

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The August 20, 2020 Meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 7:00 p.m. in the Madison County Zoning Office Conference Room, 1112 Bonita Drive, Norfolk, Nebraska.

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

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

Absent: Milander and Flood

Also Present: BJ Seifert, Mike Finkrel, Jerry Guenther, Doug Huttman, Joe Barg, Shawn Beaudette, Mike Holdorf, Dustin Hozen, Ivan Peterson, Luke P. Henderson, Zoning Office Assistant Jennie Martinez, 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.

Minutes-July 16, 2020: The minutes of the July 16, 2020 Madison County Joint Planning Commission meeting were presented.

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

Vote taken. Abler, Acklie, Grant, Griffith, Oswald, Prauner, Schapman and Westerman vote "Aye" none vote "Nay". Motion carried.

Grant reads the first Public Hearing.

The purpose of this hearing is to receive public comments concerning the application of BJ Seifert for a Conditional Use permit to build an accessory building over 1,000 square feet on property described as Chardan Acres Third Addition Lot 4, Madison County, Nebraska. This property is located at 54685 Chardan Drive, Battle Creek, Nebraska.

Heather states that the applicant wants to build an accessory building approximately 3,000 square feet in Rural Estates Zoning District.

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

Statement of Finding of Facts:

- 1. This application is consistent with the Battle Creek City Comprehensive Plan, Zoning and Subdivision Regulations and the Zoning Map.**
- 2. The property is zoned Rural Estates.**

Recommended 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 Battle Creek City Council.**
- 2. No building may be built until first receiving a building permit from the City of Battle Creek.**
- 3. This building shall not be used for commercial purposes.**

7:04 p.m. Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

BJ Siefert speaks in favor. Discussion consists of building location (Map; Exhibit A), size, building materials and covenants.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone else opposed.

No one speaks.

7:09 p.m. Grant closes the Public Hearing.

Prauner makes a motion to approve based on the above recommended conditions. Westerman seconds the motion.

Vote taken. Abler, Acklie, Grant, Griffith, Oswald, Prauner, Schapman and Westerman vote "Aye" None vote "Nay". Motion carried.

Grant reads the next 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.

County Board sent the permit back to planning to review the recommended conditions. 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.

The opposition is questioning the validity of the permit because it was signed by the applicants not the owner of the property. There is a lease and a letter from the owner giving permission. Joe Smith has indicated the permit is fine as submitted and the county board chose not to require a new permit to be applied for.

Heather reads the statement of Finding of Facts and 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.

7:11 p.m. Grant opens the Public Hearing.

Grant asks if there is anyone in favor.

Ivan Petersen; Secretary speaks in favor. Discussion consists of the History of club, sponsors, and community involvement. He shows a banner which shows the sponsors of the club (Exhibit B) and a photo of the Lutheran High Shooting team. (Exhibit C)

Petersen discusses the purpose of the club, safety, structure, scheduling.

Petersen discusses noise, types of shots and hours of operation which is posted on the website.

Grant asks if there is anyone else in favor.

Doug Huttman; Chairman speaks in favor. Discussion consists of a site visit with Troy Uhler and a Madison County deputy to verify the noise levels.

Grant asks if there is anyone else in favor.

Shawn Beaudette; attorney and board member speaks in favor. Discussion consists of the lease and owner consent. (Exhibit D)

Beaudette discusses the differences between rifles and shotguns.

Beaudette references NRS 37-1304. (Exhibit F)

Petersen discusses days and hours of operation and spring activity.

Petersen discusses tournaments.

Huttman discusses goals and talks with the City of Norfolk on something more permanent.

Abler discusses the possibility of a 2- or 3-year Conditional Use Permit.

Grant asks if there is anyone else in favor.

Mike Finkral speaks in favor. Discussion on history of the current location and the sale of that location.

Finkral discusses his preference of a gun range versus a feed lot.

Acklie discusses weekly hours with Petersen.

Grant asks if there is anyone else in favor.

Joe Barg; board member speaks in favor. He speaks of the club's professionalism and good group of guys running it. He discusses the passing the sport of shooting down to other generations.

Grant asks if there is anyone else in favor.

No one speaks.

Grant asks if there is anyone opposed.

Luke Henderson on behalf of Mark Fitzgerald speaks in opposition. He presents and discusses 11 exhibits. (Exhibit G) Discussions include neighboring land owned by Ron & Linda Orlowski, Rob & Linda Schroeter and Harlo Hanson, validity of the application, location, property owners right to consent, Conditional Use Permit, Noise, no existence of a plan, and proposed conditions if approved.

Oswald discusses with Henderson and Peterson the direction of shooting.

Prauner discusses with Petersen length of practices.

Henderson discusses with Heather and Joe Smith the denial of an application for zoning permit by Rob Schroeter to build a shouse. It is clarified that the permit is on hold per the applicant not denied. Joe Smith states that the application for a shouse will not stop the gun range.

Abler discusses with Smith and Heather regarding the relevance of a lease.

Heather discusses the regulations regarding property owner versus applicant.

Henderson discusses the difference between County Regulations and State Regulations.

Grant asks if there is anyone else in opposition.

No one speaks.

Schapman shares his experience living close to a rifle shooting range. He discusses importance of the sport and the youth and his 100% support of the proposed gun range.

Prauner shares his experience as a kid with a trap shooting range that was located in the Battle Creek City Park.

Grant asks if there is anyone else opposed.

No one speaks.

8:04 p.m. Grant closes the Public Hearing.

Prauner makes a motion to recommend approval based on the above recommendations including that the permit be valid for 5 years, Operating hours of Monday thru Friday 8 a.m to 10 p.m and Saturday and Sunday 9 a.m. to 9 p.m.

Abler suggests restricting the operating hours to say daylight hours.

Smith recommends using the Headlight Statute.

Oswald suggests at the end of 1year correspondence from both sides.

Heather discusses micro-managing and the process of filing a complaint.

Abler clarifies that the permit will not transfer.

Abler seconds Prauner's original motion of recommended approval based on the above recommendations including that the permit be valid for 5 years, Operating hours of Monday thru Friday 8 a.m to 10 p.m and Saturday and Sunday 9 a.m. to 9 p.m.

Vote taken. Abler, Acklie, Grant, Griffith, Oswald, Prauner, Schapman and Westerman vote "Aye" None vote "Nay". Motion carried.

Other Business:

Zoning permits are discussed.

Election of officers is discussed.

Prauner makes a motion to adjourn.

Abler seconds the motion.

Members Abler, vote "Aye" none vote "Nay". Motion carried.

8:18 p.m. Meeting adjourned.