

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
SEPTEMBER 20, 2011 AGENDA**

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — FAMILY CHILDCARE HOME II LOT 226, VAL VERDE	◆ 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 to operate a Family Childcare Home II on Lot 226, Val Verde, located at 8824 S. 100th Street.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled for Council to consider an application submitted by Jackie Krebs for a conditional use permit to operate a Family Childcare Home II as a home occupation on Lot 226, Val Verde, located at 8824 S. 100th Street.

Staff has reviewed the application for the conditional use permit and has the following comments:

1. The day care will mainly utilize approximately 1000 square feet in the basement.
2. The hours of operation will generally be from 6:00 a.m. to 6:00 p.m. Monday through Friday.
3. There may be up to two employees in addition to the property owner.
4. The employee and client parking will consist of the owner's driveway.
5. The operation may serve twelve or fewer children at any one time.

A detailed staff report is attached.

The Planning Commission held a public hearing on August 18, 2011 and voted unanimously to recommend approval of the Conditional Use Permit.



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2011-CUP-04

FOR HEARING OF: September 20, 2011

Report Prepared on: September 14, 2011

I. GENERAL INFORMATION

- A. APPLICANT:** Jackie K. Krebs
- B. PROPERTY OWNER:** Jackie K. Krebs
- C. LOCATION:** 8824 S. 100th Street
- D. LEGAL DESCRIPTION:** Lot 226, Val Verde, a Subdivision of Sarpy County, Nebraska.
- E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit to allow a Family Childcare Home II Occupation.
- F. EXISTING ZONING AND LAND USE:** R-2, Two-Family Residential
- G. PURPOSE OF REQUEST:** The owner is requesting to locate and operate a home occupation (Family Childcare Home II) not exceeding twelve (12) children.
- H. SIZE OF SITE:** The size of the single-family lot is 0.203 acres. The proposed use will primarily be conducted in the 1,000 square foot basement of the single family residence.

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Ranch style house, with a walkout basement, constructed on a Two-Family Residential lot in the Val Verde subdivision. Lot slopes to the rear of the property, allowing for a walkout basement.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. North:** R-2, Two-Family Residential
 - 2. East:** R-2, Two-Family Residential
 - 3. South:** T-A, Transitional Agriculture
 - 4. West:** R-2, Two-Family Residential
- C. RELEVANT CASE HISTORY:** N/A

D. APPLICABLE REGULATIONS:

1. Section 5.07, Zoning Ordinance, regarding R-2 Zoning District
2. Section 6.01, Zoning Ordinance, Conditional Use Permits
3. Section 7.10, Zoning Ordinance, regarding Home Occupations

III. ANALYSIS

A. COMPREHENSIVE PLAN: N/A

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Ingress/egress to the subdivision is through S 101st Street or Centennial Road., utilizing S. 100th Street to access the property. Traffic impact is minimal. Parking for the use is required to be on the driveway which can accommodate up to four vehicles at a time.

D. UTILITIES: All utilities are available on the site.

IV. REVIEW COMMENTS:

1. Permitted use will utilize approximately 1000 square feet in the basement.
2. Hours of operation will generally be from 6:00 a.m. to 6:00 p.m. Monday through Friday.
3. There are up to two employees in addition to the property owner.
4. Employee and Client parking will consist of owner's driveway.
5. Operation serves twelve (12) or fewer children at any one time.

V. PLANNING COMMISSION RECOMMENDATION:

During their August 18, 2011 meeting, the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit.

VI. RECOMMENDATION TO CITY COUNCIL:

Staff recommends approval of the Conditional Use Permit to allow a Family Childcare Home II Occupation as it conforms with the City of La Vista Zoning Ordinances.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Draft Conditional Use Permit
3. Exhibit A – Floor Plan

VIII. COPIES OF REPORT SENT TO:

1. Jackie K. Krebs, Applicant/Owner
2. Public Upon Request

Prepared by: 

Community Development Director

Date

9/15/11

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 II TO OPERATE A FAMILY CHILDCARE HOME AT 8824 SOUTH 100TH STREET ON LOT 226, VAL VERDE, LA VISTA NEBRASKA.

WHEREAS, Jackie Krebs the property owner has applied for a conditional use permit for a home occupation II to operate a family childcare on Lot 226, Val Verde, 8824 South 100th Street; 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. Permitted use will utilize approximately 1000 s.f. in the basement.
2. Hours of operation will generally be from 6:00 a.m. to 6:00 p.m. Monday through Friday.
3. There are up to two employees in addition to the property owner.
4. Employee and Client parking will consist of the owner's driveway.
5. Operation serves twelve (12) or fewer children at any one time.

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 Jackie Krebs to operate a Family Childcare home II occupation on Lot 226 in Val Verde, 8824 South 100th Street, subject to the conditions listed in the last recital above.

PASSED AND APPROVED THIS 20TH DAY OF SEPTEMBER 2011.

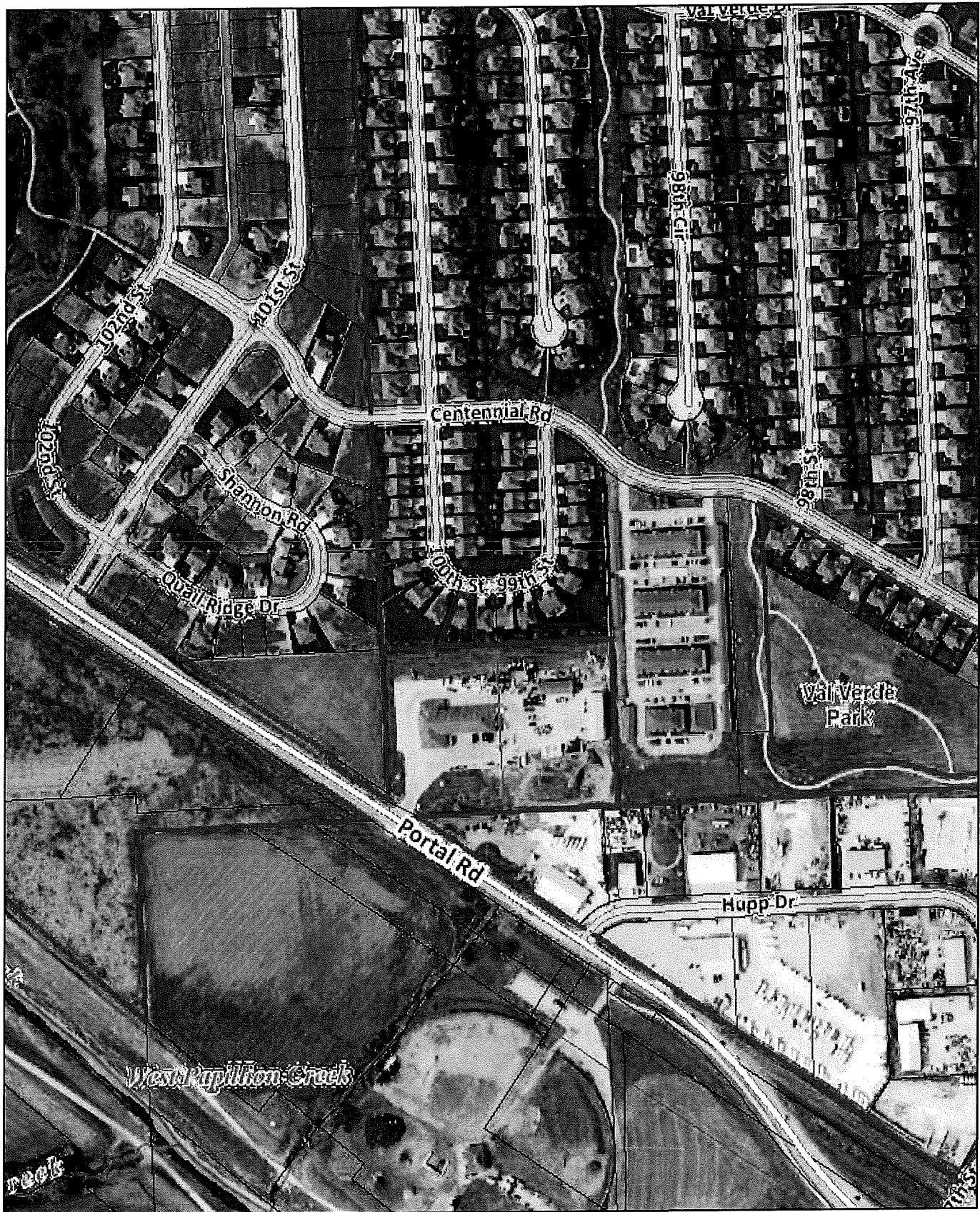
CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

Sarpy County, Nebraska



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

Map Scale
1 inch = 340 feet

8/12/2011

City of La Vista Conditional Use Permit

Conditional Use Permit for Home Occupation (Family Childcare Home II)

This Conditional Use Permit issued this ____ day of ____, 2011, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Jackie K. Krebs ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (Family Childcare Home II) in a single-family dwelling at 8824 S. 100th Street upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 226, Val Verde, a Subdivision of Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (Family Childcare Home II); and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area of the property described herein for a home occupation (Family Childcare Home II), said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. Permitted use will primarily utilize approximately 1000 square feet in the basement.
 - b. Hours of operation will generally be from 6:00 a.m. to 6:00 p.m. Monday through Friday.
 - c. There are two part-time employees in addition to the property owner.
 - d. Operation serves twelve (12) or fewer children at any one time.
 - e. Fires escapes shall be properly designated.
 - f. Client parking will consist of owner's driveway.
 - g. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - h. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his/her agents,

employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
 - a. An annual renewal of a home occupation license and annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as a permitted use hereunder upon the first of the following to occur:
 - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof and his/her failure to correct such breach within ten (10) days of City's giving notice thereof.
5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
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/her successors and assigns.

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

Contact Name and Address: Jackie K. Krebs
8824 S. 100th Street
La Vista, NE 68128

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

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: owner/operator

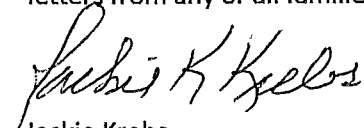
Date: _____

6-20-11

Jackie's Daycare – Daily events at daycare

8824 South 100th Street- Hours 6:30am to 5:30pm Mon. thru Fri.

Kids are dropped off at different times in the morning, starting at 6:30am. We go to the lower level of the house for most of the day when the kids are awake. I serve a breakfast, morning snack, lunch and afternoon snacks daily. We read books, color pictures and play throughout the day. The back yard is fenced and has a large play area and lots of outside toys for the kids. The kids take a morning nap from 9 till 11a.m. then we have lunch at 11a.m. till 11:30a.m., once we are done with lunch the kids play for a couple of hours and we start laying them down for afternoon naps. The older kids only take afternoon naps. They play in the morning and sometimes will watch a movie while the little ones are resting. The afternoon naps are usually from 1 till 3 p.m. Once they start waking up we change all diapers let them have their afternoon snack then start putting on the sun screen, shoes and let them go out to play in the back yard. Kids start getting picked up at 3:30 till 5:30p.m. When parents drop off and pick up they park in the driveway and sometimes in front of the house on the far side of the street where parking is permitted. When the kids are sleeping they are in pack n plays that the parents provide and are in one of the four bedrooms in the house. There are three restrooms in the house but we only use the main restroom upstairs and the one downstairs for the kids that are potty trained. We have a total of twelve kids and I have one or two helpers during the week. During the school year my 21 year old daughter Christina Soto and her friend - Eleni Sakis help me out. Right now my daughter in law Maureen Soto and myself- Jackie Krebs are running the daycare. I have already had the state come out and issue a license for the daycare and the state fire marshal has been thru the house and approved for business. Thanks for taking the time to review my application for a permit to do daycare out of my home. If you'd like letters from any or all families that I care for I'd be happy to get them for you.


Jackie Krebs

8824 South 100th Street

La Vista, NE. 68128

402-933-5122 or 402-515-5124 cell

MAIN FLOOR

8824 S 100th St.



LAVISTA City OFFICE

