

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION: SPECIAL USE PERMIT FOR JOHN R. AND SHIRLEY A. MCVICKER**

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2007), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, the County Board of Commissioners has the authority to adopt a Zoning Regulation, which shall have the force and effect of law pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007); and,

WHEREAS, said Zoning Regulations require the County Board of Commissioners to approve Special Use Permits; and

WHEREAS, Rebecca Horner, Planning Director has reviewed the Home Occupation of a Daycare Special Use Permit application, for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations on the property generally located at 196<sup>th</sup> and Chandler Street and legally described as follows:

Lot 150, Bellbrook, in Sec. 18, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County,  
Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

- I. A public hearing regarding the Special Use Permit Application was held before the Sarpy County Planning Commission on June 17, 2009 and further, the Planning Commission gave their recommendation.

- II. A public hearing regarding the Special Use Permit Application was held by this Board.
- III. Notice of each of the Public Hearings described above was published at least once in the ten (10) day period immediately prior to each respective public hearing as required by Neb. Rev. Stat. §23-164 (Reissue 1997), and the proof of publication has been filed in the Office of the Sarpy County Clerk.
- IV. The Planning Director has made a recommendation as noted in the attached Exhibit “A”, which Exhibit “A” includes the Planning Director report.
- V. The Special Use Permit Application is in compliance with the Comprehensive Development Plan.

FURTHER BE IT RESOLVED THAT this Board in light of the above recited findings of fact, after due deliberation and consideration, approves the Special Use Permit for a Home Occupation of a Daycare on the above described property.

Dated this 25<sup>th</sup> day of August, 2009.

Moved by Tom Richards seconded by Rich Oansen, that  
the above Resolution be adopted. Carried.

YEAS:

NAYS:

ABSENT:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

None

None

ABSTAIN:

None

Approved as to form:

[Signature]  
County Attorney

[Signature]  
County Clerk



Sarpy County Board of Commissioners Report  
Date of Meeting: August 25, 2009  
Staff report prepared August 19, 2009

Exhibit A

Subject	Type	By
Special Use Permit for an in-home daycare, 19622 Chandler Street, located on the following described property to wit: Lot 150, Bellbrook, in Sec. 18, Twp 14N, Rng 11E of the 6 <sup>th</sup> P.M., Sarpy County, Nebraska. (196 <sup>th</sup> & Chandler)	Resolution and public hearing	Rebecca Horner, Planning Director

This is a request to approve a special use permit for an in-home daycare for a maximum of 6 children.

Comprehensive Plan

- o The Comprehensive Plan shows the area as Urban Residential. (Figure 5.1)
- o "A civic heart of the neighborhood, including a neighborhood park of at least ten acres and a potential school site. Diagrammatically, the civic heart is located as close to the center of the neighborhood as possible, although topography, development design and land availability may cause its location to vary". (Page 79)

Zoning Regulations

- o Designated Drop-Off Area & Parking Provided: The front of the house has approximately 1,700 square feet of area for parking, in addition to attached garage stalls. This will allow for at least five cars parked tandem style.
- o Staff: Mr. and Mrs. McVicker, both of whom live at residence are the only staff.
- o Number of Kids: The applicant requests to allow six children at the daycare.
- o Outside Play area: There is a backyard for a play area that is not fenced. A subdivision park is located within walking.
- o State License: The applicant provided the approved state license to allow child care for 12 children at the residence.
- o The applicant's request is six children; however the state license indicates twelve. Staff analysis is based on occupancy of six children.
- o The proposed use appears to be compatible with adjacent uses due to the limited number of children and available off-street loading/unloading area.

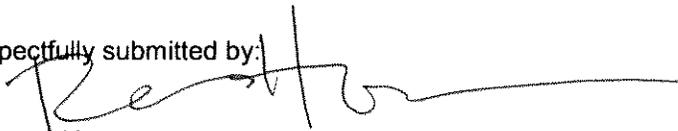
Planning Commission Action

- o The Planning Commission voted unanimously (8-0) to recommend approval of the Special Use Permit, on June 17, 2009.

Recommendation

- o For the above stated reasons, I recommend approval to the special use permit due to satisfaction of staff conditions and compatibility with the Comprehensive Development Plan.

Respectfully submitted by:



Rebecca Horner  
Planning Director