

**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER:

FOR HEARING OF: May 17, 2007

Report prepared on May 11, 2007

I. GENERAL INFORMATION

- A. APPLICANT:
Jana Newell
- B. PROPERTY OWNER:
Keith H & Linda S Rothlisberger
- C. LOCATION:
7105 Pine Drive
- D. LEGAL DESCRIPTION:
Lot 367, Park View Heights 2nd Addition, NE ¼ 15-14-12
- E. REQUESTED ACTIONS(S):
Conditional Use Permit to locate and operate a home occupation (beauty salon).
- F. EXISTING ZONING AND LAND USE:
R-1, Single Family Residential
- G. PURPOSE OF REQUEST:
The applicant was previously granted a conditional use permit to operate a beauty shop at her residence at 9006 Granville Parkway however she is moving and she would like to operate the beauty shop at her new residence.
- H. SIZE OF SITE: 9,375 Sq. Ft.

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE: A single family home was constructed on the site.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:
 - 1. North: R-1/Single Family Home
 - 2. East: (same)
 - 3. South: (same)
 - 4. West: (same)
- C. REVELANT CASE HISTORY: None.

D. **APPLICABLE REGULATIONS:**

1. Section 5.06, Zoning Ordinance, regarding the Single Family Residential District.
2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.
3. Section 7.10, Zoning Ordinance, regarding Home Occupations

III. **ANALYSIS**

A. **COMPREHENSIVE PLAN:** The Comprehensive Plan identifies this area as medium density residential.

B. **OTHER PLANS:** None.

C. **TRAFFIC AND ACCESS:**

1. Access to the lot is from Pine Drive.

D. **UTILITIES:**

IV. **REVIEW COMMENTS:**

1. The applicant shall provide a copy of a purchase agreement or other document authorizing her to apply for a conditional use permit on this property.
2. The application indicates there is space for four vehicles to be parked however it is not noted whether these are on-street or off-street spaces.
3. The applicant should indicate how many customers she plans to schedule at any one time.
4. The applicant should state the proposed hours of operation.


V. **STAFF RECOMMENDATION:** Approve contingent upon resolution of items noted above.

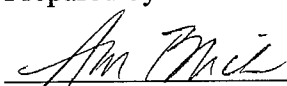
VI. **ATTACHMENTS TO REPORTS:**

1. Vicinity Map
2. Letter from City Engineer dated April 17, 2007.
3. Draft Conditional Use Permit

VII. **COPIES OF REPORT TO:**

1. Jana Newell
2. Keith H & Linda S Rothlisberger
3. Public Upon Request



Prepared by:
 5-11-07

Community Development Director Date

Sarpy County, Nebraska



Parcel ID Number	010578927	Neighborhood Code	LPV
Owner Name	ROTHLISBERGER/KEITH H & LINDA S	Property Type	RES
Mailing Address	1914 TITAN SPRINGS DR	Improvements Value	\$119,385
City State	PAPILLION NE	Land Value	\$22,000
Zip Code	68133-0000	Total Value	\$141,385
Property Address	07105 \PINE DR	Tax District	27002
Legal Description	LOT 367 PARK VIEW HEIGHTS 2ND ADD		

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

Map Scale
1 inch = 208 feet

**CITY OF LA VISTA
8116 PARK VIEW BOULEVARD
LA VISTA, NE 68128**

SIGNATURE LIST FOR HOME OCCUPATION LICENSE

Date: March 14, 2007

Name of Applicant: Jana Newell

Renter: Home Owner:

Residential Address of Business: 7105 Pine Drive, La Vista, NE 68128

Type of Business: Beauty Salon

PLEASE BE AWARE that the covenants of your housing area may prohibit all/or some home occupations. You are advised to look into this before making application to the city. The city does not enforce covenants and cannot refund fees once a process has begun.

HOME OCCUPATION CATEGORY	ANTICIPATED FEE*
Child Care Home	\$ 50.00 fee
Home Occ 1, (example: shops, catalogue sales, beauty, vending, etc.)	\$ 50.00 fee
Home Occ Conditional Use Permit-Amendment (submit with application)	\$200.00 fee
Home Occ 2 (usage of phone, computer for offices)	\$ 35.00 fee
Home Occ Application Administrative Fee: (submit with application)	\$ 25.00 fee

*Please Note: Fees are based on the General Fee Schedule current the day of this response and are subject to change by amending ordinance.

NOTICE TO THE APPLICANT: Before a Home Occupation Permit will be issued, a minimum of seventy-five (75%) of the residents living within two-hundred feet (200 ft.) of the proposed home occupation, shall indicate no objections in writing to the operation of a Home Occupation and sign next to their respective address as provided by City of La Vista staff.

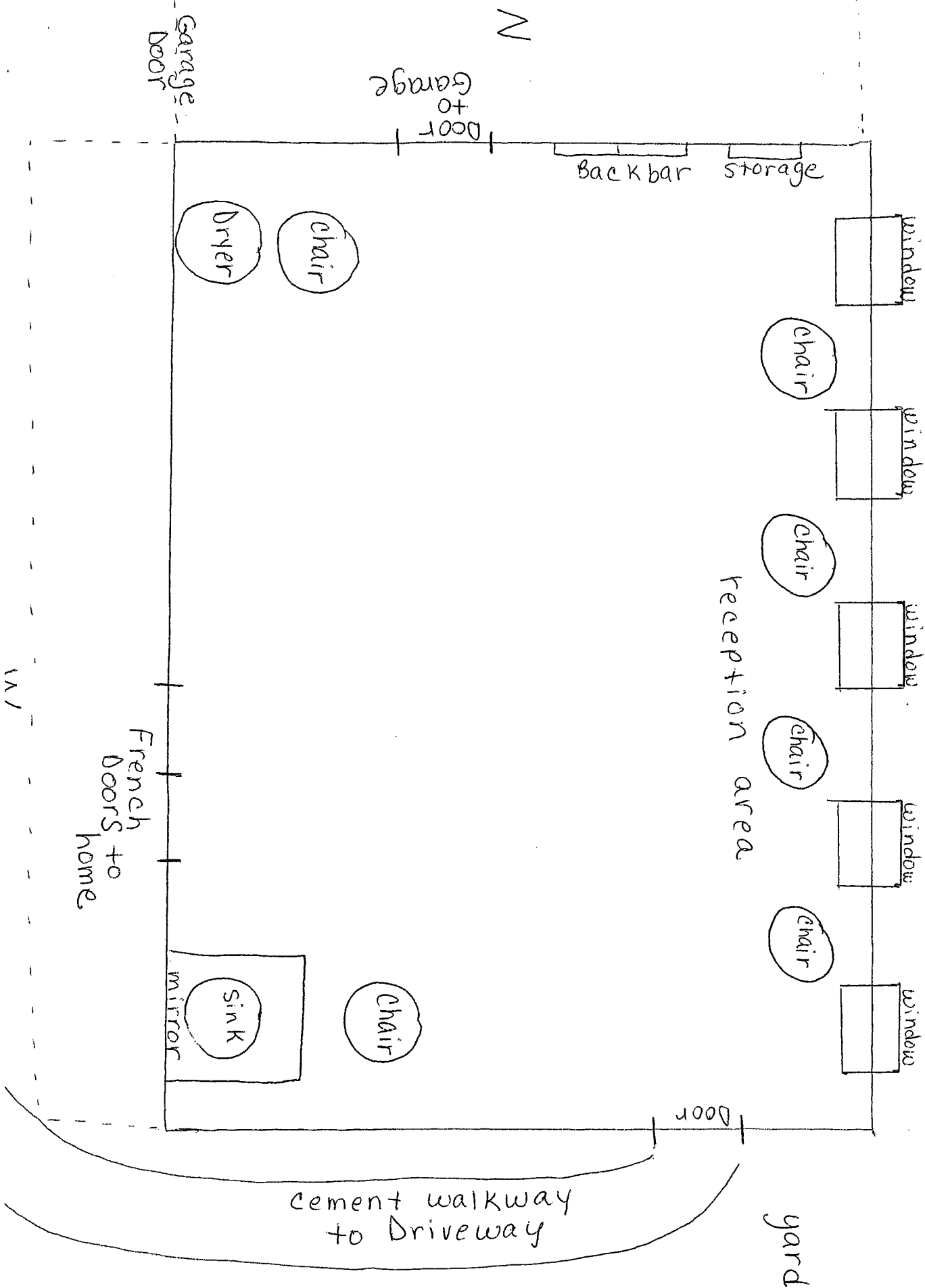
***Please contact the city every 30 days regarding the progress of your particular license process.**

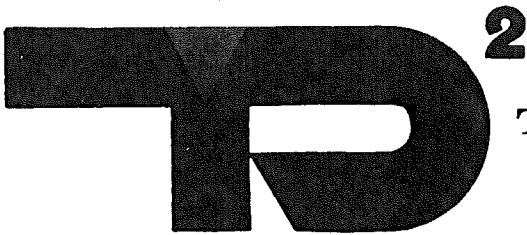
1. Phone City Hall, 331-4343, to obtain a Signature List of residents within 200 feet of your property. Please let us know if you own your dwelling or you live in an apartment complex, as different processes would apply.
2. Canvas the neighbors listed on the Signature List (which is provided by City Hall staff) obtaining their signatures and "no objections" in writing to your home occupation.
3. Return the completed list to La Vista City Hall as soon as possible along with any other
*documentation required of your particular process.
4. The first year's fee includes an administrative fee for preparation of your signature list and processing of your application. (Please note: Fees are subject to change.)
5. If you have any questions, please give us a call at 331-4343.

***Form CRED 9911 signed by the State of Nebraska Fire Marshall MUST accompany your application, signature list, and fees if the nature of the Home Occupation is child care and you have 3 children or more, not Counting your own, in your care.**

A child care license may not be obtained without this documentation.

Double Vision Salon





THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors

April 17, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

RE: Home Occupation Conditional Use Permit
7105 Pine Drive-Beauty Salon
2007 Rezoning & Use Permit Reviews
City of La Vista
TD² File No. 171-345.5

ROBERT E. DREESSEN, P.E.
NELSON J. HYMAN, P.E.
JAMES D. WARNER, L.S.
CHARLES E. RIGGS, P.E.
KA "KIP" P. SQUIRE III, P.E., S.E.
JOHN M. KOTTMANN, P.E.
ARTHUR D. BECCARD, P.E.
JOSEPH G. KOSINOVSKY, P.E.
DOUGLAS S. DREESSEN, P.E.
DEAN A. JAEGER, P.E.
RICHARD M. BROYLES, L.S.
DAVID H. NEEF, L.S.
RONALD M. KOENIG, L.S.
CHRIS E. DORNER, L.S.

TIMOTHY T. PAPSTEIN, P.E.
MICHAEL J. SMITH, L.S.
TROY J. NISSEN, P.E., S.E.
DOUGLAS E. KELLNER, P.E.
KEVIN L. TRUE, L.S.
GARY A. NORTON, P.E.
BRIAN L. LODES, P.E.
KURTIS L. ROHN, P.E.
JEFFREY L. THOMPSON, P.E.
DAREN A. KONDA, P.E.
MICHAEL T. CANIGLIA, L.S.
JEREMY T. STEENHOEK, P.E.
JOSHUA J. STORM, P.E.

Mr. Baker:

I have reviewed the application sent to me in your transmittal dated April 11, 2007. It appears that the applicant has applied for a location that she is planning on purchasing and does not yet own. Therefore, I recommend that the applicant provide a copy of a purchase agreement showing the granting of a use permit as a condition of the purchase or else obtain a letter from the current property owner stating that they do not object to the applicant making application for this property. On driving by the property, it appears that there may have been a similar home occupation on the premises previously, however; I do not have information as to whether there was a use permit at this location already or not.

The only engineering consideration I have is in regards to parking. If there are no personal vehicles in the existing driveway, then two customer cars could be located in the driveway. Alternatively, there is room in front of the residence for two stalls to be parked on the street since parking is allowed on this side of the street. This would not be an impact to the neighbors if the parking occurs during the day when most residents are away from home.

Therefore, I recommend that the use permit contain a condition limiting the facility to two customer cars parked at the property at a time. The applicant should also provide information as to the days of the week and hours of operation for the facility.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File

City of La Vista Conditional Use Permit

Conditional Use Permit for Home Occupation (Beauty Salon)

This Conditional Use Permit issued this _____ day of _____, 2007, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Jana Newell ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (beauty salon) in a single-family dwelling at 7105 Pine Drive upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 367, Park View Heights 2nd Addition, located in the NE ¼ of Section 15,
Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (beauty salon); 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 (beauty salon), 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. Permitted use will utilize approximately 192 square feet of the lower level of the residence. Use will consist of equipment and supplies commonly associated with a beauty salon including salon chairs, a sink and dryer area, and a waiting area.
 - b. Hours of operation for will be from 10:00 a.m. to 7:00 p.m. Tuesday through Saturday.
 - c. There will be no employees.
 - d. Fires escapes (36" doors) shall be designated.
 - e. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use. Hair care products to be sold include hairspray, gel, shampoo, conditioner, and related items.
 - f. Waste materials shall be stored in proper containers. Disposal of perm and color containers are to be wrapped in plastic bags and then placed in the dumpster.
 - g. Client parking will consist of owner's driveway (off-street parking).
 - h. 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.

- i. 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 regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - j. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his/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.
5. If the permitted use is not commenced within one (1) year from _____, 2007, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

The conditions and terms of this permit shall be binding upon owner, his/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: Jana Newell
7105 Pine Drive
La Vista, NE 68128

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, CMC
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: _____