

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The May 19, 2022, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:01 p.m. in the in the Madison County Planning Department Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

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

Present: Acklie, Griffith, Milander, Flood, Oswald, and Amen

Absent: Abler, Schapman, Westerman and Prauner.

Also Present: Jerry Guenther, Ron Lenser, Kathi Lenser, Jordon Otjen and Zoning Administrator Heather McWhorter Zoning and Office Assistant Jennie Martinez.

Proof of Publication: Acklie stated the Proof of Publication Notice was published in the Norfolk Daily News.

Minutes-April 21, 2022: The minutes of the April 21, 2022, Madison County Joint Planning Commission meeting were presented.

Motion made by Griffith to approve the minutes and seconded by Oswald.

Vote taken. Acklie, Griffith, Oswald, Flood, Milander, and Amen vote "Aye" none vote "Nay". Motion carried.

Acklie reads the first Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Jordan Otjen for a Conditional Use Permit to construct a home on less than 40 acres on property described as Part of the West ½ of the Southwest 1/4 of Section 18, Township 24, Range 2 West of the 6th P.M.

Madison County, Nebraska. This property is located approximately 4 miles North of the City of Battle Creek, Nebraska along 546th Ave.

Heather states that the applicant split a ten-acre tract in the AG2 district to build a home. Driveway will come out on 546th Avenue. There are no other homes on the quarter section.

Heather confirms that the Lotsplit has already been filed.

Otjen states that it has.

7:04 P.M Acklie opens the Public Hearing

Acklie asks if there is anyone in favor.

Jordon Otjen speaks in favor and states that he had the opportunity to buy the property and would like to build a house. He states that he owns 80 acres of pasture and he had 10 acres split off for the purpose of building the home on it. He states that he plans to break ground in September.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone in opposition.

No one speaks.

Acklie asks if the property is located in the wetlands.

Otjen states that there is not.

Amen states that the whole 80 acres is dry.

7:05 P.M. Acklie closes the Public Hearing.

Milander asks if there was a building site on the property at one time.

Otjen states that he was told that there used to be a schoolhouse on there.

Amen asks if a livestock waiver is needed for the proximity to Henn house Dairy.

Otjen states that he is at least 1700' from the feedlot.

Heather states that Otjen does not fall within the setback.

Acklie reads the recommended conditions.

Recommended Conditions:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is her responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A zoning permit must be obtained from the Zoning Office before construction of the home begins.
6. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

Oswald makes a motion to approve based on the above recommended conditions. Amen seconds the motion.

Vote taken Acklie, Griffith, Milander, Flood, Amen and Oswald all vote "Aye". None vote "Nay". Motion carried.

Acklie reads the next Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of Ronald and Kathi Lenser for a Conditional Use Permit to Construct a home on less than 40 acres on property described as Lenser Minor Subdivision Lot 1 of Section 17, Township 23, Range 1 West of the 6th P.M. Madison County, Nebraska. This property is located approximately two miles South of the City of Norfolk along 554th Ave.

Heather states that the applicant is requesting a CUP to build a home on this property. The property was divided in 2018 and the son built on Lot 2. The applicant is now ready to build on Lot 1. She states that this will be the last home allowed on the quarter section, this will be four homes in an AT district.

Statement of Finding of Facts:

1. This application is consistent with the Madison County Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.
2. The property is zoned AT Agriculture Transition and meets the density requirements for the Zoning district. It will be the fourth and final home on the quarter section.

Recommended Conditions:

1. This Conditional Use Permit is permanent and may be transferred between owners.
2. This Conditional Use Permit allows a single-family home on less than 40 acres.
3. With the passage of this permit, the applicant and/or residence builder realizes that the new residence is going to be subject to livestock odors, dust, and general nuisances. This does not mean that the applicant is giving up the right to be protected by Madison County and the State of Nebraska.
4. The applicant should be aware it is her responsibility to remove any Nebraska Noxious Weeds found on the property at any time after the approval of this application by the County Board of Commissioners.
5. A zoning permit must be obtained from the Zoning Office before construction of the home begins.
6. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

The Planning Commission discusses the minor subdivision that was approved in the past on this property.

Heather explains the density requirements of the area and states that this will be that last home allowed.

The Planning Commission discusses the proximity of Norfolk City's ETJ.

7:15 Acklie opens the Public Hearing.

Heather states that she received a letter in favor from neighbors, Dave & Peg Kathol (Exhibit A). Heather reads the letter.

Acklie asks if there is anyone in favor.

Ron Lenser speaks in favor and shows a picture of the home that he would like to build.

Ron Lenser states that the driveway will be off Warnerville.

Amen asks when they plan to start building.

Kathi Lenser states that they plan to start in June.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

7:17 p.m. Acklie closes the Public Hearing.

Milander makes a motion to approve based on the above conditions. Flood seconds the motion.

Vote taken Acklie, Griffith, Milander, Amen, Oswald and Flood all vote "Aye". None vote "Nay". Motion carried.

Administrators Report:

Zoning permits are discussed.

Problem Property is discussed.

Parking on Highway is discussed.

Flood makes a motion to adjourn. Amen seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 7:34 p.m.