

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

June 14, 2022

Call to order: The June 14, 2022, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:30 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Announcement was made where the Open Meetings Act information is in the meeting room and that it is available to the public.

Roll Call: Members present: David Arens, Neil Clausen, Jim Kotrous, Greg Kuhlman, Rob Ganz, and Dean Wilken. Absent: Doug DeShazer, Robert Larsen, and Keith Nielsen. Also present were Zoning Administrator Liz Doerr. Supervisor Jim Sokol, and numerous members of the public were present for a portion of the meeting.

Approve Agenda & Public Notice in the Crofton Journal and Creighton News (Knox County News). Notice of the meeting was given in advance thereof by publication in the Crofton Journal and Creighton News (Knox County News). Ganz moved, Clausen seconded, to approve the agenda and public notice. Roll call vote showed all present in favor. Absent: DeShazer, Larsen, and Nielsen.

Approve the Minutes from the May 17, 2022, Meeting. Clausen moved, Ganz seconded, to approve the minutes from May 17, 2022. Roll call vote showed all present in favor. Absent: DeShazer, Larsen, and Nielsen.

Ex Parte Communications: None.

New Business: Public Hearing Lazy River Acres: Kuhlman moved to open the public hearing at 7:35, seconded by Clausen. Roll call vote showed all present in favor. Absent: DeShazer, Larsen, and Nielsen.

Doerr, Andrew Marshall, attorney for Kent Snowden, and Mike Skroch, surveyor, explained the plat. Marshall said that they would like the west lot to be saleable and use the east lot for parking for the marina and clear up the road being shown as going through the marina. Skroch said that the road will now be made clear to be part of the development. The Assessor's Office is currently showing that it is owned by Snowden even though he felt that it is a part of the subdivision. Rick Spellman told about a document titled Dedication of Plat that was not recorded. Snowdens are hoping that the road can be made public and taken out of their name by the Assessor's Office. Marshall said that the east lot with the marina and the road was offered to be turned over the Lazy River Acres if they would set up a homeowners association but the attorneys refused. Doerr read written comments against the proposal from Ramon Brandt. Doerr received a call from an attorney in Omaha that said they usually do a vacation of road before finishing the replat. Because we have treated a replat as including the Vacation of Road (because of notices that go out), Doerr checked with the County Attorney Thomas who said that we should go ahead and do them separately but concurrently. Greg Neuhaus said that they have an easement by necessity but will now be made a public road privately maintained. His client would also like to vacate the west part of the road along Block G Lot 1 & 2. There was discussion about vacating a road that is on the edge of a subdivision. Skroch said that in that case, the vacated road goes to the adjoining lot owner within the subdivision. Neuhaus agreed. Jennifer Blackburn Nielsen thought that her lot was part of the subdivision but the deed does not show it. Rick Spellman said that the marina was used as a selling point for the original plat as shown in a brochure. Doerr pointed out that only the west lot has been approved by

NDEE for building. Lot 2 can go into an entity for a homeowner's association. Jennifer Nielsen said that she will set up the Homeowner's Association. Spellman asked about the use of the west side of the marina for docks, etc. Marshall said that it is permissive. The process of vacating a road was explained. Doerr explained that the replat is small enough that the Floodplain regulations for subdivision do not come into play. Skroch said that the plat can remain the same with a separate survey shown for vacating the road.

Ganz moved to close the public hearing at 8:25 pm, seconded by Clausen. Roll call vote showed all present in favor. Absent: DeShazer, Larsen, and Nielsen.

Ganz moved to recommend approval of the Final Plat contingent on vacating the road. Kuhlman seconded the motion. Roll call vote showed all present in favor. Absent: DeShazer, Larsen, and Nielsen.

Public Hearing: Possible amendment to the minimum lot size for a residential dwelling with onsite waste treatment in the Commercial Corridor: Clausen moved to open the public hearing at 8:35 pm, seconded by Ganz. Roll call vote showed all present in favor. Absent: DeShazer, Larsen, and Nielsen.

Nick & Aliza Stout explained the request. They would like to see the minimum lot size changed to two acres so that they can have separate deeds for their house and the land that is held in a life estate so that they can refinance. Doerr mentioned the items that the Regulations require and pointed out that P136 of the Comprehensive Plan requires ½ acre or more for the Lake Area overlay so the request would comply with the Comprehensive Plan. At the last Board of Supervisors meeting, there were three citizens concerned about Cedar Knox Rural Water's large use of water in the lake area and asked that we not approve any new permits in the lake area. Their concern conflicts with changing to a smaller minimum lot size which would allow more dwellings. The use of water by the Rural Water district was discussed. The Stouts explained why they thought it should change. Jim Sokol said that the board wants to see growth but with that comes the need for road widening and bridge repair. Ganz felt that there was not a compelling reason for the County to change it. There was discussion on the availability of water in the area. Kuhlman stated that they have to determine what is best for the zone and not just one individual. Discussion occurred on whether the Stouts have marketable title to two acres. Nick Stout pointed out that the two acre minimum would apply only to the Commercial Corridor. Doerr stated that if the minimum was changed, the Stouts would still have to get an Administrative Plat and the County Board would not approve it if the property line goes through a structure. There was no public comment received. There was discussion about leaving the public hearing open with encouraging the Stouts to show that they can actually own two acres by a survey or attorney's opinion. The public hearing was left open.

Old Business:

Public Comment on Non-Agenda Items: none.

Zoning Administrator's Report: The May Permit Report was reviewed.

Next Meeting: The next meeting is scheduled for Tuesday July 12 at 7:30 p.m.

Adjournment: The meeting was adjourned at 9:28 p.m. by Chairman Wilken.

Liz Doerr, Zoning Administrator

Approved by Planning Commission: 7-12-22

Placed on File with Board of Supervisors: 7-28-22