



CITY OF LA VISTA  
PLANNING COMMISSION

# STAFF REPORT

CONDITIONAL USE PERMIT  
BOW WOW BOUTIQUE

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**DATE OF HEARING:**

September 17, 2009

**PROPOSAL:**

Home business for dog grooming

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## PROPERTY INFORMATION

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**APPLICANT:**

Terry & Dorothy Grindstaff  
7005 Michelle Avenue  
La Vista, NE 68128

**PROPERTY OWNER:**

Terry & Dorothy Grindstaff  
7005 Michelle Avenue  
La Vista, NE 68128

**LOCATION AND SIZE:**

7005 Michelle Avenue  
Lot 177, Ardmore Subdivision  
Lot Size = 0.21 acres

**CURRENT ZONING:**

R-1, Single Family Residential

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## BACKGROUND

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**History of Subject Property:**

In 2003, the property owners had several complaints filed against them regarding a grooming business operating without a permit and having too many dogs / pets at the residence. Code enforcement did many follow-ups to check for compliance at that time.

**Description of Proposed Development:**

Bow Wow Boutique is looking to downsize and move their business from a leased commercial space to the owner's residence. The pet grooming shop would be operated out of an existing accessory building behind the house.

No additional construction is proposed at this time.

**Existing Conditions of Site:**

Residential home with accessory building in the back

**Surrounding Area and Adjacent Neighborhoods Land Uses and Zoning:**

North – R-1, Ardmore Subdivision;

East – R-1, Ardmore Subdivision;

South – R-1, Ardmore Subdivision; and

West – R-1, Ardmore Subdivision

**Applicable Regulations:**

Section 5.06, Zoning Ordinance, regarding R-1 Zoning District

Section 6.05, Zoning Ordinance, CUP Standards for Approval

Section 7.10, Zoning Ordinance, regarding Home Occupations

**Applicable Plans:**

None

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## REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES

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**City Engineer, John Kottmann:**

No comments received.

**Chief Building Official, Jeff Sinnett**

- Plumbing drain needs to be tied into sanitary sewer for the installation of the bathtub
- What type of heating are they using for the building?

- Need a hard-surfaced sidewalk from the accessory building to the driveway or house

**Fire Chief, Rich Uhl**

No comments received.

**Police Chief, Bob Lausten**

No concerns with proposal.

**Public Works Director, Joe Soucie**

Wants to see plumbing and HVAC issues addressed

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## **PUBLIC COMMENTS**

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No public comments or questions have been received regarding this application.

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## **CITY PLANNER'S ANALYSIS**

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**Land Use:**

Home occupations are conditionally permitted in R-1, Single Family Residential, if all of the criteria in Section 7.10 of the Zoning Ordinance can be satisfied. The application appears to be in compliance with Section 7.10 at this time.

**Transportation:**

Off-street and on-street parking are both options for customers.

**Landscaping:**

N/A

**Stormwater Drainage:**

N/A

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## **PLANNING STAFF RECOMMENDATION**

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Planning staff recommends approval of the conditional use permit to allow animal specialty services as a home occupation at this proposed location, provided they can address the concerns of the Chief Building Official and the Public Works Director.

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Attachments:

1. Vicinity Map
2. Draft CUP

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Prepared by:

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Community Development Director      Date

# Vicinity Map



0 100 200  
Feet

**Legend**  
⊕ Parcels  
■ Bow Wow Boutique

## City of La Vista Conditional Use Permit

### Conditional Use Permit for Animal Specialty Services (Bow Wow Boutique)

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Dorothy Grindstaff. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate animal specialty services upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 177, Ardmore Subdivision located within the SW ¼ Section 13, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 7005 Michelle Avenue.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating animal specialty services, specifically a dog grooming and pet supply store; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for animal specialty services, 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 Permitted Use:
  - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as Exhibit "A".
  - b. A concrete path or other approved hard-surface pathway shall be constructed from the driveway to the accessory building.
  - c. The accessory building shall have plumbing installed to have bath water transferred to the sanitary sewer system.
  - d. The accessory building shall have HVAC installed for heating and cooling the inside of the building.
  - e. Hours of operation for said Permitted Use will generally be from \_\_\_\_\_ Monday through Friday and from \_\_\_\_\_ on the weekends.
  - f. There will be approximately 1 employee for the Permitted Use.
  - g. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the indoor rec. facility, except trash receptacles and those approved in writing by the City.

- h. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height.
- i. 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 neighboring properties.
- j. Outdoor clean-up of solid animal wastes shall be performed at least twice a day to keep the front yard sanitary and safe.
- k. 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.
- l. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- m. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If the permitted use is not commenced within one (1) year from \_\_\_\_\_, 2009, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same.

Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

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

#### **Miscellaneous**

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

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

#### **Contact Name and Address:**

Dorothy Grindstaff  
7005 Michelle Avenue  
La Vista, NE 68128  
(402) 331-8216

#### **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: \_\_\_\_\_

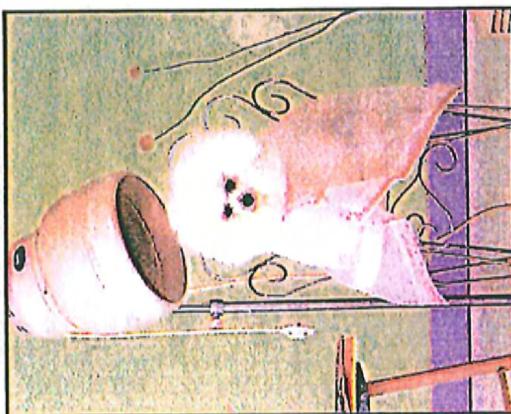
Date: \_\_\_\_\_

## Services

### All grooms include:

- Hydrosurge massage bath
- Brush Out
- Hair cut
- Toe nail trim
- Anal glands expressed
- Ear cleaning & Hair removal

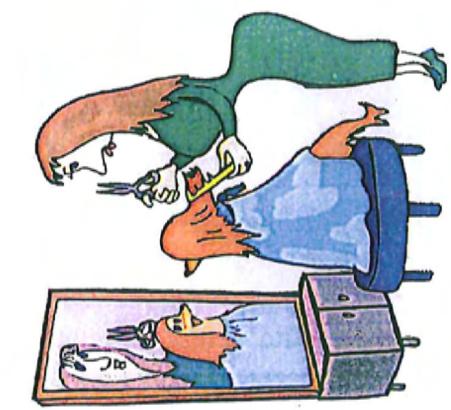
## Bow Wow Boutique



## Bow Wow Boutique Pet Salon



- ◆ Dorothy Grindstaff
- ◆ 7005 Michelle Ave.
- ◆ In-Home Dog Grooming
- ◆ Signature requested
- ◆ Clean, Quiet and Recommended by Vets



10841 Q St.  
Suite 106  
Roxbury Plaza  
Omaha, NE 68137  
Phone: 402-597-5299  
[Omahadoggrooming.com](http://Omahadoggrooming.com)  
[Dorothy@omahadoggrooming.com](mailto:Dorothy@omahadoggrooming.com)

## Owner



Dorothy Grindstaff is the owner of the Bow Wow Boutique on 108th and Q St. She lives in Ardmore at 7005 Michelle Ave. She has been grooming for 12 years and opened her own grooming salon five years ago. Dorothy is a Christian business owner and treats her customers—both people and dogs, with respect. She has a true love for animals and takes pride in the quality of her work.

## My Proposal

Although I really enjoy owning and running my own small business, I am ready to scale back. I really enjoy grooming and being around the dogs daily, but don't want the responsibility of a large shop anymore. I would like to downsize and begin running my grooming business out of my home. I would groom 4-6 dogs daily and work four days per week. This would allow me to work less hours and spend more time with my family and new granddaughter.

The grooming salon that I run currently is extremely clean and run in a very professional manner. I plan to continue this practice. Several vets in the area also recommend my services to their customers.

I'm requesting your signature to support my In-Home dog grooming business. Your consideration is highly appreciated!

## Quality Grooming

The quality of our work is that of an upscale boutique. We strive to make the dogs look beautiful and feel happy.

"I want our customers to feel completely confident about leaving their beloved pooches with us while they are tending to their busy days."

We try to go the extra mile for the dogs that visit our salon. We use only the highest quality products, will walk dogs that need to stay the day while the owner is at work, and often offer homemade dog treats for dessert.





# THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

August 11, 2009

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

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

RE: Rezoning & Conditional Use Permit Reviews 2009  
Lot 177, Ardmore-7005 Michelle Avenue  
Proposed Conditional Use Permit for Home Occupation-Dog Grooming  
TD<sup>2</sup> File No. 171-366.18

Marcus:

I have reviewed the application and supporting information that were received in this office on August 10, 2009 for a proposed conditional use permit for a dog grooming home occupation use at the above-referenced location. Based on the elements for consideration set forth in Article 6.05 of the Zoning Regulations, I recommend the following:

1. Relative to Article 6.05.01, .02 and .06, the applicant should provide information on what will be done to control noise from dogs boarded at the facility for the day. The application indicates that dogs will be allowed to stay for the day after being dropped off for grooming. The information would indicate that there could be six dogs boarded for the day.
2. Relative to Article 6.05.05, the applicant should indicate what operating parameters will be employed to assure that not all customers for the day (potentially 6) arrive to drop off or pick up dogs at the same time. I suggest utilizing an appointment process that would permit no more than two customers at a time.
3. Relative to Article 6.05.07, the proposal needs to identify the frequency with which wastes from boarding of dogs will be cleaned up to avoid odor and appearance issues.

The building that will be used for this business activity needs to be reviewed by the Chief Building Official for compliance with applicable building codes.

Please feel free to contact me if you have questions about my recommendations.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf