

## MINUTES

Madison County Joint Planning Commission  
Norfolk, Nebraska  
April 29, 2011

The April 28, 2011 meeting of the Madison County Joint Planning Commission was called to order by Chairman Grant at 8:20 p.m. in the Madison City Council Chambers, 211 S. Lincoln Street, Madison, Nebraska.

### **CALL TO ORDER/ROLL CALL – Consideration and/or action on:**

**PRESENT:** Abler, Acklie, Grant, Milander, Reigle, Walahoski.

**ABSENT:** Bartee, Marx, Nygren, Stewart.

**Also Present:** Julia Castro, Marco Castro, Joan M. Falke, Brenda Jones, Gladys Magana, Jeanne Reigle, Denise Trine, John A. Johnson and Vickie Green.

Proofs of Publication from the Madison Star Mail and Norfolk Daily News were read into the Minutes by Grant.

Grant announced, "The Open Meetings Act is posted in the back for you in the audience and it will be followed."

**Minutes of March 24, 2011:** Milander moved to approve the Minutes, second by Walahoski. Motion carried.

### **PUBLIC HEARINGS-Discussion and/or possible action on:**

**Amend the city of Madison Zoning & Subdivision Ordinance to define and allow a Coffee House to be located within a Bed & Breakfast** – John stated, "This Amendment would define a coffee house in the Madison Ordinance as a small restaurant with no alcohol or entertainment and needing a Conditional Use Permit in the 'R1', 'R2' & 'R3' Zoning Districts and a Permitted Use in the 'C1' & 'C2' Zoning Districts. Parking would be the big concern, but a coffeehouse would be a good addition to the regulations in Madison. The next Public Hearing we'll discuss the parking issues and I wouldn't deny the Amendment just because of the parking limitations."

Grant opened the Public Hearing at 8:23p.m.

Jeanne Reigle testified saying, "It would be a wonderful addition to the community and I don't see any downside."

Joan Falke, applicant, testified in favor saying, "I would like to pursue this as well as teaching piano lessons. I wish to initially pursue the Bed & Breakfast because (per the Fire Marshal) it is less restrictive. It'll be family orientated and not serve alcohol at this time and be a healthy, wholesome place where you go away from with a positive experience."

Milander clarified, "John, you have suggested no cooking so we're just talking about a coffeehouse now, right?"

Acklie asked, "Are coffeehouses subject to inspections by the State?"

Grant closed the Public Hearing at 8:27p.m.

Acklie stated, "This would be good for Madison and I hope we'd support it."

Acklie moved to recommend approval of the Ordinance Amendment, second by Reigle.

AYE: SIX (6)

NAY: NONE (0)

ABSTAINED: NONE (0)

Commissioners voting AYE: Abler, Acklie, Grant, Milander, Reigle, Walahoski.

Commissioners voting NAY:

Commissioners ABSTAINING:

Motion carried.

**Falke Conditional Use Permit to operate a Bed & Breakfast and Coffee House on property located in part of Lot 6 and all of Lot 7, Block 43 of Clark's Addition to the city of Madison, Madison County, Nebraska** - John stated, "This is zoned 'R1' and the applicant would like to locate a Coffeehouse within a Bed & Breakfast at 608 S. Main Street. The applicant would

also like to give piano instruction at the location which is an allowed use. There is enough parking for the Bed & Breakfast and piano lessons, but the coffeehouse would require 14½ off street parking spaces as well as retaining 2 spaces for the home. Trying to put 14 or potentially 16 spaces for the coffeehouse is not able to be done and developing the south & east side of the lot would be something to look at. I have no problem with the Bed and Breakfast portion of the application and would recommend approval with the following conditions:

1. This Conditional Use Permit is for a Coffeehouse and Bed & Breakfast.
2. The Bed and Breakfast portion of the home is limited to four (4) guests.
3. Breakfast may be served to only registered guests of the Coffeehouse and Bed and Breakfast.
4. On-street parking may be substituted for the required two (one per bedroom) off-street parking spots.
5. A sign not to exceed six (6) square feet may be placed in the front yard or on the outside wall of the home.
6. This Conditional Use Permit is granted for a period of five (5) years and may be renewed for up to a total of twenty (20) years in five (5) year increments by the Zoning Administrator if no issues of complaints are verified during the permit period.
7. The Bed and Breakfast may be sold to another party with the Conditional Use Permit expiring.

Grant asked, "The capacity of the coffeehouse is listed at 50 people, what if that number was cut back, would that make parking feasible?"

John replied, "50 was from the Fire Marshal but you could recommend a limit of 25 persons making the need for only 8 parking spots which could be done."

Falke added, "The information is based on the original visitation from the Fire Marshal." She presented a letter from the Fire Marshal, which John read into the Minutes.

Grant opened the Public Hearing at 8:50p.m.

Denise Trine testified in favor, saying "I don't see a problem with the parking because I don't see people going in and staying for a long time. It seems like a lot of regulation."

Jeanne Reigle testified in favor saying, "We're not talking about an auditorium with partying and we need to encourage her, not make her jump through hoops."

Joan Falke, applicant, testified in favor saying, "Originally the Fire Marshal said to keep the numbers under fifty (50) because when you go over that number you run into a new gamut and the hours I was thinking about being open are 10-4 and not all 7 days a week."

Grant stated, "I don't know why we would regulate the hours that's up to the owner."

John pointed out, "It's be for day time parking."

Grant added, "That's not an issue we should be dictating."

Acklie stated, "The City Council regulates that for the residences."

Grant closed the Public Hearing at 8:55p.m.

Abler wondered, "What about parking in the back yard?"

John responded, "You could do that but the City Ordinance calls for parking to be on concrete or black top."

Reigle asked, "If you tear down the big (barn type) garage in the future, could that be used for parking?"

John informed those present, "I made the following changes and additions in the suggested conditions concerning parking spots and including the Fire Marshal's requirements" and read them into the Minutes:

8. Transoms above the bedrooms shall be sealed and rendered inoperable.
9. Smoke detectors shall be provided in all bedrooms, outside the sleeping area and on each level of the house. The detectors shall be interconnected so that the operation of any detector causes all the detectors to sound an alarm.
10. All electrical receptacles that serve countertops in the kitchen shall be GFCI protected.
11. This application must meet the requirements of the Fire Marshal including a maximum capacity of twenty-two (22) persons for the coffeehouse.

Jeanne Reigle argued, "You have to allow her to make some money, why are you doing this?"

Milander answered, "We have to follow the regulations."

Acklie made the motion to recommend approval to the city of Madison with the suggested conditions, on-street parking and the additional requirements mentioned by the Fire Marshal, second by Walahoski.

AYE: SIX (7)

NAY: NONE (0)

ABSTAINED: NONE (0)

Commissioners voting AYE: Abler, Acklie, Grant, Milander, Reigle, Walahoski.

Commissioners voting NAY:

Commissioners ABSTAINING:

Motion carried.

**OTHER BUSINESS-Discussion and/or action on:**

**Fee Schedule**-John explained, "This ties in with the Inter-locals & after meeting with representatives from Madison & Pierce County, it was decided it would be easiest to have a \$50 flat fee and one time inspection called an 'inspection fee.' It was agreeable with both counties and we're still working out the details."

**Update on Inter-locals**-John reported, "I've already met with Madison, Meadow Grove and Newman Grove on the community Inter-locals and I'll be meeting with Battle Creek and Tilden in May. We'll be changing budget categories that Pierce County is responsible for. Each county will be responsible for their Zoning Administrator's office, utilities, etc. The agreement went into effect in 2001 and Pierce County should have been paying 20% of my & Vickie's FICA, Social Security, etc. We're trying to make things more equitable."

**Administrator's Report**-John reported, "We've had NPZA since we last met and Madison & Pierce County had a good attendance. Richard Grant & Merlin Milander (on the city's dime) from the Planning Commission, Dick Wozniak & Paul Abler from the Board of Adjustment, Jerry McCallum from the Board of Commissioners and Dallas Oestreich from the Pierce County Planning Commission and Clayton Fischer from the Pierce County Board of Adjustment were all there as well as Don Svitak the new Weed Superintendent/Zoning Inspector."

Grant stated, "It was a good conference with a new format. I liked it.

Milander agreed.

"I was in Dawes County last week. They have a new Planning Commission and I gave them Planning 101," John said.

**ADJOURNMENT** – There being no further business, Acklie moved to adjourn at 9:30p.m., second by Walahoski.

**Larry Bartee, Secretary  
Madison County Joint Planning Commission**

(A COMPLETE TAPE OF THE MEETING IS KEPT ON FILE IN THE MADISON COUNTY JOINT PLANNING COMMISSION OFFICE.)