Agenda Packet

NORFOLK PLANNING COMMISSION

Tuesday, November 22, 2016
7:30 a.m.

Created 11/18/2016 11:53 AM

City of Norfolk NEBRASKA
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309 N 5th St
Norfolk, NE 68701
P402-844-2280 F402-844-2028
www.ci.norfolk.ne.us

NOTICE OF MEETING
CITY OF NORFOLK, NEBRASKA

NOTICE IS HEREBY GIVEN that a meeting of the Norfolk Planning Commission of the City of Norfolk, Nebraska, will be held at 7:30 a.m. on Tuesday, November 22, 2016, in the Council Chambers, 309 N. 5th Street, which meeting will be open to the public.

An agenda for such meeting, kept continually current, is available at the City of Norfolk Administration Building, located at 309 N 5th Street, Norfolk, Nebraska during normal business hours.

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AGENDA

NORFOLK PLANNING COMMISSION

November 22, 2016

CALL TO ORDER

1. 7:30 a.m. Call meeting to order.
2. Inform the public about the location of the Open Meetings Act posted in the Council Chambers and accessible to members of the public
3. Roll call.

CURRENT BUSINESS

4. Approval of full agenda. **Motion**
5. Consideration of approval of the minutes of the November 8, 2016 Planning Commission meeting. **Motion**

PUBLIC HEARINGS

6. Public hearing to consider the feasibility of an amendment to the Norfolk Comprehensive Plan from Elkhorn River Corridor and Resource Extraction (Quarry) and Agriculture / Open Space designations to Rural Residential designation on the property generally located: 1/2 mile south from the intersection of Omaha Avenue and S. 25th Street.
7. Consideration of approval to recommend the amendment to the present comprehensive plan from Elkhorn River Corridor and Resource Extraction (Quarry) and Agriculture / Open Space designations to Rural Residential designation on the property generally located: 1/2 mile south from the intersection of Omaha Avenue and S. 25th Street. **Motion**
8. Public hearing at the request of Gerhold, Inc., to consider a zoning change from A (Agricultural District) to S-R (Suburban Residential District), on property generally located: 1/2 mile south from the intersection of Omaha Avenue and S. 25th Street.
9. Consideration of approval to recommend a zoning change from A (Agricultural District) to S-R (Suburban Residential District), on property generally located: 1/2 mile south from the intersection of Omaha Avenue and S. 25th Street. **Motion**

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WAIVERS

10. Consideration of recommendation for a Hard Surfacing Waiver for Paul Feilmeier at 3201 W Eisenhower Avenue. **Motion**

11. Consideration of recommendation of a Hard Surfacing Waiver for Matthew B. and Amanda M. Gilmore at 1406 Channel Road. **Motion**

12. Consideration of recommendation for a Hard Surfacing Waiver requested by Brian Koch for property located at 105 Grandview Road. **Motion**

OTHER BUSINESS

13. Consideration of recommendation of the Blight and Substandard Determination Study for an area referred to as the "Northwest Corner of 13th & Omaha Avenue Redevelopment Area". **Motion**

14. Open topics on any concerns the Commission members have towards current and future planning for the City; no action can be taken on matters discussed.

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PLANNING COMMISSION MEETING

The Norfolk Planning Commission of the City of Norfolk conducted a public meeting in the City Council Chambers, 309 N. 5th Street, on the 8th day of November, 2016, beginning at 7:30 a.m.

The Planning Commission Chairman, Brian Lundy, called the meeting to order and informed the public about the location of the current copy of the Open Meetings Act posted in the meeting room and accessible to members of the public.

Chairman Lundy presided and the Planning Commission Secretary Stacey Hansen digitally recorded the audio of the proceedings.

Roll call found the following Commission Members present: Frank Arens, Barb Marsh, Day Spray, Brian Lundy, Maynard Ohl, Martin Griffith, Merlin Milander and Bill Fisher. Absent: Sue Beckman.

A quorum was declared by the Secretary.

Staff members present were: City Planner Val Grimes, City Engineer John Heine, Public Works Director Dennis Smith, City Administrator Shane Weidner and Susan Hansen.

Current Business

Commissioner Spray moved, seconded by Commissioner Marsh to approve the full agenda.

Roll Call: Commission Members: Ayes: Arens, Marsh, Spray, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Beckman. Motion carried (8-0).

Commissioner Ohl moved, seconded by Commissioner Fisher to approve the October 18, 2016 meeting minutes.

Roll Call: Commission Members: Ayes: Arens, Marsh, Spray, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Beckman. Motion carried (8-0).

Public Hearings and Related Items

Public Hearing
Amend the Official City Code changing multiple-family dwellings from a permissible use to a conditional use in O-D (Office District)

The Public Hearing was opened at 7:32 a.m. for the amendment to the Official City Code Sections 27-142, 27-143 and 27-401 proposing to change multiple-family dwellings from a permissible use to a conditional use in O-D (Office District).

City Planner Valerie Grimes introduced the item and explained the changes proposed to be made to City Code.

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Chair Lundy closed the hearing at 7:34 a.m.

Commissioner Ohl moved, seconded by Commissioner Spray to recommend the amendment to the Official City Code Sections 27-142, 27-143 and 27-401 to change multiple-family dwellings from a permissible use to a conditional use in O-D (Office District).

Roll Call: Commission Members: Ayes: Arens, Marsh, Spray, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Beckman. Motion carried (8-0).

Plats / Subdivisions

Rickert's 4th Addition - Final Plat

Dick Johnson, Johnson Engineering, Norfolk, NE presented the final plat for the property located east of the intersection of Michigan Avenue and Pasewalk Avenue.

The two lot subdivision prepares the property for development of Lot 1.

City Engineer John Heine requested the minimum floor elevation to be included on the final plat before submitting to the City Council, along with a prepared and approved subdivision agreement.

Commissioner Spray moved, seconded by Commissioner Fisher to recommend approval of the final plat of the Rickert's 4th Addition.

Roll Call: Commission Members: Ayes: Arens, Marsh, Spray, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Beckman. Motion carried (8-0).

Other Business

Blight and Substandard Determination Study for an area referred to as the "Skyline Apartment Redevelopment Area".

Jan Merrill, NENEDD, presented the criteria that the study compiled qualifying the area for blight and substandard designation.

Tom Higginbotham, NENEDD, addressed the issue that the study was performed by NENEDD in a consultant role at the request of the property owner in preparation of renovating the apartment building located on the property addressed as 1204 W Norfolk Avenue.

Discussion among commissioners included the concern of whether this would retain the housing for the current residents, safety of the residents, and whether TIF is appropriate for this property to use for building renovations.

Shane Weidner, City Administrator, spoke to the study identifying that this building is unique regarding the public it provides housing for and added that some of the issues discussed should be addressed in

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the Redevelopment Plan which will also be presented to the Planning Commission for review and recommendation. The City Administrator also pointed out that the City cannot require through city code some of the upgrades needed for life safety issues and the Redevelopment Plan may allow the option of getting some of the necessary upgrades done to the building.

Commissioner Spray moved, seconded by Commissioner Arens to recommend approval of the Blight and Substandard Determination Study for an area referred to as the "Skyline Apartment Redevelopment Area".

Roll Call: Commission Members: Ayes: Arens, Marsh, Spray, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Beckman. Motion carried (8-0).

City Planner Valerie Grimes presented the October 2016 Building Permit Report.

There was no other discussion and Chairman Lundy declared the meeting adjourned at 8:03 a.m.

Stacey Hansen
Norfolk Planning Commission Secretary

Brian Lundy
Norfolk Planning Commission Chair

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Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, November 22, 2016 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska to consider the feasibility of an amendment to the Norfolk Comprehensive Plan from Elkhorn River Corridor and Resource Extraction (Quarry) and Agriculture / Open Space designations to Rural Residential designation on the property generally located 1/2 mile south of Omaha Avenue and S. 25th Street.

Publish (November 11, 2016)
1 P.O.P.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

300'
BOUNDARY

SEC. 32

SEC. 33

TRACT

JMHS

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SUBDIVISION

UNION PACIFIC RAILROAD COMPANY

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ZONING CHANGE
APPLICATION-FORM A

1. Applicant's Name **Gerhold, Inc.**
2. Applicant's Address **P.O. Box 743 Columbus, NE 68602**
3. Phone Numbers:

   Home _____ Business _____ Cell **(402)-649-5555**
4. E-Mail Address **stuartg31@gmail.com**
5. Contact other than applicant **Richard C. Johnson**

   Phone **(402)-371-1255** Address **701 Michigan Avenue**
6. Current Zoning **A. Agricultural** Requested Zoning **S-R, Sub. Residential**
7. Location of Property **1/2 mile of Omaha Avenue on 25th Street**
8. Legal Description **See Attached**

9. Property area **162.54 acres**
10. Use of adjoining properties

    North **Agricultural** South **Elkhorn River**

    East **Recreational** West **Residential/Commercial**

Signature of Owner _____

Printed Name _____

or

Authorized Agent _____

Printed Name **Richard C. Johnson**

E-Mail Address **rcj@cableone.net**

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ZONING CHANGE
JUSTIFICATION - FORM B

1. What type of development does the Norfolk Comprehensive Plan recommend for this area?
   Elkhorn River Corridor/Resource Extraction (Quarry)
   Agricultural/Open Space

2. Does the zone change request require an amendment to the Comprehensive Plan?

   Yes

3. Is the proposed property in the Flood Plan Hazard area as delineated under the Federal Flood Insurance program? **Part of the property is in the Flood Plain Hazard Area**

4. What is the reason for the zone change request?
   To allow for the platting of a subdivision around an existing lake. Subdivision to be 3 acre lots with private roads. Private road to 25th St.

5. How would this zoning district conform with adjacent properties' zoning?
   Generally, the adjacent property is zoned agricultural. The proposed zoning is the next least dense.

6. What is the general character of the area?
   General character of the area is agricultural with recreational area to the east and industrial land east of the recreational area.

7. Is adequate sewer and water available?
   Yes. Sewer will be by individual septic tanks and laterals. Water will be by individual wells.

8. Does the change affect any proposed public projects?

   No.

LEGAL DESCRIPTIONS

TRACT 1:

The NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4 of Section 32, Township 24 North, Range 1 West of the 6th, P.M., Madison County, Nebraska.

AND

The SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 32, Township 24 North, Range 1 West of the 6th, P.M., Madison County, Nebraska.

TRACT 2:

A tract of land lying wholly in the S 1/2 of the NE 1/4 of Section 32, Township 24 North, Range 1 West of the 6th, P.M., Madison County, Nebraska. Said tract of land is more particularly described as follows:

Referring to the E 1/4 Corner of said Section 32; thence proceeding North along the East line of the NE 1/4 of said Section 32, on an assumed bearing of North 00 degrees 17 minutes 26 seconds East, 105.28 feet to the point of beginning; thence continuing North 00 degrees 17 minutes 26 seconds East, 95.60 feet; thence North 89 degrees 42 minutes 34 seconds West, 267.92 feet; thence North 88 degrees 49 minutes 25 seconds West, 274.23 feet; thence North 88 degrees 13 minutes 32 seconds West, 263.28 feet; thence South 79 degrees 53 minutes 47 seconds West, 102.12 feet; thence South 62 degrees 51 minutes 59 seconds West, 136.62 feet; thence South 83 degrees 16 minutes 52 seconds West, 240.89 feet; thence South 89 degrees 59 minutes 41 seconds West, 116.89 feet; thence South 00 degrees 08 minutes 20 seconds West, 110.29 feet to a point on the East/West 1/4 Section line of said Section 32; thence North 89 degrees 52 minutes 15 seconds East, 60.00 feet to the Southeast Corner of the SW 1/4 of the NE 1/4 of said Section 32; thence North 89 degrees 53 minutes 21 seconds East, along the East/West 1/4 Section Line of said Section 32, 158.59 feet; thence North 62 degrees 51 minutes 59 seconds East, 313.24 feet; thence North 89 degrees 50 minutes 20 seconds East, 613.13 feet; thence South 80 degrees 55 minutes 54 seconds East, 233.74 feet; thence South 89 degrees 42 minutes 34 seconds East, 41.98 feet to the point of beginning. Said tract of land contains 2.54 acres, more or less.

received revised legal description from Dick Johnson via email 11/7/16

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Public Hearing

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TRACT 1:
The NE 1/4 of the SW 1/4 and the NW 1/4 of the SE 1/4 of Section 32, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.
AND
The SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 32, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska.
TRACT 2:
A tract of land lying wholly in the S 1/2 of the NE 1/4 of Section 32, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Said tract of land is more particularly described as follows:

Referring to the E 1/4 Corner of said Section 32; thence proceeding North along the East line of the NE 1/4 of said Section 32, on an assumed bearing of North 00 degrees 17 minutes 26 seconds East, 105.28 feet to the point of beginning; thence continuing North 00 degrees 17 minutes 26 seconds East, 95.60 feet; thence North 89 degrees 42 minutes 34 seconds West, 267.92 feet; thence North 88 degrees 49 minutes 25 seconds West, 274.23 feet; thence North 88 degrees 13 minutes 32 seconds West, 263.28 feet; thence South 79 degrees 53 minutes 47 seconds West, 102.12 feet; thence South 62 degrees 51 minutes 59 seconds West, 136.62 feet; thence South 83 degrees 16 minutes 52 seconds West, 240.89 feet; thence South 89 degrees 59 minutes 41 seconds West, 116.89 feet; thence South 00 degrees 08 minutes 20 seconds West, 110.29 feet to a point on the East/West 1/4 Section line of said Section 32; thence North 89 degrees 52 minutes 15 seconds East, 60.00 feet to the Southeast Corner of the SW 1/4 of the NE 1/4 of said Section 32; thence North 89 degrees 53 minutes 21 seconds East, along the East/West 1/4 Section Line of said Section 32, 158.59 feet; thence North 62 degrees 51 minutes 59 seconds East, 313.24 feet; thence North 89 degrees 50 minutes 20 seconds East, 613.13 feet; thence South 80 degrees 55 minutes 54 seconds East, 233.74 feet; thence South 89 degrees 42 minutes 34 seconds East, 41.98 feet; to the point of beginning. Said tract of land contains 2.54 acres, more or less.

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APPLICATION FOR MODIFICATION OF HARD-SURFACING REQUIREMENT

Name of applicant Paul Feilmeier

Mailing Address 3105 W. Eisenhower Ave Phone 402 992 1954
pfeilmeier@gmail.com

Authorized Agent _____

Mailing Address _____ Phone _____

Legal Description or Address of Property

3201 W. Eisenhower Ave

Years requested 8 years

New parking lot ☐ Existing parking lot ☐ Year Built? _____

Present surfacing of parking lot?

Parking Lot:	Gravel	☐	Dirt	☒	Concrete	☐	Asphalt	☐	Other ☐
Entrance:	Gravel	☐	Dirt	☒	Concrete	☐	Asphalt	☐	Other ☐

Type of business or use served by your parking lot

Home

Does your business involve customer parking needs?

No

Does the modification arise from conditions which are unique to the property and are not ordinarily found the same zoning district? there are only a couple paved driveways on Eisenhower.

Approximately size of parking lot NA

Lot is occupied by: Autos ☐ Trucks ☐ Vans ☐

How many vehicles can the lot hold? 0-10 ☐ 11-20 ☐ 21-30 ☐ 31-40 ☐ 41-50 ☐ 51-100 ☐ over 100 ☐

How many employees in your establishment 0

Type of use served by your parking lot _____

If your lot is currently used for other than parking, i.e. storage, workshop, etc what is its use? I would like a driveway waiver for my house.

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Rev. 05-2016

APPLICATION FOR MODIFICATION OF HARD-SURFACING REQUIREMENT

If you are unable to park all of your vehicles in the assigned lot, where else do you park?
N/A

When was the main structure built? Under construction

Year of any additions built to the main structure 2016

Size 2200 sq ft

Any other building on the lot? Yes Square footage 2400 sq ft

What is the square footage/acres of the parcel 3.15 Acres

Zone district R-R

Any specific or unusual parking problems with your operation?

No. I would like to put gravel down at this time.

Will this waiver cause drainage problems, traffic hazards or other detrimental problems in the area? No

I ~~am~~ will pave the driveway at a later date.

Any long or short term projections for further development on this parcel

I would like a house and a 40x60 shop.

Please provide a time-line with phases for hard-surfacing the parcel. Attach a site plan with phases shown.

Signature

Paul Stutheit
Applicant

Authorized Agent

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APPLICATION FOR MODIFICATION OF HARD-SURFACING REQUIREMENT

Name of applicant Matthew B. Gilmore & Amanda M. Gilmore

Mailing Address 1406 Channel Rd. Phone 402-841-2039
(mandmgilmore@msn.com)

Authorized Agent _____

Mailing Address _____ Phone _____

* Legal Description or Address of Property
1406 Channel Road, Home/Residence -see attached Exhibit "A"

Years requested ~~[illegible]~~ Perpetual

New parking lot ☐ Existing parking lot ☐ Year Built? _____

Present surfacing of parking lot?

Parking Lot:	Gravel ☐	Dirt ☐	Concrete ☐	Asphalt ☐	Other ☐
Entrance:	Gravel ☒	Dirt ☐	Concrete ☐	Asphalt ☐	Other ☐

Type of business or use served by your parking lot
n/a

Does your business involve customer parking needs?
n/a

Does the modification arise from conditions which are unique to the property and are not ordinarily found the same zoning district? this is a residential property with a very long driveway.

Approximately size of parking lot n/a

Lot is occupied by: Autos ☒ Trucks ☐ Vans ☐

How many vehicles can the lot hold? 0-10 ☐ 11-20 ☐ 21-30 ☐ 31-40 ☐ 41-50 ☐ 51-100 ☐ over 100 ☐

How many employees in your establishment n/a

Type of use served by your parking lot n/a

If your lot is currently used for other than parking, i.e. storage, workshop, etc what is its use? _____

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Rev 05-2016

APPLICATION FOR MODIFICATION OF HARD-SURFACING REQUIREMENT

If you are unable to park all of your vehicles in the assigned lot, where else do you park?
n/a

When was the main structure built? roughly early 1900's

Year of any additions built to the main structure 2010 - 2012

Size

Any other building on the lot? no Square footage

What is the square footage/acres of the parcel 20 acre residential

Zone district I-1

Any specific or unusual parking problems with your operation?

n/a

Will this waiver cause drainage problems, traffic hazards or other detrimental problems in the area? not at all.

Any long or short term projections for further development on this parcel

we would only like to build a garage/shed

Please provide a time-line with phases for hard-surfacing the parcel. Attach a site plan with phases shown.

Signature

[signature]
Applicant

Authorized Agent

$250 cash pd for application fee

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EXHIBIT "A"

A tract of land lying wholly in the NE1/4 of the SW1/4 and the SE1/4 of the NW1/4 of Section 36, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska and more particularly described as follows:

Parcel 1
Beginning at the C 1/4 Corner of said Section 36; thence proceeding north, along the North/South 1/4 Section line in said Section 36, on an assumed bearing of N00°01'15"W, 1137.84 ft.; thence S90°00'00"W, 222.26 ft.; thence S01°46'59"W, 30.00 ft.; thence S90°00'00"W, 63.63 ft.; thence S53°36'38"W, 785.50 ft. to a point on the northerly bank of the North Fork of the Elkhorn River where a witness pipe was set; thence continuing S53°36'38"W, 73 ft., more or less to the centerline of the North Fork of the Elkhorn River; thence southeasterly along said centerline to a point on the East/West 1/4 Section line in said Section 36; thence N89°25'36"E, along said quarter section line, 85 ft., more or less, to a point on the northerly bank of the North Fork of the Elkhorn River, said point being 405.98 ft. West of the C 1/4 corner of said Section 36; thence S32°01'34"E, along said northerly bank, 453.19 ft.; thence S25°44'56"E, along said northerly bank, 379.15 ft. to a point on the North/South 1/4 Section Line in said Section 36; thence N00°04'21"E, along said North/South 1/4 Section Line 729.78 ft. to the point of beginning.

AND

Easement for the benefit of Parcel 1 as created by Easement dated May 2, 2000 and filed for record May 3, 2000 in M2000-5, page 446 and Corrective Easement dated July 13, 2000 and filed for record July 19, 2000 in M2000-7, page 716 in the office of the Register of Deeds of Madison County, Nebraska, for ingress and egress over the land described as follows: A tract of land lying wholly in the E 1/2 of the W 1/2 of Section 36, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska and more particularly described as follows: Referring to a point on the North/South 1/4 section line which is 1322.89 ft. north of the C 1/4 Corner of said Section 36, said point being on the southerly right-of-way of Nebraska State Hwy. No. 24; thence northwesterly, along said right-of-way, on an assumed bearing of N76°30'16"W, 180.38 ft. to the P.C. of a curve to the right having a radius of 1044.93 ft.; thence along said curve, on said right-of-way, 20.28 ft. to the point of beginning; thence S14°00'04"W, 93.91 ft.; thence S01°46'59"W, 171.03 ft.; thence S90°00'00"W, 63.63 ft.; thence N11°25'09"E, 277.83 ft. to a point on the southerly right-of-way of said Nebraska State Hwy. No. 24, said point being on a curve to the left having a radius of 1044.93 ft.; thence along said curve, on said southerly right-of-way, 38.07 ft. to the point of beginning.

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APPLICATION FOR MODIFICATION OF HARD-SURFACING REQUIREMENT

Name of applicant Brian Koch

Mailing Address 105 Grandview Phone 644-3436

Authorized Agent Backus Homes AKA RB Homes LLC

Mailing Address 110 ½ Madison Ave Phone 649-0589

Legal Description or Address of Property

Sunrise Subdivision Lot 17 Madison Co NE
105 Grandview

Years requested 2016

New parking lot ☒ Existing parking lot ☐ Year Built? Residential Drive

Present surfacing of parking lot?

Parking Lot:	Gravel ☐	Dirt ☒	Concrete ☐	Asphalt ☐	Other ☒ Grass
Entrance:	Gravel ☒	Dirt ☐	Concrete ☐	Asphalt ☐	Other ☐

Type of business or use served by your parking lot

Residential Garage

Does your business involve customer parking needs?

No

Does the modification arise from conditions which are unique to the property and are not ordinarily found the same zoning district? NO

Approximately size of parking lot Driveway - 70ft x 10ft

Lot is occupied by: Autos ☐ Trucks ☐ Vans ☐

How many vehicles can the lot hold? 0-10 ☐ 11-20 ☐ 21-30 ☐ 31-40 ☐ 41-50 ☐ 51-100 ☐ over 100 ☐

How many employees in your establishment None - Residential

Type of use served by your parking lot Driveway - Residential

If your lot is currently used for other than parking, i.e. storage, workshop, etc what is its use? No

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Rev: 05-2016

APPLICATION FOR MODIFICATION OF HARD-SURFACING REQUIREMENT

If you are unable to park all of your vehicles in the assigned lot, where else do you park?

N/A

When was the main structure built? _____

Year of any additions built to the main structure _____

Size _____

Any other building on the lot? _____ Square footage 1664 sq ft

What is the square footage/acres of the parcel 140' X 150'

Zone district R1

Any specific or unusual parking problems with your operation?

None

Will this waiver cause drainage problems, traffic hazards or other detrimental problems in the area? No

Any long or short term projections for further development on this parcel

No

Please provide a time-line with phases for hard-surfacing the parcel. Attach a site plan with phases shown.

Signature

Brian Koch
Applicant

Authorized Agent

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NORTHWEST CORNER OF 13TH & OMAHA AVE REDEVELOPMENT AREA

ADOPTED BY NORFOLK CITY COUNCIL ON ????????????? ??, 2016

Blight and Substandard Determination Study prepared by Northeast Nebraska Economic Development District on November 9, 2016

Northeast Nebraska
Economic Development District
Progress Requires Direction

Executive Summary

The purpose of this study is to determine if all or part of the designated "**NW Corner of 13th & Omaha Ave Redevelopment Area**" which is more or less 9.015 acres, has deteriorated and become substandard and blighted according to the Community Development Law established in Nebraska Statute 18-2102. The study area meets the substandard and blighted criteria as defined by section 18-2103(10) and 18-2103(11) of the Nebraska Community Development Law; therefore, the area has been determined to be blighted and substandard.

Community Development Law

18-2102. Legislative findings and declarations.

It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination**.**

It is further found and declared that the prevention and elimination of blight is a matter of state policy, public interest, and statewide concern and within the powers and authority inhering in and reserved to the state, in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of their revenue.

It is further found and declared that certain substandard and blighted areas, or portions thereof, may require acquisition, clearance, and disposition, subject to use restrictions, as provided in the Community

Development Law, since the prevailing conditions of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in the Community Development Law, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils, hereinbefore enumerated, may be eliminated, remedied, or prevented; and that salvageable substandard and blighted areas can be conserved and rehabilitated through appropriate public action and the cooperation and voluntary action of the owners and tenants of property in such areas.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and over- crowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe condition, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

The Study Area:

The NW Corner of 13th & Omaha Ave Redevelopment Area contains 9.015 acres located northwest of the intersection of South 13th Street and West Omaha Avenue and shall be described as follows: Beginning at the SE corner of the SE1/4 SE1/4 Section 28 Township 24N Range 1W thence westerly 714.09 feet along the quarter section line also knows as the centerline of West Omaha Avenue; Thence northerly approximately 95 feet to the SW corner of Lot 2, O.L. Scheer Addition, also known as the southern boundary line of Lot 1 of said addition; Thence northeasterly 42.13 feet along the southern boundary line of Lot 1; Thence northerly 249.12 feet along the western boundary line of Lot 2 also known as the eastern boundary line of Lot 1 to the NW corner of Lot 2 of said addition and the southern boundary line of Lot 2, Hupp Brothers Addition; Thence westerly 38 feet to the SW corner of Lot 2, Hupp Brothers Addition; Thence northeasterly 176.50 feet along the western boundary line of said addition to the NW corner of Lot 2 also known as the SW corner Lot

1, Joe Hupp's Lot Subdivision; Thence northeasterly 148 feet along the western boundary line to the NW corner of Lot 1 of said subdivision; Thence easterly 250 feet along the northern boundary line of Lot 1; Thence south 117.0 feet to a point of the southern boundary line of Lot 1 also being the northern boundary line of Lot 2, Hupp Brothers Addition; Thence easterly approximately 239.03 feet along said lot line to the SE corner of Lot 1 of said addition; Thence continuing easterly 43 feet to the centerline of South 13th Street; Thence southerly 518.3 feet along the centerline of said street also known as the quarter section line of SE1/4 SE1/4 Section 28 Township 24N Range 1W to the point of beginning.

(Exhibit 1, page 8, map; Exhibit 2, page 9, age and rating of properties)

Findings

Substandard Area Criteria-Documentation of Qualifying Conditions

1. Dilapidation or Deterioration

The results of the field survey conducted on October 21, 2016 determined that of the total buildings assessed, 4 of the 7 were given ratings of fair, poor or dilapidated based upon signs of deterioration to the structure. This accounts for 57% of the total properties in the redevelopment area. (Exhibit 2, page 9, age and rating of properties and Exhibit 3, pages 10 to 14 pictures of study area)

The Dilapidation and Deterioration factors are so pervasive as to predominate the redevelopment area, and such factors are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare.

2. Age or Obsolescence

An analysis of property records available from the Madison County Assessor's office and online at http://www.madison.gisworkshop.com was conducted to document the age of buildings within the study area. There were 7 buildings with an age listed. The average age of construction was estimated to be 41 years, with 4 (57%) of the buildings over 40 years of age. (Exhibit 2, page 9, age and rating of properties)

The Age or Obsolescence factor is so pervasive as to predominate the redevelopment area, and such factor is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare.

3. Inadequate provision for ventilation, light, air, sanitation, or open spaces.

The study area does not meet the inadequate provision for ventilation, light, air, sanitation, or open spaces.

4. Other conditions.

a. High density of population or overcrowding;

b. The existence of conditions which endanger life or property by fire and other causes;

c. Any combination of such factors (other than dilapidation, deterioration, or age or obsolescence) which is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

The results of the field survey conducted on October 21, 2016 determined that there are conditions which are conducive to ill health and the transmission of disease and is detrimental to public health. The study area contains a substantial number of stored tires. Tires harbor pools of water that will become infested with insect larvae. Also identified in the area were tubs and barrels which may contain dangers contaminants. A large pile of rubber tubing was also found in the study area which can become infested with rodents. Such condition pose health and safety concerns. (Exhibit 3, pages 10 to 14 pictures of study area)

The study area met the existence of a combination of other factors (other than those factors identified above) the existence of conditions which endanger life or property by fire and which are detrimental to the public health, safety, morals, or welfare in its present condition and use.

Blighted Criteria-Documentation of Qualifying Conditions

1. A substantial number of deteriorated or deteriorating structures.

A field analysis was conducted on October 21, 2016 to determine if parcels within the redevelopment area have significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exteriors of the structures.

During analysis, the buildings were given a condition rating. The building condition rating is based on the following criteria:

Dilapidated: In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. These structures are usually considered to be beyond rehabilitation.

Poor: Had multiple visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Could be rehabilitated, but substantial cost would be involved.

Fair: Usually had at least one or more visible signs of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

Average: Structure had no substantial signs of building deterioration. However, cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. This would require very little to no cost to sell the building for top dollar.

Excellent: Structure shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of structures will fall into this category.

Building Condition	Excellent	Average	Fair	Poor	Dilapidated
Total: 7	0	3	3	1	0

Of the total properties (buildings) assessed, 4 of the 7 were given ratings of fair, poor or dilapidated based upon signs of deterioration to the structure. This accounts for 57% of the total properties in the redevelopment area. (Exhibit 2, page 9, age and rating of properties and Exhibit 3, pages 10 to 14 pictures of study area)

The study area meets the criteria of a substantial number of deteriorated or deteriorating structures, which criteria substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

2. **The existence of defective or inadequate street layout.**
   The study area does not meet the existence of defective or inadequate street layout.
3. **Faulty lot layout in relation to size, adequacy, accessibility or usefulness**.
   The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.
4. **Unsanitary or unsafe conditions**.

The results of the field survey conducted on October 21, 2016 determined that there is a predominance of conditions that are unsanitary or unsafe. The study area contains a substantial number of stored tires. Tires harbor pools of water that will become infested with insect larvae. Also identified in the area were tubs and barrels which may contain dangers contaminants. A large pile of rubber tubing was also found in the study area which can become infested with rodents. Such condition pose health and safety concerns. (Exhibit 3, pages 10 to 14 pictures of study area)

The study area meets the criteria of a substantial number of unsanitary or unsafe conditions, which criteria substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

5. **Deterioration of site or other improvements.**
   The study area does not meet the deterioration of site or other improvements.
6. **Diversity of ownership.**
   The study area does not meet the diversity of ownership criteria.

7. Tax or special assessment delinquency exceeding the fair value of the land.

The study area does not meet the tax or special delinquency criteria.

8. Defective or unusual conditions of title.

The study area does not meet the defective or unusual conditions of title criteria.

9. Improper subdivision or obsolete platting.

The study area does not meet the improper subdivision or obsolete platting criteria.

10. The existence of conditions that endanger life or property by fire and other causes.

The study area does not meet the existence of conditions that endanger life or property by fire and other causes criteria.

11. Any combination of such factors (other than deteriorated or deteriorating structures, defective or inadequate street layout, unsanitary or unsafe conditions, or deterioration of site or other improvements), which substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use

The study area does not meet the existence of a combination of other factors (other than those factors identified above) which are detrimental to the public health, safety, morals, or welfare in its present condition and use.

12. In addition to the above-described factors, at least one or more of the following conditions exist:

i) Unemployment.

The study area does not meet the criteria of at least 120% of the state or national average.

ii) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least 40 years old.

There are 7 commercial structures within the redevelopment area which have dates of construction listed at the Madison County Assessor's office. The average age for the properties in the area is 41 years. (Exhibit 2, page 9, age of properties table)

The study area does meet the qualifying condition for average age.

iii) Unimproved land.

The study area does not meet the criteria of more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time.

iv) Per capita income.

The study area does not meet the per capita income qualification that that the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

v) Population.

The study area <u>does not meet</u> the criteria of either stable or decreasing population based on the last two decennial censuses.

Conclusion

The purpose of this study is to determine if all or part of the designated study area is substandard and blighted. In order to make the determination of substandard and blighted, state statute establishes a series of criteria.

The Nebraska Community Development law identifies six substandard factors. A review of Madison County Assessor's office property data and site inspection of the **"NW Corner of 13th & Omaha Ave Redevelopment Area"** by Northeast Nebraska Economic Development District staff identified a presence of three substandard factors which have been met:

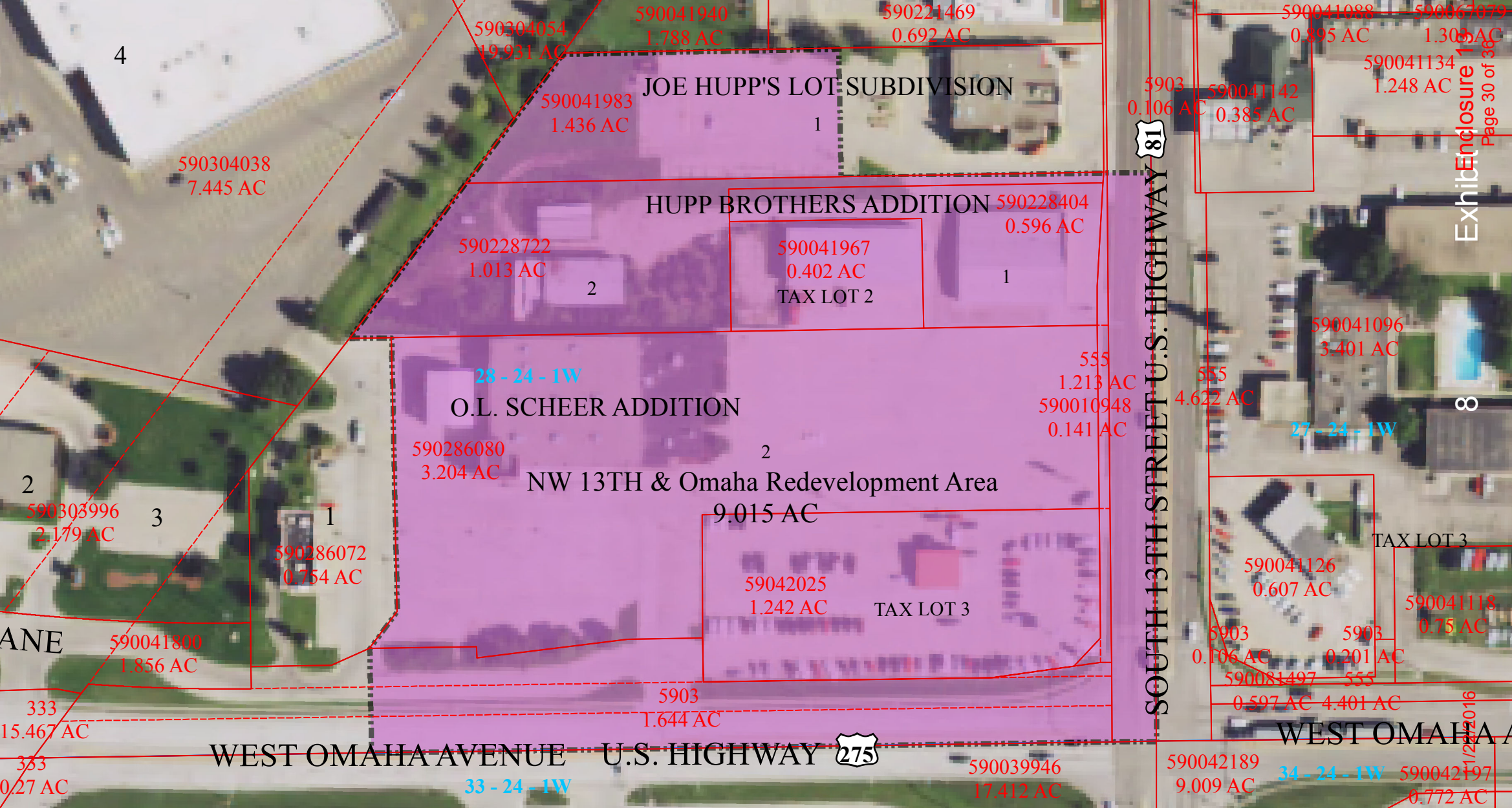
1) Dilapidation/deterioration
2) Age or obsolescence
4) Other conditions.

a. Any combination of such factors (other than dilapidation, deterioration, or age or obsolescence) which is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

The Nebraska Community Development law identifies sixteen blight factors. A review of Madison County Assessor property data and site inspection of the **"NW Corner of 13th & Omaha Ave Redevelopment Area"** by NENEDD staff identified a presence of two blight factors. If the area met at least one of the first eleven qualifying requirements, it would then be subject to review of item twelve in order to determine if the area meets at least one of the other five conditions required within the statute. In this instance, it has been determined that the following blighted criteria have been met:

1) A substantial number of deteriorated or deteriorating structures,
4) Unsanitary or unsafe conditions,
12) (ii) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least forty (40) years old.

Having met the substandard and blighted criteria as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, **<u>this study has determined that the NW Corner of 13th & Omaha Ave Redevelopment Area is both substandard and blighted under the provisions identified and the general plan as required.</u>**


590304054
19.931 AC
590041940
1.788 AC
590221469
0.692 AC
590041088
0.895 AC
590067079
1.303 AC
590041134
1.248 AC
JOE HUPP'S LOT SUBDIVISION
590041983
1.436 AC
1
5903
0.106 AC
590041142
0.385 AC
590304038
7.445 AC
HUPP BROTHERS ADDITION
590228404
0.596 AC
590228722
1.013 AC
2
590041967
0.402 AC
TAX LOT 2
1
590041096
3.401 AC
28 - 24 - 1W
555
1.213 AC
590010948
0.141 AC
555
4.622 AC
O.L. SCHEER ADDITION
590286080
3.204 AC
2
NW 13TH & Omaha Redevelopment Area
9.015 AC
27 - 24 - 1W
2
590303996
2.179 AC
3
1
590286072
0.754 AC
TAX LOT 3
590041126
0.607 AC
590041118
0.75 AC
5903
0.106 AC
5903
0.201 AC
590081497
0.597 AC
555
4.401 AC
590041800
1.856 AC
5903
1.644 AC
333
15.467 AC
333
0.27 AC
WEST OMAHA AVENUE U.S. HIGHWAY 275
33 - 24 - 1W
590039946
17.412 AC
590042189
9.009 AC
34 - 24 - 1W
590042197
0.772 AC
SOUTH 13TH STREET U.S. HIGHWAY 81
Exhibit Enclosure 1
Page 30 of 36
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11/22/2016

Northwest Corner of 13th Street & Omaha Avenue, Norfolk, NE

Parcel ID	Legal Description	Structure Rating	Age of Buildings	Age
590228722	HUPP BROTHERS ADDITION LOT 2	Poor	1965	51
590041967	TAX LOTS SE1/4 SE1/4 28-24-1 PT TAX LOT 2 PARCEL 7A	Fair	1977	39
590228404	HUPP BROTHERS ADDITION LOT 1	Fair	1962	54
590286080	O L SCHEER ADDITION LOT 2	Average	1966	50
590286080	O L SCHEER ADDITION LOT 2	Average	1992	24
590286080	O L SCHEER ADDITION LOT 2	Average	1998	18
590042025	SE1/4 28-24-1 PT TAX LOT 3 LESS HWY	Fair	1965	51
590041983	JOE HUPP'S LOT SUBDIVISIN LOT 1 EXCEPT E 3 FT	Unimproved	0	0
590041800	PT SE 1/4 SE 1/4 28-24-1 (MARKET LANE)	Unimproved	0	0
			Average age	41 years

4442