

## MINUTES

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

Norfolk, Nebraska

The June 20, 2019 Meeting of the Madison County Joint Planning Commission was called to order by Vice-Chairman Acklie at 7:00 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:** Griffith, Milander, Oswald, Abler, Acklie, Schapman and Prauner

**Absent:** Grant, Westerman and Flood

**Also Present:** Jerry Guenther, Steve Rutjens, Maggie Rutjens, Bill Weisel, Colby Svoboda, Russ Preister, Tony Coover, Swight Reuter, Jerry Lewis, Sally Lewis, Rob Haake, Erin Moore, Lance Moore, Planning and Zoning Administrator Heather McWhorter and Planning and Zoning Office Assistant Jennie Martinez

**Open Meetings Act:** Acklie pointed out the Open Meetings Act that will be followed.

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

**Minutes-May 20, 2019:** The minutes of the May 20, 2019 Madison County Joint Planning Commission meeting were presented.

Motion made by Prauner to approve minutes and seconded by Griffith to approve the minutes. Vote taken. Members Abler, Acklie, Oswald, Milander, Griffith, and Prauner voted "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 Steve Rutjens for a Conditional Use Permit to build a Garage over 1000 square feet on property described as Pioneer Townsite Co's Subdivision Lot 2 Block 24 Tilden City, Madison County, Nebraska. This property is located at 300 N Madison St, Tilden, Nebraska**

Heather states that the applicant would like to build a 30 x 60 garage for a boat, trailer, truck etc. in a Medium Density Residential district which requires a CUP over 1000 square feet.

Heather reads the Facts and Conditions.

**Statement of Finding of Facts:**

- 1. This application is consistent with the city of Tilden Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. A Conditional Use Permit is required for accessory buildings over 1,000 square feet in the R2 Medium Density district per regulation.**

**Recommended Conditions:**

- 1. This Conditional Use Permit will be permanent.**
- 2. All setbacks and lot density requirements must be followed per City of Tilden Zoning Regulations.**
- 3. Before building, an approved zoning permit must be obtained from the Tilden City office.**

**7:03 p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Steve Rutjens speaks in favor. He states that he would like to build a pole shed to store a dirt truck, boat, ect in to keep them off the street. He states that it will be a nice shed and anyone around town will say that his sheds are well groomed. He states that he likes to keep his stuff inside and that's what he wants to do.

Prauner clarifies the size.

Rutjens states that it will be 30x60.

Acklie asks if the big overhead doors will be facing the alley.

Rutjens states that they will face the ally. He states that there will be one 9x12 door and the others will be regular 9x7 car doors.

Prauner asks the eve height.

Rutjens states that he isn't real sure 10' or 11' but nothing real tall.

Acklie asks if there is anyone else in favor.

Maggie Rutjens states that she is in favor.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

**7:06 p.m.** Acklie closes the Public Hearing.

Schapman makes a motion to recommend approval. Oswald seconds the motion.

Vote taken. Members Abler, Oswald, Milander, Griffith, Acklie, Schapman and Prauner voted “Aye” none vote “Nay”. Motion carried.

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning certification of the official zoning map adopted by the City of Madison, NE.**

Heather states that the City of Madison reached out to JEO requesting assistance with updating the zoning map. It was created in 2003 and, to their knowledge, had not been updated since. So a PDF was provided with all the ordinances pertaining to rezoning and street vacations so that the map could be updated. It is my understanding all changes made had been previously approved by Council. Madison City adopted a new Comprehensive Plan and Zoning Regulations December 14, 2017 and this step was left out by mistake.

**7:09 p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

**7:10 p.m.** Acklie closes the Public Hearing.

Heather explains the zoning districts and city jurisdiction on the map.

Abler makes a motion to recommend approval. Oswald seconds the motion.

Vote taken. Members Abler, Oswald, Milander, Griffith, Acklie, Schapman and Prauner voted “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 Colby & Rebecca Svoboda for a Conditional Use Permit to operate a family manufacturing business under the definition of a Cottage Industry. Property described as Part of the NE ¼ of the NE ¼ of Section 21, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Located at 83699 555th Ave, Norfolk, NE.**

Heather states that the applicants are purchasing this property and would like to use the building to manufacture parts on contract from a local business, Continental. There will be no employees and no special equipment. It is allowed under the Cottage Industry definition of the zoning regulations in the Rural Residential district.

Heather reads the Facts and Recommended Conditions.

**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. A Conditional Use Permit is required for Cottage Industry businesses per zoning regulations for the RR district.
3. This is a family operated business assembling products for Continental in a building located on the property. There will be no customers on site.

**Recommended Conditions:**

1. This Conditional Use Permit will be permanent.
2. All setbacks and lot density requirements must be followed per Madison County Zoning Regulations.
3. Must be maintained by members of the family and no more than two additional unrelated person.
4. May be no walk in, retail customers.
5. No activity is allowed that might result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to a residential and /or agricultural area.
6. No activity is allowed which involves the use or manufacture of products or operations that are dangerous in terms of risk of fire or explosion.

Abler states that the lot is small and there are no shoulders on the road. He states that his big concern was with traffic. He states that after discussing with Heather and Colby Svoboda the proposed business is not what it seems. He states that it sounds like there will not be any employees. He states that we do not see cottage industries often; therefore he got excited when he seen it.

Acklie asks if in the future they would be able to hire employees in the future if they decide to.

Heather states that they would be able to hire 2.

**7:18 p.m.** Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Colby Svoboda speaks in favor. He states that they are in the process of taking over the business from his in-laws. He states that everything is done indoors. He states that the only noise will be when the air compressor regenerates. He states that they haul with a pick up and a trailer. He states that the business will be run by himself and his wife and in a crunch the in-laws.

Becky Svoboda states that they cut pieces by hand.

Prauner asks what they use to cut.

Bill Weisel; father in-law states that they cut some pieces with a saw. He states that some stuff is cut with a pneumatic cutter that runs off the air compressor. He states that he currently owns the business for over 30 years. He states that it is currently hard to run the business where it is due to the flooding. He states that they currently have a Conditional Use Permit in Stanton County. Weisel states that there is no noise. He states that they put parts together, clean hose, ect for Continental. He states that it is time to get the business closer to the plant.

Milander asks if they will be working in the big wooden building.

Weisel replies; "yes".

Prauner asks if there will be anything stored outside.

Weisel states that he does not think anything needs to be stored outside.

Weisel states that they travel to the plant about every 3-4 days.

Sally Lewis asks exactly what they are doing in regards to cutting hose.

Weisel explains that the hose is cut to spec such as a scuba driver hose. He states that they do a lot of specialty cuts on things that require precise cuts. He states that they have a machine that cleans the bobbins for new wire. He states that he would be more than happy to let anyone that would like to see exactly what they do.

Jerry Lewis states that this is a Rural Residential area and there are a lot of kids. He states that his concern is traffic.

Weisel states that there is little traffic.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

Rob Haake states that he is not necessarily opposed but has some questions. He states that his concerns over traffic have been answered. He asks about outdoor dumpsters and if he will have stuff outside making the surrounding properties look worse.

Weisel states that he has an outside dumpster right in front of his place and nothing escapes. He states that he does not stand for anything dirty. He states that Becky has been with him for 4 years now and knows.

Haake states that as long as there isn't stuff blowing around. He asks if there is the use of any chemicals.

Weisel states that they use acetone in small amounts and it evaporates.

Haake states that they seem like great people and asks what happens if this property is rezoned and then later someone else moves in.

Abler states that this is a Conditional Use Permit that can be restricted to them and will not transfer to new owners.

Heather states that this is not a rezoning and will continue to be zoned as Rural Residential. She states that they are only asking for a Conditional Use Permit.

Jerry Lewis asks what happens if they do not follow the rules.

Abler states that it would be a valid complaint.

Lewis asks where the valid complaints go.

Abler says it comes here.

Heather states that if she receives a valid complaint a violation letter is sent which gives them 14 days to fix it. If it is not fixed it will be brought back in to the Planning Commission and the permit can be pulled.

Sally Lewis clarifies that this permit cannot be transferred.

Heather states that is correct.

Haake asks if they are trying to grow the business.

Weisel states that he believes the business is where it's going to be. He states that they do jobs that Continental wants.

Oswald asks if the dumpsters are standard size.

Weisel states that it is a regular dumpster.

Griffith asks if it is a full time job for the family.

Weisel states that it is.

Milander asks where they enter and exit.

Weisel states that there are 2 driveways and they will probably enter from the north.

Schapman asks if this is the golf course road.

Weisel states that it is.

Schapman states that there is already a lot of traffic on that road and taking a pickup and trailer out 3 or 4 times a week is not really going to make any difference.

Acklie asks if there is any one opposed.

Dwight Reuter states that he is not really opposed but states that he moved to a RR neighborhood and now we are having people starting businesses. He asks where does it stop.

Prauner states that it stops here if it is compliant and meets the requirements.

Erin Moore states that their concern is that on the other side of the road that is not in compliance; therefore they are leery about a new business. She states that if Svoboda's follow all the rules they are happy to have it there.

Heather explains the definition of a Cottage Industry.

Haake asks about signage.

Abler states that they cannot.

Lance Moore asks what happens if they want to add onto the building.

Abler states that there is not enough room to add onto the building.

Heather states they would have to fill out a zoning permit, but does not believe they can make the setbacks to add on.

Acklie asks if there is anyone opposed.

No one speaks.

**7:43 p.m.** Acklie closes the Public Hearing

Prauner states that he believes that it will be a good use of the property and thanks them for moving their business from Stanton County into Madison County.

Abler states that he would like to take a look at the conditions of the permit and he makes a suggestion to revise the conditions.

Milander makes a suggestion to revise conditions of the permit.

Heather agrees and reads the revised recommendations.

**Recommended Conditions:**

1. This Conditional Use Permit will be for three years and will be renewed automatically with no verifiable complaints.
2. All setbacks and lot density requirements must be followed per Madison County Zoning Regulations.
3. Must be maintained by members of the family and no more than two additional unrelated person.
4. May be no walk in, retail customers.
5. No activity is allowed that might result in excessive noise, smoke, dust, odors, heat, or glare beyond that which is common to a residential and /or agricultural area.
6. No activity is allowed which involves the use or manufacture of products or operations that are dangerous in terms of risk of fire or explosion.
7. Nothing business related will be outside of the building other than a dumpster.
8. Conditional Use Permit may not be transferred to another owner.
9. Access to the building will be from the north drive.

Abler makes a motion to recommend approval based on the revised conditions. Prauner seconds the motion.

Vote taken. Members Abler, Oswald, Milander, Griffith, Acklie, Schapman and Prauner voted “Aye” none vote “Nay”. Motion carried.

**Other Business:**

Building Permits are discussed.

Training with new City Clerk is discussed.

Enforcement with in the cities is discussed.

Letter that was received from a member of the public is discussed.

Discussion on an application for a shouse is discussed.

Abler makes a motion to adjourn.

Prauner seconds the motion.

Vote taken. Members Abler, Oswald, Milander, Griffith, Acklie, Schapman and Prauner voted “Aye” none vote “Nay”. Motion carried.

**8:20 p.m.** Meeting adjourned.



