

## MINUTES

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

Norfolk, Nebraska

The October 21, 2021, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:03 p.m. 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, Oswald, Milander, Amen, Schapman, Abler, Griffith, Flood and Prauner

**Absent:** Westerman

**Also Present:** Jerry Guenther, Jamie Unkel Wolff, Evan Unkel, Jeffery Suckstorf, Julie Suckstorf, Myron Tiedtke, Sewerna Tiedtke, Kerry Barnhart, Garland Goracke, Brad Detlefsen, Tonya Detlefsen, Randy Sunderman, Deborah Sunderman, Dix Scranton, Jared Suckstorf, Sherri Swoboda, Lawren Miller, Darlene Miller, Dennis Smydra, Zoning Office Assistant Jennie Martinez and Zoning Office Assistant Rhonda Cortner.

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

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

**Minutes-September 23, 2021:** The minutes of the September 23, 2021 Madison County Joint Planning Commission meeting were presented.

Motion made by Flood to approve the minutes and seconded by Abler.

Vote taken. Acklie, Schapmann, Amen, Oswald, Milander, Abler, Prauner and Amen vote "Aye" none vote "Nay". Motion carried. Griffith abstained since she wasn't at the last meeting.

Acklie reads the first Public Hearing.

**The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Brad & Tanya Detlefsen to construct a home on less than 40 acres on property described as A Tract of land in the SE ¼ of the NW ¼ of Section 20, Township 24 North, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located ½ mile West of the intersection of 548th Avenue and Half Mile Road**

Jennie states that applicants would like to build a single-family home on the property which was split in 2018 and now requires a Conditional Use Permit to build the home. It is in an AG2 General Agriculture District and is the only home on the ¼ section.

Jennie reads the Statement of Finding of Facts.

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 AG2 General Agriculture and meets the density requirements for the Zoning district.

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.

Acklie opens the Public Hearing at 7:05p.m.

Acklie asks if anyone would like to speak in favor.

Brad Detlefsen speaks in favor. He states they would like to build their home on this land.

Roger asks if anyone else is in favor.

Roger asks if anyone is opposed? No one speaks.

Schapman makes a motion to approve. Prauner seconds the motion. Abler, Acklie, Prauner, Griffith, Milander, Oswald, Amen, Schapman and Flood all vote "Aye", none vote "Nay".

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Jeff & Julie Suckstorf to construct a home on less than 40 acres on JEFF SUCKSTORF'S LOTSPLIT described as a Tract of land in the NW ¼ of the NE ¼ of Section 28, Township 24 North, Range 3 West of the 6th P.M. Madison County, Nebraska. This property is at 54252 842 Rd, Battle Creek, Nebraska.**

Jennie reads the Statement of Finding Facts and Recommendation.

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 AG2 General Agriculture and meets the density requirements for the Zoning district.

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.

I recommend approval based on the above facts and conditions.

Acklie opens the Public Hearing 7:10p.m.

Acklie asks if anyone is in favor.

Jeff Suckstorf speaks in favor. He states his son would like to build a home on this land.

Acklie asks if anyone is opposed? No one speaks. Public Hearing closed at 7:12p.m.

Acklie asks for questions from committee members. Prauner asks about elevation and if they have any flood water. Jeff replied most is out of the flood plain, but they have a little water in one corner. He said his son was planning on bringing in a little dirt to raise it up.

Abler asks about amount of acres son would be building on. It will be 3.28 acres to meet the minimum requirement in Madison County.

Acklie asks for any other questions. There are none.

Prauner makes a motion to approve, Griffith seconds the motion. Flood, Schapman, Amen, Oswald, Milander, Griffith, Prauner, Acklie, and Abler vote "Aye" none vote "Nay".

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Jared Suckstorf to construct a home on less than 40 acres on ROY D SWOBODA'S LOTSPLIT described as a Tract of land in the N ½ of the NE ¼ of Section 23, Township 24 North, Range 3 West of the 6th P.M. Madison County, Nebraska. This property is at 54487 843 Rd, Meadow Grove, Nebraska.**

Applicant would like to build a home on a lot split containing 3.17 acres on property owned by his parents. It is an AG2 district and meets the density.

Jennie reads the Statement of Finding Facts and Recommendations.

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 AG2 General Agriculture and meets the density requirements for the Zoning district.

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.

I recommend approval based on the above facts and conditions.

Acklie opens the Public Hearing at 7:17p.m.

Acklie asks for anyone in favor. Jared Suckstorf speaks in favor. Sherri Swoboda speaks in favor.

Acklie asks if anyone is opposed, no one speaks.

Prauner asks where the driveway will be. Jared shows him on the map. The driveway was put in on October 20<sup>th</sup>. The property has good elevation and is not in the floodplain.

Acklie asks if anyone is opposed, no one speaks. Public Hearing closed at 7:19p.m.

Amen makes a motion to approve, Prauner seconds the motion. Milander, Abler, Acklie, Prauner, Griffith, Oswald, Amen, Schapman, and Flood all vote "Aye", none vote "Nay".

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Garland & Gini Goracke for a building over 1,000 square feet located on Tax Lot 15 in the NW ¼ of the NE ¼ of Section 26, Township 24, Range 4 West of the 6th P.M., Madison County, Nebraska. This property is located at 528 W. Grove Ave, Meadow Grove, Nebraska.**

Applicant wants to build a 2400 square foot building in the Ag District for personal storage which requires a CUP. It is in a flood plain and the applicants are working on mitigation to meet the flood plain requirements.

Jennie reads the Statement of Findings of Fact and the Recommendations.

Statement of Findings of Fact:

1. This application is consistent with the Meadow Grove Zoning and Subdivision Regulations.
2. A Conditional Use is required to build a shed over 1,500 square feet per an amendment to the City of Meadow Grove's Zoning Regulations in 2011.
3. Property is located in a flood plain.

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 Meadow Grove Village Board.
2. No building may be built until first receiving a building permit from the Village of Meadow Grove.
3. This building shall not be used for commercial purposes.
4. Zoning permit will not be approved until Flood Plain mitigation is complete and a Flood Plain Development permit is approved.

Acklie opens the Public Hearing at 7:23p.m.

Acklie asks for anyone in favor.

Garland Goracke speaks in favor. He states the land is 1 foot above floodplain.

Griffith asks about utilities. Garland says there is primary electric overhead that could be hooked up. Also, some water. When asked about sewer he stated there is a septic tank. Acklie asks if he is going to connect to city water and Garland said no, not at this time.

Schapman asks if he is going to use part of shed for livestock? Garland says no, storage.

Griffith motions for approval, Prauner seconds the motion. Schapman states it would be with condition of floodplain permit. Yes, it is stated in the conditions.

Griffith, Flood, Schapman, Amen, Oswald, Milander, Prauner, Acklie, and Abler all vote "Aye", none vote "Nay".

Acklie reads the next Public Hearing.

**The purpose of this hearing is to receive public comments concerning the Conditional Use Permit Application of Jamie Unkel Wolff to operate an Event Venue on property described as the SW ¼ of the NW ¼ of Section 2, Township 23 North, Range 2 West of the 6th P.M. Madison County, Nebraska. This property is located ½ mile South of the intersection of 840th Road and 550th Ave.**

Applicant is requesting a Conditional Use Permit to operate an Event Venue. If approved the property will be split and the structure built. I've enclosed a preliminary site plan indicating the layout and the lot split. This use does meet the zoning regulations.

Jennie reads the Statement of Findings of Fact and the Recommendations.

Statement of Findings 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 under Section 402 AG1 Agriculture Intensive, Permitted Conditional Uses.

Recommended Conditions:

1. This is a Conditional Use Permit for rental of an event center.
2. A parking area will be clearly identified, and adequate lighting provided.
3. Liability insurance must be always maintained on the property.
4. A copy of the rental agreement must be provided to the Zoning Administrator and kept on file in the Zoning Office.
5. This permit is subject to the Madison County Zoning and Subdivision Regulations, the laws of Nebraska, the U.S. Government, and State Fire Marshall.
6. This Conditional Use Permit is for 10 years and will renew automatically pending no verifiable complaints.
7. If ownership is transferred, Zoning Administrator must be notified 30 days prior to sale of property.
8. A copy of the signed permit must be recorded with the Madison County Register of Deeds office by applicant.
9. A zoning permit must be obtained from the Zoning Office before construction begins.

There is a question about #4 in the recommended conditions. Is that for each event? It is for a general agreement for the venue.

Schapman has a question about #7. Is this a state or county law to be notified 30 days prior to sale of the property? Jennie calls Heather. Heather states they always make that stipulation. It is a normal condition just worded differently. They use it for specific things like a business, animal feed lots, etc. for the transfer of the property. Since this is not residential it is an event center is why this is worded differently.

Merlin Milander states this is more of a commercial business in Ag1, which is an allowed use with a conditional use permit.

Acklie opens the Public Hearing at 7:38p.m.

Acklie asks for anyone in favor.

Jamie Wolff speaks in favor. She states that they would like to buy an old barn and put it on the property to use. Evan says he would tear down the current shed that is there.

Griffith asks what kind of events are they going to have?

Evan states Christmas parties, family reunions. Jamie adds in they may have craft shows or events, wedding receptions, bridal shows.

Amen asks if they intend to put any rooms in for Bridal wedding rooms or like Bed & Breakfast? Jamie says that will be phase 2. Prauner asks about a kitchen. Jamie states there will be a kitchen and bathroom units.

Acklie asks about a liquor license. Jamie says not currently. They figured they could have bartenders bring in their own alcohol to serve drinks and use their license.

Sewerna Tiedtke speaks about an increase of traffic. Jaime states it will only be for that 1 mile on 550 Ave.

Sewerna says they live to the west and that would block them in there. She states that they have lived there 50 years and they know what Jamie and Evan are going to block. States that she can't see people driving new vehicles on a gravel road with the rocks or in the rain. What are they going to do, pave it?

Sewerna asks why don't they put it on 840 road? Evan says it would be too close to houses there.

Schapman States let's finish with everyone in favor and then discuss this.

Acklie asks if anyone else is in favor? No one speaks.

Myron Tiedtke asks why Jaime isn't putting it on her own land? Jamie states she lives 12 miles out of town and the roads are worse and are all gravel roads. It would be farther out in the country.

Schapman asks if the event center will be located off Highway 275? Prauner says no it will be on Broken Bridge Road.

Sewerna Tiedtke states that in a farming community they have a lot of machinery on the roads. Traffic would be a concern.

Kerry Barnhart lives  $\frac{3}{4}$  miles to the south. Will it (the event center) be zoned commercial? Acklie states it will not be zoned commercial, it will still be Ag1 with a permitted use. The building can be rented out.

Randy Sunderman speaks. He says that over the years they have been to many event centers, and they have always been located where the traffic is mostly vehicles. He gives example of Wayne, Clarkson, and Humphrey. He is concerned with there being farm equipment on the roads and no shoulder on the road. There is no where to get over. In the spring, summer, and fall this is dangerous because the farmers are traveling to the fields. He states that these events will happen in the spring and fall with combines, grain carts, and semis on the road. This would be a mess. In other areas where events are held there is no equipment on the road. So there is no worry about traffic. This (550, and 840) is an Ag Road, county black top, not a highway. Randy is also concerned about bright lights around the building and parking area. Randy says they don't need 50 to 100 cars to come by while farmers are trying to get to the field. What about parking? Will people be blocking the road?

Dennis Smydra speaks. He asks what are the zoning guide lines for that area? Will there be more businesses popping up in the area? Is it 1 per 80 acres, 1 per quarter?

Acklie replies no restrictions. People would be required to apply for a conditional use permit if they wanted to run a business.

Dix Scranton is concerned about liquor being a problem and noise. He says when Divots has a concert, they get a lot of noise at their place. He is worried about the consumption of liquor.

Myron Tiedtke is concerned about beer bottles and cans being thrown in the ditch. He says he finds them in his pasture.

Acklie reads a letter of opposition by Cory Knull.

Closes Public Hearing at 7:55p.m.

Prauner states that public safety is an issue with planting and harvest.

Milander asks how many acres will there be for the property? Will there be room for parking?

Schapman asks if they will be planting trees? That would help with the noise. Evan says they will plant trees.



Acklie asks if they would require anyone renting to provide security? Jamie says they hadn't really thought about it. That would be a good idea. Acklie says the police or Sheriff can't come on the property unless you call and ask them to. Prauner says the police can't come on the property without permission unless they witness a crime being committed. It is better to have a call to come to the property.

Prauner asks if they have a liquor license would it be just the building? If someone brings in a bar & liquor with their license it would be a liability issue.

Schapman states that is a separate issue.

Griffith asks if this is property, they already own? Jamie says it belongs to Evan's parents, but Jamie and Evan are planning on buying the acres they need. Evan's parents will own the land around it.

Schapman states that it is a permitted use in this area, the Ag 1 land.

Oswald states it is up to the investors (Jamie and Evan) to decide if this is the best location. Oswald makes a motion to approve. Amen seconds the motion.

Prauner is concerned about the road. Schapman says it is a public road. That is another issue.

Vote taken, Abler, Oswald, Amen, Schapman, and Flood vote "Aye".

Acklie, Prauner, Griffith, and Milander vote "Nay".

Motion approved.

There is no other business to be discussed.

Schapman makes a motion to adjourn. Abler seconds the motion. All vote "Aye."

Meeting adjourned 8:06p.m.