

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
NOVEMBER 17, 2009 AGENDA**

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — HOME OCCUPATION (DOG GROOMING) LOT 177, ARDMORE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit for a Home Occupation, to do dog grooming on Lot 177, Ardmore, located at 7005 Michelle Avenue.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing was held on October 20, 2009, for Council to consider an application submitted by the property owner, Terry & Dorothy Grindstaff, to approve a Conditional Use Permit for a Home Occupation, to perform dog grooming services at 7005 Michelle Avenue, on Lot 177 in the Ardmore subdivision. The property is zoned "R-1" Single Family Residential and includes an existing single family dwelling with a detached accessory building in the rear yard. The proposal is to allow for a business called the Bow Wow Boutique to be located in the detached accessory structure.

At the October 20th meeting the Council expressed some concern with the request and had several questions for the applicant however they were not in attendance. As a result, the resolution was tabled until the following meeting. Following the October 20th Council meeting, staff became aware that the notice of the public hearing had not been published and letters had not been mailed to the property owners within 300 feet. Staff has since contacted the applicant and requested their attendance at this meeting, and completed the required notices.

Staff is aware of one other dog grooming business being conducted as a home occupation which was approved by the Council. The property is located at 8907 S. 142nd Ave. Cir. in The Meadows subdivision. The request was approved on April 18, 2006, with several conditions including the number of dogs groomed per day, length of stay (no overnight kenneling), no employees, hours of operation, etc.

City Engineer John Kottmann and staff have reviewed the application; review comments are included in the attached staff report.

The Planning Commission held a public hearing on September 17, 2009 and recommended approval of the conditional use permit to City Council subject to the resolution of items identified by the City Engineer and staff.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO PERFORM DOG GROOMING AT 7005 MICHELLE AVENUE ON LOT 177, ARDMORE, LA VISTA NEBRASKA.

WHEREAS, Terry and Dorothy Grindstaff the property owners have applied for a conditional use permit a home occupation to perform dog grooming on Lot 177 in Ardmore, 7005 Michelle Avenue; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The plumbing drain needs to be tied into the sanitary sewer for the installation of the bathtub.
2. The type of heating for the building needs to be approved by the City of La Vista through the applicant's building permit.
3. There needs to be a hard-surfaced sidewalk constructed from the accessory building to the driveway.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Terry and Dorothy Grindstaff to operate home occupation to perform dog grooming on Lot 177 in Ardmore, 7005 Michelle Avenue, subject to the condition listed in the last recital above.

PASSED AND APPROVED THIS 17TH DAY OF NOVEMBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



CITY OF LA VISTA
CITY COUNCIL

STAFF REPORT

CONDITIONAL USE PERMIT
BOW WOW BOUTIQUE

DATE OF HEARING:

October 20, 2009

PROPOSAL:

Home business for dog grooming

PROPERTY INFORMATION

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

BACKGROUND

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

REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES

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

PUBLIC COMMENTS

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

CITY PLANNER'S ANALYSIS

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.

The applicant has assured staff and Planning Commission that the hard surface sidewalk would not be a problem to construct to the 16' x 16' x 16' building from the driveway. The applicant has also said the accessory building will have heating, cooling and indoor plumbing. Insulation will be installed to help regulate temperatures and reduce noise from barking dogs. Animal waste will need to be regularly cleaned up on the premises to avoid odors and health hazards.

Transportation:

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

Landscaping:

N/A

Stormwater Drainage:

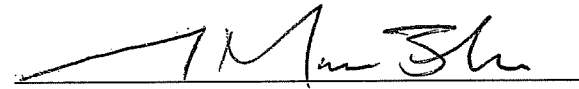
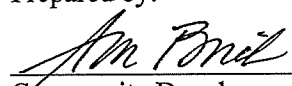
N/A

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends approval of the conditional use permit to allow animal specialty services as a home occupation at this proposed location from the hours of 8 a.m. – 5 p.m., M-F and Saturday 8 a.m. - noon, provided they can address the concerns of the Chief building Official, Public Works Director and City Engineer.

Attachments:

1. Vicinity Map
2. Conditional Use Permit


Prepared by:
 10-14-09
Community Development Director Date

City of La Vista Conditional Use Permit

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

This Conditional Use Permit issued this 20th day of October, 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 8:00 a.m. to 5:00 p.m. Monday through Friday and from 8:00 a.m. to noon on Saturdays.
 - f. There will be 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 to keep the premises 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 October 20, 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.

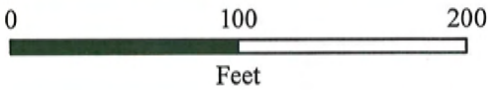
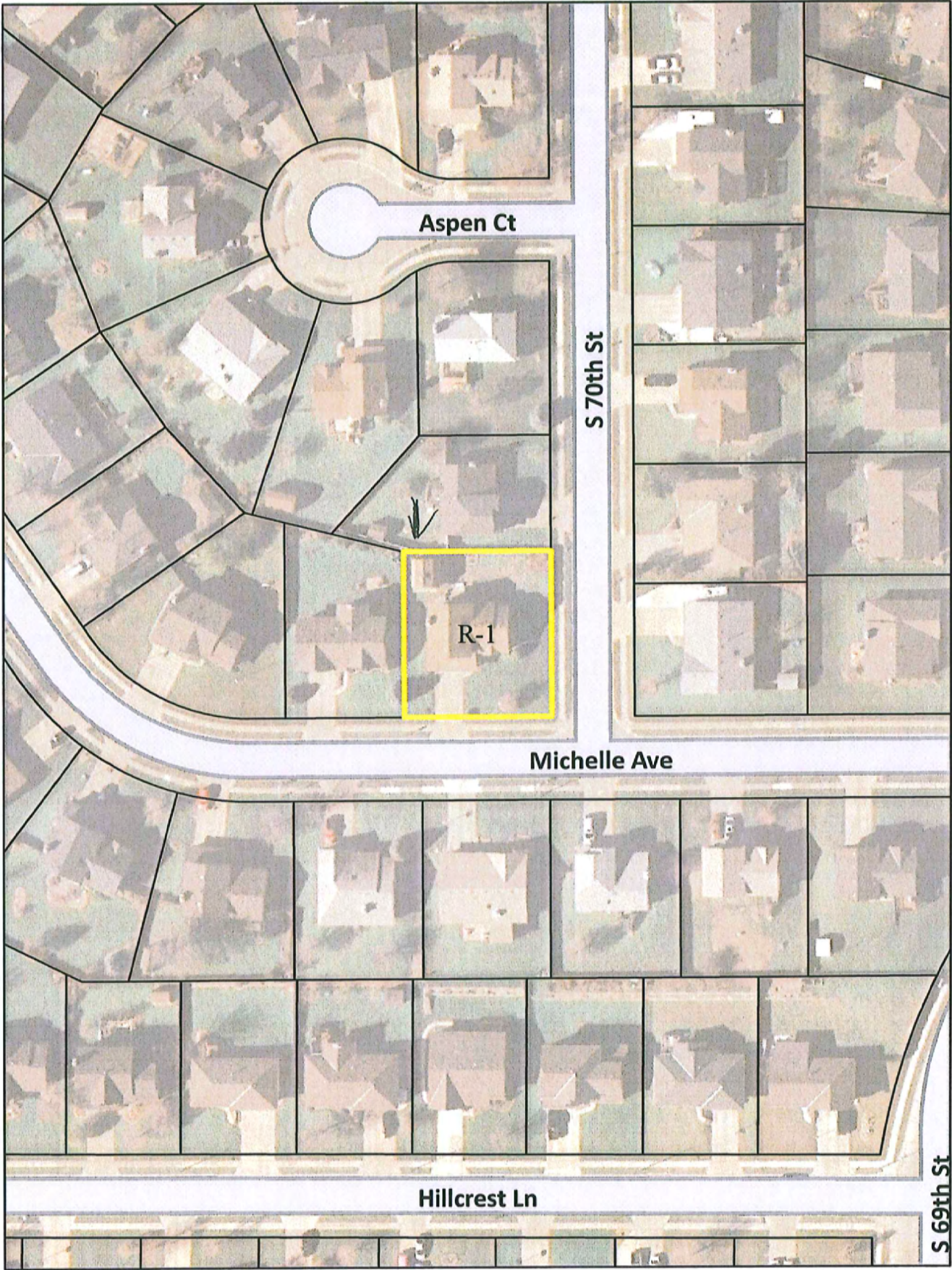
Owner:

By: _____

Title: _____

Date: _____

Vicinity Map



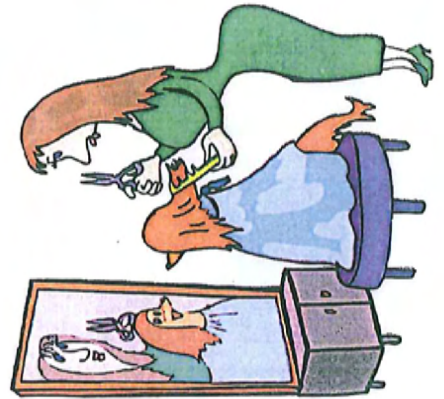
Legend

- Parcels
- Bow Wow Boutique

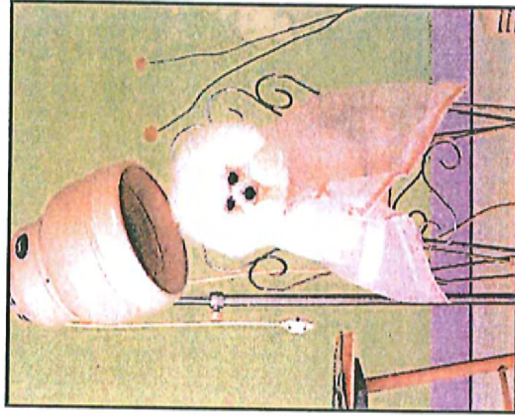
Services

All grooms include:

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



Bow Wow Boutique



10841 Q St.
Suite 106
Roxbury Plaza
Omaha, NE 68137
Phone: 402-597-5299
Omahadoggrooming.com
Dorothy@omahadoggrooming.com

Bow Wow Boutique Pet Salon



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

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.

