

10:45

0 2683

NO 02683 ✓ Pages 3
 Doc Tax _____
 Fee \$ 22.00 P&M \$ 3.50
 Fees Pd \$ _____ Gen Fee \$ 18.50
 Check# _____
 Refund _____ Due \$ 22.00

THE STATE OF NEBRASKA }
 MADISON COUNTY }^{ss}

This instrument filed for record
 the 12 day of August 2024
 at 10:45 A.M. and recorded in
 Book 2024 Page 02683

Diana S Nykodym Register of Deeds

By the City of Norfolk, 309 N. 5th Street, Norfolk, NE 68701

RESOLUTION NO. 2024 - 43

WHEREAS, JMN Business Venture, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit to operate Recreational Vehicles and Equipment Sales and Repair on property addressed as 1308 W. Omaha Ave., legally described as follows:

Lot 3, O.L. Scheer Second Addition, City of Norfolk, Madison County, Nebraska

WHEREAS, the property described above is presently included in Zoning District I-1, Light Industrial District; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on May 21, 2024 receiving input and data from the APPLICANT and the general public concerning the proposed Conditional Use Permit, said hearing having been duly noticed; and

WHEREAS, on May 21, 2024, the Planning Commission denied the Conditional Use Permit by a vote of 0 to 5 with 1 abstention; and

WHEREAS, on May 22, 2024, Mark Fitzgerald, attorney, on behalf of JMN Business Venture, filed with the City an appeal of the Planning Commission's denial of a Conditional Use Permit to the applicant; and

WHEREAS, pursuant to the Norfolk City Code Section 27-56 the City Council may, following a public hearing, reverse, affirm or modify the decision of the Planning Commission; and

WHEREAS, a public hearing on the appeal filed by JMN Business Venture, LLC was held before the City Council on August 5, 2024, said hearing having been duly noticed; and

WHEREAS, information and testimony both in favor of and in opposition to the application of JMN Business Ventures, LLC were presented at said hearing.

NOW THEREFORE, in consideration of the foregoing recitals and based upon the evidence and testimony received at said public hearing, the Mayor and City Council of the City of Norfolk, Nebraska hereby adopts the following Resolution:

BE IT RESOLVED by the Mayor and City Council of the City of Norfolk, Nebraska that the determination of the Planning Commission in the denial of the application of JMN Business Venture,

LLC for a Conditional Use Permit is hereby reversed and modified and JMN Business Venture, LLC is hereby granted a Conditional Use Permit to operate Recreational Vehicles and Equipment Sales and Repair subject to the following terms and conditions:

1. The Conditional Use Permit shall be for 10 years;
2. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
3. All Highway Corridor Overlay requirements shall be met including any other landscaping, screening, building requirements and shall be maintained;
4. Failure to observe and maintain the conditions and restriction of the Conditional Use Permit shall be considered a violation of The Code of the City of Norfolk, Nebraska subject to penalty as provided herein and may be grounds for review including alteration or termination of the permit;
5. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply;
6. The attached site plan, Sheet L100 dated 7/29/24 done by Rega Engineering, is hereby approved and shall be complied with for the required landscaping and location for outdoor display of units.

PASSED AND APPROVED this 5th day of August, 2024.

ATTEST:

Brianna Duerst

Brianna Duerst, City Clerk

[Signature]
Josh Moenning, Mayor



Approved as to form: _____
Danielle Myers-Noelle, City Attorney

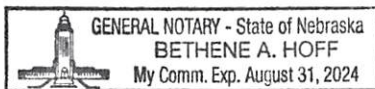
The foregoing instrument was acknowledged before me this 5th day of August, 2024 by Josh Moenning, Mayor and Brianna Duerst, City Clerk of the City of Norfolk.

Bethene A. Hoff

Notary Public Signature

Bethene A Hoff

Notary Public Printed



PROJECT
241132



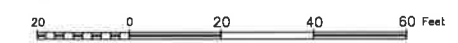
601 OLD CHENEY RD., SUITE A
LINCOLN, NEBRASKA 68512
(402) 484.7342
• ENGINEERING
• PLANNING
• LANDSCAPE ARCHITECTURE
• LAND SURVEYING
• IRRIGATION
REGA CA*1678

ISSUED FOR	DATE
SUBCOMMITTEE HEARING REVIEW	07/29/24

OL SCHEER ADDITION
1200 SOUTH 13TH STREET
NORFOLK, NEBRASKA 68701
SITE LANDSCAPE PLAN



SHEET NO.
L100



CITY OF NORFOLK, NE. - LANDSCAPE REQUIREMENTS:

SEC. 27-280.27.C.6: HIGHWAY STREET FRONTAGE SCREENING AND SHADE TREE REQUIREMENTS.

INTERMITTENT HEDGE NOT LESS THAN THREE FEET IN HEIGHT REQUIRED TO PROVIDE ADEQUATE SCREEN

SHRUBS PROVIDED = 50

STREET FRONTAGE AREA: 3026 SF (302.6' LF X 10' = 3026' SF)
STREET FRONTAGE AREA REQUIRES SHADE TREE PER 500 SF. (3026 / 500 = 6.05 TREES)

MUST BE 50' APART ON CENTER AND NOT LESS THAN 35' MATURE HEIGHT

TREES REQUIRED = 6
EXISTING TREES PRESERVED = 8
TREES PROVIDED = 2

SEC. 27-346 PARKING LOT INTERIOR LANDSCAPING REQUIREMENTS
ADJACENT PROPERTIES OF SIMILAR ZONING OR MORE INTENSIVE

THE FACILITY SHALL PROVIDE A LANDSCAPED BUFFER OF 10' ALONG ANY STREET PROPERTY LINE. HIGHWAY CORRIDOR OVERLAY WAIVER APPLICATION WAS APPROVED TO REDUCE BUFFER TO 7', 8' PROVIDED

PARKING LOT AREA: 3144.28 SF
5% OF PARKING LOT REQUIRES SHADE TREE PER 500 SF. (86,221 X 0.05 / 500 = 8.6 TREES)

TREES REQUIRED = 9
TREES PROVIDED = 9

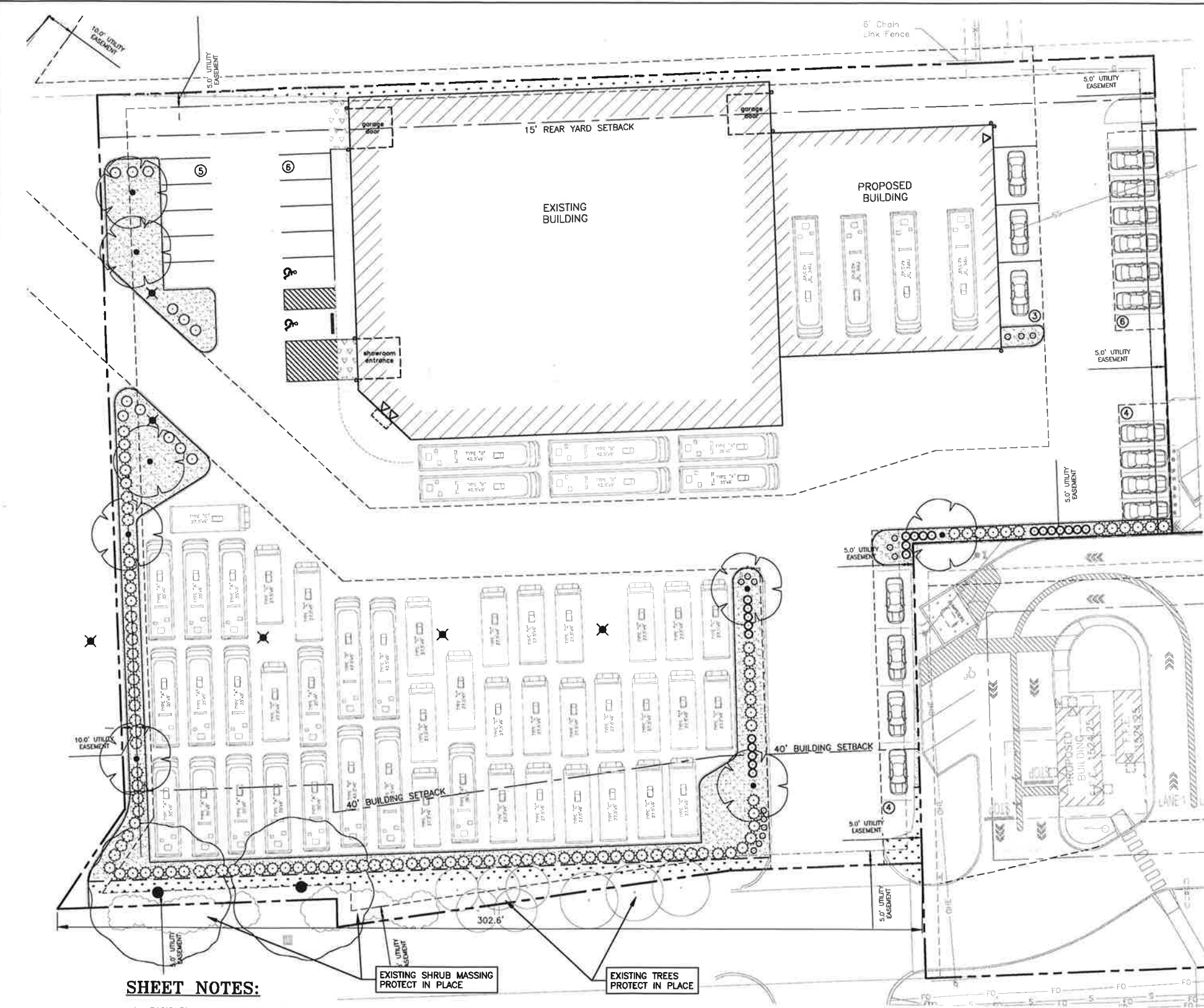
SEC. 27-307 BUFFERYARD REQUIREMENTS

ADJACENT PROPERTIES OF SIMILAR ZONING OR MORE INTENSIVE DISTRICT.
NO BUFFERYARD REQUIRED

TOTAL TREES REQUIRED = 15
EXISTING TREES PRESERVED = 8
TOTAL TREES PROVIDED = 10
TOTAL SHRUBS REQUIRED = 0
TOTAL SHRUBS PROVIDED = 156

PLANT LEGEND

SYMBOL	BOTANICAL / COMMON NAME
DECIDUOUS TREES	
	QUERCUS MACROCARPA BURR OAK
	GYMNOCLADUS DIOICUS 'ESPRESSO' KENTUCKY COFFEETREE
SHRUBS	
	CORNUS SERICEA 'FARROW'
	ARCTIC FIRE® RED TWIG DOGWOOD
	TAXUS X MEDIA 'DENSIFORMIS'
	DENSE ANGLO-JAPANESE YEW
	PINUS MUGO 'COMPACTA'
	DWARF MUGO PINE
	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'
	KARL FOERSTER FEATHER REED GRASS
	HEMEROCALLIS X 'STELLA DE ORO'
	STELLA DE ORO DAYLILY



SHEET NOTES:

- BASIC PLANT MATERIAL STANDARDS:
 - SHRUBS: MINIMUM FIVE-GALLON SIZE CONTAINER, OR THE EQUIVALENT HEIGHT AND/OR SPREAD.
 - GROUND COVER SHRUBS: MINIMUM SPACING UPON INSTALLATION OF 18 INCHES ON CENTER.
 - DECIDUOUS SHADE TREES: MINIMUM CALIPER OF TWO INCHES AS MEASURED SIX INCHES ABOVE GROUND.
 - ALL OTHER SPECIFICATIONS SHALL CONFORM TO THE AMERICAN STANDARDS FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN FOR THAT TYPE OF TREE OR SHRUB AT THE TIME OF INSTALLATION.
- ALL PLANT MATERIAL SHALL BE INSTALLED FREE OF DISEASE AND IN A MANNER THAT ENSURES THE AVAILABILITY OF SUFFICIENT SOIL AND WATER TO SUSTAIN HEALTHY GROWTH.
- ALL PLANT MATERIAL SHALL BE PLANTED WITH A MINIMUM OF SIX INCHES OF PLANTING SOIL AND ROCK MULCH TO A DEPTH OF THREE INCHES.

GROUND COVER LEGEND

SYMBOL	BOTANICAL / COMMON NAME	DETAIL
	RIVER ROCK - 3", OVER 5 OZ COMMERCIAL GRADE LANDSCAPE FABRIC	4,6 L102
	DROUGHT TOLERANT RTF FESCUE SOD FESTUCA ARUNDINACEA 'RHIZOMATOUS RTF'	5,6 L102

EDGING LEGEND

SYMBOL	DESCRIPTION	DETAIL
	CULTIVATED BED NATURAL EDGE, SEPARATE GROUND COVER FROM GRASS TYP.	4,6 L102

Resolution no. 2024-43

