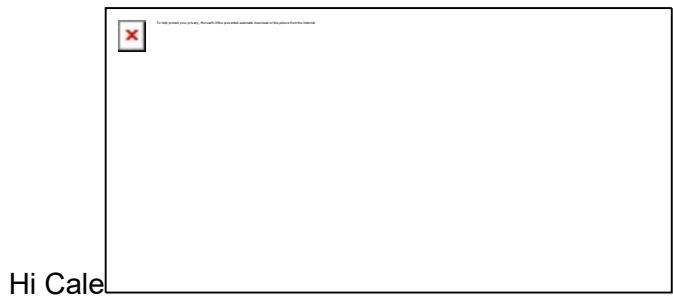
Cale Brodersen

From: Mike Milburn <mike@roofriteexteriors.com>
Sent: Wednesday, June 11, 2025 5:18 PM
To: Cale Brodersen
Subject: [EXT]Beyond All Stars Gym
Attachments: Beyond All Stars Gym - Site-AS1.0.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Cale, Here is the most updated site plan.

--



Mike Milburn
General Manager
Cell: 402.499.8514
Office: 402.430.9538
mike@roofriteexteriors.com

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City of La Vista Conditional Use Permit

Conditional Use Permit for Indoor Recreational Facility

This Conditional Use Permit issued this 15th day of July, 2025, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Pick Up Sticks Properties, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance for Beyond All Stars Cheer Facility (Indoor Recreational Facility).

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 Brook Valley II Business Park Replat Three, located in the NW ¼ Section 20, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located northeast of the intersection of Cary Street and S. 117th Street (“property” or “premises”).

WHEREAS, Owner has applied for a conditional use permit for the purpose of constructing and operating a private indoor recreational facility upon the premises for competitive cheerleading activities, lessons, and training by Beyond All Stars.

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 the terms and provided in this permit.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions set forth in this permit, this conditional use permit is issued to the Owner to construct a building on Lot 2 Brook Valley II Business Park Replat Three for the purposes described above (“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 operations as described in the Owner’s Operational Statement attached as Exhibit “A” or in the City staff report presented with the Council agenda item to consider this permit. Any proposed additions or changes in the Permitted Use or operations 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. The site must be developed and the use must be operated in accordance with the approved Site Plan attached to the permit as Exhibit “B”.
 - c. There shall be no outdoor activities, or 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. The Permitted Use pursuant to this permit shall be limited to use of the premises as identified in the operating statement and there shall not be any games, tournaments, parties or events that exceed a

maximum occupancy of the commercial space as determined by the Chief Building Official of Fire Inspector.

- 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. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The provided off-street parking shall be consistent with the site plan attached as "Exhibit B," which parking Owner has represented to City is in accordance with City requirements and sufficient for the Permitted Use. Additional off-street parking serving the property will be required if deemed necessary by the Planning Department, and the Owner at its cost shall be solely responsible for obtaining use of or constructing any such additional off-street parking. The requirements, location and other specifications of any additional off-street parking shall be subject to Planning Department or City Engineer approval. On-street parking on Cary Street and S. 117th Street, or otherwise in connection with the Permitted Use shall be prohibited. Stacking of vehicles in connection with the Permitted Use out onto any public street is prohibited. If vehicles stacking onto Cary Street and/or S. 117th Street become a safety threat as determined by the City Engineer, the City may require additional physical or operational improvements to mitigate the risk of stacking. The inability of Owner to stop vehicles in connection with the Permitted Use from stacking into public streets is a valid cause for termination of this permit.
- g. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable liquor control, environmental or safety laws, rules or regulations.
- h. 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.
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: Pick Up Sticks Properties, LLC
Attn: Myles Mckeever
4716 S. 180th Street
Omaha, NE 68135

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:

Rachel Carl, CMC
City Clerk

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF _____

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) ss.
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On this _____ day of _____, 2025, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Rachel Carl, 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: Pick Up Sticks Properties, LLC

By: _____

Myles Mckeever

Its: Owner _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA

COUNTY OF _____

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ss.

On this _____ day of _____, 2025, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Myles Mckeever, personally known by me to be the Owner of Pick Up Sticks Properties, 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

Operating Statement

Beyond All Stars

March 21, 2025

This space will be used by Beyond All Stars for competitive cheerleading activities, tumbling, and other cheer-related recreational classes. This includes but is not limited to tumbling, stunting, dance, flexibility training, jump training, conditioning and other exercise.

Operating hours will be Sundays 10:00am - 8:00pm. Monday - Friday hours will be 3:30 - 9:00pm. Saturdays will be utilized on occasion for skills clinics, camps, registration events, in-house performances, and extra practices for competitive teams.

Beyond All Stars currently has 21 employees total. There will always be 2 employees on site at minimum. On a typical day, 4-8 employees will be present. For performances or showcase events, all 21 staff members will be present. Most employees work on average 4-8 hours/week.

The facility will be used at least 6 days of the week regularly for the following activities and events: Team practices, tumbling classes, jump classes, flexibility classes, Co-Ed style and group stunting, skills clinics and camps, and private lessons for any of the previously listed items. The facility will also host showcase performances on the premises for friends and family.

On an average night the facility will see approximately 40-90 athletes pass through. For showcase or performance events, peak occupancy is estimated at 180. This peak occupancy occurs approximately 1-2 times per year.

DRAFT

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