

Minutes
March 13, 2023
Planning Commission Meeting

The agenda for this meeting was posted in the legal paper of record, the Sarpy County Times, on March 1, 2023. The Chairman, Alan Mueller, opened the public meeting at 7:00 pm & stated that the open meetings act is posted on the wall in the back of the room. Roll call for the Planning Commission Members Althouse, Tesar, Dennis, Felthousen, Mueller, Sullivan, Crofoot and Grotrian met as advertised. Staben was absent.

Approval of minutes: A motion was made by Tesar, seconded by Crofoot to approve the minutes from January 9th, 2023 meeting. A voice vote followed with all voting aye.

Mueller then asked Mike Jensen, Cass County Zoning Administrator, to introduce the first item on the agenda.

Jensen stated that the first item is Conditional Use Permit # CU-2023-0002 – Property owner, SLR, LLC - 16494 292nd Street, Ashland, NE – Legal Description: N1/2 NE1/4 EXC TL7 & HWY 16-12-10 – Campground

Parcel Involved: 130115975

Zoning:

Owners parcel – Recreational Agricultural
North – Recreational Agricultural East – Recreational Agricultural
South – Recreational Agricultural West - Recreational Agricultural
Adjacent uses include a compost facility and a Safari park.

This facility is also nearby exit 426, Mahoney State Park, SAC Museum and Round the Bend Steakhouse.

Regulations: This activity is allowed under a Conditional Use permit in Section 8.07 of the Cass County Zoning Regulations.

Administrator Remarks:

This application meets the Conditional Use guidelines as set forth in Section 8.07 of the Cass County Zoning Regulations. Applicant has been consulted regarding occasional odors from the nearby composting facility and Safari Park. Mueller opened the public hearing with the **first item** on the agenda. Mueller then invited the Elk View Ranch & Campground representative up to speak. John Walker, the attorney representing Elk View Ranch & Campground, came up. He stated this will be a good thing for the County. The owners cleaned up the property – removing old cars, tires, concrete and rebar. They hope to roll this out in two to three stages. The plan is to put in 140ish sites. Fireworks will be prohibited since the zoo is nearby. Quiet time will be established. There is a well on site – a water tank for water storage. All campers/RV'ers will be required to sign off on the rules. A posted speed limit of 5 mph to keep the noise and dust down. There will be a storm shelter at the site of the restrooms and showers. Mueller stated that the Business Plan stated 20 acres. Walker stated that it actually consists of 50 acres but will be confined to approximately 20 acres. The number of units will be 136 – 140 sites. Will have full hookups. Two dumping stations will be established with septic systems being added. Crofoot asked about the lot sizes. At this point, Mueller invited Nate Petersen to come up and speak. The actual pad sizes will be 50' X 20' – but the actual site will be bigger. The pad will have crushed asphalt on them. Mueller asked about the stable on the SW side of the property. Petersen stated that these sites will have a fenced area for horses and a stable to keep them in. Althouse asked if this campground would be closed in the winter. Petersen stated that he would like to keep it open year-around. No camper storage will be allowed. Mueller asked if the south end of the stable with the living quarters will be for the maintenance person. Petersen stated that there will not be someone living on site. He will hire someone full time plus someone to man the small building for check-ins. Maintenance hours will be 8 am to 5 pm plus there will be 2 stalls for camp hosts. Felthousen asked if we cap the number of units. Jensen stated that there is currently no cap. This is to be done on a case-by-case basis. There will be a dog area and a play area for kids. Well capacity is 4 – 5 gallons per minute – which is why there will be a wells dug to supplement the existing well. Minimum stay is 2 days. Maximum stay is 7 days. Campers will then be allowed to move to a different site and stay longer.

Mueller asked if the board had any more questions. Since there were none, he opened up the public hearing at 7:19 pm. Ten members from the gallery came up to speak with the following concerns/comments:

- Traffic.
- Infrastructure on roads. **This will be discussed with the Roads Department.**
- Disruption of peace and quiet for Horseshoe Lake occupants.
- Size of the camping pads. **The pads themselves will be 50'X 20' but the actual sites will be larger.**

- No playground, trails, wifi, or pet areas. Train noises. **There will be a playground, a dog park, ponds and trails.**
- Cheap place for traveling RV's and campers to dump.
- Compost smells will not be pleasant for campers.
- Water/well/septic issues. **A holding tank will be installed for water. If needed, a new well will be drilled. Septic system will be NDEE engineered.**
- This is a good fit for this area. Will complement the area if done right.
- Security concerns w/nearby zoo.
- With 200,000 people going through the zoo in 2022 and over 415,000 in 2020, roads could take a beating and traffic could be heavy.
- Study needs to be done at that intersection. **A traffic study will be ordered for this area.**
- Fireworks and firearm discharge could be dangerous with animals nearby at the zoo. **Fireworks will not be allow and no discharge of firearms. Quiet time will be established.**
- Quiet time will need to be established. **This will be part of the Conditional Use agreement.**
- Trespassing at Horseshoe Lake.
- Will road be maintained to the Horseshoe Lake gate. **This road is maintained by Cass County Department of Roads.**
- Will there be shower houses and pit toilets. **These will be built to County regulation standards. Restrooms will be open 24 hours.**
- Impressed with the cleanup of the property that the campground wishes to use.
- Road safety issues. **A traffic study will be ordered for this area.**
- Lack of activities at the campground. **There will be a playground, a dog park, ponds and trails.**
- A longer access road into the campground should be considered. **With 1800 feet of parking and pull-in area, there should be plenty of area for pulling into campground. Possibility of opening up the area around the blue building to make more area.**
- Hazardous materials previously dumped at the site. **At this point, nobody had any knowledge of this. Jensen will speak to NDEE about this.**

Mueller then asked if anyone else wished to speak. Since nobody came forward, he asked Walker to come back up and address some of the issues presented. The responses are above in red.

Mueller asked if there were any other questions or comments. Since there were none, he closed the hearing at 7:58 pm.

Mueller asked if there was any more discussion from the board. Felthousen asked about the restrooms and shower and how many there would be. Petersen stated that they would follow regulations on the number needed. Felthousen asked if the restrooms would be open 24 hrs/day. Petersen stated they would. Felthousen asked about waste tanks – with the possibility of septic systems. Petersen stated they would have dump stations – which Jensen stated would be specifically and only for campers with chemical toilets. Jensen stressed that they can't dump chemical toilets into septic system they will destroyed – literally. Felthousen also asked about permits to dump asbestos on the property. Jensen stated that there were none. Felthousen asked about a well test also. Petersen stated they would do the test once this goes through to determine if he will need to have more wells dug. Felthousen asked if he had talked to the Department of Roads to see what their opinion of this would be. Jensen stated that he had not yet. A traffic study will be requested by the Wildlife Safari on this. Althouse asked about the right-of-way being 33 ft. Jensen stated he thought it was but has not verified that. Tesar stated that there should be a rule on no fireworks or discharging of firearms. Felthousen asked about a list of rules for the campground. Petersen stated that they did have one drawn up. Mueller asked about standards for storm shelters. Jensen stated that there is not a standard on that, but they would like reasonable accommodation for average attendance. Petersen mentioned putting a basement under the restroom/shower building. A motion was made by Mueller to approve Conditional Use permit CU-2023-0002 with the **following conditions:**

- Storm shelter to meet Emergency Management requirements.
- 140 or fewer camping units.
- Entrance extended onto property.
- No fireworks or firearms discharged.

Seconded by Althouse. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Mueller – aye; Felthousen - aye; Dennis – aye; Sullivan – aye; Crofoot – aye; Grotrian - aye. Motion to recommend carried with an 8 to 0 vote. The hearing will go before the Cass County Board of Commissioners on April 11th at 8 am.

Mueller then asked Jensen to introduce the **second item** on the agenda: Conditional Use Permit # CU-2023-0003 – Applicant; BV Builders – Property Owner, Sherwood Forest Animal Sanctuary, LLC – 13620 A Street, Avoca, NE – Legal Description: E1/2 SW1/4 & SE1/4 W of RR EXC LT1 & PT LT2 & TL18, 20 & 21 25-10-11 – Event Center, Large

Parcel Involved: 130225762

Zoning: Owners parcel – Transitional Agricultural
North – Agricultural East – Transitional Agricultural
South – Transitional Agricultural West – Transitional Agricultural

Adjacent uses are primarily Agricultural and the Village of Avoca’s city limit are approximately ½ mile away.

Regulations: This activity is allowed as Conditional Use permit in Section 8.20 Special Event Center.

Administrator Remarks:

This application meets the Conditional Use guidelines as set forth in Section 8.20 Special Event Center. Access to this event center is off of A Street which is a hard-surfaced road.

Mueller then asked Bryce Nolde of BV Builders – the agent for Bliss Barn (owner, Tammy Schaefer) – to come up and speak. Nolde stated that the plans submitted for approval were just “conceptual” plans. They didn’t want to spend the money getting it engineered only to have it denied. Everything will be engineered – the building and the septic system - once it gets past the approval stage and engineered plans will be available at that point. The current occupancy of the building is set at 300 people. In time, this may be bumped up. In addressing issues with dust, noise and water brought up at the town meeting for this application, the building will be located as far to the north section of the property as possible to keep it as far away from the town of Avoca as possible. Any dust issues will be from their private road only – this will be maintained and dust will be controlled with water only. Noise should not be a big issue as it is as far from town and neighboring properties as possible. Water is supplied by rural water district; however, if needed or deemed necessary, a secondary well would be dug. The pond on the property will be completely renovated. This could also help with water supply. The road will be built to accommodate two-way traffic. The building itself will feature a full sized kitchen with the future possibility of a commercial kitchen if needed. Mueller then asked the board if they had any questions. Jensen cautioned that the land in that area doesn’t perc well – so the septic will have to be engineered. Crofoot asked about animals. There are currently none. Crofoot asked about the size of the parking lot. Nolde stated that the parking lot size is 55,000 sf. Althouse asked about seeing the final plan if this is approved. Jensen stated that they are basically approving the land use tonight with the provision that the parking lot is sized correctly. Once they hit the construction phase, the septic requirements and building will all be engineered.

At this point, Mueller opened up the public meeting at 8:31 pm. Eight people came up from the gallery to express concerns/comments:

- Noise – some type of decibel limit (70) needs to be set to keep the noise levels down. **70 decibels is equivalent to a washing machine or a loud speaking voice. An outdoor band would come in at 90 – 100 decibels. Trees, hill and the topography will dampen the sounds coming from a live band.**
- Dust control. **Road will be treated with water only – no chemicals to control dust.**
- Traffic control.
- Clean up of trash after events.
- This will be a positive addition to the County.
- The bridge over the Weeping Water creek is a concern.
- Accessing for emergency services. **The 55,000 square foot parking lot should supply enough of a turnaround area for this.**
- Water issues. **Rural water first, then possible well system. Also discussed the option of putting a hydrant down by the pond to assist with additional water.**
- If gardens or grapes are planted, they can’t spray their crops.
- Question on whether farmers will still be able to spray their crops.
- Drunk drivers leaving the event center.
- No local hotels available in that area. **Looking into the possibility of bussing event attendees to the hotel in Syracuse.**
- Some kind of signage or flashing lights should be set up on property during an event. **The owner has agreed to putting out signage and flashing lights on her property during an event.**

- Issues with vehicles not driving a designated route to event. **Jensen suggested a prescribed drive route for event attendees be posted on the website.**
- Car traffic with AG traffic issues. **Jensen suggested a prescribed drive route for event attendees be posted on the website.**
- Fencing should be added to the cemetery side of the property to keep event attendees out.

Mueller then asked if there were any more comments or questions. Since there were none, he closed the public hearing at 9:06 pm. He then asked Nolde to come back up and address any concerns from the gallery. They are above in red. He asked if there was any more discussion from the Planning Commission. Mueller asked about the time limit. Dennis asked about the initial use vs the future possible use. Mueller stated that we have an application for the venue only at this point. Any other additions will have to be addressed when they come back. Felthousen asked about the reference to grapes. Nolde stated that the property owner thought about the possibility of adding a vineyard at some point in the future. This would be a concern with the drifting chemicals. An all organic growing setup would be a problem also. Will there be security at the events? This is something they will look into. Nolde also mentioned that sometime in the future the owner would like to do an animal reserve to house endangered, abused and abandoned animals. Jensen stated that any additions or modifications to this permit will have to come in separately. Restaurants or anything like that would have to be done on an amendment. Mueller asked if there was any more discussion from the board. Grotrian stated that the decibel issues was left open-ended. Since there appears to be no cap on the decibel level, maybe a time limit needs set. This was discussed with other venues. Consistency is important with all venues. Mueller asked Jensen to do some research on this.

Mueller then made a motion to approve the Conditional Use with the following conditions:

- Decibel level to be determined.
- 55,000 square foot parking area holding approximately 300 cars.
- Rural water hookups.
- Engineered septic system as requirements per state.

Seconded by Dennis. A roll call vote followed with the following votes: Althouse – aye; Tesar – aye; Mueller – aye; Felthousen - aye; Dennis – aye; Sullivan – aye; Crofoot – aye; Grotrian - aye. Motion to recommend carried with an 8 to 0 vote. This will go before the Board of Commissioners on April 11th @ 8 am.

A motion was made by Crotrian to close the meeting. Seconded by Althouse. A voice vote followed with all members voting aye. Meeting closed at 9:15 pm.

Linda Brouhard
Recording Secretary

*These minutes will not be approved until the next Planning Commission Meeting and are subject to change.