

## MINUTES

### **Madison County Joint Planning Commission**

Norfolk, Nebraska

The April 16, 2020 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:12 p.m. via teleconference.

#### **Call To Order/Roll Call- Consideration and/or action on:**

**Present:** Abler, Acklie, Grant, Griffith, Oswald, Westerman, Prauner, Schapman, Flood and Milander

**Also Present:** Todd Johnson, Ivan Petersen, Harrison Holdorf, Shawn Baudette, Doug Huffman, Julie Philippe, Mike Finkrel, Clint Bowland, Jerry Guenther, Ron & Linda Kowalewski, Harlo Hansen, Walt & Rosemary Patras, Zoning Office Assistant Jennie Martinez, Zoning Office Assistant Rhonda Cortner and Planning and Zoning Administrator Heather McWhorter.

**Open Meetings Act:** Grant stated that the Open Meetings Act that will be followed.

**Proof of Publication:** Grant stated the Proof of Publication Notice was published in the Norfolk Daily News and can be seen on the Madison County website.

**Minutes-February 20, 2020:** The minutes of the February 20, 2020 Madison County Joint Planning Commission meeting were presented.

Motion made by Acklie to approve the minutes and seconded by Prauner.

Vote taken. Abler, **Acklie**, Grant, Griffith, Milander, Oswald, Prauner, Schapman, Flood and Westerman

vote "Aye" none vote "Nay". Motion carried.

Heather reads the first Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Elkhorn Valley Sportsman Club to operate a trap and skeet shooting range on property described as the W ½ of the NE ¼ of Section 33, Township 22 North, Range 1 West of the 6th P.M., Madison County, Nebraska. This property is located at 55454 829th Rd.**

Heather states that the club has been in operation since 1982 and is requesting a permit to move to a new location owned by Scott Long. There is an existing range on the property for the club to utilize. Only shotguns will be allowed and there is plenty of space to the east to provide a buffer. The club will continue to be for members only as well as school and youth programs. Rules are established to include no ammunition in the gun when not in use, only one shell allowed in weapon. Hours are 4:30-7:30 Tuesday, Wednesday, and Sunday from April through August. There will be times the range will be open during school hours for school groups. Property is in an Ag Transitional district and the use is permitted with a Conditional Use Permit.

Heather reads the statement of Finding of Facts and the Recommended Conditions.

**Statement of Finding of Facts:**

1. The application is consistent with the Madison County Comprehensive Plan.
2. The application is consistent with the Madison County Zoning and Subdivision Regulations.
3. The Elkhorn Valley Sportsman Club has been in operation since 1982 and is requesting to operate at a new location.
4. The club will be for members only and provides youth and school programs.
5. Will consist of only shotguns.
6. This is an Ag Transitional zoning district and is an allowable use with a Conditional Use Permit.

**Proposed Conditions:**

1. This is a Conditional Use Permit to operate a Trap and Skeet Shooting Range for an unlimited amount of time pending no verifiable complaints.
2. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, and the U.S. Government.
3. This permit is to allow shotguns only.

**7:16 p.m** Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Ivan Petersen speaks in favor. He states that he is one of the board members of the Club and a coach at Lutheran High.

Griffith asks how long a session takes when a school group goes out to the range and how many groups go.

Petersen states that the spring is primary time to go. He states that there are many teams that use the range and for example Lutheran High typically goes right after school, averaging about 1 ½ hours. He states that sometimes they are shooting and sometimes they are not. He states that they typically practice twice a week. He states that he believes that the other teams also practice once or twice a week.

Prauner asks if this is skeet or only trap shooting.

Petersen states that it is trap and skeet. He states that it is shotgun only.

Griffith clarifies that there are approximately 4 teams that use the range.

Petersen states that is correct. He states that he believes that last year the numbers were around 40 people who participated.

Griffith states that she asks this because of the noise and the neighbors. She asks how many days and hours the neighbors are subjected to.

Petersen states that typically 1 to 3 hours a week, late afternoon to early evening. He states that it would never be after dark. He states that they have not ever had a practice that went past 6 or 7.

Oswald asks are the 40 people that he mentioned is the total number of users or the amount of people at one practice.

Petersen states that it really depends if the other teams are practicing at the same time however, for Lutheran High they would have 15-20 participants out there at one time.

Oswald asks if the High Schools' practices are held on a Tuesday, Wednesday or Sunday when the range is open or are those extra days.

Petersen states that those days are extra and land earlier in the year.

Petersen refers to a letter that was sent out by Elkhorn Valley Sportsman's club. (Exhibit A) He states that the letter describes the club's history and how they operate. He states that it is a very good organization that is taken very seriously.

Petersen states that there are a lot of ranges that are located very close to the proximity of a City. He states that in Lincoln and Omaha they are located in City limits. He states that he does understand the concerns of noise. He states that the closest house is about 1800' and yes they will be able to hear the gun shots however it will be light to moderate.

Petersen states that the hours of operation are going to be reasonable, during the day and for league this year 3 days out of the week. He states that typically they are only open 2 days out of the week. He states that this year they want to be open different days to see what is more popular and they may go back to 2 days a week next year.

Petersen states that at the current location the lease is expired and the new owner of the property is not continuing their lease.

Abler asks if they are shooting led or steel.

Petersen clarifies that it is led.

Harlo Hansen states that he is the closest neighbor to Scott Long and asks if the range will be open on the weekends.

Petersen states that the plan to be open on Sundays midafternoon; 2-5.

Hansen asks on average how many shots a day.

Petersen states that it varies.

Hansen states that he just bought his house 2 months ago and if he would have known that they were considering a gun range he would have put more thought into buying the house. He asks if there is a gun range north of Pierce that could have been utilized.

Petersen states that there is but it is limited to high dollar members only.

Hansen states that Nebraska is a sparsely populated state and believes that there is a better solution.

Heather advises Hansen that we will get to a point where he can speak in opposition and that we need to continue with those who are in favor.

Grant asks if there is anyone else who would like to speak in favor.

Shawn Baudette speaks in favor. He states that he is one of the board members. He states that he often sees kids who get in trouble and have no place to go. He states that one of the great things about the club is that the youth would have a place to go and keep kids out of trouble. He states that the club has done a really good job of mentoring and it would be a shame to see it dissolve for having a lack of location.

Grant asks if they have looked for other locations.

Baudette states that they have and have found nothing.

Grant asks if there are any other questions

Abler asks if it will be only for practices and no tournaments.

Petersen states that there are no plans of big tournaments. He states that during the summer there will be 10 weeks of leagues with 3 teams.

Abler clarifies that for example pheasants forever would not be able to hold a tournament there.

Petersen states that they have use of the Pierce range.

Abler asks if they would exempt tournaments if the Planning Commission decides to give approval.

Petersen states that outside of league it is a possibility but that there are no plans for any tournaments. He states that there might be a fun day event.

Richard asks if there are any other questions.

Acklie asks if there have been any complaints of noise at the current location.

Petersen states that at the current location he was not part of the process of the Conditional Use Permit however he does know that there was opposition. He states that they did hear positive reviews.

Grant asks if there is anyone else in favor.

Mike Finkral speaks in favor. He states that he is a member of the club. He states that he has been around trap shooting for most of his life. He states that he has a grandson that shoots trap in Minnesota. He states that there are 1000 kids every day for 6 days. He states that it is a great youth sport. He states that anyone can do it; it is equal. He states that you can be female, male, tall, short, skinny or fat. He states that it teaches good hand eye coordination. He states that it is unbelievable how you can get 1000 kids to be so well behaved.

Grant asks if there is anyone else in favor.

Julie Fillipi speaks in favor. She states that she is a coach for Madison County 4-H. She states that teaching trap shooting is great for the youth and helps the kids grow into wonderful leaders down the road.

Grant asks if there is anyone else in favor.

Doug Huffman speaks in favor. He states that he would like to be clear that shooting skeet and trap is less powerful than hunting.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

Harlo Hansen continues and states that he is not opposed to guns or opposed to trap ranges but is opposed to living there. He states that he wonders how many those that are in favor would like to live next door to one. He states that he believes that there are many locations for one elsewhere. He states that he moved to the country for the peace and quiet and should not have to give up his quality of life.

Grant asks if there is anyone else opposed.

Ron Kowalewski states that him and his wife Linda are opposed. He states that he lives about 2000

yards to the northeast of the proposed sight. He states that they experienced the last gun range and it is so annoying. He states that the members get to go home but the neighbors must live it. He states that the experience is horrible. He states that they are not against the club, just the location.

Linda Kowalewski states that there is no mistaking the noise and it is constant for hours. She states that she feels that it will devalue their home and land.

Ron Kowalewski states that this is recreational, and they are not going to make a living on this. He asks how the lease is.

Ivan Petersen states that it is a 10- year lease.

Grant asks if there is anyone else in opposed.

No one speaks.

Heather enters into the record letters in opposition; Bob & Sally Schroeter (Exhibit B) and Ron & Linda Kowalewski (Exhibit C)

Grant asks if there is anyone else opposed.

No one speaks.

**7:52 p.m.** Grant closes the Public Hearing.

Schapman states that he lives less than 1/4 mile from a private rifle range and it is noisy. He states that when they shoot shotguns he can barely hear it. He states that the rifle range did not diminish the value of his property.

Oswald states that he would like clarification of the hours.

Petersen states that the hours will be daylight and typically not passed 7:30 – 8 in the evening. He states that the days will vary throughout the year depending on the need.

Oswald asks if it will involve more than 3 days a week.

Petersen states that is their schedule for this year.

Grant states that those hours are typically when someone is trying to relax in the evening.

Pruaner states that there is a need for shooting ranges. He states that he feels that it is great for people who want to take time to teach kids how to shoot.

Pruaner makes a motion to recommend approval based in the above recommended conditions.

Milander suggests adding specific hours of operation to the conditions.

Petersen states that in looking at how other ranges operate using Papillion for example they operate from 8 in the morning until 9 at night and are right next to a housing development. He states that restricting hours to specific times will be very hard for the club.

Westerman asks if the gun range will be open at all times for members.

Petersen states that they will have set schedules however, for youth activities there are no restrictions depending what works for everyone.

Westerman asks if it is open to the public.

Peterson says absolutely not.

Petersen states that a restriction to daylight hours would be great but asks not to restrict it beyond that.

Griffith asks if it is feasible to say that they can have the range open 3 days a week for 3 hours a day.

Petersen states that it is hard for the youth teams because there is all sorts of activities going on.

Westerman states that he feels that he would like to go back to Prauner's original motion and seconds that motion.

Gant states that there is a motion by Prauner and a second by Westerman.

Vote taken. **Acklie**, Griffith, Milander, Prauner, Schapman, Flood and Westerman vote "Aye" Abler, Grant and Oswald vote "Nay". Motion carried.

Grant reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the application of Walter and Rosemary Patras for a Conditional Use permit to build a shouse on property described as the N 50' Lot 6 BLK 19, Tilden City, Antelope County, Nebraska. This property is located at 300 Elk St.**

Heather states that the applicant would like to build a house on a lot located in the R3, Multi Family District. They have removed an old house that existed on the lot.

Heather reads the statement of Finding of Facts and the Recommended Conditions.

#### **Statement of Finding of Facts:**

1. The application is consistent with the Tilden City Comprehensive Plan and Zoning and Subdivision Regulations.

2. Property is in a Multi-Family Residential District-R3.
3. Property is now vacant; house has been removed.

**Proposed Conditions:**

1. This Conditional Use Permit is permanent and shall be registered against the lot deed with the Madison County Register of Deeds by the applicant once approved by the Tilden City Council.
2. No building may be built until first receiving a building permit from the City of Tilden.
3. No storage of equipment or building supplies outside of the shop. It is in a residential district and will be maintained as such.
4. This building shall not be used for commercial purposes.

**8:12 p.m.** Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Walt Patras states that he is in favor. He states that he would like to build a 36'X60' Shouse. He states that it will be all steel siding to match the building to the west. He states that it will have a kitchen, bedroom and bathroom. He states that 20' X 36' area of the building will have insulation.

Patras states that there was a vacated house on the property and building the shouse will increase the property value.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

No one speaks.

Heather enters a letter of opposition by Kenneth and Debra Navratill into the record. (Exhibit D)

Heather states that she talked to Debra Navratil and her biggest concern was that it would not match the neighborhood.

Walt Patras states that it will match the other buildings in the neighborhood.

Grant asks if there is anyone else in opposition.

No one speaks.



Prauner clarifies that building a shouse will not violate ordinances in the City of Tilden.

Heather states that it will not.

Grant asks if there is anyone else opposed.

No one speaks.

**8:18 p.m.** Grant closes the Public Hearing.

Milander asks if Patras will reside in the shouse.

Walter states that he will not. He states that he lives across the street.

Prauner asks if he plans to rent it out.

Walter Patras state that he does not. He plans to fill it with his own stuff.

Schapman states that there was a shouse recently built in Tilden that looks very nice and way better than what was there.

Prauner makes a motion to recommend approval based on the above recommended conditions. Griffith seconds the motion. Vote taken. Members Abler, Acklie Grant, Westerman, Griffith, Milander, Prauner, Flood, Schapman and Oswald vote “Aye” none vote “Nay”. Motion carried.

### **Other Business:**

Zoning permits are discussed.

Flood makes a motion to adjourn.

Milander seconds the motion.

Members Abler, Acklie, Grant, Westerman, Griffith, Milander, Prauner, Flood, Schapman and Oswald vote “Aye” none vote “Nay”. Motion carried.

**8:23 p.m.** Meeting adjourned.