

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The February 18, 2021 Meeting of the Madison County Joint Planning Commission was called to order by 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:

Heather introduces Travis Amen as a new member of the Planning Commission.

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

Absent: Abler, Schapman, Flood, Westerman

Also Present: Jerry Guenther, Jade & Dean Henery, Andrew Willis, Mindy Buckendahl, Joshua N., Jess Vanden Berge, Bobbi Pettit, Zoning Administrator Heather McWhorter, and Zoning Office Assistant Jennie Martinez.

Open Meetings Act: Acklie stated that 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-January 21, 2021: The minutes of the January 21, 2021 Madison County Joint Planning Commission meeting were presented.

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

Vote taken. Prauner, Acklie, Griffith, Oswald, 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 Mindy Buckendahl for a Conditional Use Permit to construct a home on less than 40 acres on property described as Part of the SE ¼ of the SE ¼ (BUCKENDAHL'S LOTSPLIT), Section 33, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska. This property is located west of the intersection of 834th Rd and Hwy 81.

Heather states that this application was approved in 2018 and expired after one year. Heather states that Mindy is applying again and is now ready to build her home. Heather states that it is in an Ag Intensive district and meets the requirements of the district.

Heather 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 AG1 Agriculture Intensive 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.
2. 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.
3. 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.
4. A zoning permit must be obtained from the Zoning Office before construction of the home begins.
5. A copy of the signed permit must be recorded with the County Register of Deeds office by applicant.

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

Acklie asks if there is anyone in favor.

Mindy Buckendahl speaks in favor. Discussion consists of location of the proposed house, location of Mindy's fathers' home, previous CUP approval, placing a modular on a basement, adding a garage and possibly a machine shed in the future.

Acklie asks if there are any questions.

No one speaks.

Oswald states that it is a good spot.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone else opposed.

No one speaks.

7:05 p.m. Acklie closes the Public Hearing.

Prauner makes a motion to approve. Oswald seconds the motion.

Vote taken Acklie, Prauner, Griffith, Oswald, Milander and Amen 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 Dean and Jade Henery for a Conditional Use Permit to construct a home on less than 40 acres on property described as a Tract in the NE ¼ of the NE ¼ Section 10, Township 24 North, Range 3 West of the 6th P.M., Madison County, Nebraska. This property is located west of the intersection of 845th Rd and 544th Ave.

Heather states that the applicants would like to build a home on a 16-acre tract located in a General Ag district. Heather states that it meets the density requirement for the district.

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

Statement of Findings of Fact:

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 his 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.

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

Acklie asks if there is anyone in favor.

Dean and Jade Henery speak in favor. Discussion consists of building a house, location, and roads. Jade states that they will be building on the alfalfa piece of the property.

Acklie asks if there is anyone in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

7:11 p.m. Acklie closes the Public Hearing.

Prauner discusses the location of the driveway.

Dean Henery states that there are 2 driveways.

Prauner makes a motion to approve. Amen seconds the motion.

Vote taken Acklie, Prauner, Griffith, Oswald, Milander, and Amen vote "Aye" None vote "Nay" Motion Carried.

Acklie reads the next Public Hearing.

The purpose of the hearing is to obtain public comment prior to consideration of an amendment to the redevelopment plan of the City of Tilden, which amendment shall include a modification of a previously approved redevelopment project.

The properties which are the subject of the public hearing are in the City of Tilden and legally described as follows:

Lots 17, 18, 19 and 20 of Replat of a portion of Saxton's Subdivision of Tax Lot 2, Madison County, Nebraska (PID 590032058)

Lot 24 of Saxton's Subdivision of Tax Lot 2, EXCEPT the West 50 feet thereof, Madison County, Nebraska (PID 590032062)

Lot 22 of Block 2 of East Lawn Subdivision of Lots 1, 15 and 16 of Saxton's Subdivision of Tax Lot 2, EXCEPT the West 50 feet thereof, in the City of Tilden, and being part of the Northeast ¼ of the Northwest ¼ of Section 19, Township 24 North, Range 4 West of the 6th P.M., Madison County, Nebraska (PID 590028537)

Tax Lot 3, in the City of Tilden, and being part of the Northeast ¼ of the Northwest ¼ of Section 19, Township 24 North, Range 4 West of the 6th P.M., Madison County, Nebraska (PID 590027611)

7:14 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Bobbie Pettit: Five Rule Planning, speaks in favor. She states that the Tilden City recently updated their Comprehensive plan, their Blight and Substandard Study, and their General Redevelopment Plan which received recommendation of approval from the Madison County Planning Commission. She states that it was their hope that something would happen right away with the old nursing home property. She states that now they are hoping to amend the Redevelopment Plan with the nursing home project.

Andrew Willis speaks in favor. He states that every time there is a project that uses TIF financing an amendment is needed to specifically identify the project. He states that the name of the project is the Pentagon Investments Redevelopment Project. He states that the goal is to turn the property into 15 residential lots. He discusses site work that needs to be done such as the subdivision and extending the utilities. He states that TIF is needed to make the project affordable.

Willis states that the property is currently vacant, and the future land use map shows that it is for residential use.

Griffith asks Willis to explain what he means by 15 units.

Willis states that it will be mostly single-family homes is the goal but can be anything that is allowed in the R3 district such as duplexes.

Heather states that this hearing is necessary for the TIF financing and the next step will be for the preliminary plat and she states that a lot of questions can be answered during the preliminary plat hearing.

Willis agrees with Heather.

Willis states that there is about \$600,000 worth of work that needs to be done to get this project ready to be developed. He states TIF funding is important in order to bring the lot values down and make affordable homes.

Willis states that for all 15 lots there will be one effective date and explains how values are affected throughout the 15-year life of the TIF.

Willis gives the definition of TIF and states that only Blighted and Substandard properties are eligible.

Willis states that the only thing that the Planning Commission is looking at is to see if this plan conforms to the Comprehensive Plan. He states that the City is in need of additional housing and this is a way to make that happen.

Prauner asks how many lots the property is currently.

Willis states that it is currently 3 lots and will be subdivided into 15 lots.

Acklie asks about the streets.

Pettit states that the streets that are close to this property are not thru streets and project will help with the streets.

Willis discusses the cost benefit analysis. He states that this is the best option for this property.

Acklie asks about storm drainage.

Pettit states that storm sewer is part of the project.

Willis states that one thing that they must look at as student population and that the school has been notified that this project could bring more students.

Griffith asks if Pentagon will be building the homes.

Pettit states that Rutjens Construction will be building the homes.

Milander asks if there will be reimbursement from the state to the school district because of the lost revenue due to the project receiving TIF.

Willis states that there is no reimbursement.

Acklie asks if there are any other questions.

No one speaks.

Acklie asks if there is anyone in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

7:37 p.m. Acklie closes the Public Hearing.

Prauner makes a motion to approve. Griffith seconds the motion.

Vote taken Acklie, Prauner, Griffith, Oswald, Milander, and Amen 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 preliminary Plat application of Pentagon Investments, LLC for Meadow Bend Subdivision located on Parts of Lots 17, 18, 19, 20, and 24 of Saxton's Subdivision & Part of Tax Lot 3, City of Tilden, Madison County, Nebraska.

Heather asks that the Planning Commission look at the Preliminary Plat. (Exhibit A). She states that the applicant is requesting approval of a preliminary plat for a subdivision located in Tilden. She states that

they are asking to modify some of the setbacks regarding front and rear yards based on the following section of the Tilden Subdivision Regulations.

Section 2.09 General Provisions; Modifications.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the City Council, after report from the Joint Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that such modifications or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Plan of the Planning Area of the City. The standards and requirements of these regulations may be modified by the Governing Body after report by the Joint Planning Commission in the case of a planned development or a redevelopment project involving the re-subdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

Heather reminds the Planning Commission that this is a preliminary plat and will come back through as a final plat.

7:45 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Pettit speaks in favor. She states that she has spoken to the applicant and discussed his reason in wanting to shift the setbacks. She states that where they want to build will match the neighborhood better.

Heather states that she feels that this is a good project for Tilden.

Pettit states that the developer first wants to receive the approval to shift the setbacks so that they know that the proposed subdivision is going to work. She states that once they receive that approval they will come back in with a final plat.

Prauner discusses the streets with Heather. Heather states that the streets will be the same size as the other City streets.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

7:53 p.m. Acklie closes the Public Hearing.

Prauner makes a motion to approve. Griffith seconds the motion.

Vote taken Acklie, Prauner, Griffith, Oswald, Milander, and Amen vote "Aye" None vote "Nay" Motion Carried.

Other Business:

Pettit gives an update to the Comprehensive Plan and referred to a handout (Exhibit B).

Zoning permits are discussed.

Livestock Waivers are discussed.

NPZA is discussed.

Prauner makes a motion to adjourn. Amen seconds the motion.

Vote taken Acklie, Prauner, Griffith, Oswald, Milander, and Amen vote "Aye" None vote "Nay" Motion Carried.

8:29 p.m. Meeting adjourned.