

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The February 1, 2024, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 6:00 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: Griffith, Brown, Oswald, Flood, Amen, Acklie, Westerman and Milander

Absent: Abler and Grosserode

Also Present: John Klein, Brandy Kudera, Kathleen Rockey, Michael Fleeer, Martin Koopman, Joel Bierman, Mary Ellen Swim, Zoning Administrator Heather McWhorter, and Zoning Office Assistant Jennie Martinez

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-November 16, 2023: The minutes of the November 16, 2023, Madison County Joint Planning Commission meeting were presented.

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

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

Acklie reads the Public Hearing

The purpose of this hearing is to receive public comments concerning the application of John Klein for a change of zoning from R1 Single Family Residential District to C3 Highway Services District on property described as Hales Suburban Lots PT Lot 9 (590146874), Tax Lots SW ¼ SW ¼ PT Tax Lot 28(590151843), Hales Suburban Lots PT Lots 7 & 8 (590218891) and Tax Lots SW ¼ SW ¼ PT Tax Lot 28(590218905) all in Section 31, Township 24, Range 2, West of the 6th P.M. Madison County, Nebraska. The property is located north of McCallister St along the east side of Highway 121, City of Battle Creek, Madison County, Nebraska.

Heather states that the applicant would like to develop these lots for commercial purposes. They are along Highway 121 and are adjacent to the Highway Services Zoning District making them ideal for this purpose.

Heather states that she received opposition from a neighbor. She states that there is a fence on the property that Mr. Klein purchased that belongs to the neighbor, Ms. Swim. She has been asked to move it due to the survey that indicates the property belongs to Mr. Klein. Ms. Swim is disputing this. Heather states that ownership is not for us to determine and is a civil matter. Heather states that she checked with Register of Deeds and that is what we need to go by. She states that she advised Mr. Klein he can move ahead with the rezoning request because he currently has proof of possession and if that changes in the future, we will make appropriate changes to zoning as needed.

Heather reminds everyone that his hearing is for the re-zoning only and if it's appropriate for the district. She states that if they decide to put the businesses in there in the future, at that time we will decide if those businesses are appropriate.

6:05 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Kathleen Rockey speaks in favor. She states that she is an attorney that represents John Klein and Brandy Kudera. She shows a drawing of the survey and explains the location of the property and what surrounds it. She states that the property is in 4 separate parcels and that they are asking that it be rezoned to Highway Services District. She explains what the applicant intends to use the properties for, a coffee shop on Parcel #'s 590218905 and 590151843 and a powder coating business on north parcel. She states that she believes this to be a logical use of the property. She states that the powder coating business would fall in the matrix as custom manufacturing or light industry and that the coffee shop seems to fit in the matrix under food sales and is consistent with the description of Highway Services District.

John Klein speaks in favor. He states that he owns Northeast Machine in Battle Creek which does custom fabrication. He explains powder coating and how he intends to run his business.

Brandy Kudera speaks in favor and describes the coffee shop she intends to build.

Griffith asks if there will be food served.

Kudera states that she is still in the planning phase but it is a possibility that she may serve bakery items from local businesses.

Milander verifies the location of the proposed coffee shop with Kudera.

Kudera states that she is currently working with the State of Nebraska regarding location of the driveway.

Amen asks how big the shop for the powder coating business will be.

Klein is unsure at this time.

Rocky discusses the expectations that the neighbors may have with screening and buffers.

Milander verifies the width of the strip of property where ownership is in question being 31' wide.

Milander asks if there would still be room for the shop that Klein would like to build if it is determined that he does not own that portion of property.

Klein states that he is still in the planning stages.

Acklie verifies with Rockey that the strip of land is where the fence in question is located.

Acklie asks if there is anyone else in favor.

Michael Fler states that he has spoken to both Klein and Kudera and they are aware that any utilities that need to be placed would be at the owners expense and that they need to work with the Nebraska Department of Roads regarding driveways. He states that the City of BC has no opposition. He states that only 1 parcel is within City limits and the other 3 parcels are outside those limits, however fall within the ETJ of the City of Battle Creek.

Acklie asks if there is anyone else in favor.

No one speaks.

Acklie asks if there is anyone opposed.

Martin Koopman; brother of Mary Ellen Swim speaks in opposition. He passes out a handout (exhibit A) and reads the information in the handout. He adds #7 to his handout stating that the coffee shop and drive thru will have bright lighting and to block the light solid fencing will be needed. He states that he would like to request that a recommendation is tabled to allow more time to determine the ownership of the property in question and so that his sister's property is not improperly rezoned.

Acklie asks if there is anyone else opposed.

Joel Bierman speaks in opposition. He states that he has been a neighbor for 20 years and the property has been abandoned forever. He states that it will need to be built up due to flooding issues.

Heather states that it is not in the flood plain.

Bierman states that the neighborhood currently looks nice and Kleins business will get bigger and bigger. He states that will ruin the neighborhood and will cause property values to go down. He states that this area is not the proper place for it and no McAllister neighbors are in favor.

Acklie asks if there is anyone else who is opposed.

No one speaks.

6:31 p.m. Acklie closes the Public Hearing.

Discussion amongst the board in regard to the aesthetic of the buildings.

Klein states that the buildings will have a modern look and will not look industrial.

Heather explains the comp plan and the future land use map. She explains that the planning commission recommends approval or denial and the City Council will have the final approval. Heather reminds the public that this hearing is only to rezone the property. She states that if the rezoning is approved.

Kudera will have to fill out a Zoning Permit for the coffee shop building and Klein will need a Conditional Use Permit to have the powder coating business in that location.

Other Business-Discussion and /or action

Election of Officers.

Milander makes a motion to retain the current officers; Roger Acklie; Chairman, Merlin Oswald; Vice-Chairman and Joy Griffith; Secretary. Flood seconds the motion.

Vote taken to nominate Acklie as chairman. Griffith, Acklie, Westerman, Oswald, Flood, Brown, Amen and Milander vote "Aye" none vote "Nay". Motion carried.

Vote taken to nominate Oswald as Vice-Chairman. Griffith, Acklie, Westerman, Oswald, Flood, Brown, Amen and Milander vote "Aye" none vote "Nay". Motion carried.

Vote taken to nominate Griffith as Secretary. Griffith, Acklie, Westerman, Oswald, Flood, Brown, Amen and Milander vote "Aye" none vote "Nay". Motion carried.

Administrators report:

Zoning permits are discussed.

Wind Towers are discussed.

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

Meeting adjourned at 7:23 p.m.