

MINUTES

Madison County Joint Planning Commission

Norfolk, Nebraska

The October 17, 2024, Meeting of the Madison County Joint Planning Commission was called to order by Chairman Acklie at 7:00 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: Oswald, Brown, Griffith, Westerman, Amen, Acklie, Abler and Milander

Absent: Flood

Also Present: Bill & Sherrie Marx, Ivan & Karen Peterson, Mr. & Mrs. Jake Hastings and their 3 children, 3 additional members of the public, 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-: July 18, 2024. The minutes of the July 18, 2024, Madison County Joint Planning Commission meeting were presented.

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

Vote taken. Abler, Acklie, Oswald, Westerman, Griffith, Amen, Brown 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 Conditional Use Permit application of Jake Hastings to construct a home on less the 40 acres on property described as Part of the NW ¼ of the NE ¼ & Part of the NE ¼ NW ¼ in Section 20, Township 24 North, Range 2, West of the 6th P.M. Madison County, Nebraska. This property is located North of the City of Battle Creek and ½ mile West of the intersection of 548th Ave and 843rd Rd. (Parcel # 590150591)

Heather states that the applicant would like to build a house on an 11.5-acre tract. Property is in a General Ag district which requires a 2,640 setback to Amen Dairy, which is located to the southwest of this property. The applicant has provided a signed waiver form regarding the setback.

Heather reads the Statement of Finding of Facts and the 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. The property is zoned AG2, General Ag and meets the density requirements for the Zoning district.

3. Property falls within the 2,640 feet setback to Amen Dairy, applicant has submitted a signed waiver of distance form

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 their 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.

6:03 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Heather states that she received a letter in favor from Patrick Hintz.

Acklie asks if anyone else is in favor.

Jake Hastings speaks in favor. He states that he would like to build a house.

Roger verifies that the parcel is two pivot corners.

Heather states that the land was split in the past.

Acklie asks if there is anyone else in favor.

No one speaks

Acklie asks if there is anyone opposed.

No one speaks.

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

Abler Makes a motion to recommend approval based on the above Recommended Conditions. Brown seconds the motion.

Vote taken. Abler, Brown, Acklie, Oswald, Griffith, Westerman, Amen and Milander 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 Conditional Use Permit application of Bill & Sherrie Marx for an Event Center with Lounge on property described as the Part of the NE ¼ in Section 24, Township 23 North, Range 3 West of the 6th P.M., Madison County, Nebraska.

This property is located approximately 2 1/2 miles South of the City of Battle Creek along Highway 121, Madison County, Nebraska. (Parcel# 590292153)

Heather states that the applicants would like to build an Event Center at this location which is in an Ag Intensive district. The applicant has indicated they would like to host events such as weddings, graduations, Celebrations of Life, Anniversaries, Christmas parties, Reunions, company training & meeting events, etc. The building will sit approx. 560 from the highway to limit noise, the driveway will come off the highway and exit on the county road to the south to minimize traffic back up. They are in the process of determining security during events as well as possibly applying for a liquor license. They would like the possibility of opening a few nights a week in the future as a lounge to fill in around the scheduled events, which is still tentative at this time. They are intending to offer transportation during events to the surrounding areas such as Battle Creek and Norfolk City.

Heather reads the Statement of Finding of Facts and the 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 under Section 402 AG1 Agriculture Intensive, Permitted Conditional Uses.**

Recommended Conditions:

- 1. This is a Conditional Use Permit for an Event Center with lounge.**
- 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.**

6:09 p.m. Acklie opens the Public Hearing.

Acklie asks if there is anyone in favor.

Bill & Sherrie Marx speak in favor.

Acklie asks how many acres they will use.

Bill Marx replied; "whatever it takes".

Acklie asks questions about security.

Bill Marx states that they want to offer security to anyone who has an event.

Bill Marx states that they want security, want a liquor license to control alcohol and want to offer transportation.

Griffith asks what type of liquor license is available in a rural area.

Bill Marx states that they have not checked that yet.

Griffith asks if they will offer food.

Bill Marx states that they want to set it up for vendors.

Abler asks if the event center is contingent on the liquor license.

Bill Marx replies; "possibly".

Board discusses with the Marx's regarding bring your own beer.

Bill Marx states that he does not want that. He states that it is too hard to control.

Milander asks where access to the property will be.

Bill Marx explains and states that it will be straight across from the golf course.

Acklie asks if anyone else is in favor.

Karen and Ivan Peterson speak in favor.

Peterson's state that they had a child get married and there was no place in NE Nebraska therefore they went to Hickman.

Peterson's state that it is in a good location and is right off the highway. They state that they are both strongly in favor.

Acklie asks if anyone else is in favor.

No one speaks.

Acklie asks if there is anyone opposed.

No one speaks.

6:20 p.m. Acklie closes the Public Hearing.

Amen makes a motion to recommend approval based on the above Recommended Conditions. Oswald seconds the motion.

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

Motion carried.

Administrators report:

Zoning permits are discussed.

Wind Towers & previous County Board hearings is discussed

Wind and Solar conference is discussed

Discussion with Keith Rhode.

Oswald makes a motion to adjourn. Amen seconds the motion. All vote "Aye". None vote "Nay".

Meeting adjourned at 7:21p.m.