

AGENDA ITEM 4B

Conditional Use Permit—10630 Chandler Road, STE 1

Animal Specialty Services

Nebraska Dog Trainers, LLC



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

CASE NUMBERS: PCUP21-0004;

FOR HEARING OF: NOVEMBER 4, 2021
REPORT PREPARED ON: OCTOBER 26, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Nebraska Dog Trainers
Attn: Lesley Thompson
10630 Chandler Rd, STE 1
La Vista, NE 68128

B. PROPERTY OWNER:

TMT, LLC
Attn: Steve Morrow
1610 Main Street
Bellevue, NE 68005

C. LOCATION: 10630 Chandler Road, STE 1; Located north of Chandler Road and east of S 108th Street.

D. LEGAL DESCRIPTION: Lot 243A Val Vista.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to allow for the operation of a dog training and daytime boarding facility (Animal Specialty Services facility) in bay 1 of the industrial building located at 10630 Chandler Road.

F. EXISTING ZONING AND LAND USE: I-1 Light Industrial.

G. PURPOSE OF REQUEST: To operate an indoor dog training facility offering private obedience lessons and day training/kenneling services for up to 5 dogs at a time, out of the 1,800 square foot tenant bay.

H. SIZE OF SITE: 89,734 square feet (2.06 acres).

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes downward gradually to the south and to the west.

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	Industrial; Medium-Density Residential	I-2 Heavy Industrial; R-1 Single-Family Residential	US Cold Storage Building; Cimarron Woods Neighborhood
East	Industrial	I-1 Light Industrial	Proven Products Industrial Building
South	Industrial	I-1 Light Industrial	Midland Scientific Industrial Building; Vacant Lot
West	Industrial	I-1 Light Industrial	Armor Storage

C. RELEVANT CASE HISTORY:

1. Nebraska Dog Trainers has been operating at their location at 10630 Chandler Road for several years. The applicant and property owner had the understanding that zoning approval was only necessary for facilities offering boarding and kenneling services, and not for training facilities. The applicant approached the Community Development Department earlier this year inquiring about what approvals would be necessary to allow them to begin offering daytime boarding and training services for up to 5 dogs. At the time of the inquiry, when the City became aware of their operation, the applicant was notified that their use is currently nonconforming, and that a Conditional Use Permit is required for both the current operation and the use expansion to include daytime boarding. This application was submitted quickly thereafter.

D. APPLICABLE REGULATIONS:

1. Section 5.14 of the Zoning Regulations – I-1 Light Industrial.
2. Article 6 of the Zoning Regulations – Conditional Use Permits.
3. Section 7.08 of the Zoning Regulations – Schedule of Minimum Off-Street Parking Requirements
4. Section 7.08 of the Zoning Regulations – Off-Street Parking: Parking for Individuals with Disabilities.

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Comprehensive Plan Future Land Use Map designates this property for industrial use. This proposal is consistent with the comprehensive plan.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The property currently has dual-driveway access off Chandler Road.

D. UTILITIES:

1. The property has access to all necessary utilities.

E. PARKING REQUIREMENTS:

1. Per the La Vista Zoning Ordinance Section 7.06, the minimum number of provided off-street parking stalls for animal specialty services land uses shall be one (1) space per 300 square feet of gross floor area. For this 1,800 square foot facility, this requirement equates to a minimum of 6 stalls. Nebraska Dog Trainers will have 6 dedicated parking stalls to comply with Section 7.06 of the La Vista Zoning Ordinance. The locations for these designated parking stalls are displayed on the Site Plan included as Exhibit "B" of the Conditional Use Permit attached to this staff report.
2. If the provided off-street parking becomes insufficient, the applicant and/or property owner will be required to stripe additional parking stalls in the paved area in front of and/or behind the building.
3. No on-street parking will be allowed on Chandler Road.
4. One off-street parking stall accessible to individuals with disabilities is required for this location per Section 7.08 of the La Vista Zoning Ordinance, the Americans with Disabilities Act, and the Nebraska Accessibility Guidelines. There are currently no ADA parking stalls at this location, thus the applicant is currently arranging for its installation. This ADA parking stall must be installed prior to City Council review of this Conditional Use Permit.

IV. REVIEW COMMENTS:

A. As Nebraska Dog Trainers offers obedience training classes using a private (one-on-one) model, in addition to their limited capacity for daytime boarding/training (up to 5 dogs at a time), the impact of this use on surrounding businesses is expected to be minimal.

B. Section 2.e. and 2.f. of the draft Conditional Use Permit attached to this report prohibit the construction of outdoor kennels or dog runs and the overnight boarding of dogs. If the applicant seeks to

incorporate either of these components into their operation, they must first apply for and receive City approval of an amendment to this Conditional Use Permit.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Nebraska Dog Trainers, LLC for Lot 243A Val Vista, contingent upon the installation of an ADA parking stall as noted in this staff report, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. ATTACHMENTS TO REPORT:

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

VII. COPIES OF REPORT SENT TO:

- A. Lesley Thompson, Nebraska Dog Trainers, LLC
- B. Steve Morrow, TMT, LLC
- C. Public Upon Request



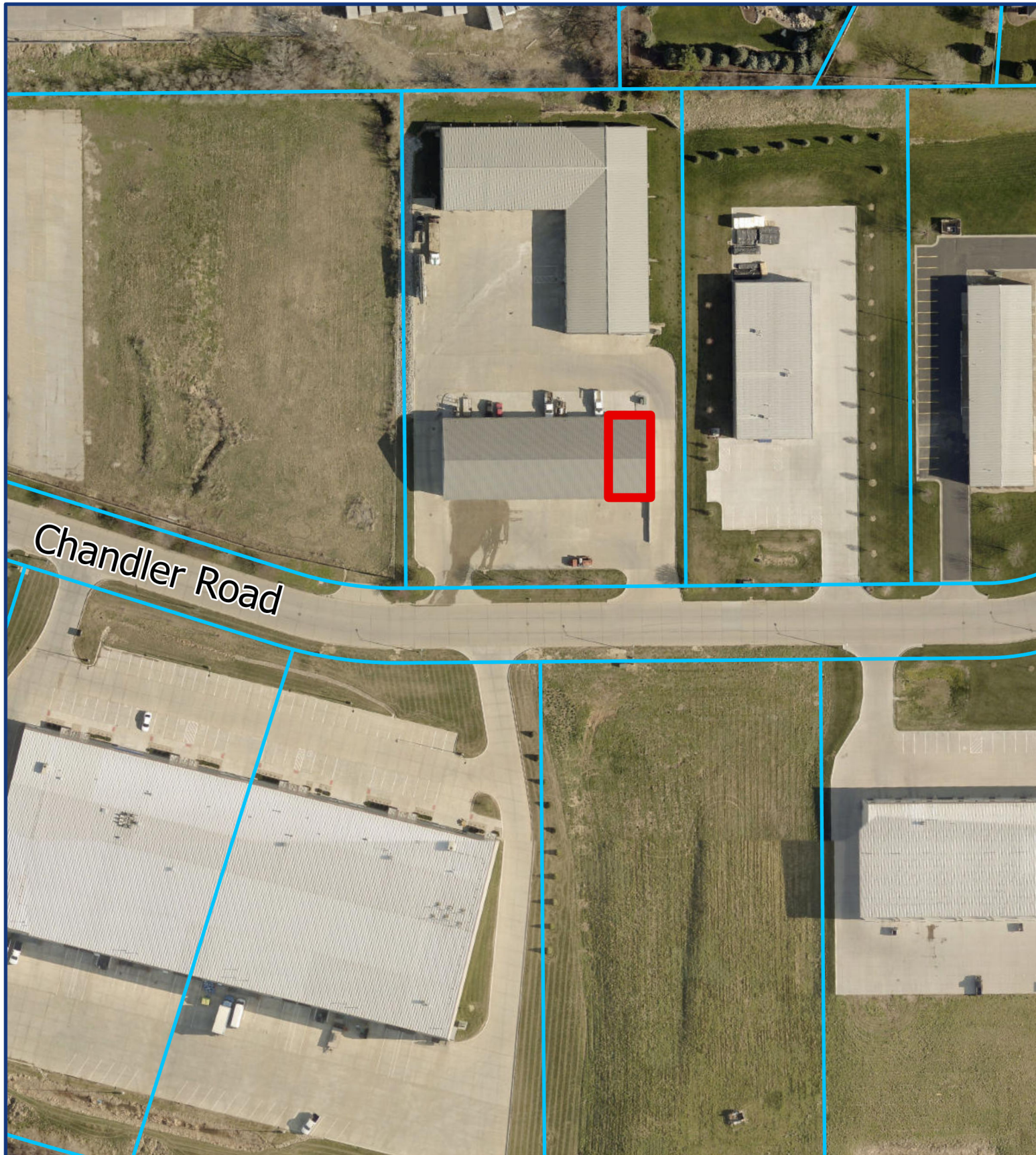
Prepared by: Assistant Planner



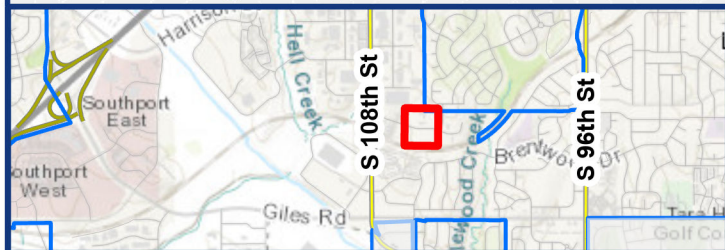
Community Development Director

10/29/21

Date



Vicinity Map: Nebraska Dog Trainers, LLC; Conditional Use Permit



Legend

- La Vista Parcels
- Nebraska Dog Trainers
Tenant Bay





September 28, 2021

Nebraska Dog Trainers
Attn: Lesley Thompson
1620 Chandler Road, STE 1
La Vista, NE 68128

RE: Animal Specialty Services Conditional Use Permit – Initial Review

Ms. Lesley Thompson,

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. Please confirm that the ADA parking stall requirements will be met for your facility, per Section 7.08 of the Zoning Ordinance. Section 7.08 is attached for your reference.
2. Parking will be limited to off-street at all times. If existing parking is determined to be insufficient at any time, striping of additional stalls may be required for a portion of the paved area in front of or behind the building to provide for additional parking capacity.
3. Please note that conditions will be included in the Conditional Use Permit that will prohibit the construction and use of outdoor kennels and runs, which remains consistent with your operating statement as submitted. The Conditional Use Permit will also prohibit overnight boarding of dogs.

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

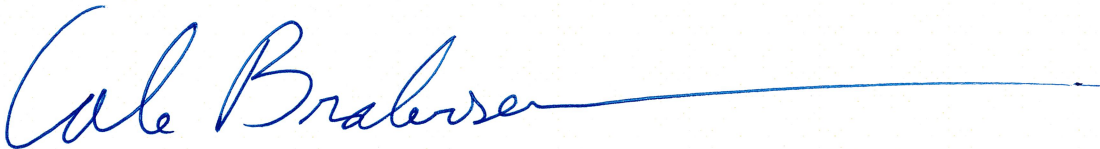
Recreation
8116 Park View Blvd.
402.331.3455 P
402.331.0299 F

If later you decide that you would like to be able to board dogs overnight, you may apply for an amendment to the Conditional Use Permit.

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

Please provide a response to item 1 of this letter as soon as possible. Your application is slated to be reviewed by the Planning Commission during their meeting on November 4, 2021 at 6:30pm in the Council Chambers at La Vista City Hall (8116 Park View Blvd, La Vista, NE 68128). Please be in attendance to present your request and answer any questions that the Planning Commission might have. After Planning Commission review, your application will be reviewed by La Vista City Council on December 7, 2021. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen, AICP
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6400

CC: Christopher Solberg, Deputy Community Development Director
Bruce Fountain, Community Development Director

Enclosure.

City of La Vista

Conditional Use Permit

Conditional Use Permit for Animal Specialty Services

This Conditional Use Permit issued this 7th day of December 2021, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Nebraska Dog Trainers, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a dog training and daytime boarding facility (animal specialty services facility) upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 243A Val Vista, located in the SE ¼ Section 16, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 10630 Chandler Road, STE 1.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a dog training and daytime boarding facility; 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 “B” hereto for a dog training and daytime boarding facility, said use hereinafter being referred to as “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. Breach of any terms hereof shall cause permit to automatically expire and terminate without any further action required of the City.
2. In respect to the Permitted Use:
 - a. The use shall be limited to the type of operation as described in the Owner’s Operational Statement (Exhibit “A”) and in the City staff report presented with the Council agenda item to consider this permit. Any proposed change in the Permitted Use or operational characteristics including, but not limited to, the hours of operation or additional or different activities or intensity of activities on the property, shall require such reviews, amendments to the Conditional Use Permit, and approvals as the Planning Department in its sole discretion determines necessary or appropriate.
 - b. A site plan showing the property boundaries of the tract of land, proposed structures, parking, access points, and drives is attached to the permit as Exhibit “B”.
 - c. Hours of operation for said animal specialty services facility will be Monday through Friday from 9:00 a.m. – 7:00 p.m., and Saturday and Sunday 9:00 a.m. – 5:00 p.m.
 - d. 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 other existing or future tenants or surrounding businesses, or negatively impacting traffic or traffic flows on, in or around the Property or streets. The locations

- of parking stalls allocated for Nebraska Dog Trainers are identified on the site plan attached as Exhibit "B". Additional off-street parking on 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 Chandler Road in connection with the Permitted Use shall be prohibited.
- e. Outdoor kennels and dog runs at this property shall be prohibited.
 - f. Overnight boarding of dogs shall be prohibited, in accordance with the Operating Statement attached as Exhibit "A".
 - g. The applicant shall instruct dog owners to keep dogs on leashes until they are inside the building. No dogs shall be allowed off leash in the parking or drive aisle areas.
 - h. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except appropriately screened trash receptacles and those approved in writing by the City.
 - i. 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.
 - j. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - k. Owner hereby indemnifies the City and all officials, officers, employees, and agents of the City ("Indemnified Parties") against, and holds the Indemnified Parties harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, or Owner's agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The Owner's right to maintain the use as approved pursuant to these provisions shall be based on the following:
 - a. An annual inspection to determine compliance with the conditions of approval; or more frequent inspection upon any complaint to the City. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval or this permit.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the Owner has fully complied with the terms of approval.
 - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at Owner's expense within twelve (12) months of cessation of the conditional use.
 4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof.
 5. In the event of the Owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the Owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the Owner or any third party to exercise said option) cause the same to be

removed at Owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

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

Miscellaneous

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

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

Contact Name and Address: Nebraska Dog Trainers, LLC
Attn: Lesley Thompson
10630 Chandler Road, STE 1
La Vista, NE 68128

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

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2021, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [____], personally known by me to be the Owner of Nebraska Dog Trainers, 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



Nebraska Dog Trainers

NEBRASKADOGTRAINERS.COM | 402.913.0251

Operating Statement

We are Nebraska Dog Trainers, and we offer private obedience training lessons for clients in our dog training facility. Dog owners bring their dogs to our facility and spend one on one time with a dog trainer. We never have more than one owner, the dog being trained and the trainer at a time during lessons. The sessions are 45 minutes long and facility is open for private lessons from 9 a.m. to 7 p.m. Monday through Friday and 9 a.m. to 5 p.m. on Saturdays and Sundays.

When the conditional use permit is approved, we intend to have 5 indoor kennels in order to provide day and train services. This would consist of owners dropping their dogs off in the morning and picking them up later on in the day, afternoon and up to the early evening hours, no later than 6 p.m. There will be no outside kennel or dog runs and no more than 5 dogs, day-boarding at any given time. This service will only be available Monday through Friday.

We have 7 employees, but there wouldn't be more than 2 employees at the facility at given time, unless we are having a meeting or employee training session. The training space is 1800 square ft. There are three designated parking spots in front of the facility for clients and three parking spaces in the back for employees, and there is ample parking for more if needed. Most dog waste is disposed of with a toilet inside the facility. We do have a few poop bags that will be kept in the Papillion Sanitation trash container inside the facility.

Nebraska Dog Trainers Site Plan

