

## **AGENDA ITEM 4F**

**Public Hearing for Conditional Use Permit - The Paw  
Spa Pet Resort - Empire Group LLC**



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2016-CUP-01

FOR HEARING OF: February 18, 2016

Report Prepared on February 4, 2016

**I. GENERAL INFORMATION**

- A. APPLICANT:** The Paw Spa Pet Resort
- B. PROPERTY OWNER:** Empire Group LLC
- C. LOCATION:** Southeast corner of Harrison Street and Gertrude Street
- D. LEGAL DESCRIPTION:** Lots 1 & 2, Harrison Heights
- E. REQUESTED ACTION(S):** Conditional Use Permit for Animal Specialty Services
- F. EXISTING ZONING AND LAND USE:**  
C-2 PUD, General Commercial, Planned Unit Development (Overlay District); vacant
- G. PROPOSED USES:** The Conditional Use Permit (CUP) will allow the applicant to operate an Animal Specialty Services use named "Paw Spa Pet Resort".
- H. SIZE OF SITE:** 1.72 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The lot is currently vacant. The topography of the property is relatively flat, with an upward slope on the south side.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Single Family Residential; R-1, Single-Family Residential (Ralston),
  - 2. **East:** Harrison Heights Apartments; R-3 PUD, High-Density Residential District, Planned Unit Development (Overlay District).
  - 3. **South:** Curious Child Montessori Preschool; C-2 PUD, General Commercial, Planned Unit Development (Overlay District)
  - 4. **West:** MUD Substation; R-1, Single-Family Residential District

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development District
3. Article 6 of the Zoning Regulations – CUP Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for commercial uses.

**B. OTHER PLANS: N/A**

**C. TRAFFIC AND ACCESS:**

1. There are two access points to the property. The first is a right-in/right-out access point with a right-turn deceleration lane along Harrison Street on the northern edge of the property. The second is an access drive off of Gertrude Street in the southwest corner. The original PUD was approved based on a strip retail commercial development that would typically create a higher traffic demand. The existing roadway design should be adequate for the anticipated traffic demand.

**D. UTILITIES:** All utilities are available to the site.

**E. PARKING REQUIREMENTS:** The use of Animal Specialty Services requires a minimum of one space per 300 square feet of gross floor area. Based on a proposed 11,900 square foot building, a total of 40 parking spaces would be required.

As per the submitted Final PUD Site Plan, 50 spaces will be provided with an additional 9 stalls proposed to be added based on demand.

The accessible parking stall requirement is met for the 50 spaces that will be initially constructed, however an additional accessible parking stall will need to be added if the additional stalls on the west side of the development are constructed. The Final PUD Site Plan should be adjusted accordingly prior to City Council approval.

**F. LANDSCAPING:** The landscaping plan has been reviewed as part of the design review process that is required for developments within the

Harrison Heights PUD. The resulting landscaping plan will be included in the Conditional Use Permit as an exhibit.

A draft landscaping plan has been submitted with the Final PUD Site Plan map set. This plan is still under review however review will be complete prior to City Council review of the Conditional Use Permit.

**IV. REVIEW COMMENTS:**

1. The revised site layout represents a change from two, multi-bay general commercial buildings (10,000 and 5,000 square feet) to a single building of 11,900 square feet with an outdoor dog run area for animal specialty services.
2. The proposed Final PUD Site Plan includes the consolidation of Lots 1 and 2 of Harrison Heights into a single lot. This will need to be conducted through an Administrative Plat.
3. The Harrison Heights PUD Ordinance requires all developments within the PUD to proceed through design review prior to building permit approval. Although the design review process is not complete, the design of the main building has been approved. The remaining aspects that need to be addressed through the design review process will need to be completed prior to City Council review of the CUP.
4. Dumpster screening needs to match existing screening for the dumpster currently on site, including bollards and internal bracing to protect the screening. The applicant has provided for these adjustments to the design of the dumpster screening.
5. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit "A") and this staff report.
6. In addition to the conditions typically listed within the City's Conditional Use Permits, conditions specific to this use included within the draft CUP include:
  - a. Licensing through the Nebraska Department of Agriculture is required. Failure to obtain and maintain a valid license will render this Conditional Use Permit null and void.
  - b. Hours of operation for said Permitted Use will generally be from 6:30am to 8:00pm Monday through Friday, from 8:00am to 5:00pm Saturday, and 10:00am to 4:00pm on Sunday. Pets are not outside prior to opening or after closing.
  - c. The applicant shall post signs instructing 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.
  - d. Outdoor clean-up of solid animal wastes shall be performed at least twice a day to keep the parking lot and landscaped areas clean and safe. Liquid wastes shall be controlled so as not to discharge from the site or from outside animal pens.



**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends **approval** of the Conditional Use Permit contingent on the finalization of the design review process prior to City Council approval as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. ATTACHMENTS TO REPORT:**

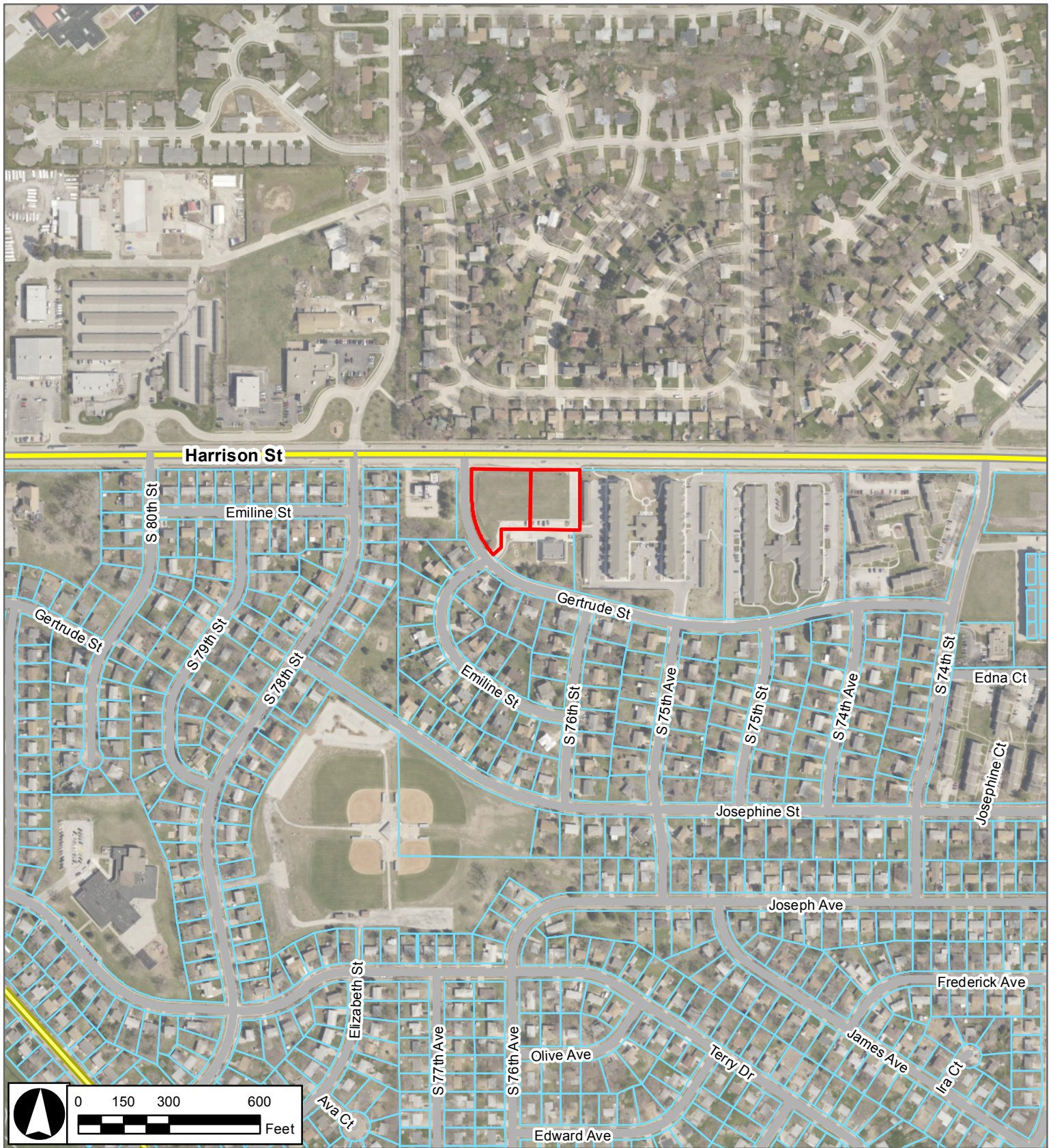
1. Vicinity Map
2. Operational Statement
3. Staff Review Letters
4. Draft Conditional Use Permit

**VII. COPIES OF REPORT TO:**

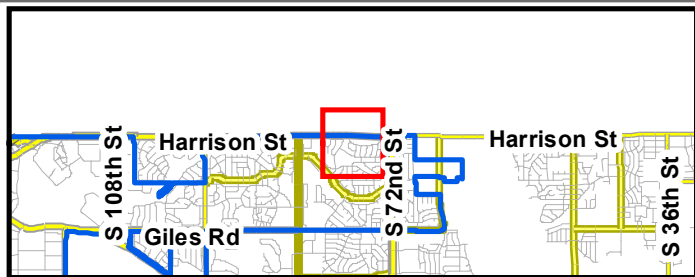
1. Mark Westergard, E & A Consulting Group, Inc.
2. Vic Pelster, Empire Group, LLC
3. Public Upon Request

  
Prepared by \_\_\_\_\_  
 2-10-16  
Community Development Director Date





**Project Vicinity Map**



## The Paw Spa Pet Resort CUP

02-18-2016  
CSB



## **Operational Statement**

We are proposing to build a second location in Sarpy County for The Paw Spa Pet Resort. Our first operation is located at 16912 Audrey Street (168<sup>th</sup> and Harrison), Omaha, NE.

Our business features dog day care, overnight boarding and grooming. Our current facility is 12,000 square feet with an additional outdoor play area of 6,000 square feet. Our proposed new facility is 11,900 square feet and 6800 square feet outside play.

Our hours of operation are Monday through Friday 6:30 am to 8 pm, Saturday 8 am to 5 pm and Sunday from 10 am to 4 pm.

Our pets are not outside prior to opening or after closing and are with a caregiver whenever they are outside in our play area. The pets would not be outside any other time except for their owners picking up and dropping off. The pet relief area is confined to our 8 foot tall enclosed 6800 square foot area to the side of our building

Currently, we employ 26 people at our resort full and part time and expect the same to be the case in this location. Only 8-10 are on staff at any given time.

We are inspected each year by the State of Nebraska for a boarding kennel permit. The State looks at cleanliness, kennel size, number of dogs that can be boarded and business practices in general. In the 3 years we have been open, we have 0 violations and have designed our kennel area well below the number of dogs we could house or allowed by law.

3 indoor play areas will complement our outside play.

The pets are outside 6-7 hours per day for relief and play purposes. We have designed our outside area by excavating 6 inches down, installing a gravel aggregate for drainage and Field Turf on top of this similar to what Memorial Stadium in Lincoln uses but the pet division of this company.

Urine, for the most part evaporates but does filter through our system, solid waste is picked up several times daily and disposed through extra thick bags and picked up by Papillion Sanitation twice weekly.

This system has been in place for several years and works very well. Additionally, our play area is sprinklered to further dilute and clean the surface as well as providing cooling during the hot weather for play.

Our pets enjoy a state of the art air handling system which circulates the air 4 times per hour, extra-large suites averaging 6' x 9', indoor swimming pool and a controlled temperature environment.

We have won numerous awards such as The Best of Omaha First place every year we have been open as well as First Place Sarpy County People's Choice Awards. Additionally, we have been written up in various publications such as The Midlands Business Journal and Omaha World Herald on our approach to pet care.

**Our parking needs revolve mostly around drop offs and pickups and our 8-10 employees parking during the working hours.**

**The outside play area would be approximately 7,000 square feet surrounded by 8 foot tall decorative block. This area is served by cameras for the customer to view their pet at play. We haven't experienced excessive barking as the play is controlled by our caregivers and this involvement keeps any noise to an acceptable level and is confined within this area. In our three years in operation at our Audrey Street location, we haven't received any noise complaints. Our fence at that location is vinyl, also 8 foot tall and we feel the material our new fence will consist of will even further minimize any noise.**

**We are immediate neighbors to a Runza restaurant to our East and a child daycare facility to the West.**

**The exterior of our building is immaculate with our green area sprinklered and landscaped. We require very little parking for a building our size.**

**We are closed on all major holidays.**

**Kevin Irish**





January 11, 2016

Mark Westergard  
E & A Consulting Group  
10909 Mill Valley Road  
Omaha, NE 68154

RE: Conditional Use Permit, PUD - Initial Review  
Lot 1, Harrison Heights Replat 1 – Paw Spa

Mr. Westergard,

We have reviewed the documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Conditional Use Permit (CUP) and the Planned Unit Development (PUD), the City has the following comments:

City Engineer

PUD

1. The revised site layout represents a change from two, multi-bay general commercial buildings (10,000 and 5,000 square feet) to a single building of 11,900 square feet with an outdoor dog run area for animal specialty services.
2. The proposed location of the Paw Spa Pet Resort building has several problems. The location does not provide the 25 feet setback to Harrison Street right-of-way, the building is proposed to be located in two existing storm sewer easements, and the building is proposed to lie within an existing water quality detention basin along Harrison Street per the plans for LAV2011022-181-P. Exhibit "C" illustrates the grading of a basin that conflict with the proposed building.
3. The Exhibit "B" drawing that shows a Storm Water Management area on Lot 3 is not correct.
4. Note 2 on Exhibit "B" is not correct and is unnecessary.
5. The legal description on Exhibit "B" needs to be corrected.
6. The parking count could likely be reduced since this is not a general commercial use. The applicant could identify the basis of what parking they need based on experience from their own facility. Alternatively, the Pet Health Services category in the City Zoning Regulations could be used that requires 1 stall per 300 square feet of GFA.

**City Hall**

8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**

8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**

8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**

8305 Park View Blvd.  
p: 402-339-9147

**Library**

9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**

7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**

9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**

8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299



CUP

1. The Operational Statement needs to identify what is done to address or control dogs that bark excessively. Also, it is assumed that dogs are not left overnight in the outside area, but this should be stated in the Operational Statement.
2. The Operational Statement needs to address how pet waste is collected, contained and how often it is removed from the site.
3. The location of the building will need to be revised as noted above to avoid negative impact on the existing drainage facilities.

Chief Building Official

Dumpster screening needs to match what is already in place.

Fire Marshall

No Comments

La Vista Police Department

No Comments

City Planner

PUD

1. Update the PUD site plan to strike all out-of-date aspects of the plan (tree removals, Note #2, previous Harrison Street curb line at deceleration lane).
2. Dumpster screening needs to match existing screening for the dumpster currently on site, including bollards to protect the screening.
3. Building setbacks are not dimensioned. Setbacks from Harrison Street and Gertrude Street are required at 25 feet as per the C-2 Zoning District.
4. Proposed site plan amendment removes the Center Identification sign from the northwest corner. Please confirm that this is the intention of the owner as the visibility of the commercial building to the south will be limited by the new building and the design of the new building makes signage options on the north side limited.

CUP

1. As a requirement of the existing PUD overlay. The facility is required to go through the City's design review process. Documents related to the design of the facility are to be included in the CUP as exhibits to the CUP. The City's third party Design Review Architect is currently reviewing the design and will provide a separate design review letter that will be forwarded when it is ready.

2. The Operational Statement needs to discuss the filtering of the air handling system to limit odor impacts upon neighboring properties.
3. The square footage of the building in the Operational Statement needs to match the square footage of the building on the PUD plan set.
4. Strike the words, "in Omaha, NE" from fourth paragraph of the Operational Statement as that is the city name assigned to the zip code, not the actual city that the existing facility is within. This may cause confusion.
5. A draft version of the Conditional Use Permit has been attached for your review.

In order for the PUD amendment and Conditional Use Permit to be considered for review at the February 18, 2016 Planning Commission meeting, revised documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by January 25, 2016 to ensure that the application stays on track for the review by Planning Commission.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Vic Pelster, Empire Group LLC  
Kevin Irish, The Paw Spa Pet Resort



January 29, 2016

Mark Westergard  
E & A Consulting Group  
10909 Mill Valley Road  
Omaha, NE 68154

RE: Administrative Plat – Second Review  
Lot 1, Harrison Heights Replat 1 – Paw Spa

Mr. Westergard,

We have reviewed the revised documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Conditional Use Permit (CUP) and the Planned Unit Development (PUD), the City has the following comments:

PUD

1. The Final PUD Site Plan needs to delineate the extent of the revisions to limit confusion between the proposed development and the existing development.
2. If the western parking apron will not be poured upon the initial development of the lot then this aspect needs to be marked within the Final PUD Site Plan, with an explanatory note.
3. If the western parking apron will not be poured upon the initial development of the lot, then clarification will need to be provided as to whether or not a second dumpster enclosure will be needed.
4. The dumpster enclosure near the southeast corner of the proposed building will likely cause site line issues for traffic. If a second enclosure is needed, please move it alongside the enclosure on the western side of the property.

CUP

1. As a requirement of the existing PUD overlay. The facility is required to go through the City's design review process. Documents related to the design of the facility are to be included in the CUP as exhibits to the CUP. The City's third party Design Review Architect is currently reviewing the design resubmittal and will provide a separate design review letter that will be forwarded when it is ready.

In order for the PUD amendment and Conditional Use Permit to be considered for review at the February 18, 2016 Planning Commission meeting, revised documents will need to be provided for the Planning Commission packets. Please submit 10 full-size

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

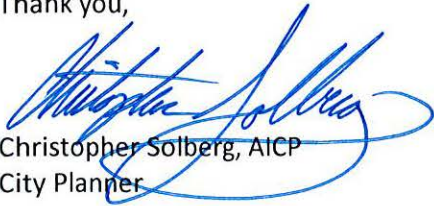
**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

and 4 ledger-size (11"x17") copies (along with electronic copies) of the revised PUD and CUP documents by February 10, 2016 to ensure that the application stays on track for the review by Planning Commission.

If the revised documents have been resubmitted on time, the application will be on the February Planning Commission agenda. The Planning Commission will meet at 7:00pm on February 18<sup>th</sup>. Please have someone in attendance with a presentation prepared for the Commission.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,

A handwritten signature in blue ink, appearing to read "Christopher Solberg", is written over the printed name and title.

Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Vic Pelster, Empire Group LLC  
Kevin Irish, The Paw Spa Pet Resort

January 18, 2016

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: The Pet Spa Pet Resort - Design Review #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the applicant's design review and submittal package dated January 4, 2016. For tracking purposes I have noted deficiencies in the submittal package, and where appropriate, the corresponding requirements outlined in the Harrison Heights PUD Guidelines.

**Concept Elevations:**

1. Sheet A2.1 Colored Elevations:
  - a. The drawing submitted appears to be in conformance with the PUD Guidelines and very similar in character to the buildings previously constructed.
  - b. The major exterior finish material samples submitted appear to also be in conformance. There were (4) Sherwin Williams paint samples included and noted as being used on "the masonry wall". There is one partial wall detail on A2.1 and what appears to be a plan representation on the PUD Plan, but it is not clearly noted. It was not clear where, or if, these paint colors are being used so I did not attempt to review or verify them.

**Civil/Site Drawings:**

1. Landscape Plan L1.1, Final PUD Plan, and Preliminary Post Construction Storm Water Management Plan:
  - a. The drawings submitted are not clear as to the work being executed as part of this project. The plans seem to be a reprint of project drawings already used previously. I see what appears to be the footprint of the proposed Pet Spa building (Replat 1) and a Dog Run identified, but cannot determine what parts of the site work are existing vs. new. The graphics and notes make no clear indication what should be reviewed so I did not attempt.
  - b. There are several clouded revisions noted as #1, but the revision block indicates REV #1 dated 4/29/2009. I see no drawing updates graphically noted as REV #4 which would be more current date of 1/04/2016.



- c. The guidelines specify a required Trash Screen design. The L1.1 Landscape Plan submitted includes a similar detail, but there is no clear indication of where, or if, this screen is proposed as part of this project.

**Miscellaneous:**

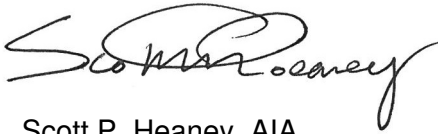
1. The Harrison Heights PUD guidelines also specifies required Exterior Pole Mounted luminaires, poles, and colors. None were clearly scheduled or noted on the drawings. No proposed product data sheets were received.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6317 direct  
sheaney@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.  
ARCHITECTS | ENGINEERS | PLANNERS

A handwritten signature in black ink, appearing to read "Scott P. Heaney". The signature is stylized with a large, looping "S" and a cursive "P".

Scott P. Heaney, AIA  
Architect, Associate

# **City of La Vista Conditional Use Permit**

## **Conditional Use Permit for Animal Specialty Services (Paw Spa Pet Resort)**

This Conditional Use Permit issued this \_\_\_\_ day of \_\_\_\_\_, 2016, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to The Paw Spa Pet Resort. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an Animal Specialty Service use upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Harrison Heights Replat 1, located in the NE ¼ Section 14, 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 facility for dog daycare, boarding, and pet grooming; 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. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit "A") and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
  - b. Licensing through the Nebraska Department of Agriculture is required. Failure to obtain and maintain a valid license will render this Conditional Use Permit null and void.
  - c. 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 B".
  - d. Architectural review of the building design, landscaping and lighting has been completed and the foregoing plans are approved as shown in Exhibits "B" through "F".
  - e. Hours of operation for said Permitted Use will generally be from 6:30am to 8:00pm Monday through Friday and from 8:00am to 5:00pm Saturday and 10:00am to 4:00pm on Sunday. Pets are not outside

- prior to opening or after closing.
- f. There will be approximately 18 full and part time employees for the Permitted Use.
  - g. The applicant shall post signs instructing 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. Outdoor clean-up of solid animal wastes shall be performed at least twice a day to keep the parking lot and landscaped areas clean and safe. Liquid wastes shall be controlled so as not to discharge from the site or from outside animal pens.
  - i. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
  - j. 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.
  - k. There shall not be any on-street parking permitted on Gertrude Street.
  - l. 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.
  - m. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance and the Harrison Heights PUD Plan shall be satisfied and maintained by the property owner.
  - n. 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.
  - o. 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.
  - p. 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.

- d. Breach of the Owner, Association or any Unit Owner of any other terms hereof and failure of the Owner, Association or any Unit Owner to promptly correct and cure such violation or breach to the satisfaction of the Building Official within thirty (30) days of City's giving written notice thereof.
5. If the permitted use is not commenced within one (1) year from **March 15, 2016**, 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:** Kevin Irish  
The Paw Spa Pet Resort  
16912 Audrey Street  
Omaha, NE 68136

**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. Buehe, 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: \_\_\_\_\_

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



STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

---

Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Notary Public

## **Operational Statement**

**We are proposing to build a second location in Sarpy County for The Paw Spa Pet Resort. Our first operation is located at 16912 Audrey Street (168<sup>th</sup> and Harrison), Omaha, NE.**

**Our business features dog day care, overnight boarding and grooming. Our current facility is 12,000 square feet with an additional outdoor play area of 6,000 square feet. Our proposed new facility is 11,900 square feet and 6800 square feet outside play.**

**Our hours of operation are Monday through Friday 6:30 am to 8 pm, Saturday 8 am to 5 pm and Sunday from 10 am to 4 pm.**

**Our pets are not outside prior to opening or after closing and are with a caregiver whenever they are outside in our play area. The pets would not be outside any other time except for their owners picking up and dropping off. The pet relief area is confined to our 8 foot tall enclosed 6800 square foot area to the side of our building**

**Currently, we employ 26 people at our resort full and part time and expect the same to be the case in this location. Only 8-10 are on staff at any given time.**

**We are inspected each year by the State of Nebraska for a boarding kennel permit. The State looks at cleanliness, kennel size, number of dogs that can be boarded and business practices in general. In the 3 years we have been open, we have 0 violations and have designed our kennel area well below the number of dogs we could house or allowed by law.**

**3 indoor play areas will complement our outside play.**

**The pets are outside 6-7 hours per day for relief and play purposes. We have designed our outside area by excavating 6 inches down, installing a gravel aggregate for drainage and Field Turf on top of this similar to what Memorial Stadium in Lincoln uses but the pet division of this company.**

**Urine, for the most part evaporates but does filter through our system, solid waste is picked up several times daily and disposed through extra thick bags and picked up by Papillion Sanitation twice weekly.**

**This system has been in place for several years and works very well. Additionally, our play area is sprinklered to further dilute and clean the surface as well as providing cooling during the hot weather for play.**

**Our pets enjoy a state of the art air handling system which circulates the air 4 times per hour, extra-large suites averaging 6' x 9', indoor swimming pool and a controlled temperature environment.**

**We have won numerous awards such as The Best of Omaha First place every year we have been open as well as First Place Sarpy County People's Choice Awards. Additionally, we have been written up in various publications such as The Midlands Business Journal and Omaha World Herald on our approach to pet care.**

**Our parking needs revolve mostly around drop offs and pickups and our 8-10 employees parking during the working hours.**

**The outside play area would be approximately 7,000 square feet surrounded by 8 foot tall decorative block. This area is served by cameras for the customer to view their pet at play. We haven't experienced excessive barking as the play is controlled by our caregivers and this involvement keeps any noise to an acceptable level and is confined within this area. In our three years in operation at our Audrey Street location, we haven't received any noise complaints. Our fence at that location is vinyl, also 8 foot tall and we feel the material our new fence will consist of will even further minimize any noise.**

**We are immediate neighbors to a Runza restaurant to our East and a child daycare facility to the West.**

**The exterior of our building is immaculate with our green area sprinklered and landscaped. We require very little parking for a building our size.**

**We are closed on all major holidays.**

**Kevin Irish**

PROJECT DENSITIES										
	BUILDING AREA (SF)	LOT AREA (AC)	IMPERVIOUS (AC)	PERVIOUS (AC)	PARKING (PER CODE)	ADA STALLS (PER CODE)	TOTAL PARKING REQUIRED	REGULAR PARKING	GARAGE PARKING	ADA STALLS
REPLAT 1 LOT 1	11,900	1.718	1.141	0.577	40	2	42	56	0	2
LOT 3	5,000	0.950	0.321	0.629	25	1	26	19	0	1
LOT 4	40,618	5.253	3.136	2.795	118	5	123	75	52	6
LOT 5	48,850	4.225	2.528	1.697	52	3	55	56	0	4
TOTAL	104,468	12.051	7.174	5.555	245	13	258	228	52	15
										295

LEGAL DESCRIPTION

LOTS 1 THRU 5 INCLUSIVE  
BEING A REPLAT OF LOTS 13 AND 14, CRESTVIEW HEIGHTS (2ND PLATTING), A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

OWNER

EMPIRE GROUP, LLC  
1941 S. 42ND STREET SUITE 550  
OMAHA, NE. 68105

ENGINEER

E & A CONSULTING GROUP  
10909 Mill Valley Road, Suite 100  
OMAHA, NEBRASKA 68154

DEVELOPER

EMPIRE GROUP, LLC  
1941 S. 42ND STREET SUITE 550  
OMAHA, NE. 68105

NOTES

- ZONING:
  - EXISTING ZONING: TA
  - PROPOSED ZONING: R3-PUD, LOTS 4 & 5  
C2-PUD, REPLAT 1 LOT 1 & LOT 3
- DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO HARRISON STREET EXCEPT FOR ONE RIGHT-IN, RIGHT-OUT ONLY DRIVE AT THE LOCATION OF THE CENTERLINE AS SHOWN IN REPLAT 1 LOT 1.
- A PERMANENT RECIPROCAL VEHICULAR INGRESS AND EGRESS, SIDEWALK AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 3 THRU 5 & REPLAT 1 LOT 1 INCLUSIVE AND TO THEIR GUESTS AND INVITEES OVER ALL OF THOSE DRIVES AND SIDEWALKS AS CONSTRUCTED IN SAID LOTS 3 THRU 5 & REPLAT 1 LOT 1 INCLUSIVE.
- A PERMANENT RECIPROCAL VEHICULAR PARKING EASEMENT IS GRANTED TO THE OWNERS OF REPLAT 1 LOT 1 & LOT 3 AND TO THEIR GUESTS AND INVITEES OVER ALL OF THOSE PARKING LOTS AS CONSTRUCTED IN SAID REPLAT 1 LOT 1 & LOT 3.
- COMMERCIAL USES FOR REPLAT 1 LOT 1 & LOT 3 SHALL BE COORDINATED TO ENSURE THE REQUIRED PARKING FOR EACH USE IS PROVIDED ON REPLAT 1 LOT 1 & LOT 3 AS DETERMINED BY THE CITY OF LA VISTA.

REQUIRED SETBACK LINE

- R3:
- FRONT YARD SETBACK.....30'
  - SIDE YARD SETBACK.....10'
  - REAR YARD SETBACK.....30'
- C2:
- FRONT YARD SETBACK.....25'
  - SIDE YARD SETBACK.....15'
  - REAR YARD SETBACK.....15'

PROJECT SITE

HARRISON STREET

84TH STREET

72ND STREET

VICINITY MAP

LEGEND:

SF INSTALL SILT FENCE

R R RIDGE LINE

X X PROPOSED FENCE

X X EXISTING FENCE

PROPERTY LINE

EXISTING CONTOURS

PROPOSED CONTOURS

POST CONSTRUCTION STORM WATER MANAGEMENT AREA

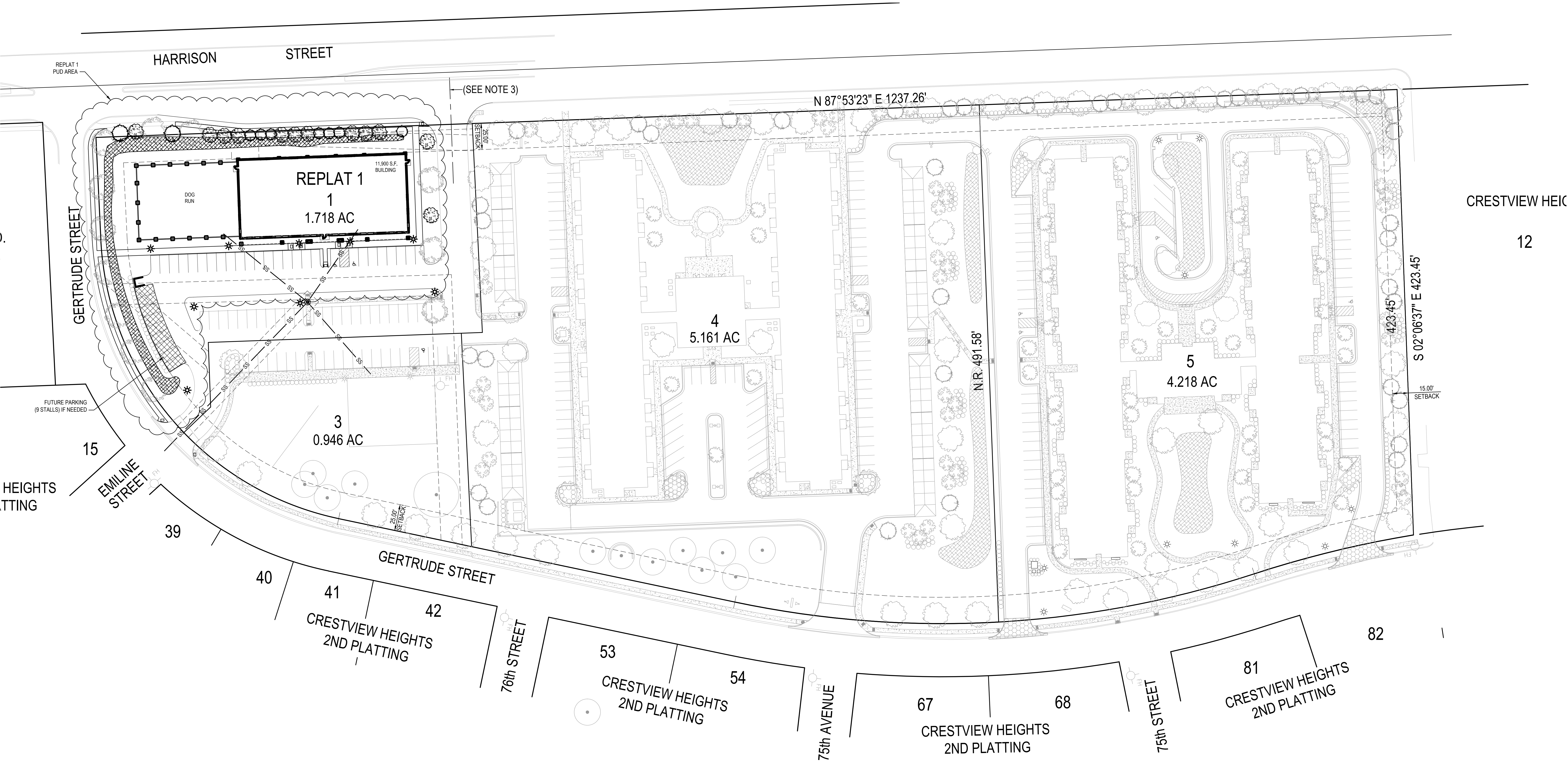
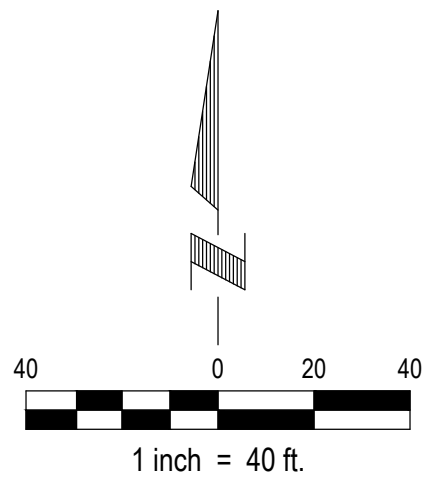
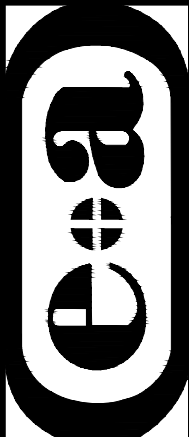


EXHIBIT "B"

E&A CONSULTING GROUP, INC.  
ENGINEERING • PLANNING • FIELD SERVICES



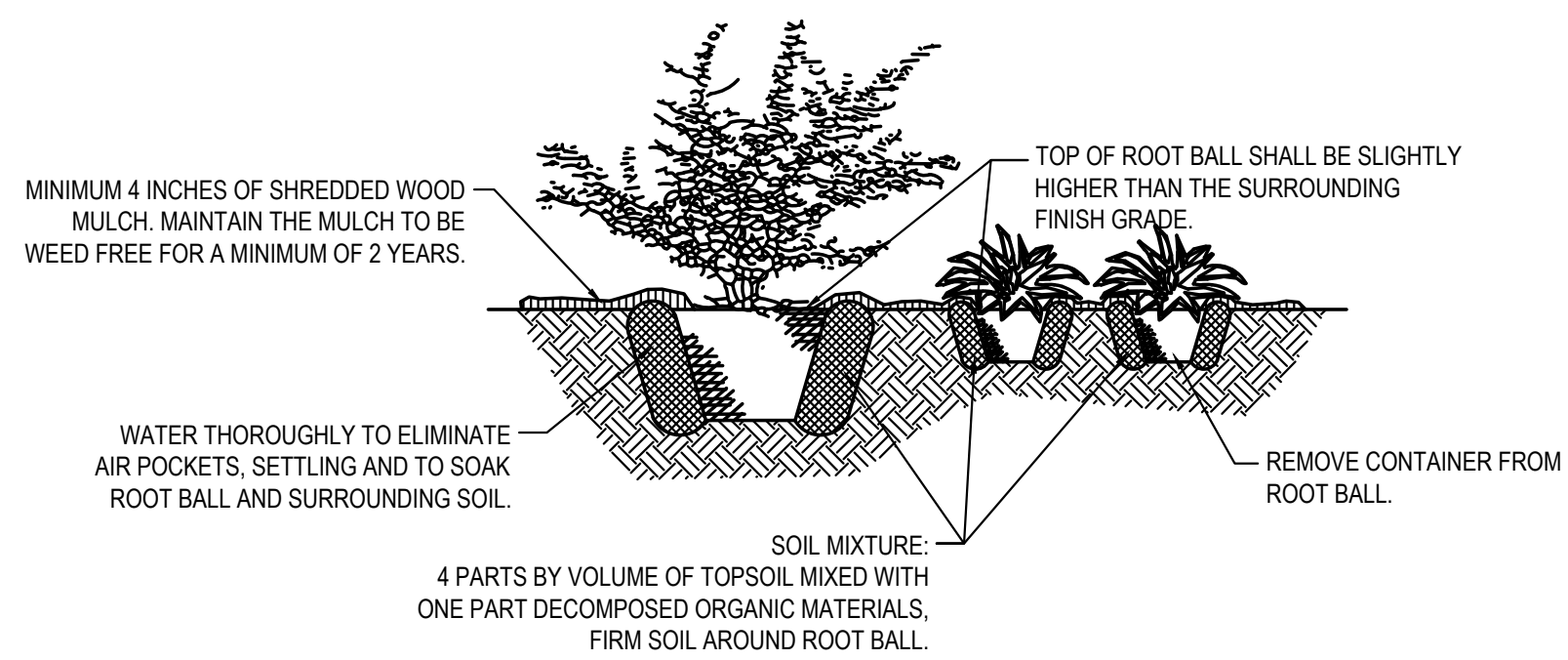
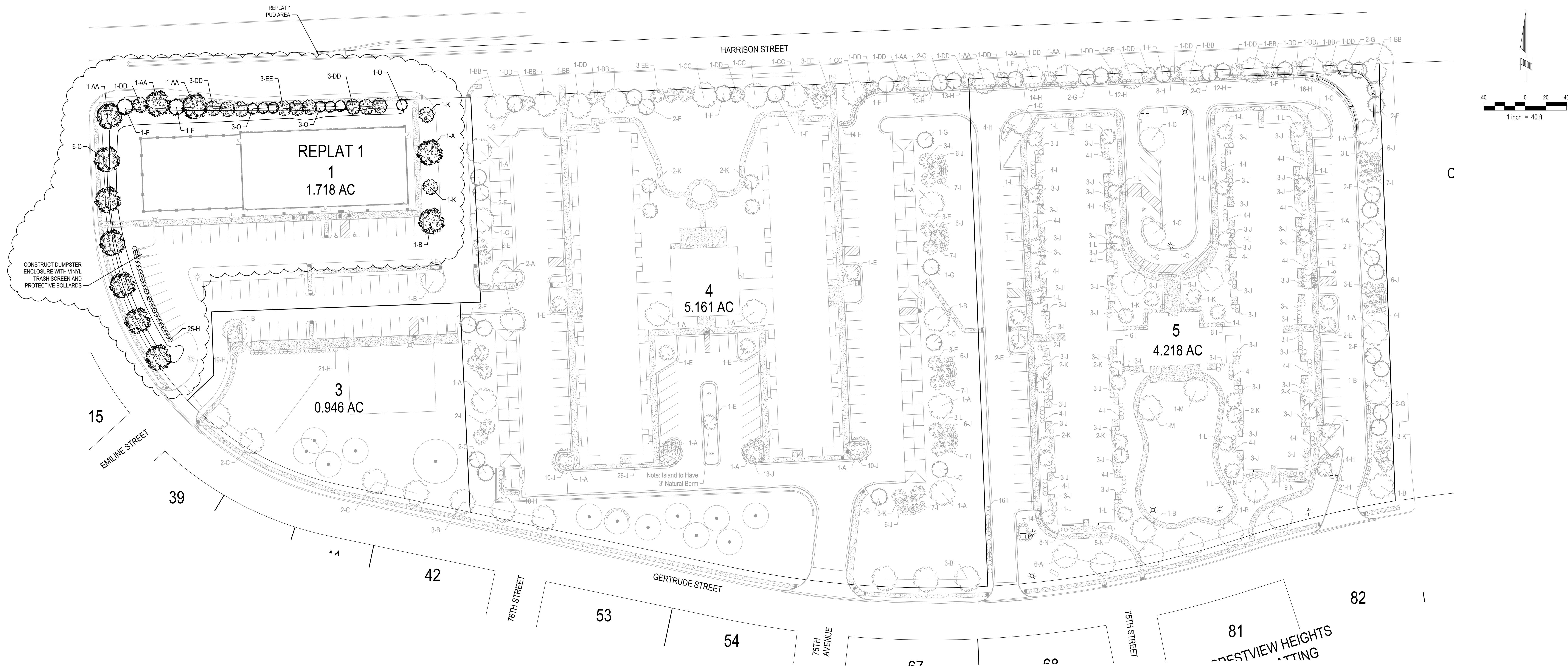
HARRISON HEIGHTS  
LA VISTA, NEBRASKA

FINAL PLANNED UNIT  
DEVELOPMENT

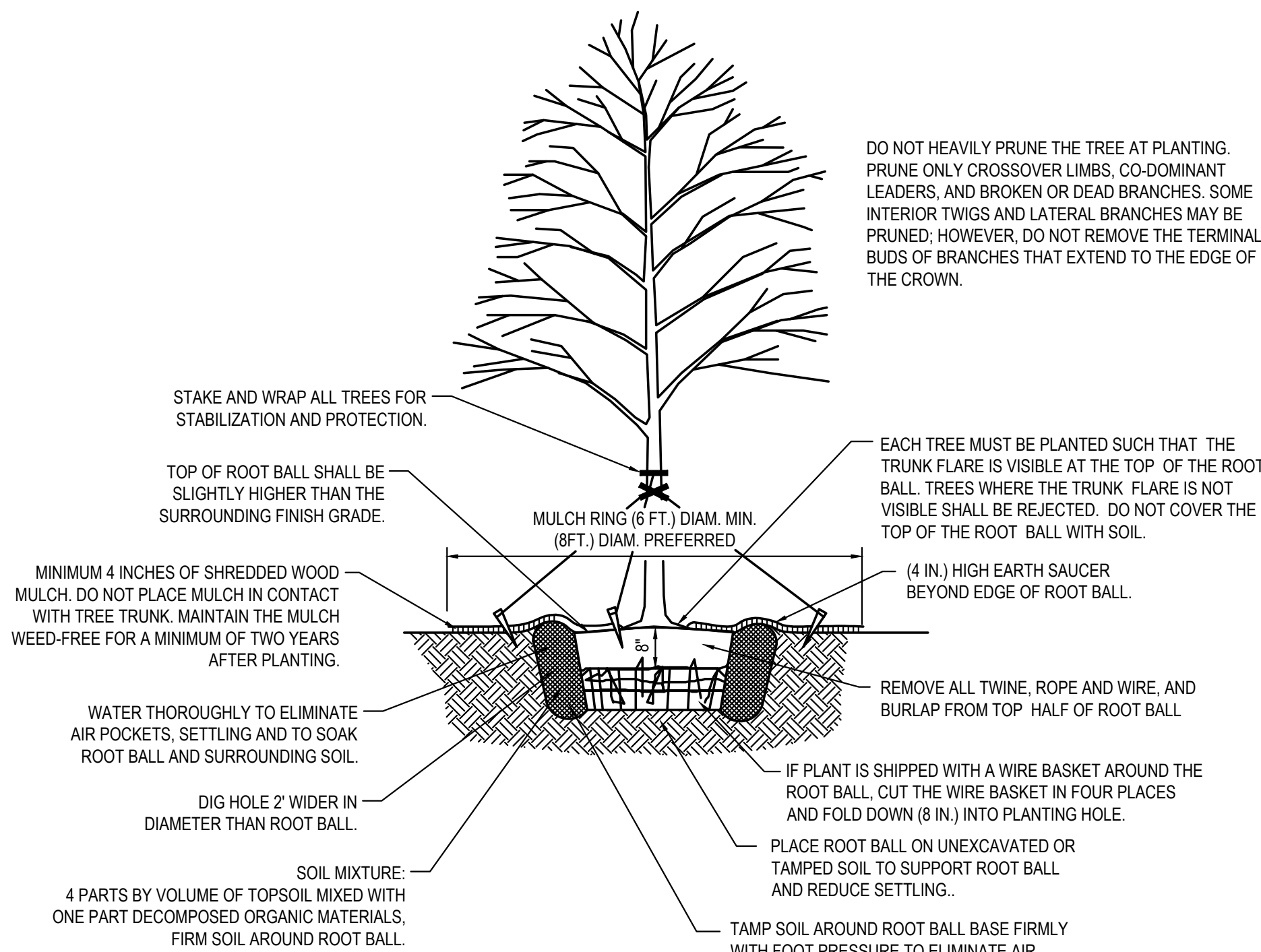
Proj No.	Date	Revised	Description
P2008.281.027	4/29/2009	1	LAYOUT CHANGE
		2	LAYOUT CHANGE
		3	CITY COMMENTS
		4	LAYOUT CHANGE
		5	CITY COMMENTS

Drawn By:	Checked By:	Sheet:
MES	BLW	1 OF 2





SHRUB & PERENNIAL PLANTING DETAIL  
NOT TO SCALE



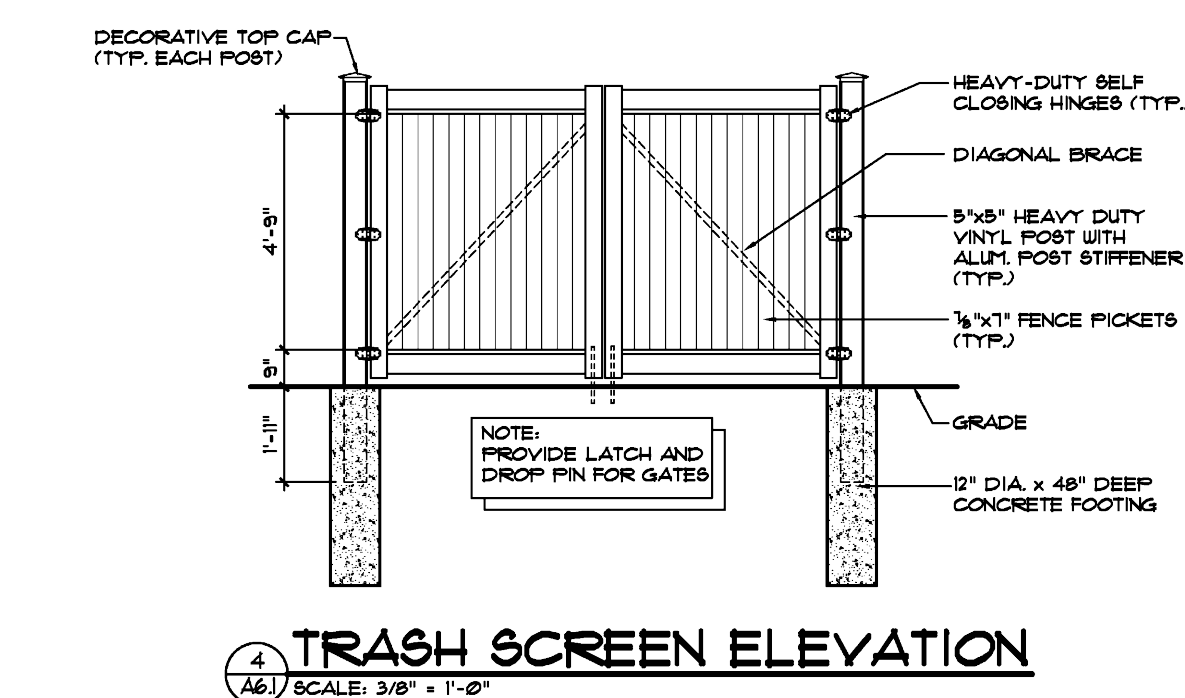
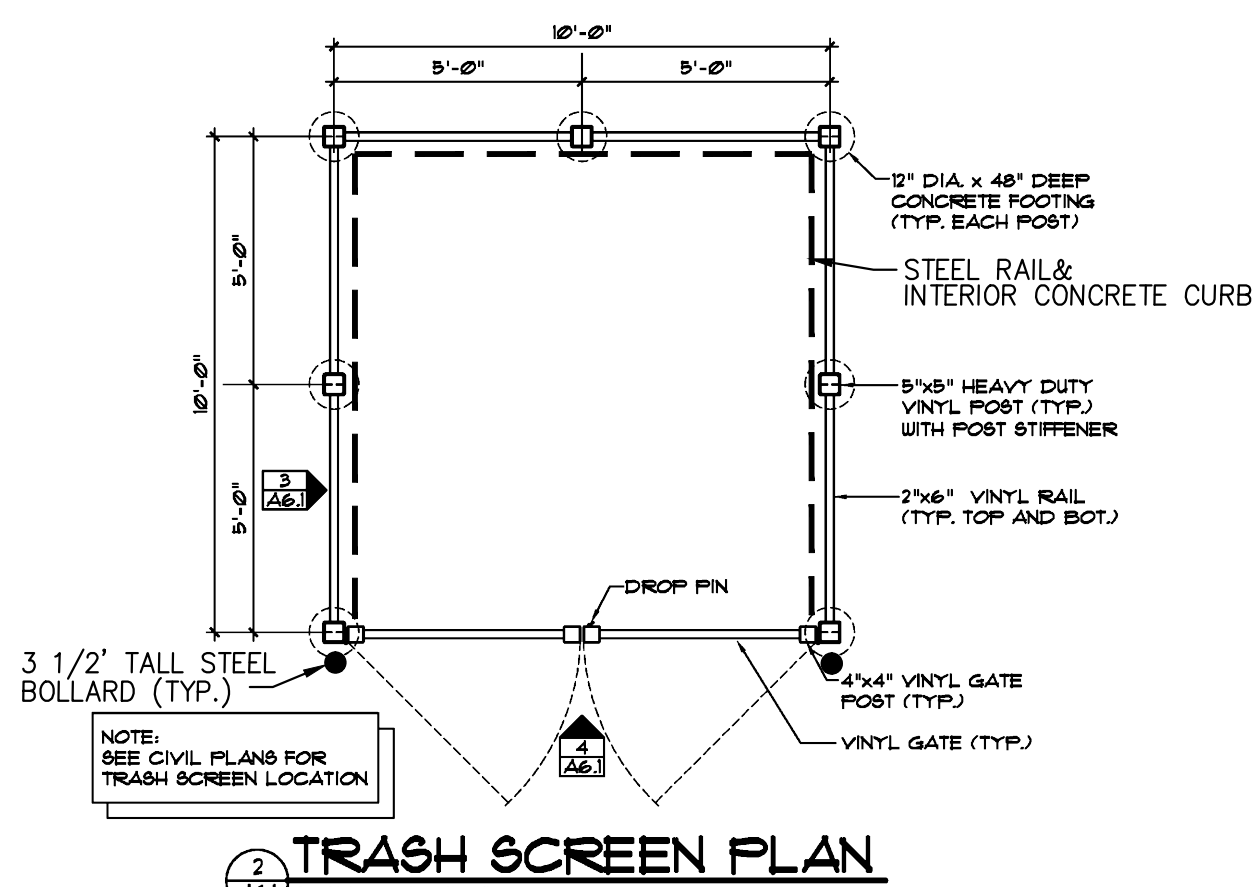
TREE PLANTING DETAIL - B & B TREE  
NOT TO SCALE

## PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
* A	23	Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry	1-1/2"	B&B
* AA	7	Celtis occidentalis 'Prairie Pride'	Prairie Pride Hackberry	4"	B&B
* B	14	Tilia x flauescens 'Glenleven'	Glenleven Littleleaf Linden	1-1/2"	B&B
* BB	9	Tilia x flauescens 'Glenleven'	Glenleven Littleleaf Linden	4"	B&B
* C	17	Quercus bicolor	Swamp White Oak	1-1/2"	B&B
* CC	4	Quercus bicolor	Swamp White Oak	4"	B&B
* DD	22	Amelanchier arborea	Downy Serviceberry (clump form)	4"	B&B
* E	23	Malus 'Prairie Fire'	Prairie Fire Crabapple	1-1/2"	B&B
* EE	5	Malus 'Prairie Fire'	Prairie Fire Crabapple	4"	B&B
* F	22	Pseudotsuga menziesii	Douglas Fir	6"	B&B
* G	18	Picea abies	Norway Spruce	6"	B&B
* H	194	Juniperus x media 'Old Gold'	Old Gold Juniper	3 Gal.	Cont.
* I	174	Juniperus chinensis 'Seagreen'	Seagreen Juniper	3 Gal.	Cont.
* J	276	Spirea japonica 'Magic Carpet'	Magic Carpet Spirea	3 Gal.	Cont.
* K	26	Malus 'Red Jade'	Red Jade Crabapple	1-1/2"	B&B
* L	33	Malus 'Spring Snow'	Spring Snow Crabapple	1-1/2"	B&B
* M	2	Betula nigra	River Birch (clump form)	1-1/2"	B&B
* N	34	Juniperus chinensis 'Spartan'	Spartan Juniper	7-8"	B&B
* O	7	Picea pungens 'Iseli fastigiata'	Columnar Blue Spruce	7-8"	B&B

\* Plant Variety per 5.17.06.02 Gateway Corridor District Overlay District

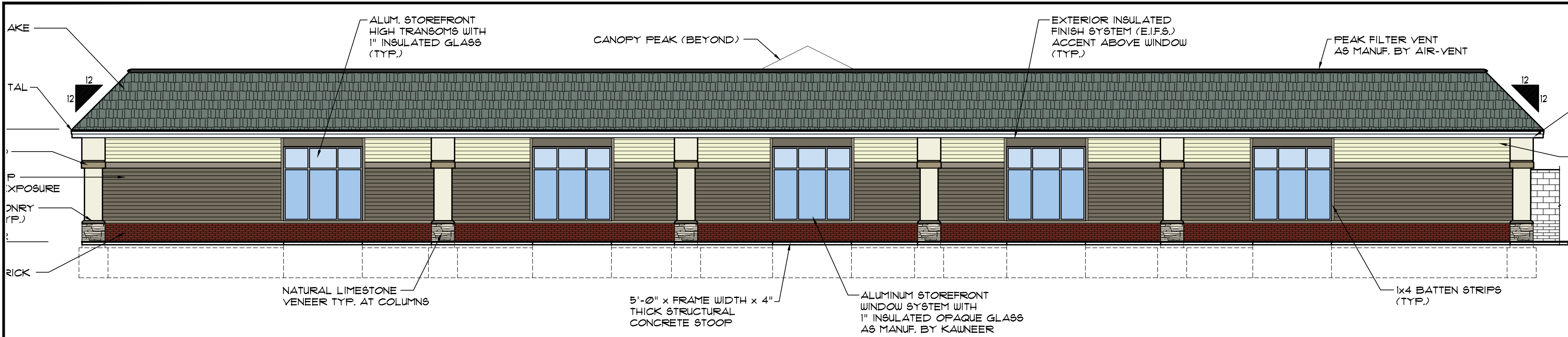
○ Existing Tree to Remain



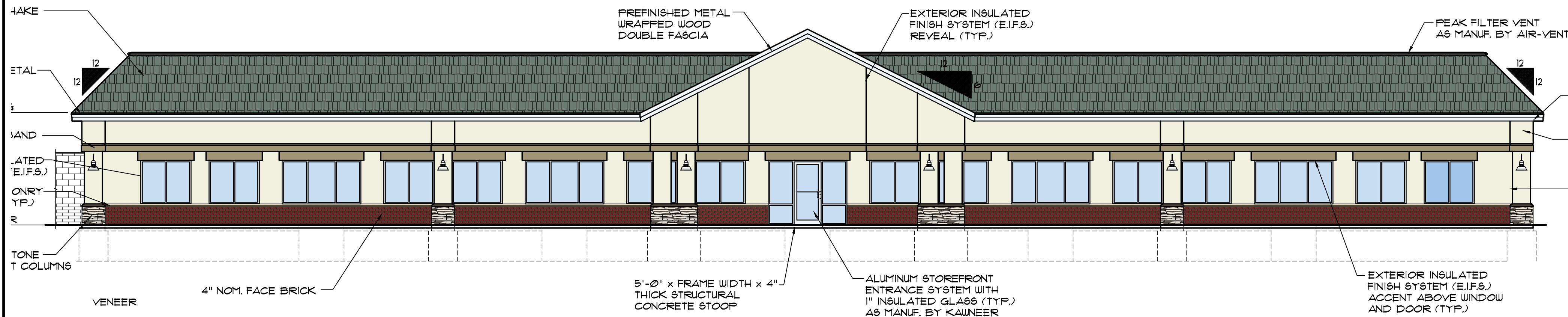
### LANDSCAPE NOTES:

1. Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
2. All plant material shall be of good quality and sizes shall meet required size specifications.
3. All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
4. All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
5. Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
6. The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
7. Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
8. All trees are to be staked for a period of not less than one year from time of planting.
9. Contractor to coordinate work with other amenities contractors.

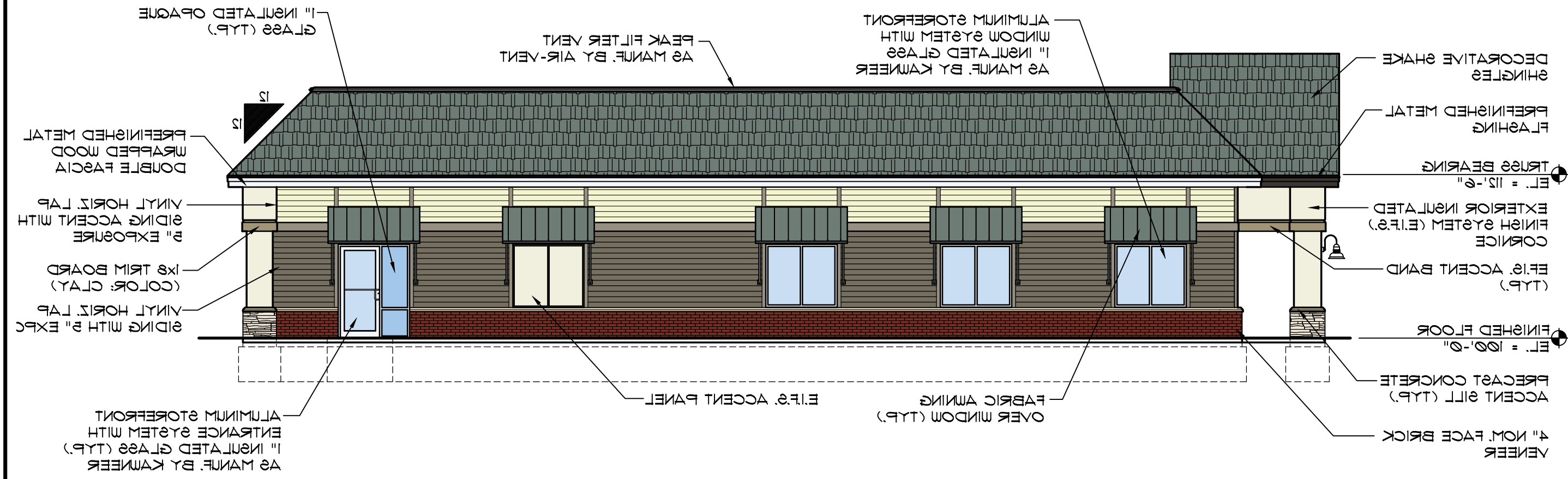




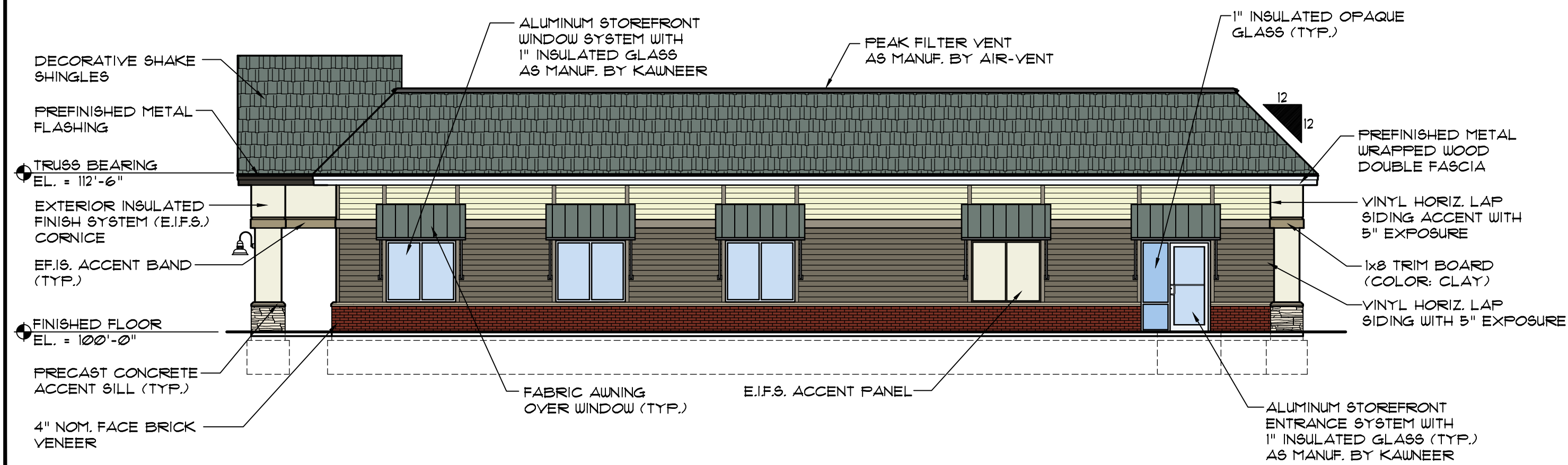
**NORTH BUILDING ELEVATION**  
SCALE: 1/8" = 1'-0"



**SOUTH BUILDING ELEVATION**  
SCALE: 1/8" = 1'-0"

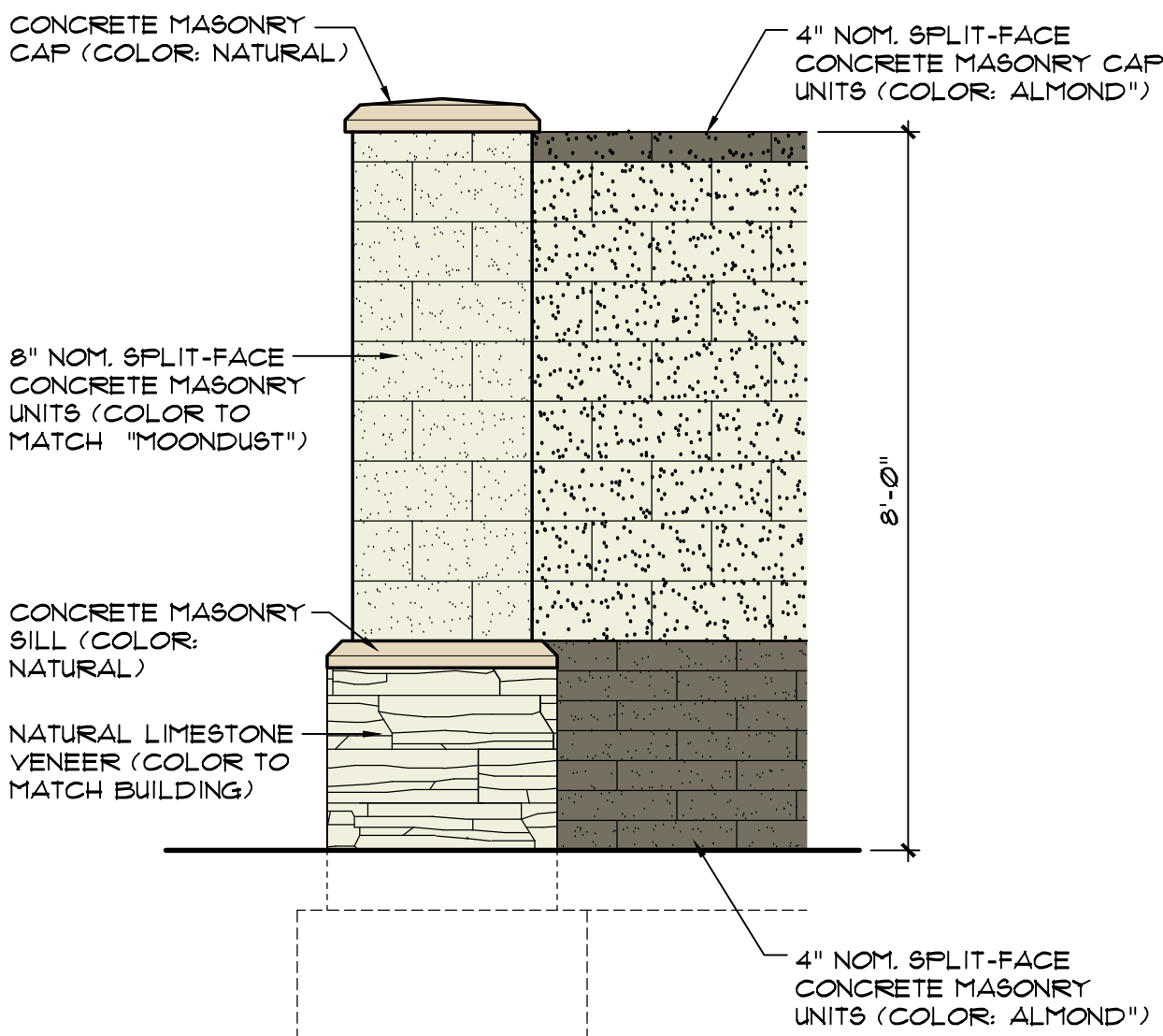


**WEST BUILDING ELEVATION**  
SCALE: 1/8" = 1'-0"



**EAST BUILDING ELEVATION**  
SCALE: 1/8" = 1'-0"

MATERIAL COLOR LEGEND		
MATERIAL	MANUFACTURER	COLOR
ROOF SHINGLES	GAF	WEATHERED WOOD
FASCIA TRIM	-	PREFINISHED METAL "BONE WHITE"
EXTERIOR FINISH SYSTEM	STO	CHAMPANGE
EXTERIOR FINISH SYSTEM ACCENT	STO	MOONDUST
BRICK VENEER	SIOUX CITY BRICK	SAVANNAH WELLINGTON
CONCRETE MASONRY SILL	ANCHOR BLOCK COMPANY	NATURAL
ALUMINUM WINDOW	ANDERSON	"WHITE"
ALUMINUM DOOR	KAWNEER	ANODIZED "WHITE"
HORIZ. VINYL LAP SIDING	GEORGIA PACIFIC "SHADOW RIDGE"	CLAY
HORIZ. VINYL LAP SIDING ACCENT	GEORGIA PACIFIC "SHADOW RIDGE"	ALMOND
FABRIC AWNING	-	CLAY



**DOG RUN FENCE ELEVATION**  
SCALE: 1/2" = 1'-0"

Exhibit D

© COPYRIGHT 2015  
THIS DRAWING AND ITS DESIGN ARE THE PROPERTY  
OF ROBERT W. ENGEL AND ASSOCIATES, ARCHITECTS  
AND IS NOT TO BE USED OR REPRODUCED WITHOUT  
THE PERMISSION OF ROBERT W. ENGEL AND  
ASSOCIATES, ARCHITECTS

HARRISON HEIGHTS  
LOT 1  
75th AND HARRISON STREET  
LA VISTA, NEBRASKA

**ROBERT W. ENGEL AND  
ASSOCIATES, ARCHITECTS**  
2110 South 156th Circle  
Omaha, NE 68130-2503  
(402) 330-8287 Fax: (402) 330-8331  
email: RWEArchitects@RWEArchitects.com

Project Number: 3415	Issue Date: December 1, 2015		Revisions	
	Drawn by: RGA	No.	Date	Description
	Checked by: RWE	No.	Date	
	Sheet Name: EXTERIOR BUILDING ELEVATIONS	No.	Date	

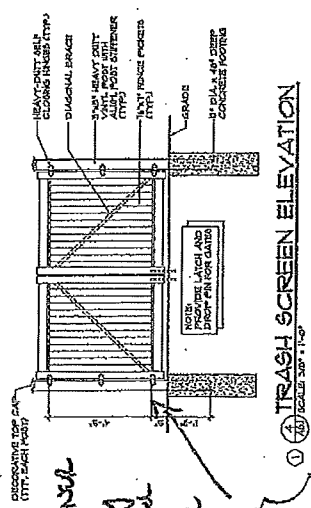
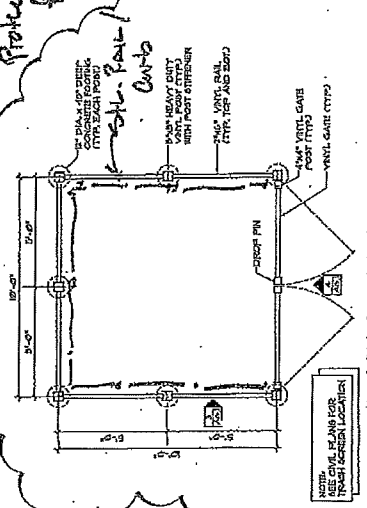
A2.1

[illegible]

# Exhibit E

# Exhibit F

• Vinyl fencing is acceptable for the exterior finish of enclosure. However, some concerns needs to address "shop for the dumpster @ the interior to protect the fence, steel bumper, concrete curb, other. Vinyl will not survive running with a Dumpster.



STEEL CORNER Posts may be provided to improve durability

## REVISION SUMMARY

REVISION DATE	DESCRIPTION
① October 5, 2009	ADDED TRASH ENCLOSURE DETAIL, ADDED LOCATION OF EXISTING TREES TO REMAIN

ASTACALM EAST #2