RESOLUTION: SPECIAL USE PERMIT – Home Occupation 1 - Michael Thomson
16113 Emiline Street (Lot 256 Millard Park) Sarpy County, Nebraska

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, 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, 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; and,

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

WHEREAS, the Planning Department has reviewed the Michael Thomson’s Special Use Permit application to allow operation of a Home Occupation I (Major) for the online marketing of firearms and accessories from a personal residence on the property located at 16113 Emiline Street and legally described as follows hereinafter the “Property”:

Lot 256, Millard Park as surveyed, platted and recorded in 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 was held before the Sarpy County Planning Commission on July 17, 2018 and further, the Planning Commission gave their recommendation.

II. A public hearing regarding the Special Use Permit was held by this Board.

III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing.

IV. The Planning Department has made a recommendation as noted in the attached Exhibit “A”, which Exhibit “A” includes the Planning Department report, the operation plan, the Site Plan and an aerial view of the subject property.

V. The zoning at the property described above is zoned RS-72, Single Family Residential.
VI. The Special Use Permit is in compliance with the Comprehensive Development Plan and the Sarpy County Zoning Regulations.

VII. The performance standards set out at Section 41.5 of the Sarpy County Zoning Regulations have been met.

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 application for operation of a Home Occupation I (Major) for the online marketing of firearms and accessories from a personal residence subject to the following conditions:

1. The applicant remain consistent with the operation plan/business plan submitted with the application.

2. Customer visits shall be limited to no more than 20 per month.

3. The applicant will be the only employee and shall reside at the Property.

4. No external evidence of the home occupation is allowed except for customer vehicles and signage as allowed by section 35.11.14 of the Sarpy County Zoning Regulations.

5. No radio, television, newspaper, handbills, internet or similar types of advertising linking the Property with the home occupation shall be allowed.

6. Discharging of firearms by customers on the Property is prohibited.

7. Any firearm inventory kept on the Property shall be locked in a gun safe.

8. The applicant provide the Sarpy County Planning Department with a copy of the applicant’s approved Federal Firearm License and any other required BATFE permits or licenses within 60 days following the date of the County Board signature set out below.

9. This Special Use Permit shall have a term limit of three (3) years with an end date of August 31, 2021.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 14th day of August, 2018.

Attest
SEAL

Sarpy County Board Chairman

County Clerk

Resolution SUP – Thomson - Aug 2018
I. GENERAL INFORMATION

A. APPLICANT:
   Michael Thomson
   16113 Emiline Street
   Omaha, NE 68136

B. SUBJECT PROPERTY OWNER:
   Michael Thomson
   16113 Emiline Street
   Omaha, NE 68136

C. SUBJECT PROPERTY LOCATION: 161st and Emiline Streets.

D. LEGAL DESCRIPTION: Lot 256, Millard Park as surveyed, platted and recorded in Sarpy County, Nebraska.

E. SUBJECT PROPERTY SIZE: .22 acres

F. EXISTING FUTURE LAND USE AND ZONING DESIGNATIONS:
   ▪ Future Land Use Designations: Low to Medium Density Residential
   ▪ Zoning: RS-72 (Single-family Residential)

G. REQUESTED ACTION(S): To approve a Special Use Permit for a Home Occupation I (major) to allow for the online marketing of firearms and accessories from a personal residence.

H. Purpose of Request: Any business or use operated from a residence involving customer visits to the location is considered a Home Occupation I (major) as defined in Section 44 of the Sarpy County Zoning Regulations and requires an approved Special Use Permit (SUP) prior to commencing such business or use.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The site is improved with a 2100 square foot single-family home with a three car attached garage.

B. GENERAL VICINITY ZONING AND LAND USE
### TABLE

<table>
<thead>
<tr>
<th>DIRECTION FROM SUBJECT PROPERTY</th>
<th>FUTURE LAND USE DESIGNATION (reference attached map)</th>
<th>CURRENT ZONING DESIGNATION (reference attached map)</th>
<th>SURROUNDING DEVELOPMENT</th>
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<tbody>
<tr>
<td>NORTH</td>
<td>Low-Medium Density Residential</td>
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<td>Medium Density Residential – Millard Park Subdivision</td>
</tr>
<tr>
<td>SOUTH</td>
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<tr>
<td>EAST</td>
<td>Low-Medium Density Residential</td>
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<tr>
<td>WEST</td>
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</table>

RS-72 Single-family Residential (7,200 sq ft minimum)

### C. APPLICABLE REGULATIONS:
- Sarpy County Zoning Regulations:
  - Section 15, RS-72 Single-family Residential District
  - Section 35.12 Home Occupations
  - Section 41 Special Use Permits
  - Section 44 Definitions - Home Occupations

### III. ANALYSIS / STAFF COMMENTS

**A. COMPREHENSIVE PLAN:**
- The Comprehensive Plan shows the area as Low to Medium Density Residential

**B. TRAFFIC AND ACCESS:**
- Access to the subject property is from Emiline Street within the Millard Park subdivision.

**C. OTHER AGENCY REVIEW/COMMENTS:** The applications were sent to area jurisdictional agencies or departments that may have an interest. At the time of this staff report, no comments were received by Staff in regards to the application.

**D. PUBLIC NOTIFICATION AND PUBLIC COMMENTS:**
- Notice of the public hearing for this application was published in area newspapers, notification letters also were sent out to property owners within 300 feet of the subject property. The subject property was posted with a sign and advertised in the legal newspaper of Sarpy County indicating a zoning action was pending on it.
- At the time of this staff report, no inquiries or comments were received by the Sarpy County Planning Department in regards to the application.

**E. GENERAL COMMENTS:**
- Applicant’s Operational Plan states he wishes to sell firearms and accessories through online marketing only from his home.
- While the operational plan intends for no local sales directly from the home, the hours of operation are as listed on the FFL application and intended for ATF Inspection purposes only. Wednesday – Friday, noon to 5 pm.
• Any onsite operations would be very limited, if any at all, with the majority of the firearms drop-shipped from the wholesaler to the client.
• The inventory is kept on site will be kept in a large gun safe and the property is equipped with CCTV cameras and monitored with a security system.
• The applicant will be the only employee and must reside at the residence.
• A copy of the FFL License issued to the applicant will need to be filed with the Sarpy County Planning and Building Department within 90 days following the date of approval by County Board.
• No external evidence of the home occupation is allowed except for customer vehicles and signage as allowed by Section 35.12.4 of the Sarpy County Zoning Regulations.
• Advertising displays and devises displayed through a window of the building shall not be permitted. There shall be no radio, television, newspaper, handbills, internet or similar types of advertising linking the address of the dwelling premises with the home occupation
• Any on-site operations of the home occupation shall be carried on entirely within the principal structure or detached accessory structures on the property.
• Discharging of firearms on site in conjunction with the business will be prohibited.

IV. PLANNING COMMISSION RECOMMENDATION:
The Planning Commission held public hearings on these applications at their July 17, 2018 meeting and recommended APPROVAL to the County Board by a 8-2 vote.

MOTION: Sotak moved, seconded by Torczon, to recommend Approval of a Special Use Permit for a Home Occupation I (major) to allow for online marketing of firearms and accessories from a personal residence located at 16113 Emiline Street, Omaha, NE pursuant to the general comments within the Planning Department's Recommendation Report, subject to a term limit of three (3) years and with the applicant modifying the Operational Plan to limit the number of customer visits to the home to no more than 20 per month. This recommendation is being made as the request is in conformance with the Sarpy County Zoning Regulations. Ballot: Ayes – Torczon, Sotak, Davis, George, Whitfield, Ackley, Giff, and Lichter. Nays: Korth and Malmquist. Abstain: None. Absent: Huddleston. Motion carried.

V. STAFF RECOMMENDATIONS:
Staff recommends APPROVAL of a Special Use Permit for a Home Occupation I (major) to allow for online marketing of firearms and accessories from a personal residence located at 16113 Emiline Street, Omaha, NE pursuant to the general comments above and the attached staff report. Staff makes this recommendation as the request is in conformance with the Sarpy County Zoning Regulations.

VI. ATTACHMENTS TO REPORT:
1. Operational Plan
2. Current Zoning Map
3. Future Land Use Map of the Sarpy County Comprehensive Plan (showing subject property area)

VII. COPIES OF REPORT SENT TO:
1. Michael Thomson (owner and applicant)
2. Public Upon Request
Scope and Barrel, LLC - Operation Plan

Intent: To purchase and sell firearms and accessories from my home at 16113 Emiline Street. Sales will be 100% online through a personal website, and marketplaces such as Gunbroker.com. I do not intend to sell locally from my home. Very little inventory will be kept on site, most will be drop-shipped from wholesalers to the clients. What inventory is kept on site will be kept in a large gun safe.

Security: While there are no federal, state or local requirements for guns / ammunition storage or security, this is an area I take very seriously. To that end, I have one of the most secure gun safes available, backed up with CCTV cameras around my property. A monitored security system will also be utilized. Further, there will not be any firearms or ammunition on display or easily accessible to any persons that visit my home.

Operational details:

- Limited hours of operation, since this is not a public store. I do have to list hours on the FFL application, so that ATF agents know when they can visit for compliance checks. Other than the occasional ATF agent, there will be no foot traffic.
- Employees – none, all sales and shipping duties will be handled by myself.
- No external signage
- Any inventory will be kept in a locked gun safe
- Deliveries and pickups will be by UPS, FEDEX
- No local advertising linked to my address
- All business will be conducted from my home office (approx. 12’ x 11’). See site plan.
- Approximately 10 sq ft will be available to the gun safe (kept outside of the office area).
Site Plan

My property (in blue)
Dear Sarpy County Planning and Building Department:

I am writing in to express objection to the request from Michael Thomson for a Special Use Permit in the RS-72 (Single Family Residential District) at 16113 Emiline St., Millard Park, to allow a Home Occupation 1 (Major) for home based firearms sales.

My family and I are neighbors a few homes away from the Thomsons (we reside at 16023 Emiline St.), and I have reached out to the Thomsons directly to share our concerns. I wanted to voice these same reservations to the Sarpy County Planning and Building Dept. as well since the letter that I received from the Sarpy Co. Planning Department stated that any written comments in support or objection to this request must be filed with the Sarpy County Planning and Building Department prior to July 16.

I am not anti-gun. But I have some concerns about a gun business being run out of our quiet, residential neighborhood just a few doors away from my family. These concerns include the following:

1) Potential theft of firearms and ammunition through burglary or robbery (Michael states in his application that he will have some inventory in his gun safe. Additionally, for UPS/FedEx deliveries, I assume that Michael would have to be home to sign for all packages (not leave on porch), but this is not stated anywhere);

2) Increased vehicular and foot traffic in our residential neighborhood to impact our quality of life (even though Michael’s wife messaged me that most of their sales will be online, is there a way to ensure that on-site gun sales will not occur after Michael receives a Special Use Permit?);

3) Complete strangers could be entering a home near ours to buy a gun. While most gun owners are wonderful people (my husband included), there will be all types of temperaments and demeanors, including the disturbed and potentially dangerous.

Gun shops owned/operated in a commercially-zoned area with proper security are not an issue to us. But we don’t feel that home-based firearm sale is safe or sensible in our neighborhood.

In his Operational Plan, Michael Thomson states:

- “Very little inventory will be kept on site, most will be drop-shipped from wholesalers to the clients.”

Additionally, the General Comments of the Sarpy County Planning & Building Department Recommendation Report states,

- “While the operational plan intends for no local sales directly from the home,…”

Some of this wording is vague enough that it provides for the possibility of gun sales being
conducted on-site and inventories of guns being kept on-site.

Thus, if a permit is granted to Michael Thomson, my #1 request would be as follows:

We would be more comfortable if the Residential Firearms Permit stated that ALL sales will be done online. Many of our concerns as a neighbor would be alleviated if NO sales for Scope and Barrel, LLC will be conducted on-site out of their home.

Thank you, Sarpy County Planning Department, for allowing our family to share our concerns about this neighborhood business.

Sincerely,

Shawna Kasner-Hannam and David Hannam

Concerned Neighbors at 16023 Emiline St., Omaha, NE 68136
Home: 402-861-8070
Email: shawna_kasner_hannam@hotmail.com
July 15, 2018

Sarpy County Planning Department
1210 Golden Gate Drive #1240
Papillion, NE 68146

RE: Special Use Permit in the RS-72 at 16113 Emiline Street for the purpose of allowing a Home Occupation I (Major) for home based firearm sales.

We have great concern regarding allowing this permit. This is a family neighborhood and the risk of having individuals in and out of the neighborhood selling and receiving firearms is dangerous, as well as having firearms that might be stored in and around this home, or the risk of people having communications regarding these firearms. Crime is up in all of our communities. It is not safe to sell firearms in neighborhood communities. If this individual wishes to sell them in a space that is not in a neighborhood, 3 doors away from us, is a whole other story.

Allowing firearm sales out of a home is just asking for trouble. Living 3 doors down from this residence makes us consider whether we even want to stay. We know all sorts of precautions are most likely taken, but the bottom line is that it is still firearm sales with children and families in and around this home. We also don’t need increased traffic in this neighborhood, especially with children out playing. It has already increased with the Harrison Street Project.

Please give consideration to not allowing this permit.

Thank you!

Al and Barb Moraczewski
16229 Emiline Street
Omaha, NE 68136
402-891-8972
Vicinity Map - Current Zoning

16113 Emiline St - Lot 256, Millard Park
Special Use Permit
STATE OF NEBRASKA

County of Sarpy

Being duly sworn, upon oath, Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, July 4, 2018

Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

Ron Petak
Executive Editor

Laura Estep-Bronk
Sales Representative

Today's Date
Signed in my presence and sworn to before me:

Notary Public

Ron [Signature]

PRINTED IN THE UNITED STATES OF AMERICA

Notice of Public Hearing

Sarpy County Planning Commission

Notice is hereby given that a regular meeting of the Sarpy County Planning Commission will be on Tuesday, July 17, 2018, at 7:00 P.M. in the Sarpy County Board Room, Sarpy County Administration. A Public Hearing will be held on the following applications:

1. Rodney and Maureen Nielsen have submitted an application for a Change of Zone from AG to AGD and a Preliminary Plat and Final Plat of a subdivision to be known as Nielsen Addition, Lot 1, being a platting of Part of the NW 1/4 of the SW 1/4, Sec 21, Twp 13 North, Rng 12 East, of the 6th P.M., Sarpy County, NE. Generally located southwest of 108th Street and Plattview Road.

2. Boyer-Young Equities XIV, LLC has submitted an application for consideration of a Final Plat for Phase V of Remington Ridge, Lots 309 - 330 and Outlots J - L, for tract of land located in part of the SW 1/4 of the SE 1/4 and part of the NW 1/4 of the SE 1/4, Sec 18, Twp 14 North, Rng 11 East, of the 6th P.M., Sarpy County, NE. Generally located northwest of 192nd Street and Gilles Road.

3. Michael Thomson has submitted an application for consideration of a Special Use Permit to allow a Home Occupation (Major) in the RS-72 Single Family Residential District for home based ferry boat sales at 18113 Emiline Street, legally described as Lot 256, Millard Park, as surveyed, platted and recorded in Sarpy County, NE. Generally located southwest of 162nd Avenue and Harrison Street.

CCHT, LLC has submitted an application for consideration of a Text Amendment to the Sarpy County Zoning Regulations, Section 20 - BD General Business District, to add "Assisted Living Facility" under 20.2

Permitted Special Uses.

CCHT, LLC has submitted an application for consideration of a Special Use Permit in the BD General Business District to allow an Assisted Living Facility at 19003 Edna Street, legally described as Lot 1, Sugar Creek Neighborhood Center Replat 1, as surveyed, platted and recorded in Sarpy County, NE. Generally located southeast of 192nd Street and Harrison Street.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department office, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE. 2106286; 7/04

Printer's Fee $31.75
Customer Number: 40638
Order Number: 0002106286
STATE OF NEBRASKA

County of Sarpy

Being duly sworn, upon oath, Laura Estep-Bronk deposes and says that she is a Sales Representative or Ron Petak deposes and says that he is the Executive Editor of the Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereeto attached, was printed in the said newspaper once each week, the first insertion having been on:

Wednesday, August 1, 2018

Gretna Breeze
Bellevue Leader
Papillion Times
Springfield Monitor

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

[Signature]
Ron Petak
Executive Editor

OR

[Signature]
Laura Estep-Bronk
Sales Representative

Today's Date: 8-1-2018
Signed in my presence and sworn to before me:

[Signature]
Notary Public

Printer's Fee: $27.34
Customer Number: 40638
Order Number: 0002111328

NOTICE OF PUBLIC HEARING
SARPY COUNTY BOARD OF COMMISSIONERS

Notice is hereby given that a regular meeting of the Sarpy County Board of Commissioners will be held on Tuesday, August 14, 2018, at 3:00 P.M., in the Sarpy County Board Room, Sarpy County Administration Building, 1210 Golden Gate Drive, Papillion, NE. A Public Hearing will be held on the following:

Rodney and Maureen Nielsen have submitted applications for consideration of a Change of Zone from AG to ACD and a Preliminary Plat and Final Plat of a subdivision to be known as Nielsen Addition, Lot 1, being a plating of Part of the NW ¼ of the SW ¼, Sec 21, Twp 13 North, Rng 12 East, of the 6th P.M., Sarpy County, NE. Generally located southeast of 156th Street and Plattetview Road.

Michael Thomson has submitted an application for consideration of a Special Use Permit to allow a Home Occupation (Major) in the RS-72, Single Family Residential District for home-based firearm sales at 16113 Emeline Street, legally described as Lot 258, Millard Park, as surveyed, platted and recorded in Sarpy County, NE. Generally located southeast of 102nd Avenue and Harrison Street.

CHHT, LLC has submitted an application for consideration of a Text Amendment to the Sarpy County Zoning Regulations, Section 20 - BG General Business District, to add “Assisted Living Facility” under 20.2 Permitted Special Uses.

CHHT, LLC has submitted an application for consideration of Special Use Permit in the BG, General Business District to allow an Assisted Living Facility at 19003 Edna Street, legally described as Lot 1, Sugar Creek Neighborhood, Center Replat 1, as surveyed, platted and recorded in Sarpy County, NE. Generally located southeast of 192nd Street and Harrison Street.

An agenda for the meeting, kept continually current, is available for inspection at the Sarpy County Planning Department, Sarpy County Administration Bldg., 1210 Golden Gate Drive, Papillion, NE. 2111328; 8101