

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

March 14, 2023

**Call to order:** The March 14, 2023, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilkin at 7:35 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 is posted.

**Roll Call:** Members present: Neil Clausen, Robert Larsen, Robert Ganz, Jim Kotrous, Greg Kuhlman, Keith Nielsen and Dean Wilkin and Rob Ganz. Absent: Doug DeShazer and Dave Arens. Also present was Zoning Administrator Kelsy Jelinek, Liz Doerr, Hanna Knox Jensen, Deputy Knox County Attorney and Supervisor Jim Borgmann among many outside citizens.

**Approve Agenda & Public Notice in the Niobrara Tribune and Crofton Journal.** Jim Kotrous moved, Rob Ganz seconded, to approve the agenda and public notice which was published in the Crofton Journal and Niobrara Tribune. Roll call vote showed all present in favor. Absent: Doug DeShazer and Dave Arens.

**Approve the Minutes from the January 10, 2023, Meeting.** Jim Kotrous moved, Robert Larsen seconded, to approve the minutes from January 10, 2023. Roll call vote showed all present in favor. Absent: Doug DeShazer and Dave Arens.

**Ex Parte Communications:** Dean Wilken expressed that he had received some calls in regard to the Riverpoint Bay Subdivision preliminary plat.

**New Business: Public Hearing for replat of Middle East Landing.** Prior to the discussion of Middle East Landing, due to conflict of interest, Rob Ganz left the board room as to not have influence on the discussion or voting. Neil Clausen moved; Robert Larsen seconded opening the floor for public hearing at 7:40 p.m. Roll call vote showed all present in favor. Abstain: Rob Ganz. Absent: Doug DeShazer and Dave Arens. Mike Wragge was present to discuss the project and answer questions. Greg Kuhlman moved, Jim Kotrous seconded closing public hearing at 7:50 p.m. Roll call vote showed all present in favor. Abstain: Rob Ganz Absent: Doug DeShazer and Dave Arens. The board discussed. Motion was made by Jim Kotrous, seconded by Neil Clausen to approve the replat of Middle East Landing. Roll call vote showed all present in favor. Abstain: Rob Ganz. Absent: Doug DeShazer and Dave Arens. After all voting regarding Replat of Middle East Landing had concluded, Rob Ganz returned to the room.

**New Business: Public hearing for replat of Riverpoint Bay Subdivision.** After a brief description by developer Russ Wilcox, Rob Ganz moved, Jim Kotrous seconded to open the floor

for public hearing at 8:12 p.m. Roll call vote showed all present in favor. Absent: Doug DeShazer and Dave Arens. Emails and letters from the public were read by Kelsy and Liz. Those submitted included letters from: Tom and Sherri Sobotka, Michael and Raejean Mattison, Michelle Weidner-Jordan, Gaylene Barr, Shawn and Jennifer Weber, Jeffrey and Julie Hartung, Joyce Woodbury, Elizabeth Bigley and Colleen Barnes. Comments from the Knox County Sheriff and Crofton Fire Chief were included. Public comments were received from Sherri Sobotka, Doug Nissen, Jim Recob, Deb Klemme, Bruce Haisch, John Arens, Doyle Stevens and Vince Jenness. The letters submitted and public comments included concerns about safety and infrastructure issues including rural water, traffic, ATVs and UTVs, internet, soils, drainage, renters, roads, leach fields and the Walker Valley beach area. Rob Ganz moves, Kotrous seconds closing public hearing at 8:53 p.m. Roll call vote showed all present in favor. Absent: DeShazer, Arens. Discussion was had between the board and consultant Keith Marvin, asking questions to Russ Wilcox to clear up some questions. Topics discussed include rural water, movement of ground, zoning regulations, etc. Rob Ganz made a motion, seconded by Keith Neilsen to approve a favorable recommendation to the Board of Supervisors based on the plan meeting our current zoning regulations with our comprehensive plan for Riverpoint Bay Subdivision. Ayes: Neil Clausen, Rob Ganz, Greg Kuhlman and Keith Neilsen Nay: Robert Larsen, Jim Kotrous and Dean Wilken. Motion passes with 4 to 3. Absent: DeShazer and Arens.

**New Business: Public hearing for Knox County Zoning Regulations.** The draft update to the Zoning Regulations was discussed with the Land Use Matrix being reviewed. Keith Marvin was present via Zoom for questions. At 9:39 p.m. Rob Ganz made a motion, seconded by Jim Kotrous to open the public hearing. Roll call vote showed all present in favor. Absent: Doug DeShazer and Dave Arens. Keith Marvin went over some of the updates to the regulations and answered questions. No public comments were received. At 10:01 p.m., Greg Kuhlman made a motion to close the public hearing, seconded by Jim Kotrous. Roll call vote showed all present in favor. Absent: Doug DeShazer and Dave Arens. Keith Nielsen made a motion to recommend approval to the county board the adoption of the regulations as presented, provided Keith, Liz and Kelsy make updates to the floodplain and a change to village area development minimum lot size. Roll call vote showed all present in favor. Absent: Doug DeShazer and Dave Arens.

**Old Business:** None.

**Public Comment on Non-Agenda Items:** None.

**Zoning Administrator's Report:** The January and February Permit Reports were reviewed.

**Next Meeting:** The next meeting is scheduled for Tuesday April 11 at 7:30 p.m.

**Adjournment:** The meeting was adjourned at 10:03 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission:

Placed on File with Board of Supervisors:

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

July 11, 2023

**Call to order:** The July 11, 2023, meeting of the Knox County Planning Commission was called to order by Chariman Dean Wilken at 6:00 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 is posted.

**Roll Call:** Members present: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Doug DeShazer and Dean Wilken. Absent: Keith Nielsen and Niel Clausen. Also present was Zoning Administrator Kelsy Jelinek

**Approve Agenda & Public Notice in the Niobrara Tribune and Wausa Gazette.** Rob Ganz moved, Robert Larsen seconded to approve the agenda and public notice which was published in the Niobrara Tribune and Wausa Gazette. Roll call vote showed all present in favor. Absent: Keith Nielsen and Neil Clausen

**Approve the Minutes from the March 14, 2023, Meeting.** Greg Kuhlman moved, Robert Ganz seconded to approve the minutes from March 14, 2023. Roll call vote showed all present in favor. Absent: Keith Nielsen and Neil Clausen

**Ex Parte Communications:** none.

**Old Business:** none.

**New Business: Updates to zoning regulations.** Zoning administrator presented changes to the updated zoning regulations including the addition of the definition of "high water mark," definition of "Right of Way," RV Campground owner responsibility to provide storm sheltering and changes to lot combination procedures. Discussion was had amongst members. Motion was made by Robert Ganz, seconded by Doug DeShazer to approve the updates to the zoning regulations as presented by the zoning administrator to present to Board of Supervisors. Roll call vote showed all present in favor. Absent: Keith Nielsen and Neil Clausen

**New Business: Meeting procedures and schedule meeting with Dave Ptak for training.**

**Public Comment on Non-Agenda Items:** None

**Zoning Administrator's Report:** The March, April, May and June Permit Reports were reviewed. An article was discussed regarding zoning regulations.

**Next Meeting:** The next meeting is scheduled for Tuesday, August 8th at 6:00 p.m.

**Adjournment:** The meeting was adjourned at 7:10 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: 8/8/2023

Placed on File with Board of Supervisors: 8/23/2023

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

August 8, 2023

**Call to order:** The August 8, 2023, meeting of the Knox County Planning Commission was called to order by Chariman Dean Wilken at 6:01 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 is posted.

**Roll Call:** Members present: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Neil Clausen and Dean Wilken. Absent: Keith Nielsen and Doug Deshazer. Also present was Zoning Administrator Kelsy Jelinek, Krista Nix and many members of the public

**Approve Agenda & Public Notice in the Niobrara Tribune and Wausa Gazette.** Kuhlman moved, Clausen seconded to approve the agenda and public notice which was published in the Niobrara Tribune and Wausa Gazette. Roll call vote showed all present in favor. Ayes: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Neil Clausen and Dean Wilken  
Absent: Keith Nielsen and Doug Deshazer

**Approve the Minutes from the July 11, 2023, Meeting.** Ganz moved, Kotrous seconded to approve the minutes from July 11, 2023. Roll call vote showed all present in favor. Ayes: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Neil Clausen and Dean Wilken  
Absent: Keith Nielsen and Deshazer

**Ex Parte Communications:** Arens had one phone call in opposition of Riverpoint Bay development.

**Old Business:** none.

**New Business:** Zoning Administrator Jelinek explained that Behounek's would like to add an additional building to the west of the current buildings. It would be the same dimensions as building D, with the same colors and design as existing buildings. The applicant was not present but was available via phone for questions. At 6:06 p.m., Rob Ganz moved to open public hearing for Conditional Use Permit Application for Toy Shed Storage, seconded by Neil Clausen. Roll call vote showed all present in favor. Ayes: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Neil Clausen and Dean Wilken. Absent: Neilsen and Deshazer.

Jim Kotrous stated that the applicant has done what has been asked previously with the prior buildings. Other board members agreed.

Ganz moved to close public hearing at 6:10 p.m., seconded by Kotrous. Roll call vote showed all present in favor. Ayes: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Neil Clausen and Dean Wilken. Absent: Nielsen and Deshazer

Jim Kotrous moved to approve the Conditional Use Permit Application for Toy Shed Storage, Neil Clausen seconds. Roll call vote shows all present in favor. Ayes: Greg Kuhlman, Jim Kotrous, Robert Larsen, David Arens, Robert Ganz, Neil Clausen and Dean Wilken. Absent: Nielsen and Deshazer

**New Business:** Prior to opening the public hearing, Zoning Administrator Jelinek explained that Russ Wilcox and the Riverpoint Bay Development LLC has submitted their application for Final Plat of Riverpoint Bay Subdivision with minimal changes. The preliminary plat was approved by planning commission 3/18/23 and by board of supervisors on 4/27/23. It was explained that this application was made as a planned development overlay due to the intended uses of the property and proposed sizes of the tracts. Jelinek explained that 4 letters and emails were received and the topics that were presented in the previous letters, which included road concerns, water, sewer, internet, law enforcement, and fire protection. Letters and emails were received from Tom and Sherri Sobotka, Sharon Zimmerman, Kristy and Jeff Milliken, Gaylene Barr and Jared Faltys have been put on file and were sent to the planning commission prior to this meeting. The concerns included in the letters previously read by this commission included road concerns, water, sewer, internet, law enforcement and fire protection. The issue of roads have been addressed in the proposed Subdivision Agreement by the requirements that the roads be built to a certain standard, and the developers will repair any damages to roads their construction causes. Water has been addressed by the letter provided by rural water that they have water availability for 42 hookups. In regards to septic tanks, the project engineer, Eric Derickson, has been in contact with NDEE, and all septic systems will be designed, installed, and registered according to the NDEE rules and regulations. The concerns about law enforcement and fire safety are being considered as a county for the entire area. However, the county did recommend the developer participate and implement the recommendation of the US Forest Service's Firewise Program. This is how these concerns have been addressed since the prior meeting.

One planning commission member who wasn't able to attend submitted a comment that he had received some feedback and that he was opposed to allowing storage units on the north side of 54C.

Russ Wilcox was given 10 minutes to approach the board to explain the Subdivision and their plan. Russ states that not a lot has changed from the preliminary plat. Topographical surveys have been done on several lots. Russ stated that it will be an increase of 13 (above the original 28 that have already been approved) single family lots on the property as well as micro-cabins

on lots 501-509. The mico-cabins would probably be sold. Lots 201 and 202. He also mentioned that they don't believe they would have room for 50 storage units, but thinking 30 units for boat storage and then some smaller storage units for smaller recreational items. The reasoning for the storage units near the road include: pushing residents to use the Weigand Marina discouraging use of the Walker Valley Beach area, the safety issues of pulling boats on the roads in and out of the development area. ... 10-12 ft wide by 40 ft deep. Convert a couple of buildings that are there now for toy rental for floats and such. Primary objective is to rent to people in the development. Russ knows topography is a concern and they spent a lot of time, effort and money to make sure it's in the purchaser's best interest of where they build on the lot. Russ also brought up the opportunity brought to the area and to Knox County about raise taxes on people that are currently here or real estate development to bring in tax revenue to the county. Russ estimates \$81,000 taxable income to Crofton Public Schools and the township of North Frankfort to receive \$23,633.

Jim Kotrous moved to open public hearing at 6:33 for Final Plat of Riverpoint Bay Subdivision, seconded by Greg Kuhlman. Roll call vote showed all present in favor. Absent: Nielsen, Deshazer Chariman Dean Wilken then read the "rules for giving a testament at a public hearing"

John Arens – Elk Ridge Rd. Lot 11 – John has concerns of dirt that was previously taken from close to his ground and selling lots which could be used as rental.

Tom Sobotka – 9 Wildcat St. – Tom has concerns about setting a precedence if allowing rental storage in this area.

Ron Briggs – 11 Lake St. – maintains roads –rental concerns, roads (not enough base), will bring too much traffic on Elkhorn St., taking out trees will move the ground (Dannely house), 54C - road is not meant to have the traffic on it that it does

Sheri Sobotka – 9 Wildcat St. – retaining walls sliding downhill, Elkhorn St. concerns.

Sharon Zimmerman 210 W. Colorado St. Crofton – owns property adjacent to Elkhorn St. – concern is putting 50 storage units on the north side of 54C in a lakeside residence area

Doyle Stevens- 36 Mark St. – main concern fire safety and overcrowding. Doyle thinks rules or ordinances need to be put in place.

Gene Langenfeld – 12 Elm St. – concern is the thistles, which have overgrown the area

Ron Briggs – 11 Lake St. – Elkhorn St. concern. Russ asks if North Frankfort township has levying authority to fix the road.

Lynette Langenfeld - 12 Elm St. – fire concern, concerns of young adults driving ATVs

Julie Hartung – Lot 104 – Concern of no garages being allowed on a lot alone, but now considering a storage unit on lots north of 54C by itself.

Russ Wilcox – Riverpoint Bay Development – Shared that he has agreed to share space with the fire department for pump trucks for fire safety, states there are 2 buildings there now and he won't tear those down, there's space there to do something with and would rather have people parking boats inside a storage unit than outdoors, but would rather keep it nicer.

Planning commission asked questions to Russ regarding current homes, septic, etc.

Russ's team will build all of the homes as a "to be built" structure. They will state where the house can go, then give the purchaser some options. Square footage roughly 1150 sq. ft., smallest being 804 sq ft. stating most lots are 2 acres, leaving plenty of area for septic, etc. Most would be 1-1 1/2 story with loft area. Kuhlman asked Russ to speak about small structures, which Russ described as 500-600 sq ft. one bedroom loft structure with holding tanks that would need to be pumped. These would be 1/2 acre lots. Kuhlman asks what views some of these lots would have with these smaller homes there. Russ states it all depends on where you are, but Russ states that they'll try to make them all sellable and desirable. The board asked if any of the investors would be having a home here, which two plan to.

Ron Briggs – 11 Lake St. – area is too overcrowded

Cindy Jenness – 50 Ester St. – Beach Rd. overpopulated, overconcentrated to small area

Dean Wilken asks Russ Wilcox what would be done with lot 202 if it isn't a storage unit area. Russ states lot 202 is a public use area, which could be sold. There could be potential to put a residence on it, making an HOA and parking boats on it, the current buildings could be rented, but will definitely be used as base camp during construction time. Russ also states that the idea is to keep the boats behind doors and near the road to take to Weigand Marina.

Gene Langenfeld – 12 Elm St. – Asks Russ about the numbers as he was confused. Russ explains that he had originally 28 residential lots.

Larsen asks if the 8 lots will have off-street parking, which Russ states that they would. Russ is asked about the HOA and restricting renting out for Airbnb or Vrbo, which he said he will not do.

Doug Nissen – 29 Oak St. – Doug mentions that the statements of children driving ATVs is a parent problem. If Knox County wants to continue to develop and bring in tax money. This ground is almost wasted. Asks the board to go on facts.

Robert Larsen moved to close public hearing at 7:35 p.m. for Final Plat of Riverpoint Bay Subdivision, seconded by Jim Kotrous. Roll call vote showed all present in favor. Absent: Nielsen, Deshazer.

Jim Kotrous then asked the room who was in favor of the development, partially in favor, in favor without the storage units and not in favor at all.

Greg Kuhlman states that the question for the board is that they haven't allowed the storage units before north of 54C, but thinks they will get bombarded now if they allow this. Rob Ganz states that it's only being considered this time because it's proposed as a planned development, as Riverpoint Bay has. Rob states that they aren't doing this as a commercial storage unit, but as a benefit to their development. He doesn't think the board would have to consider every storage unit application that would be presented since it's not a planned development.

Robert Larsen asked if the storage unit was built how much space would be used for public use area. Lot 202 is for public use area.

Jim Kotrous moved to recommend approval of Riverpoint Bay Subdivision Final Plat with the condition that a subdivision agreement is signed between Riverpoint Bay Subdivision and Knox County, NE with the exception of the storage unit on the north side of 54C. Greg Kuhlman seconds the motion. Roll call vote: Clausen - Aye, Larsen - Nay, Ganz - Nay, Kotrous - Aye, Kuhlman - Aye, Arens - Nay, Wilkens - Aye. Absent: Nielsen and Deshazer. Motion carries 4 Aye - 3 Nay

**New Business:**

**Public Comment on Non-Agenda Items:** None

**Zoning Administrator's Report:** The July Permit Report was reviewed.

**Next Meeting:** The next meeting is scheduled for Tuesday, September 12th at 7:00 p.m.

**Adjournment:** The meeting was adjourned at 8:00 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: 11/14/2023

Placed on File with Board of Supervisors: 11/29/2023

Board of Adjustments  
September 26, 2023  
7:00 P.M.  
Knox County Courthouse Supervisors' Room

**Call meeting to order:** The meeting was called to order by Chairman Barr at 7:00 p.m.

**Announcement where the Open Meetings Act Information is located:** Chairman Barr announced where the Open Meetings Act information is located in the meeting room and that it is available to the public.

**Roll Call:** Present are Rob Ganz, Travis Barney, Nick Stout, Derrick Barr, and Kay Morrill. Also present were Zoning Administrator Kelsy Jelinek, Dave Rothluebber and Rob Ness.

**Approve the agenda & public notice:** Chairman Barr moved to approve the agenda and public notice as published in the Wausa Gazette. Barney seconded the motion. Roll Call vote showed all present in favor: Derrick Barr, Travis Barney, Nick Stout, Rob Ganz, and Kay Morrill.

**Approve the minutes from 8-16-21:** Nick Stout moved, Kay Morrill seconded, to approve the minutes from 8-16-21 as circulated. Roll call vote showed all present in favor: Rob Ganz, Travis Barney, Nick Stout, Derrick Barr, and Kay Morrill. Abstain: Kay Morrill

**New Business:**

**Rob and Amber Ness Variance #V2301 on Lot 29, Hillcrest Deepwater 1<sup>st</sup> Addition Public Hearing:** Zoning Administrator, Jelinek introduced Dave Rothluebber and let the board know that the zoning office had not received any correspondence or phone calls from neighbors in regard to the public notice or letters sent to neighbors.

Chairman Barr opened the public hearing at 7:04 p.m.

Dave gave a description of the lot and the drainage issue, which is the main concern. Property owner, Rob Ness, included that he was hesitant to purchase the lot because of the drainage issue. He stated that in talking to the township, they were aware that the drainage should be moved to the opposite side of the road across from his lot.

Chairman Barr closed the public hearing at 7:21 p.m.

The board brought up questions of side setbacks and parking. Barr mentioned that is in the plans of North Frankfort to move the drainage to the east side of the road. He stated they have money set aside to do so, but the timing is not determined. Barr also added that he'd like to add a condition of parking off the road as it is a concern in that area.

Motion was made by Rob Ganz, to approve Rob and Amber Ness' request for variance of 8' from the required 25' front setback due to the topography of the lot and drainage issue, which is outside of their control with the condition that parking needs to be off North Frankfort Township right of way. This motion was seconded by Travis Barney. Roll call vote showed all present in favor: Rob Ganz, Travis Barney, Nick Stout, Derrick Barr, and Kay Morrill.

**Election of Officers:** Nick Stout moved to elect Derrick Barr as Chairman, Rob Ganz as Vice-Chairman, and Kay Morrill as Secretary. Travis Barney seconded the motion. Roll call vote showed all in favor: Rob Ganz, Travis Barney, Nick Stout, Derrick Barr, and Kay Morrill.

**Old Business: None.**

**Adjournment:** At 7:29 p.m., Barr adjourned the meeting.

Kelsy Jelinek, Zoning Administrator

Approved: 10/8/2024

Placed on file with Board of Supervisors: 10/30/2024