

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

**RESOLUTION: SPECIAL USE PERMIT**  
**FOR JERRY AND KIM LARSEN; HAPPY TAILS**

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 Jerry and Kim Larsen's Special Use Permit application for a private kennel for compliance with the Sarpy County Comprehensive Plan and the Sarpy County Zoning Regulations located at 8815 S. 180<sup>th</sup> Street; generally, 180<sup>th</sup> Street, south of Giles Road and legally described as follows:

Lot 1, POCO'S PRAIRIE in the NW1/4 of Section 21, T14N, R11E of 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 March 17, 2010, 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 2007), 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, the Site Plan and an aerial view of the subject property.
- 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 the private kennel, on the above described property.

Dated this 13<sup>th</sup> day of April, 2010.

Moved by Rich Jansen seconded by Rusty Hike, that

**the above Resolution be DENIED. Carried.**

YEAS:

NAYS:

ABSENT:

Rusty Hike  
Rich Jansen  
Tom Jones  
Tom Richard  
Patrick J. Thomas

none

none

ABSTAIN:

none



[Signature]  
County Clerk

Approved as to form:

[Signature]  
County Attorney

Sarpy County Board of Commissioners Report  
 County Board Date: April 13, 2010  
 Report prepared 04-06-2010

Subject	Type	By
Request a Special Use Permit for a home occupation to operate a kennel on Lot 1, Poco's Prairie in the NW1/4 of Section 21, T14N, R11E of Sarpy County, Nebraska.	Resolution and public hearing	Rebecca Horner, AICP Planning Director.

- History
  - The applicant requested a Special Use Permit for the same use in 2000 and 2003 which was denied by the County Board due to the urban residential future land use.
  - The Sarpy County Planning Department received a complaint in August 2009 that a kennel was operating without proper Sarpy County approval, an investigation was performed and the applicant was notified of a violation. The applicant had a meeting with staff and submitted a request for a Special Use Permit for a Kennel as part of a home occupation.
- Request
  - The applicant requests to obtain a special use permit to allow an existing kennel to become compliant with the Sarpy County regulations.
    - Operation Characteristics:
      - Hours: 7:00am to 10:00pm, some dogs are boarded overnight.
      - A maximum of 10 dogs inside the residential structure, some overnight.
      - The dogs are let outside approximately 5 times between the primary operating hours of 7am and 10pm.
      - The facility has an existing state license.
      - Dogs are received for drop off beginning at 7:00am. Some dogs are picked up by the facility.
      - Currently have no employees but would like to employ 2-3 persons in the future. (any expansion, including addition of employees requires an amendment to the special use permit)
      - A residential floor plan of the kennel areas is attached.
      - Photos of the property and kennel areas are attached.
  - The RE1, Residential Estates district may allow the kennel as part of a home occupation as a permitted special use. The applicants reside on the property.
  - A site plan showing the outdoor areas, including fencing needs to be provided
  - The Nebraska Humane Society performed a courtesy review of the property. Their comments are attached and they have no objection to the kennel request. No care violations have been reported on the property.
  - The Department of Agriculture issued a license to the facility and performed an inspection of the property which showed no violations.
  - There is an existing acreage approximately 200 feet to the north of the proposed kennel. A residence appears to be associated with the southern agricultural use and is approximately ¼ mile from the proposed kennel.
  - The primary impacts of the use appear to be noise from dogs when they are outdoor, containment of the animals when they are outdoor, and slightly increased traffic to the property for drop off, pick-up and delivery of dogs.

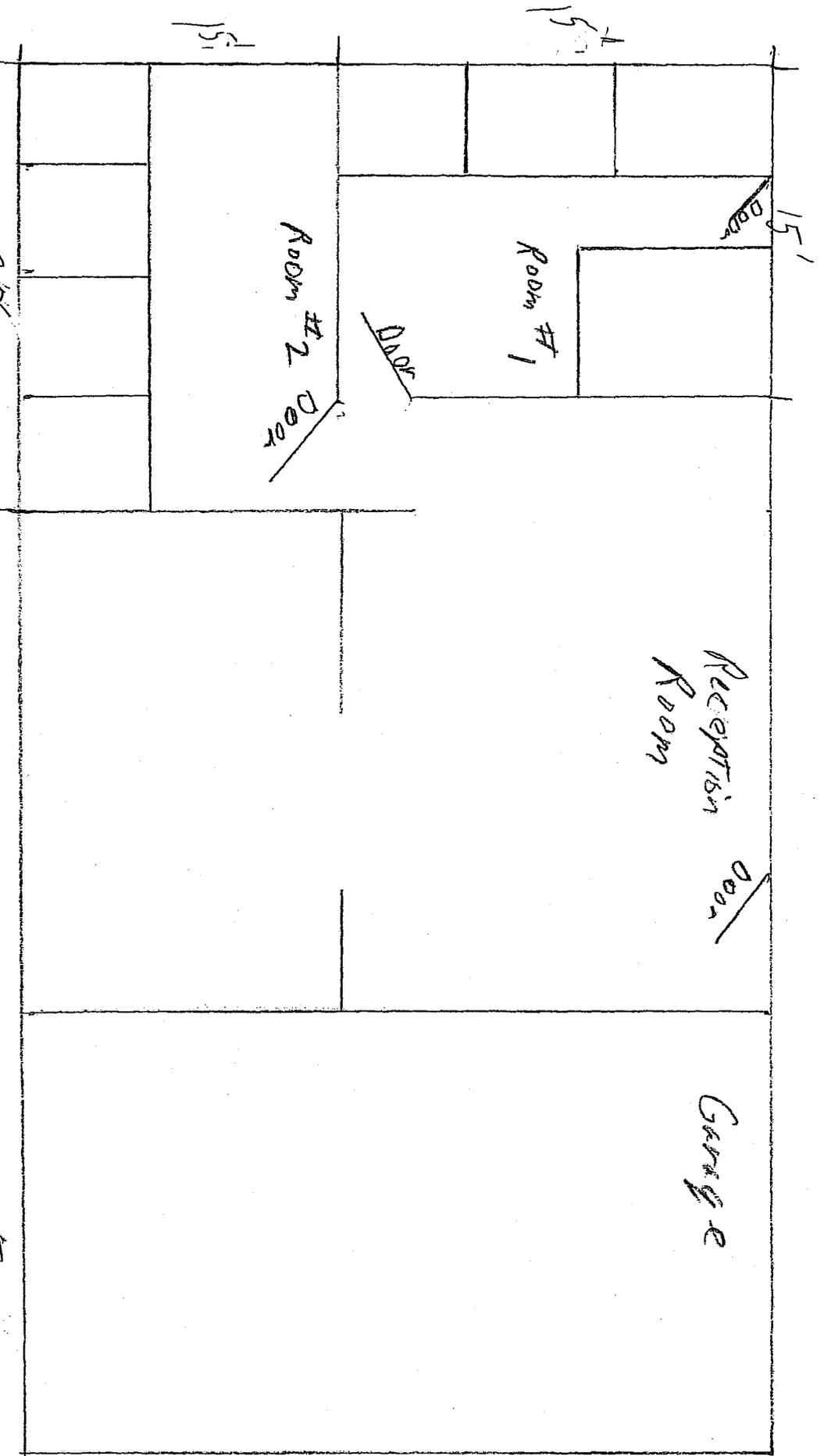
- Dogs should be limited to use of the outdoors between the hours of 8:00am and 10:00pm.
  - Dogs should be restricted to fenced areas when they are outdoor in order to prevent trespass issues with neighboring properties. The applicant may show these areas on the site plan and indicate the fencing height and type.
  - Traffic generated from the use appears to be limited. Property access is to 180<sup>th</sup> Street, which is classified as a future arterial road. Arterial roads are expected to handle large amounts of traffic during buildout conditions. Presently 180<sup>th</sup> Street is a rural gravel road. The County Surveyor did not provide any comments regarding traffic from the proposed use. If dust from traffic becomes an issue the applicant should be responsible for contributing to the dust control of 180<sup>th</sup> Street.
- Noise Abatement Options
    - Limit use to indoor only.
    - Bark collars.
    - Require solid fence around all outdoor areas.
    - Distance outdoor areas from adjacent livestock use.
    - Ultra sonic bark device.
    - Muzzle.
- Comprehensive Plan and Zoning
    - The Comprehensive Plan shows the area as Urban Residential. (Figure 5.1)
    - The Policy Tier indicates the area is to be served with urban services. (Figure 4.5)
    - The existing zoning is RE1, Residential Estates.
- Planning Commission Action
    - The Planning Commission voted (6-3) to recommend denial of the request on March 17, 2010.
    - Testimony at the Planning Commission included concerns with noise. Several adjacent property owners indicated there was a noise problem.
    - The Planning Department has not received any noise complaints in the past two years.
- *Wear moved, seconded by Dunbar to approve the Special Use Permit for Larson for 1 year to operate a dog kennel with a maximum of 25 dogs and cats total providing they show the site plan showing the outdoor areas and fencing and agree to participate in dust control on 180<sup>th</sup> Street and revise operating hours to 8:00 a.m. to 10:00 p.m. as if conforms to the Comprehensive Plan and Zoning Regulations of Sarpy County. Ballot: **Ayes:** Dunbar, Stuart and Whitfield. **Nays:** Bliss, Fenster, Thompson, Wear and Labart. **Abstain:** Torczon. **Absent:** Vanek and Lichter. **Motion did not carry.**(3-5)*
- *Fenster moved, seconded by Thompson to deny the Special Use Permit as it is not compatible with the surrounding area Ballot: **Ayes:** Bliss, Fenster, Thompson, Torczon, Wear and Labart. **Nays:** Dunbar, Stuart and Whitfield. **Abstain:** None. **Absent:** Lichter. **Motion Carried.**(6-3)*
- Recommendation
    - If the County Board would like to approve the request, I recommend noise abatement measures be adopted as part of the special use permit approval, a site plan be provided showing outdoor areas fenced with 6' high opaque fencing, that the permitted animals (any combination of dogs and cats) be limited to ten, and that the permit be limited to one year.

Respectfully submitted by:



Rebecca Horner, AICP  
Planning Director

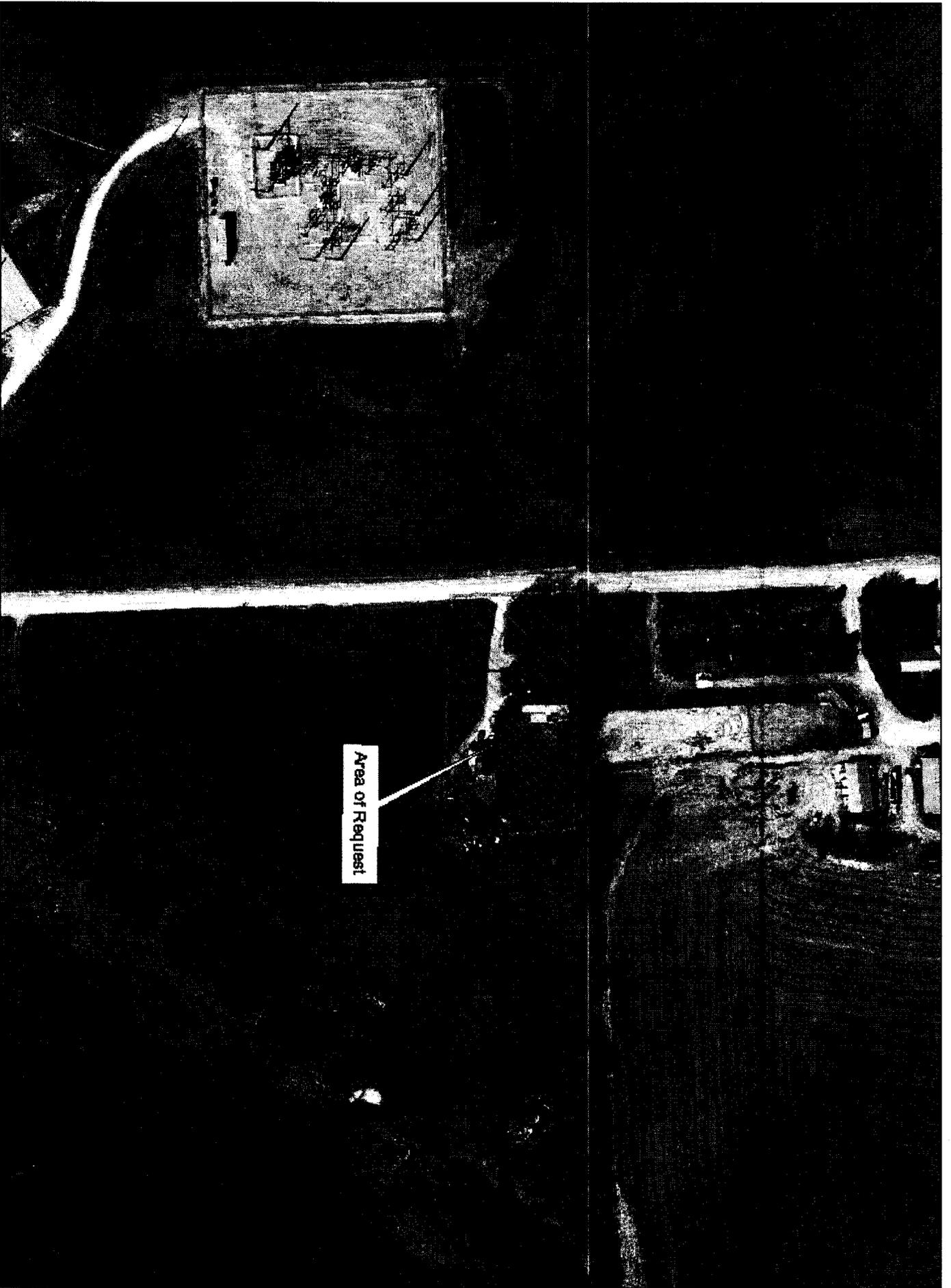
HAPP X Mills Hel Services



Room #1 has 1 Room of 25 Feet + 3 Rooms of 16 Feet

Room #2 has 4 Rooms of 16 Feet

We have Parking for Four Vehicles on Concrete + up to Eight on The Gravel



Area of Request

Larson Special Use Permit

