# Agenda Packet

## NORFOLK PLANNING COMMISSION

Tuesday, March 6, 2018
7:30 a.m.

Created 3/2/2018 10:55 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, March 6, 2018, 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

March 06, 2018

## 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 February 21, 2018 Planning Commission meeting.
6. Election of Chairperson, Vice Chairperson and appointment of the Planning Commission Secretary. **Motion**
7. Consideration of approval to recommend the Final Planned Development for Norfolk Junction located at 211 West Northwestern Avenue. **Motion**

## PUBLIC HEARINGS

8. Public hearing at the request of Dominic Miller for a Conditional Use Permit to operate an event barn on property generally located ½ mile north from the intersection of Benjamin Avenue and North 49th Street. This public hearing is a continuation from the February 21, 2018 Planning Commission meeting.
9. Consideration of approval to have the City staff prepare a conditional use permit for discussion and action at the next regularly scheduled Planning Commission meeting for an even barn on property generally located ½ mile north from the intersection of Benjamin Avenue and North 49th Street. **Motion**
10. Public hearing at the request of Marlan and Pearl Magdefrau to consider a zoning change from I-1 (Light Industrial District) to R-2 (One and Two Family Residential District) on property addressed as 1411 South 2nd Street.
11. Consideration of approval to recommend a zoning change from I-1 (Light Industrial District) to R-2 (One and Two Family Residential District) on property addressed as 1411 South 2nd Street. **Motion**

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12. Public hearing at the request of Three G's, Inc. to consider a zoning change from I-2 (Heavy Industrial District) to I-1 (Light Industrial District) on property addressed as 1012 West Monroe Avenue.

13. Consideration of approval to recommend a zoning change from I-2 (Heavy Industrial District) to I-1 (Light Industrial District) on property addressed as 1012 West Monroe Avenue. **Motion**

14. Public hearing to consider an amendment to the extraterritorial zoning jurisdiction map of the City of Norfolk, Nebraska, as authorized by Section 16-902 R.R.S. 2012.

15. Consideration of approval to recommend an amendment to the extraterritorial zoning jurisdiction map of the City of Norfolk, Nebraska, as authorized by Section 16-902 R.R.S. 2012. **Motion**

PLATS/SUBDIVISIONS

16. Consideration of approval of the preliminary plat of Prairie View Estates. **Motion**

OTHER BUSINESS

17. Open topics on any concerns the Commission has 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 21st day of February, 2018, beginning at 7:30a.m.

The Planning Commission Chair, 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.

Roll call found the following Commission Members present: Brian Lundy, Frank Arens, Barb Marsh, Sue Beckman, Dan Spray, Donna Neeman, Martin Griffith, Jacob Thone, and Matt Gilmore. Absent: None.

Staff members present were: City Planner Val Grimes, City Engineer Steven Rames, Finance Officer Randy Gates, and Stacey Hansen.

Chair Brian Lundy presided and the Planning Commission Secretary Brianna Duerst digitally recorded the audio of the proceedings.

**Current Business**

Commissioner Spray moved, seconded by Commissioner Beckman to approve the full agenda with an amendment to move items #7-10 to the front of the meeting.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

Commissioner Beckman moved, seconded by Commissioner Thone to approve the February 6, 2018 meeting minutes with a correction of a typo on page 3.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

**Public Hearings**

Public Hearing
Zoning Change from A (Agricultural District) to C-1 (Service Commercial District)
½ mile north of the intersection of Benjamin Avenue and North 49th Street – Dominic Miller

Chair Lundy read into the record a letter received by the applicant requesting to withdraw the zoning change request.

City Planner Val Grimes explained that when she was first approached about the use, which is not specifically listed in the land use matrix, as the zoning official she has been given the authority to categorize an unlisted use based on other items in the land use matrix and originally considered the use of an even barn would require a

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zoning change as well as a conditional use permit. Upon further review, Grimes found multiple uses in the land use matrix that permit public assemblies in Agricultural zoning with a conditional use permit similar to the proposed use of an event barn. Grimes stated that as the zoning official she has determined that the event barn use can fit in Agricultural zoning with a conditional use permit. Grimes informed the public that if any person is aggrieved by this decision, they may appeal that decision to the Board of Adjustment, according to code.

Public Hearing
Conditional Use Permit – Event Barn
½ mile north of the intersection of Benjamin Avenue and North 49th Street – Dominic Miller

Chair Lundy opened the public hearing at 7:35 to consider a Conditional Use Permit to operate an event barn on property generally located ½ mile north from the intersection of Benjamin Avenue and North 49th Street.

Charles Henkel, 1614 N 61st Street, spoke in opposition. Henkel stated there are various ways an event barn could prove to be objectionable to him and offered several suggested conditions to be added to the potential conditional use permit including:

- Maximum number of attendees to be the Fire Marshall's rating for the building or 250, whichever is lower.
- All outdoor areas shall be setback a minimum of 150 feet from all lot lines.
- Access drive shall be setback 150 feet from side and rear lot lines.
- Access drives shall be positioned to allow visibility of North bound traffic on 49th Street.
- Minimum number of parking spaces shall be 75% of the approved maximum capacity.
- No event shall begin before 9:00 a.m. nor end after 10:00 p.m.

Markie Coffey, representing the applicant, presented rough plans of the proposed building, consisting of two levels and large outdoor patio. Coffey stated all events will be indoors consisting of weddings, anniversary parties, birthday parties, and potentially a seasonal craft vendor show, with a maximum capacity of 500. All ingress/egress and parking will be paved and the applicant is working with an engineer to determine the safest position of the driveway. Coffey also spoke of utilizing a shuttle service to limit the traffic impact.

Ryan Stover, attorney representing Wade and Bobbi Theisen, spoke of the potential use of alcohol and the condition and safety of North 49th Street. Stover spoke of the character of the area as rural and quiet with limited residential as a reason his clients and their neighbors chose this area to live, and that allowing such a use would have a negative impact. Stover stated that Theisens, who own the land north of the proposed area, have horses and cattle they fear would be affected by the noise of an event barn.

Coffey stated they would be obtaining a liquor permit, but would have security present at each event, and further explained the shuttle service to be an attempt to limit drinking and driving.

Randy Matteo, 2200 North 49th Street, spoke in opposition, due to the potential noise and safety of North 49th Street.

Bev Henkel, 1614 North 61st Street, spoke in opposition, pertaining to the potential lighting that would be placed in the parking lot.

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Bobbi Theisen, 2320 North 49th Street, spoke in opposition, speaking to the danger of North 49th Street, and urged Commission members to drive on 49th Street to get a better understanding of her concern. Theisen also stated that a facility such as the one proposed is not something she ever envisioned in this area.

Commissioners expressed their desire for more information from the applicant. Lundy explained the option of voting to continue the public hearing until the next regularly scheduled Planning Commission meeting in order to get more information.

Commissioner Beckman moved, seconded by Commissioner Spray to continue the public hearing until the next regularly schedule Planning Commission meeting.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

**Current Business**

13th & Omaha Redevelopment Area Redevelopment Plan

Finance Officer Randy Gates presented the redevelopment plan for the 13th & Omaha Redevelopment Area, which encompasses Lot 2 of Oban Cyhawk Addition along with the adjacent Street right-of-way along the East lot line. The first phase of the project is an 85-95 limited service and extended stay hotel. Phase two will consist of the northeast corner of lot 2 to include some sort of compatible commercial space, such as a restaurant or retail space.

Mike Works, redeveloper, spoke to the project, explaining the area is the gateway to the City from the South. Works stated that they are still deciding which franchise to work with for the site.

Commissioner Spray moved, seconded by Commissioner Griffith to recommend approval of 13th & Omaha Redevelopment Area Redevelopment Plan.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

**Public Hearings**

Public Hearings
Zoning Change from I-1 to C-3
Preliminary Planned Development
Southeast corner of Omaha Avenue & South 13th Street – Oban Group, Inc.

Chair Lundy opened the public hearings simultaneously at 8:12 a.m. to consider a zoning change from I-1 (Light Industrial District) to C-3 (Service Commercial District) and a preliminary planned development on property generally located at the southeast corner of Omaha Avenue and South 13th Street.

City Planner Val Grimes explained the need for the planned development on this project is to allow for the extra height of the building as well as the relief from the 40 foot front yard setback on the east side of Lot 2.

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No one spoke in favor or opposition of the request and Chair Lundy closed the public hearing at 8:15 a.m.

Commissioner Spray moved, seconded by Commissioner Beckman to recommend approval of the zoning change from I-1 to C-3 on property generally located at the southeast corner of Omaha Avenue and South 13th Street.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

Commissioner Beckman moved, seconded by Commissioner Gilmore to recommend approval of the preliminary planned development on property generally located at the southeast corner of Omaha Avenue and South 13th Street.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

**Plats / Subdivisions**

Norfolk Extended Lodging - Preliminary Plat

City Engineer Steven Rames has reviewed the preliminary plat of Norfolk Extended Lodging. Rames noted that as part of the plat, the City Street on the east side of the property will be extended to the south lot line.

Commissioner Beckman moved, seconded by Commissioner Marsh to approve the preliminary plat of Norfolk Extended Lodging.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Neeman, Griffith, Thone, and Gilmore. Nays: None. Absent: Motion carried (9-0).

City Planner Valerie Grimes presented the January 2018 Building Permit Report.

There was no other discussion and Chair Lundy declared the meeting adjourned at 8:22 a.m.

_____
Brianna Duerst, Norfolk Planning Commission Secretary

_____
Brian Lundy, Norfolk Planning Commission Chair

**ZONING CHANGE**
**APPLICATION-FORM A**

1. Applicant's Name Vandelay Investments, L.L.C.

2. Applicant's Address P.O. Box 22151, Lincoln, NE 68542-2151

3. Phone Numbers:

Home _____ Business 402-826-9393 Cell _____

4. E-Mail Address _____

5. Contact other than applicant Ben Conover

   Phone 402-580-1508 Address 314 N. 5th St., Norfolk, NE 68701

   Contact other than applicant JEO Consulting Group, Inc

   Phone 402-371-6416 Address 803 W. Norfolk Ave., Norfolk, NE 68701

6. Current Zoning I-2 Heavy Industrial District Requested Zoning R-3-Multiply Family Residential District

7. Location of Property In the NE1/4 of the NE1/4 of Section 34, T24N, R1W of the Sixth P.M., Madison County, Nebraska

8. Legal Description (See Attached)

_____

9. Property area 1.19 Acres (more or less)

10. Use of adjoining properties

North Northwestern Ave.
South Railroad (I-2)
East Mead Farm and Ranch, Home Farm and Ranch Building Supply (I-2)
West Brad's Repair (I-2)

Signature of Owner _____

Printed Name Benjamin Conover

Return Completed Forms to: Norfolk Planning Commission; 309 N 5TH Street; Norfolk, NE 68701



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JAN 19

**ZONING CHANGE**

**JUSTIFICATION - FORM B**

1. What type of development does the Norfolk Comprehensive Plan recommend for this area?

This area is located in the "Ta-Ha-Zouka" district, which currently provides housing options that are predominately single-family, detached housing. The Comprehensive Plan recommends that new residential developments within this district should encourage the maintenance and improvement of existing residential homes and residential neighborhoods within the same areas already developed for this purpose.

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

The zone change request does not require an amendment to the Comprehensive Plan

3. Is the proposed property in the Flood Plan Hazard area as delineated under the Federal Flood Insurance program?

No, the proposed property is not in the Flood Plan Hazard area.

4. What is the reason for the zone change request?

The reason for the zone change request is to change the zoning from I-2 to R-3 in order to renovate the existing historical railroad Depot building into apartments for multi-family housing.

5. How would this zoning district conform with adjacent properties' zoning?

The current landowners of adjacent properties have I-2 zoning, but the current land use appears to have a low enough density to conform to R-3 zoning.

6. What is the general character of the area?

The general character of the area has multiple personalities. Although it is zoned Industrial, directly across the street you can find antique shopping, dining and live music with special events being hosted by the area businesses. There currently exists residential housing and apartments in the near vicinity. This renovation provides a great opportunity to revive historical "Norfolk Junction", a separate town that was established in 1879.

7. Is adequate sewer and water available?

Adequate sewer and water is available.

8. Does the change affect any proposed public projects?

This zoning change does not affect any proposed public projects.

LEGAL DESCRIPTION: (RECORDED IN BOOK 2016, PAGE 03046)

A TRACT OF LAND LYING WHOLLY IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE ONE (1) WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF NORTHWESTERN AVENUE, SAID POINT BEING 92.62 FEET WEST OF THE INTERSECTION OF THE WEST LINE OF SECOND STREET PROJECTED, WITH THE SOUTH LINE OF NORTHWESTERN AVENUE; THENCE SOUTHERLY ON A LINE DRAWN PERPENDICULAR WITH NORTHWESTERN AVENUE AND DISTANCE 95.0 FEET WESTERLY ON THE WESTERLY MAIN FACE OF AN OFFICE BUILDING OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AS NOW LOCATED WITHIN THE SOUTHERLY EXTENSION OF SAID SECOND STREET, A DISTANCE OF 139.2 FEET TO A POINT 23.2 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF SPUR TRACK I.C.C. NUMBER 123 OF SAID RAILWAY COMPANY, AS NOW LOCATED AND ESTABLISHED; THENCE WESTERLY, ALONG A LINE PARALLEL WITH THE CENTER LINE OF SAID SPUR TRACK, A DISTANCE OF 318.2 FEET TO A POINT ON A LINE DRAWN PERPENDICULAR TO THE SOUTHERLY LINE OF NORTHWESTERN AVENUE AND 5.0 FEET WESTERLY OF THE WESTERLY MAIN FACE OF THE DEPOT BUILDING OF SAID RAILWAY COMPANY, AS SAID BUILDING IS NOW LOCATED; THENCE NORTHERLY, ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 139.0 FEET TO THE SOUTH LINE OF SAID NORTHWESTERN AVENUE; THENCE EASTERLY, ALONG SAID SOUTH LINE, A DISTANCE OF 318.2 FEET TO THE POINT OF BEGINNING AND THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE ONE (1) WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA BOUNDED AS FOLLOWS: THE EASTERLY 55 FEET (BEING MEASURED PARALLEL WITH THE SOUTHERLY LINE OF NORTHWESTERN AVENUE) OF THE FOLLOWING DESCRIBED TRACT: ON THE NORTHERLY SIDE BY THE SOUTHERLY LINE OF NORTHWESTERN AVENUE; ON THE EASTERLY SIDE BY A LINE DRAWN AT RIGHT ANGLES TO SAID SOUTHERLY LINE OF NORTHWESTERN AVENUE AT A POINT THEREON DISTANCE 410.42 FEET (410.82 FEET MEASURED) WESTERLY FROM IT'S INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF SECOND STREET; ON THE SOUTHERLY SIDE BY A LINE PARALLEL WITH A DISTANCE 25.0 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID TRACK IS NOW LOCATED; AND ON THE WESTERLY SIDE BY A LINE DRAWN PARALLEL WITH THE WEST LINE OF SAID QUARTER-QUARTER SECTION THROUGH A POINT ON THE SOUTHERLY LINE OF SAID NORTHWESTERN AVENUE AT A POINT THEREON DISTANT 190.0 FEET (190.2 FEET MEASURED) EASTERLY FROM IT'S INTERSECTION WITH THE WEST LINE OF SAID QUARTER-QUARTER.

Over the past 4 years, Conover Properties has successfully renovated 3 old buildings in Pierce and Tilden into multi-family housing. We are beginning on our 4th renovation in Madison which will consist of 12 apartments. The Depot building located at 211 West Northwestern Avenue in Norfolk is one of the most historic buildings in our community. Our goal is to renovate this building into 9 or 10 high end apartments for multi-family living as we have successfully done before.

Norfolk is in need of nice housing and we have seen very high demand after completion of similar projects. We believe this building will be a great candidate to repurpose as a multi-family building providing high end housing to many families. It will also dress up an area of town which is deemed blighted and substandard. During the renovation, we intend to keep the outside of the building similar to what it has always been to maintain the historical significance.

We anticipate traffic will be slightly higher in the area after adding these units. There is ample parking on site for the development and we plan to add garage space for each unit. We anticipate starting construction in the spring of 2020 after we complete our current project.

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# FINAL PLANNED DEVELOPMENT
# NORFOLK JUNCTION
# LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 34, T24N, R1W OF THE SIXTH P.M. MADISON COUNTY, NEBRASKA

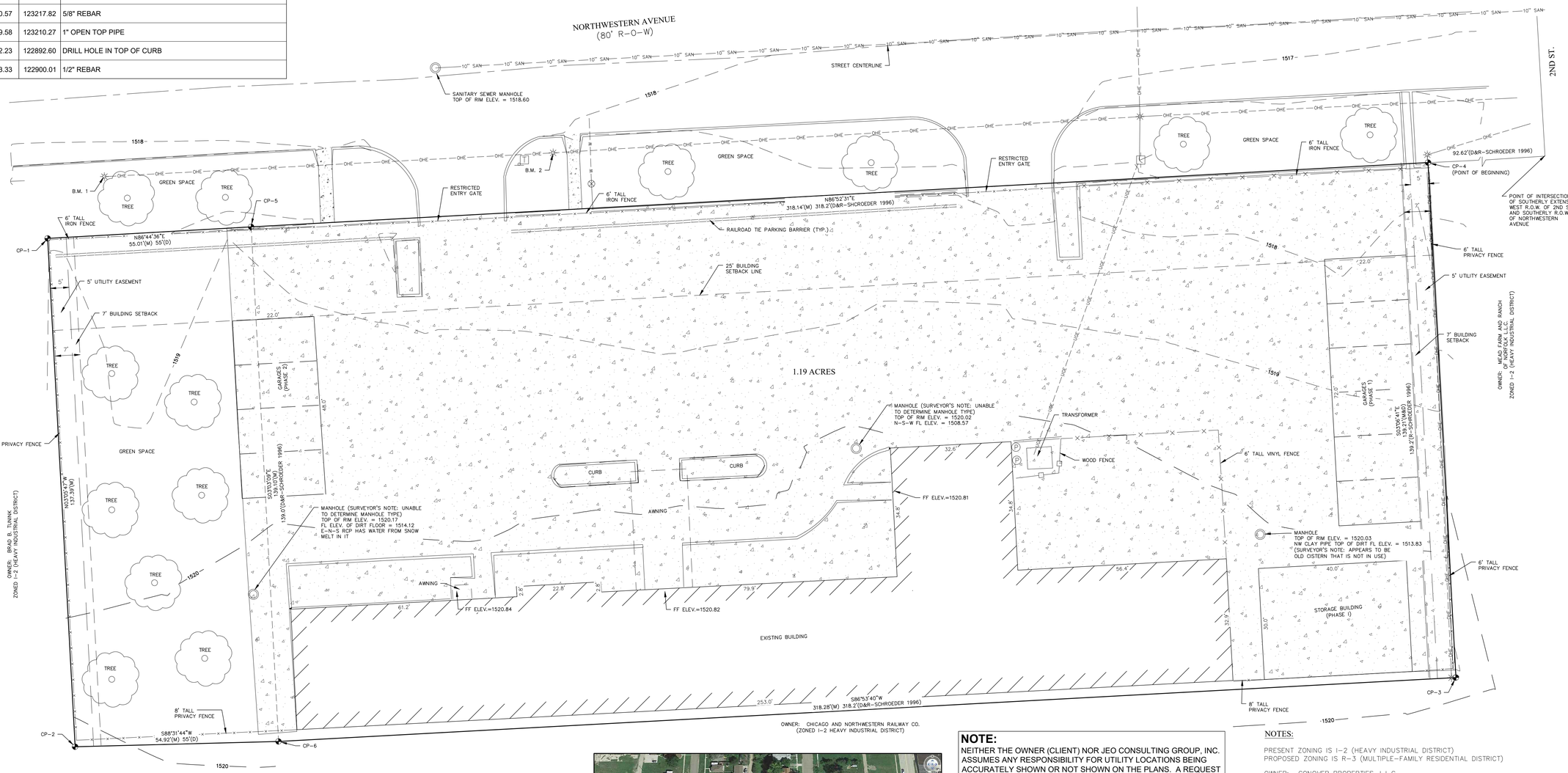
**MADISON COUNTY LOW DISTORTION PROJECTION**
**PROJECTION: TRANSVERSE MERCATOR**
**SCALE FACTOR: 1.0000751**
**CENTRAL MERIDIAN: -97°30'00"**
**LATITUDE OF ORIGIN: 41°55'00"**
**FALSE NORTHING: 25,000 METERS (82,020.833 US FEET)**
**FALSE EASTING: 30,000 METERS (98,425.000 US FEET)**

| POINT NAME | NORTHING | EASTING | LONG DESCRIPTION |
|---|---|---|---|
| CP-1 | 118059.11 | 122837.68 | 1" OPEN TOP PIPE |
| CP-2 | 117921.92 | 122845.10 | 1" OPEN TOP PIPE |
| CP-3 | 117940.57 | 123217.82 | 5/8" REBAR |
| CP-4 | 118079.58 | 123210.27 | 1" OPEN TOP PIPE |
| CP-5 | 118062.23 | 122892.60 | DRILL HOLE IN TOP OF CURB |
| CP-6 | 117923.33 | 122900.01 | 1/2" REBAR |

**BENCHMARKS - NAVD88**

| POINT NAME | NORTHING | EASTING | ELEVATION | LONG DESCRIPTION |
|---|---|---|---|---|
| BM-1 | N/A | N/A | 1519.15 | SET CHAIR NAILS IN THE SOUTH FACE OF A LIGHT POLE AT THE NORTHWEST CORNER OF PROPERTY |
| BM-2 | N/A | N/A | 1519.25 | SET CHAIR NAILS IN THE SOUTH FACE OF THE FIRST LIGHT POLE EAST OF THE WEST DRIVE TO PROPERTY |

Know what's below. Call before you dig.




THIS PLANNED DEVELOPMENT GIVES THE FOLLOWING RELIEF FROM SUBDIVISION REGULATIONS:

1. THE MAXIMUM NUMBER OF DWELLING UNITS SHALL BE TEN (10).
2. RELIEF SHALL BE GRANTED FROM THE REQUIRED BUFFERYARDS TO ALLOW 0' BUFFERYARDS ON THE NORTH, EAST, SOUTH, AND WEST SIDES OF THE LOT.
3. RELIEF SHALL BE GRANTED FROM THE FENCE HEIGHT RESTRICTION IN THE FRONT YARD TO ALLOW A 6' HIGH FENCE IN THE FRONT YARD.
4. RELIEF SHALL BE GRANTED FROM THE REQUIRED DEPTH OF LANDSCAPING ADJACENT TO THE STREET PROPERTY LINE TO ALLOW 0' DEPTH OF LANDSCAPING ADJACENT TO THE STREET PROPERTY LINE.
5. RELIEF SHALL BE GRANTED FROM THE REQUIRED MINIMUM REAR YARD SETBACK FOR AN ACCESSORY BUILDING TO ALLOW 0' REAR YARD SETBACK SO LONG AS THE ACCESSORY BUILDING IS NOT ALLOWED TO ENCROACH INTO ANY EASEMENT.

LEGAL DESCRIPTION: (RECORDED IN BOOK 2016, PAGE 03046)

A TRACT OF LAND LYING WHOLLY IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE ONE (1) WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE SOUTH RIGHT OF WAY LINE OF NORTHWESTERN AVENUE, SAID POINT BEING 92.62 FEET WEST OF THE INTERSECTION OF THE WEST LINE OF SECOND STREET PROJECTED, WITH THE SOUTH LINE OF NORTHWESTERN AVENUE; THENCE SOUTHERLY ON A LINE DRAWN PERPENDICULAR WITH NORTHWESTERN AVENUE AND DISTANCE 95.0 FEET WESTERLY ON THE WESTERLY MAIN FACE OF AN OFFICE BUILDING OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AS NOW LOCATED WITHIN THE SOUTHERLY EXTENSION OF SAID SECOND STREET, A DISTANCE OF 139.2 FEET TO A POINT 23.2 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF SPUR TRACK I.C.C. NUMBER 123 OF SAID RAILWAY COMPANY, AS NOW LOCATED AND ESTABLISHED; THENCE WESTERLY, ALONG A LINE PARALLEL WITH THE CENTER LINE OF SAID SPUR TRACK, A DISTANCE OF 318.2 FEET TO A POINT ON A LINE DRAWN PERPENDICULAR TO THE SOUTHERLY LINE OF NORTHWESTERN AVENUE AND 5.0 FEET WESTERLY OF THE WESTERLY MAIN FACE OF THE DEPOT BUILDING OF SAID RAILWAY COMPANY, AS SAID BUILDING IS NOW LOCATED; THENCE NORTHERLY, ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 139.0 FEET TO THE SOUTH LINE OF SAID NORTHWESTERN AVENUE; THENCE EASTERLY, ALONG SAID SOUTH LINE, A DISTANCE OF 318.2 FEET TO THE POINT OF BEGINNING AND THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION THIRTY-FOUR (34), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE ONE (1) WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA BOUNDED AS FOLLOWS: THE EASTERLY 55 FEET (BEING MEASURED PARALLEL WITH THE SOUTHERLY LINE OF NORTHWESTERN AVENUE) OF THE FOLLOWING DESCRIBED TRACT: ON THE NORTHERLY SIDE BY THE SOUTHERLY LINE OF NORTHWESTERN AVENUE; ON THE EASTERLY SIDE BY A LINE DRAWN AT RIGHT ANGLES TO SAID SOUTHERLY LINE OF NORTHWESTERN AVENUE AT A POINT THEREON DISTANCE 410.42 FEET (410.82 FEET MEASURED) WESTERLY FROM IT'S INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF SECOND STREET; ON THE SOUTHERLY SIDE BY A LINE PARALLEL WITH A DISTANCE 25.0 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID TRACK IS NOW LOCATED; AND ON THE WESTERLY SIDE BY A LINE DRAWN PARALLEL WITH THE WEST LINE OF SAID QUARTER-QUARTER SECTION THROUGH A POINT ON THE SOUTHERLY LINE OF SAID NORTHWESTERN AVENUE AT A POINT THEREON DISTANT 190.0 FEET (190.2 FEET MEASURED) EASTERLY FROM IT'S INTERSECTION WITH THE WEST LINE OF SAID QUARTER-QUARTER.

VICINITY MAP
SCALE: NONE

**NOTE:**
NEITHER THE OWNER (CLIENT) NOR JEO CONSULTING GROUP, INC. ASSUMES ANY RESPONSIBILITY FOR UTILITY LOCATIONS BEING ACCURATELY SHOWN OR NOT SHOWN ON THE PLANS. A REQUEST FOR UTILITY LOCATES WAS MADE FOR THIS LOCATION AS PER THE ONE-CALL NOTIFICATION SYSTEM ACT.
(DATE: 1-09-18 TICKET NO.: 180080268).

UTILITIES SHOWN ARE FROM MAPS PROVIDED BY THE UTILITY PROVIDERS.

THE EXACT LOCATION AND/OR SIZE OF UNDERGROUND FEATURES MAY NOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. FIELD VERIFICATION OF UTILITIES MAY BE REQUIRED. CONTRACTOR(S) SHALL NOTIFY THE RESPECTIVE UTILITY COMPANIES BEFORE COMMENCING ANY WORK.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT OF A SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

JEFFREY S. RYAN, LS 541

NEBRASKA REGISTERED LS-541 LAND SURVEYOR JEFFREY S. RYAN

NOTES:

PRESENT ZONING IS I-2 (HEAVY INDUSTRIAL DISTRICT)
PROPOSED ZONING IS R-3 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT)

OWNER: CONOVER PROPERTIES, L.L.C.
314 N. 5TH ST., SUITE 400
NORFOLK, NE 68701

SURVEYOR'S REPORT:

EXISTING MONUMENTS OF RECORD WERE FOUND AT LOCATIONS SHOWN ON THIS PLAT. ALL MONUMENTS FOUND ARE DESCRIBED ON THIS PLAT

ALL LINES WERE PRODUCED AND ANGLES AND DISTANCES MEASURED WITH A TRIMBLE R8 GNSS RECEIVER, A TRIMBLE S6 ROBOTIC TOTAL STATION AND A 100 FOOT STEEL TAPE.

LEGEND:

| | |
|---|---|
| MONUMENT FOUND | FIRE HYDRANT |
| M MEASURED DISTANCE | OHE OVERHEAD ELECTRIC |
| P PLATTED DISTANCE | UGE UNDERGROUND ELECTRIC |
| MANHOLE | WOOD FENCE |
| POWER POLE | CHAIN LINK FENCE |
| GUY WIRE | PROPOSED FENCE (AS NOTED) |
| TELEPHONE PEDESTAL | SAN SANITARY SEWER MAIN |
| SIGN | G GAS LINE |
| WATER VALVE | TV UNDERGROUND TELEVISION LINE |
| LIGHT POLE | PROPERTY LINE |
| EXISTING CONCRETE | 1526 CONTOUR |
| | DECIDUOUS TREE |

GRAPHIC SCALE
0 5 10 20 40

NOTE: ALL BEARINGS ARE ASSUMED.


JEO CONSULTING GROUP INC
Ph: 402.371.6416
PO Box 1424
Norfolk, NE 68702


FINAL PLANNED DEVELOPMENT

NORFOLK JUNCTION
LOCATED IN THE NE1/4 OF THE NE1/4 OF
SEC. 34, T24N, R1W OF THE SIXTH P.M.,
MADISON COUNTY, NEBRASKA

| | |
|---|---|
| PROJECT NO. | R172106 |
| DATE | 2/26/18 |
| DRAWN BY | KSL |
| FILE NAME | sv172106.dwg |
| FIELD BOOK | NORFOLK N-45 |
| FIELD CREW | CP |
| SURVEY FILE NO. | |
| REVIEW BY | |
| REVIEW DATE | |
| REVISIONS | |

1 OF 2

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3/6/2018

# FINAL PLANNED DEVELOPMENT
# NORFOLK JUNCTION
# LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 34, T24N, R1W
# OF THE SIXTH P.M. MADISON COUNTY, NEBRASKA

DEDICATION & WAIVER

WE, CONOVER PROPERTIES, LLC ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED IN THE SURVEYOR'S STATEMENT AND WE HAVE CAUSED TO BE MADE A SURVEY AND PLANNED DEVELOPMENT OF SAID TRACT OF LAND AS SHOWN HEREIN. SAID TRACT OF LAND SHALL BE HEREINAFTER BE KNOWN AS NORFOLK JUNCTION LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE SIXTH P.M., MADISON COUNTY, NEBRASKA,

CONOVER PROPERTIES, LLC

_____
BENJAMIN CONOVER, MEMBER

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)SS
COUNTY OF MADISON)

ON THIS ___ DAY OF _____, 2018, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, APPEARED BENJAMIN CONOVER, MEMBER OF CONOVER PROPERTIES, LLC, TO BE PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SIGNING THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL ON THE DATE LAST WRITTEN

_____
NOTARY PUBLIC (PRINTED NAME)

_____
NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES: _____

CONSENT OF LIENHOLDER

WE, MADISON COUNTY BANK, BEING LIENHOLDERS OF THE DESCRIBED TRACT OF LAND, HEREBY APPROVE AND AGREE TO THE PLANNED DEVELOPMENT OF NORFOLK JUNCTION LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE SIXTH P.M., MADISON COUNTY, NEBRASKA.

MADISON COUNTY BANK

_____
CHRIS BRUMMELS, VICE PRESIDENT

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
)SS
COUNTY OF MADISON)

ON THIS ___ DAY OF _____, 2018, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, APPEARED CHRIS BRUMMELS, VICE PRESIDENT OF MADISON COUNTY BANK, TO BE PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SIGNING THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL ON THE DATE LAST WRITTEN

_____
NOTARY PUBLIC (PRINTED NAME)

_____
NOTARY PUBLIC (SIGNATURE)

MY COMMISSION EXPIRES: _____

PLANNING COMMISSION APPROVAL

THE FOREGOING AND WITHIN PLANNED DEVELOPMENT, DEDICATION AND INSTRUMENT WERE APPROVED BY THE PLANNING COMMISSION OF THE CITY OF NORFOLK, MADISON COUNTY,

NEBRASKA, THIS ____ DAY OF _____, 2018.

_____
CHAIRMAN (SIGNATURE)

_____
(PRINTED NAME)

CITY COUNCIL APPROVAL

THE FOREGOING AND WITHIN PLANNED DEVELOPMENT, DEDICATION AND INSTRUMENT WERE APPROVED BY THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, MADISON COUNTY, NEBRASKA BY RESOLUTION DULY PASSED ON THE ___ DAY OF _____, 2018.

_____ _____
CITY CLERK MAYOR
ELIZABETH DECK JOSH MOENNING

REGISTER OF DEEDS

STATE OF NEBRASKA)
)SS
COUNTY OF MADISON)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE AT _____ __.M. ON THE _____ DAY OF _____, 2018.

_____
REGISTER OF DEEDS

JEO CONSULTING GROUP INC
Ph: 402.371.6416
PO Box 1424
Norfolk, NE 68702

FINAL PLANNED DEVELOPMENT

NORFOLK JUNCTION
LOCATED IN THE NE1/4 OF THE NE1/4 OF SEC. 34, T24N, R1W OF THE SIXTH P.M., MADISON COUNTY, NEBRASKA

PROJECT NO. R172106
DATE 2/26/18
DRAWN BY KSL
FILE NAME sv172106.dwg
FIELD BOOK NORFOLK N-45
FIELD CREW CP
SURVEY FILE NO.
REVIEW BY
REVIEW DATE
REVISIONS



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3/6/2018

BUILDING AMERICA®

February 5, 2018

VIA EMAIL ONLY: vgrimes@ci.norfolk.ne.us

City of Norfolk
Planning Commission
Attn: Valerie Grimes
309 N 5th Street
Norfolk, NE 68701

Re: Comments to Proposed Zoning Change to R-3 (Multiple Family Residential District) at 211 West Northwestern Avenue (the "Project")

Dear Ms. Grimes:

Thank you for allowing Union Pacific Railroad Company ("UP") the opportunity to submit the following comments on the above-referenced Project. UP is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of Nebraska. UP's rail network is vital to the economic health of Nebraska and the nation as a whole and its rail service to customers in Nebraska is crucial to the future success and growth of those customers.

The proposed Project location is adjacent to UP's property and railroad operations. Any land planning decisions should consider that train volumes near the Project area may increase in the future. UP also asks that the City and the applicant keep in mind that this is an active rail corridor and nearby land uses should be compatible with this continuing rail use.

Increased Traffic Impact

Rail crossing safety is critical to the public and to UP. Any increase in traffic from the Project may render inadequate the current safety devices in place on the nearby at-grade crossings. Additionally, an increase of pedestrian and vehicular traffic may conflict with train operations causing trains to proceed more slowly through the City, and/or make more frequent emergency stops, which would make rail service less effective and efficient. Should this Project be approved, UP requests that the Project developer and the City examine any increase in vehicular and pedestrian traffic and the impacts on the nearby at-grade road crossings to see if any additional mitigation measures should be included in the Project.

Trespassing

Any increase in pedestrian traffic will increase the likelihood of trespassing onto the railroad right-of-way. UP requests that the developer and the City examine the Project impacts associated with the increased likelihood of trespassing and set forth appropriate mitigation measures. The developer should install vandal resistant fencing at least 8 feet or taller (without impairing visibility), pavement markings and "no trespassing" signs designed to prevent individuals from trespassing onto the railroad tracks. All pedestrians and cyclists should be directed to use designated pedestrian rail crossings by

utilizing appropriate signage and paths. Buffers and setbacks should also be required adjacent to the right-of-way.

Noise and Vibration Impact

UP's 24-hour rail operations generate the noise and vibration one would expect from an active railway. Any increase in pedestrian and vehicular traffic over and around at-grade crossings may result in additional horn use by railroad employees. As a mitigation measure, the developer should disclose to the general public, including residents of the proposed development, the daytime and nighttime noise levels naturally occurring with rail service, including sounding horns at vehicle crossings where required, as well as the pre-existing and predictably-occurring vibration. These disclosures should note that train volume may increase in the future. The Project's development plans should also include appropriate mitigation measures, such as construction of sound barrier walls or landscape buffers, and/or use of sound-proofing materials and techniques.

Drainage and Project Construction

UP requests the City ensure that the drainage plan relating to the Project does not shift storm water drainage toward UP property and infrastructure. Any runoff onto UP's property may cause damage to its facilities resulting in a potential public safety issue. If the Project is approved, we ask that the City require the applicant to mitigate all safety risks and the impacts of the railroad's 24-hour operations during the construction of the Project, including contacting UP to arrange for flaggers for work performed within twenty-five feet (25') of the nearest track.

UP appreciates the developer and the City giving due consideration to the above concerns, as this proposed Project may result in impacts to land use and public safety. Please give notice to UP of all future hearings and other matters with respect to the Project as follows:

Anna Palmer - Analyst
Union Pacific Railroad Company
1400 Douglas Street - STOP 1690 Omaha, NE 68179
(402) 544-8554
acpalmer@up.com

Please do not hesitate to contact Anna Palmer if you have any questions or concerns.

Sincerely,

Patrick R. McGill
Senior Counsel
Union Pacific Railroad Company

cc: Anna Palmer

# Rezone 211 W. Northwestern Avenue

# I-2 to R-3

The objective is to rezone the historic "Depot" building to multi-family to preserve the exterior and façade of the building to the extent possible and have high end living units on the inside. There will be privacy fencing on the back of the building as well as the East and West sides.

**I would like to lend my support to this project and feel it would be a welcome addition to our area.**

| Name | Address/Business | Phone |
|---|---|---|
| Mike Skillstad | Farm & Ranch supply | 402-371-2260 |
| Garth Ferris | Alter trading | 402 371 2200 |
| MIKE JOHNSON | MAJOR REFRIGERATION | 402-371-9625 |
| [illegible] | Brad's Report Inc | 402-371-5210 |
| Rollie Settendorf | Hushen Siding & Insulation | 402 371-2114 |
| [illegible] | 808 Ward St | 402-316-0018 |
| | Double S Antique Shop 212 W Northwestern Ave | |
| Larry Palmer | Eagles (Trustee) | 402-371-7762 |
| [illegible] | Eagles (TRUSTEES) | 402-649-5735 |

| Name | Business | Phone |
|---|---|---|
| [illegible] | Time 2 Shine | 402-640-9585 |
| Greg Miller | Miller Racing Engines | 402-371-6032 |
| Primrose Jr. | Coowner of Pettitt plbg | 402-841-1212 |
| Glenn Tapelhorst | Class Art Properties 1414 S 3rd | 402-841-5032 |

# CONDITIONAL USE PERMIT
## APPLICATION-FORM A

1. Applicant's name Dominic Miller
2. Applicant's address 54814 850 3/4 Rd Pierce, NE 68767
3. Telephone number (home) _____

   (business) 402-640-7556
4. Present use of property Farm ground
5. Desired use of property event barn
6. Request for Conditional Use Permit

   ☑ Perpetual
   ☐ Be issued for _____ years
7. Legal Description of property:

   Street address and location see attached

   Legal Description see attached
8. Area of subject property (sq. feet or acres) 20 acres
9. Describe the general character of the area.

   farmland with trees

Signature of owner: _____

Signature of Authorized Agent: _____

Return Completed forms to: Norfolk Planning Commission; 309 N 5th Street; Norfolk, NE 68701



Rev: 05-2016

# CONDITIONAL USE PERMIT
## JUSTIFICATION-FORM B

1. What is the present zoning? Ag
2. For what specific use are you requesting the permit? event barn

   Will it be necessary to build a new structure? Yes☑ No☐
3. How is the proposed Conditional Use Permit compatible with adjacent properties?

   _____
4. Give some reasons showing a need for the proposed use in this area

   There is a need for a place to hold small events
5. Is screening or buffering required? Yes☑ No☐

   If yes, explain the type trees
6. Is the ingress and egress to the property and proposed structure adequate? Yes☐ No☑

   If no, explain traffic flow solutions will build road & parking lot
7. Are off-street parking and loading areas required? Yes☑ No☐

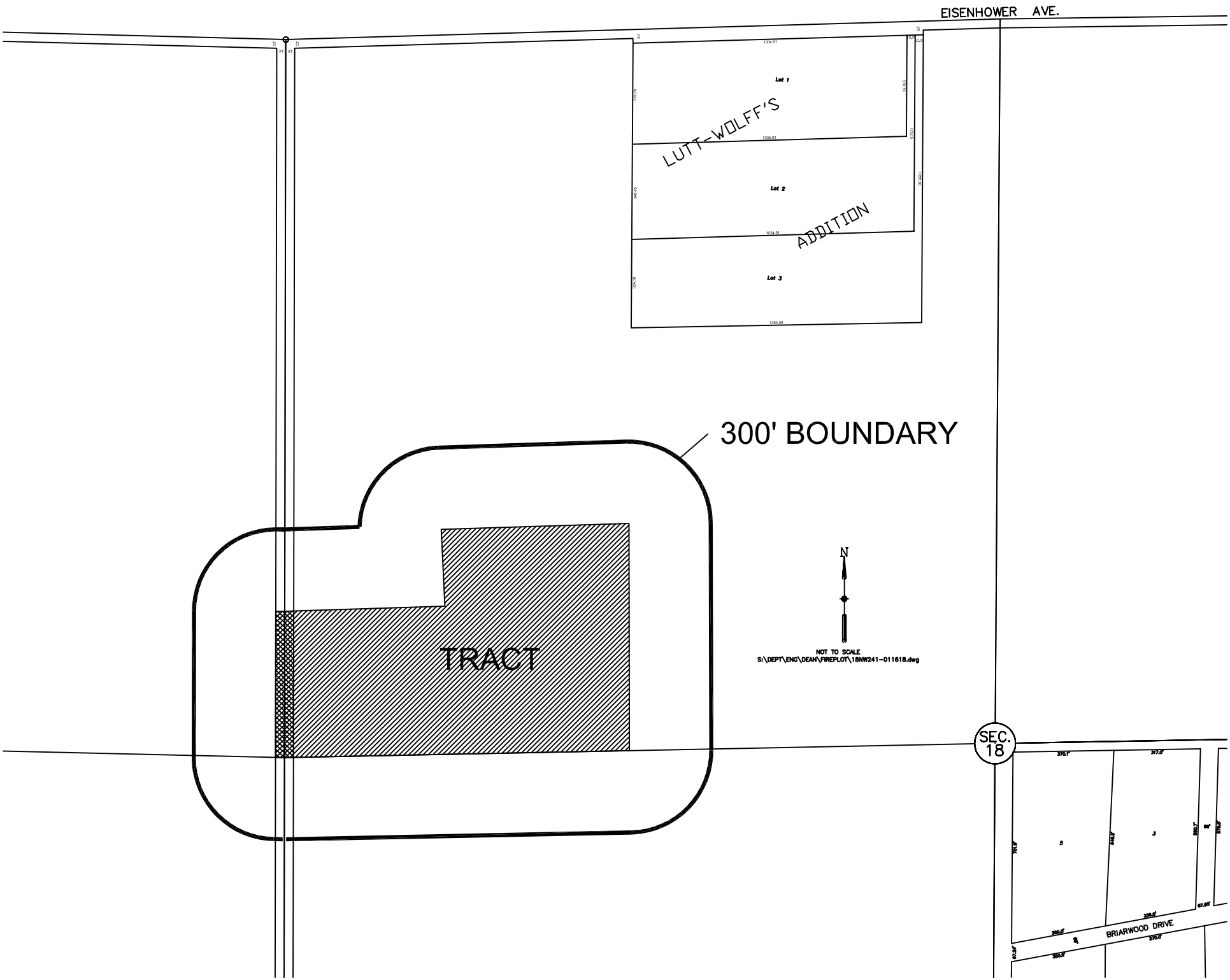
   If yes, explain traffic flow traffic will come off a public road into a paved parking lot
8. How will the use affect traffic through residential areas or on adjacent major streets?

   minimal impact during the week with some traffic during events
9. Are any signs or exterior lighting required? Yes☑ No☐

   If yes, explain Sign for location by road & lighting for parking lot & roads.
10. Are utilities property located? Yes☐ No☑

    Explain location and closest availability installing own
11. Is adequate sewer and water available as needed? will be when well & septic is installed.
12. Will the required yards and other open spaces be observed with the permit?

    yes


EISENHOWER AVE.
LUTT-WOLFF'S
ADDITION
Lot 1
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SEC. 18
BRIARWOOD DRIVE

Stratton
DeLay
Doele
Carlson +
Buettner

February 20, 2018

Via e-mail - vgrimes@ci.norfolk.ne.us

Norfolk City Planning Commission
309 N. 5th Street
Norfolk, NE 68701

Re: Theisen - Zonning Issue

To Whom It May Concern:

I represent Wade and Bobbi Theisen who are owners of certain real estate located in Madison County and within the extra-territorial jurisdiction of the city of Norfolk. The Theisen's ground is located near the southwest corner of N. 49th St. and W. Eisenhower Ave. The Theisens received notice of applications submitted to the Planning Commission by Dominic Miller. These applications affect real estate adjacent to that of the Theisens. The specific property is located south of the Theisens property along N. 49th St about ½ mile north of Benjamin Avenue. It is a portion of the Southwest 1/4 of the Northwest 1/4 of Section 18, Township 24, Range 1.

This letter shall serve as the Theisen's formal objection to the approval of either application.

The Norfolk city zoning regulations have been adopted with the purpose of promoting, among other things, the health, safety, prosperity, and welfare of the present and future population of the city of Norfolk and its jurisdictional area. The regulations have been established in a manner consistent with the standards of the Norfolk Comprehensive Plan. (Sec. 27-4). The zoning regulations facilitate the highest and best use of the land. That is, the use most consistent with the character of land and one intended to produce the greatest net return on investment. (Sec. 27-2).

Mr. Miller has submitted two separate applications. One to change the zoning of the area from Agriculture to C-1 Local Business District. The second application is for a

Douglas J. Stratton
Thomas H. DeLay
Jason S. Doele*
Joel E. Carlson
Tracey L. Buettner
Ryan J. Stover
* Also admitted in South Dakota

Stratton, DeLay, Doele,
Carlson & Buettner, PC, LLO
200 W Benjamin Avenue
Norfolk, NE 68701
402.371.3100 phone
402.379.4338 fax
norfolknelaw.com

conditional use permit to locate an "event barn" on the property. For reasons to be explained below, the Theisens will assume that granting of the zoning change request would be a necessary prerequisite to consider the conditional use permit.

In regards to amendments to the zoning map. Any amendment to the district regulations or map shall be enacted only after considering the provisions of the Comprehensive Plan. (Sec. 27-8). The standard to amend the zoning map is that the public necessity, health, safety, and general welfare requires it. (Sec. 27-36). A request to amend can be initiated by any person who owns the land sought to be re-zoned. (Sec. 27-37).

Pursuant to the Comprehensive Plan, agricultural zones should be maintained in primary agricultural use. (The Norfolk Plan p. 56). This is codified in the Norfolk City Zoning Regulations which states that the agricultural district is intended to provide for and preserve the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. The district is designed to maintain complete agricultural uses within the Norfolk extra-territorial jurisdiction. (Sec. 27-71).

The intent of C-1 zoning is to provide a stable area of local retail and services to the surrounding neighborhoods. (Sec. 27-151). The Theisens, as well as other landowners in this area, moved there with the desire to live in an area of low density residential development, as required by the agricultural zoning designation. In other words, this is an area where stable local retail and services are not only not needed but not wanted.

Any decision to rezone the district would open up use of this land not only as an "event barn" but any number of permitted or conditional uses as outlined in Sec. 27-152 and Sec. 27-401. Without providing an exhaustive list of the uses that would be allowed if the zoning change were approved, it is enough to say that anything from convenience food sales to automobile service stations to off sale liquor beer and wine could be located there upon a change in zoning. Furthermore, rezoning would not be limited to Mr. Miller and could extend to any future owners of the property. In other words, if that zoning change application were approved, it would effectively destroy the agricultural character of the area.

Regarding the request for a conditional use permit. The Planning Commission may issue a conditional use permit if it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. (Sec. 27-56 (2) (a)). It is within the Planning Commission's discretion to determine whether the conditional use permit should be limited to a specific owner or applicant or whether it shall be allowed to run with the land. (Sec. 27-56 (2) (b) (4)). Sec. 27-58 requires that, before a conditional use permit can be granted, the Planning Commission should consider, among other criteria, that the project should:

1. Not obstruct traffic on adjacent streets, mitigate the impact on street system; operations;

2. Minimize hazards to life or safety to the surrounding properties in the general public;

3. Be similar to the use of surrounding areas if not separated by major natural or artificial features;

4. Be of compatible architectural design and building materials with the surrounding areas; and

5. Should be consistent with the city's Comprehensive Development Plan.

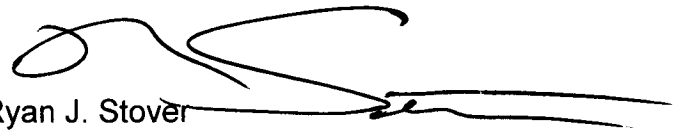
There is some difficulty in defining exactly what this request is. What is an "event barn" within the meaning of the city's zoning statutes? However, it is difficult to imagine that it fits within one of the permitted or conditional uses listed in Sec. 27-72 or 27-73. There are several conditional uses listed in Sec. 27-401 that one might argue are an appropriate category for an "event barn." For example, a country club or an amphitheater. However, the Theisens would argue that in almost every instance the very nature of the use would require the kind of space that generally can only be found within the agricultural district. Therefore, the Theisens would take the position that granting of the zoning change request would be a necessary prerequisite to proceed with the conditional use application.

The Theisens have almost 50 acres of land that border the property in question. The Theisens have show horses, as well as livestock that would be directly affected by the noise and traffic that would necessarily flow from this kind of facility. There are no businesses in the area whatsoever. This is an entirely agricultural or residential area.

The Theisens are also concerned about the amount of traffic along North 49th Street. North 49th Street is a gravel road that is poorly maintained during the winter months. It can become nearly impassable if there is a heavy rain. The location of the driveway to the property would be very dangerous, not only to people coming and going from the auditorium, but also people who use 49th Street on a regular basis. At times, the road has to be treated as a one lane. The hills in the area will obstruct a driver's view. One can reasonably assume that there will be alcohol use as part of this facility.

There will be issues and dangers that will almost certainly flow from this proposed use. The Theisens reasonably believe that if either the zoning change application or a conditional use permit is granted, it will negatively affect the use of their own land and ultimately lead to a reduction in value. These requests are not in harmony with character of the area and the most appropriate use of the land. The Theisens respectfully request that both applications be denied.

Yours Truly,



Ryan J. Stover

RJS/ajv

Stratton
DeLay
Doele
Carlson +
Buettner

February 20, 2018

Via e-mail - vgrimes@ci.norfolk.ne.us

Norfolk City Planning Commission
309 N. 5th Street
Norfolk, NE 68701

Re: Theisen - Zonning Issue

To Whom It May Concern:

We the undersigned, join in the Objection filed by Wade and Bobbi Theisen and filed with the Planning Commission on February 20, 2018.

Robert Hauser

Robert Hauser

Randy Matteo

Randy Matteo

Chris Matteo

Chris Matteo

Wade Theisen

Douglas J. Stratton
Thomas H. DeLay
Jason S. Doele*
Joel E. Carlson
Tracey L. Buettner
Ryan J. Stover
* Also admitted in South Dakota

Stratton, DeLay, Doele,
Carlson & Buettner, PC, LLO
200 W Benjamin Avenue
Norfolk, NE 68701
402.371.3100 phone
402.379.4338 fax
norfolknelaw.com

# Party Barn CUP

## Norfolk Planning Commission

**wtheisen@telebeep.com**

**3/1/2018**

I would like to say that most of us do not believe that this new venue is a bad idea for Norfolk. We do, however strongly believe that it is the absolute wrong location. Miss Coffey's statement at the previous meeting of "bringing something new to Norfolk is going to be different for people" is not the issue here. She also stated that "it will not bother those who live nearby." She said that they live 100 yards from Willow Creek and have never once been bothered by weddings held there every single weekend. I have spoken with both Mr.Chad Miller & Mr. Douglas Gordan, who also live near Willow Creek. They have stated that the traffic, dust and constant invasion of privacy every weekend has been horrible to say the least.

We bought our land in northwest Norfolk when we were very young. We have raised our children there. We have spent 25 years of our lives building our dream acreage. We have enjoyed the peace and quiet of country living. We have enjoyed the wildlife that we see every day. We have lived there for 25 years, never imagining that a "Party Barn" would be built in our backyard. There are countless reasons why this "Party Barn" should not be granted a CUP to build on this property, but I would like to just point out a few of the obvious? Noise – we can all hear Divots. Whether it's indoor or outdoor, 500 people every weekend, we will hear them. Fire hazards – it is all grassland, until they tear it up for their huge concrete parking lot, disturbing the wildlife & natural beauty of the land. What happens when someone throws a cigarette out in a dry summer? Lights – so much for our beautiful country nighttime sky's…now lit up by their parking lot & "Party Barn" lights. I would also like to point out that there are zero business's in this area whatsoever. It is all Ag & Residential. My husband doesn't have his business there? Mr. Matteo doesn't have his business there? Mr. Berner doesn't have his business there? Tell me why we will have a business with 500 people, alcohol, traffic & noise in the backyard of our peaceful rural acreages EVERY single weekend? There simply has to be a better location for a business of this kind.

Finally, the most obvious reason why this CUP should be denied is 49th St. As I have previously stated, having driven this road for the past 25 years, it would be a no brainer to have 500 plus people a weekend trying to come & go on this dangerous county road. Not to mention how many cars will be turning into our driveways by mistake? Unlike Divots where walking to a hotel room is an option, EVERYONE from this "Party Barn" will have to go home after their event. Miss Coffeys idea of shuttle buses is great, but I truly hope that she is 100% confident that not ONE, intoxicated person will leave the "Party Barn", drive onto an unlit, hilly, gravel road that they are unfamiliar with and kill someone. It is not worth the potential loss of life to build this venue in this location.

Bobbi Theisen
2320 N. 49th St.
Norfolk, NE
68701

February 22, 2018

Via e-mail – vgrimes@ci.norfolk.ne.us

Norfolk City Planning commission
309 N. 54th Street
Norfolk, NE 68701

RE: Dominic Miller Special use permit

To home it may concern:

I am the CEO of Ropac Inc. the owner of the farm property immediately east of the real estate requesting a Special Use permit.

This letter shall serve as Ropac, Inc.'s formal objection to the approval of this application.

Ropac Inc. has 120 acres of land that border the property in question. This property is zoned Agricultural and used to raise livestock. Ropac Inc. feels that the proposed facility will have adverse effects on the raising of livestock caused by the noise, traffic and litter from a possible crowd of 500 people.

The Ropac Inc. property is pasture ground consisting of mainly native grasses and cedar trees. Under normal conditions fire is not an issue. However, with a possible 500 people gathering immediately adjacent to the property, fire is a real danger.

5 years ago Ropac Inc. built a farm house overlooking the valley to the West of the property. If this special used is permitted, I will no longer have a view of a beautiful valley, but rather a commercial building with a huge parking lot and bright lights.

Thank you.

Robert Hauser
CEO, Ropac Inc.

Norfolk Planning Commissioners,

Zoning Change

We own the property directly across 49th street from the Dominic Miller parcel. We graze cattle and sheep on that portion of our land but do not have our house there. We are opposed to the requested zoning change from Ag to C-1 local business district. C-1 seems out of character for the area's ag land with scattered residences. From a partial search of the zoning map I didn't see other C-1 districts surrounded by ag. The regulations stated intent for C-1 is to provide local retail and services to the surrounding neighborhoods. For this site where are those surrounding neighborhoods? Deer Hollow and Carhart addition, both low density and outside section 18?? Does this proposed zoning change fit that intent?

We certainly don't like the numerous possibilities for this parcel granted by such a zoning change. The increased traffic on 49th street from an auto service station, barber, beautician, massage, off-sale liquor, restaurant, bar/cocktail lounge, offices etc. would be objectionable and perhaps dangerous given the topography of the property and the hilltop on 49th immediately south of the property. Could you change your zoning regulations and offer an "Event Barn" by conditional use permit in another type of district which wouldn't open up all those possibilities?

Conditional Use Permit

Is this property in the Wellhead Protection Area? I couldn't tell with certainty from the internet. If it is, will a CUP for a non-residential septic system be needed? When should that be obtained? Does a non-residential septic system count as one, or more than one in the maximum density of four domestic septic systems per ¼ ¼ section in the wellhead protection area?

The regulations say that C-1 "shall be retail or service establishments exclusively". Does that mean that the property when zoned C-1 could then not be used for ag or for a residence? Does Mr. Miller want to do multiple things with the land?

There are various ways an Event Barn could prove to be objectionable to me. Please include improved versions of the following in your list of conditions should you grant the CUP:

The maximum number of attendees at any event shall be the Fire Marshall's rating for the building or (250) whichever is the lower.

All outdoor areas including temporary restroom facilities, parking, eating areas, entertainment areas and other places where event attendees may gather, shall be set back a minimum of one-hundred fifty (150) feet from all lot lines.

Access drives shall be set back one-hundred fifty (150) feet from side and rear lot lines.

Access drives shall be positioned to allow visibility of North bound traffic on 49th street at a minimum of (  ) feet.

All parking areas shall be clearly defined by gravel, cut lawn, sand, roped boundaries, or other visible markings.

Signs used to help prevent infringement of parking in the setback shall not be visible from the lot lines except during and four (4) hours before and after an event.

The minimum number of parking spaces to be provided shall be 75% of the approved maximum capacity of the Event Barn plus any additional spaces required for employees, catering services and other support service providers.

No event shall begin before 9:00 A.M. nor end after 10:00 P.M.

No temporary toilet facilities shall be visible from any lot line.

No trash from an event shall blow off the property or be seen from any lot line by shortly after the event.

There shall be no sound amplification devices in association with outdoor areas used for an event.

There shall be no provision for or permission of overnight sleeping of attendees on the property.

Exterior lighting used with events shall not exceed 15 feet above the ground below and shall not have light sources visible from all lot lines measured five feet above the lot line.

Thank you

Charles Henkel

Charles Henkel

Brianna Duerst

Planning Commissioner,

Re: Miller Event Barn CUP on N 49th St.

My comments at the recent hearing were understood by some to mean I was advocating for you to grant the CUP. I did not intend that. I spoke in the context that your approving the CUP was one possible outcome and should that come to pass I wanted multiple significant conditions in place from the beginning so that should there be future excesses the neighbors would not be in a position of merely complaining but rather of bringing to your attention infractions of the conditions, leading to your consideration of terminating the CUP.

I left it to others to make the case against granting the CUP.

I too strongly want you to refuse to grant the CUP.

Please responsibly maintain the Ag district on 49th for farming and scattered residences "until such time as the natural growth of the municipality precludes preservation thereof." as stated in the Norfolk regulations as the intent for this district. That time has not yet come for this portion of Ag district.

Sincerely,

Charles Henkel

Charles Henkel

P.S. In the zoning regulations of another jurisdiction's section on Event Barns: they are permissible only on paved roads. That seems to speak to such businesses inherently having traffic issues.

Thanks for your help,

## Brianna Duerst

**From:**
**Sent:** Friday, March 2, 2018 10:20 AM
**To:** bduerst@ci.norfolk.ne.us
**Subject:** 49th street party barn

Brianna Duerst
Planning Commission Secretary

Brianna,

Wanted to start by saying thank you for serving- you have a serious job & have to make tough decisions.

No doubt you have already & will hear many reasons why the proposed “party barn” is not appropriate for t he 49th street location.

I will not repeat all those.

Simply put - a narrow gravel road with steep hills - combined with alcohol could be a lethal combination.

Not to mention the character of the surrounding 1 mile area.

Surely there are better, safer locations…..

So I would urge you to deny this request.

Thank you again for your service & consideration on this issue.

John M. Dinkel
402-371-5092
Fax 402-371-4416

I am using the Free version of SPAMfighter.
SPAMfighter has removed 1133 of my spam emails to date.

Do you have a slow PC? Try a free scan!

# ZONING CHANGE
## APPLICATION-FORM A

1. Applicant's Name Pearl + Marlan Magdefrau
2. Applicant's Address 1411 S 2nd St.
3. Phone Numbers: 402-371-7796

   Home _____ Business _____ Cell _____
4. E-Mail Address _____
5. Contact other than applicant _____

   Phone _____ Address _____
6. Current Zoning I 1 Requested Zoning R 2
7. Location of Property 1411 S 2nd St
8. Legal Description lot 18 Block 3

9. Property area 8,850
10. Use of adjoining properties

    North R 2 South I 2

    East I 1 West I 1

Signature of Owner Pearl Magdefrau Marlan

Printed Name PeaRL MaGdeFRau ~~Magde~~ MaRLaN

or

Authorized Agent _____

Printed Name _____

E-Mail Address _____

RECEIVED FEB 12

Return Completed forms to: Norfolk Planning Commission; 309 N 5th Street; Norfolk, NE 68701



Rev. 05-2016

# ZONING CHANGE
## JUSTIFICATION - FORM B

1. What type of development does the Norfolk Comprehensive Plan recommend for this area?

   Single Family ~~Red~~ Residential

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

   _____

3. Is the proposed property in the Flood Plan Hazard area as delineated under the Federal Flood Insurance program? No

4. What is the reason for the zone change request?

   to make it a Conforming

5. How would this zoning district conform with adjacent properties' zoning?

   Other Residential to the North

6. What is the general character of the area?

   Mix of Residential & Industrial

7. Is adequate sewer and water available?

   yes

8. Does the change affect any proposed public projects?

   no

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Norfolk, NE 68701
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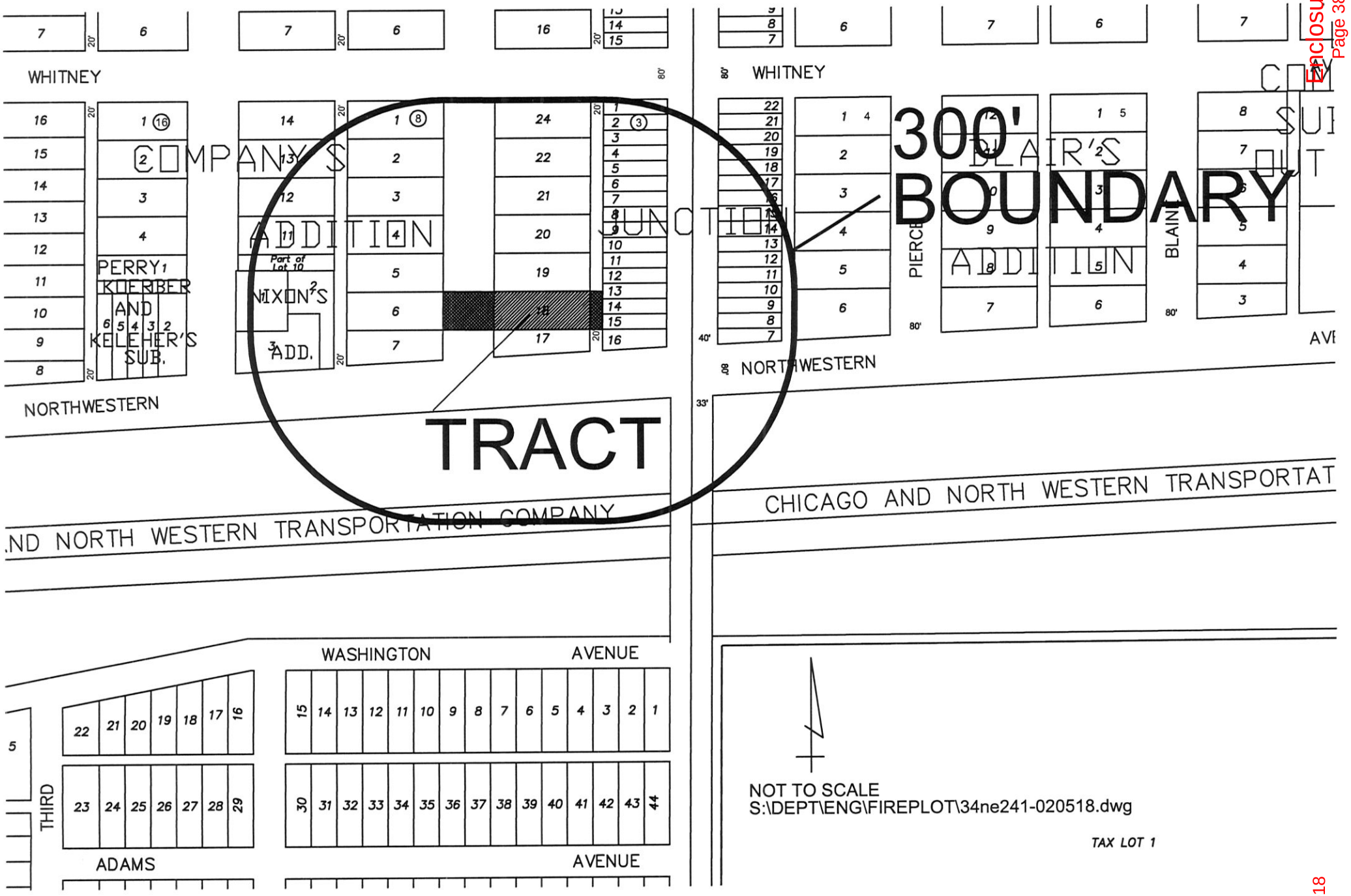
www.ci.norfolk.ne.us

# Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, March 6, 2018 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of Marlan and Pearl Magdefrau to consider a zoning change from I-1 (Light Industrial District) to R-2 (One and Two Family Residential District) on property address as 1411 South 2nd Street, legally described as follows:

Lot 18, Block 3, Town of Norfolk Junction, Norfolk, Madison County, Nebraska.

Publish (February 23, 2018)
1 P.O.P


WHITNEY
WHITNEY
COMPANY'S
ADDITION
JUNCTION
PERRY KUERBER AND KELEHER'S SUB.
MIXON'S ADD.
Part of Lot 10
BLAIR'S ADDITION
PIERCE
BLAIN
NORTHWESTERN
NORTHWESTERN
300' BOUNDARY
TRACT
.ND NORTH WESTERN TRANSPORTATION COMPANY
CHICAGO AND NORTH WESTERN TRANSPORTAT
WASHINGTON AVENUE
THIRD
ADAMS
AVENUE
NOT TO SCALE
S:\DEPT\ENG\FIREPLOT\34ne241-020518.dwg
TAX LOT 1

3/6/2018

# ZONING CHANGE
## APPLICATION-FORM A

1. Applicant's Name 3G's Inc.
2. Applicant's Address 2601 S. 13th St.
3. Phone Numbers:

   Home _____ Business 371-1306 Cell 750-6980
4. E-Mail Address brad@jerrystrailers.com
5. Contact other than applicant Brad or Monte Glaser

   Phone 649-1438 Address 2601 S. 13th St.
6. Current Zoning I-2 Requested Zoning I-1
7. Location of Property 1007 W Monroe + 1012 W Monroe Ave
8. Legal Description Pebco Addition Lot 2, Blk 5 and Pebco Addition Lot 3, Blk 5
9. Property area 1.6 Acres
10. Use of adjoining properties

    North Open Lot South Motorcyle Repair + Under-ground Boring

    East Concrete Ready-Mix West Water equipment Sales + service

    Signature of Owner Brad Glaser

    Printed Name Brad Glaser

    or

    Authorized Agent _____

    Printed Name _____

    E-Mail Address _____

Return Completed forms to: Norfolk Planning Commission; 309 N 5th Street; Norfolk, NE 68701



Rev. 05-2016

# ZONING CHANGE
## JUSTIFICATION - FORM B

1. What type of development does the Norfolk Comprehensive Plan recommend for this area?
   Industrial
2. Does the zone change request require an amendment to the Comprehensive Plan?
   No
3. Is the proposed property in the Flood Plan Hazard area as delineated under the Federal Flood Insurance program? Yes
4. What is the reason for the zone change request?
   RV Retail Sales and RV Service
5. How would this zoning district conform with adjacent properties' zoning?
   Comparable to most of the businesses in area
6. What is the general character of the area?
   General Retail Sales, Repair Facilities, Industrial + Commerce
7. Is adequate sewer and water available?
   Yes
8. Does the change affect any proposed public projects?
   No

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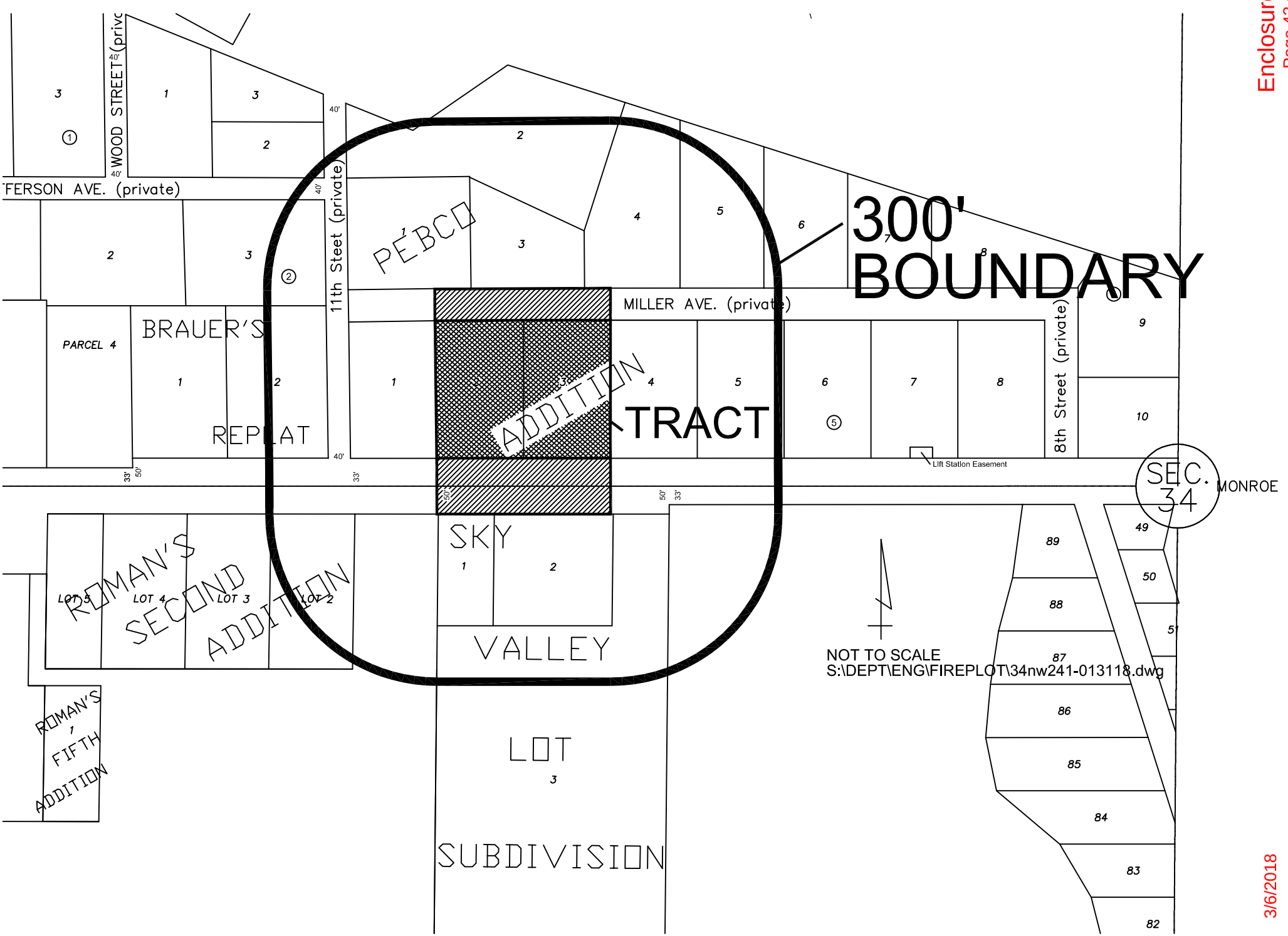
www.ci.norfolk.ne.us

# Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, March 6, 2018 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of 3 G's, Inc. to consider a zoning change from I-2 (Heavy Industrial District) to I-1 (Light Industrial District) on property addressed as 1012 West Monroe Avenue, legally described as follows:

Lots 2 and 3, Block 5, Pebco Addition to the City of Norfolk, Madison County, Nebraska.

Publish (February 23, 2018)
1 P.O.P


300'
BOUNDARY
PEBCO
ADDITION
TRACT
MILLER AVE. (private)
11th Steet (private)
8th Street (private)
WOOD STREET (private)
FERSON AVE. (private)
BRAUER'S
REPLAT
PARCEL 4
ROMAN'S
SECOND
ADDITION
LOT 5
LOT 4
LOT 3
LOT 2
SKY
VALLEY
LOT
3
SUBDIVISION
ROMAN'S
1
FIFTH
ADDITION
Lift Station Easement
SEC.
34
MONROE
NOT TO SCALE
S:\DEPT\ENG\FIREPLOT\34nw241-013118.dwg
40'
33'
50'

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Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, March 6, 2018 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska to amend the extraterritorial zoning jurisdiction map of the City of Norfolk, Nebraska, as authorized by Section 16-902 R.R.S. 2012.

Publish (February 23, 2018)
1 P.O.P.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND THE EXTRATERRITORIAL ZONING JURISDICTION MAP OF THE CITY OF NORFOLK, NEBRASKA, AS AUTHORIZED BY N.R.S. SECTION 16-902 (R.R.S. 2012), TO INCLUDE THE W1/2 NW1/4 SECTION 24, T24N,R2W; THE SE1/4 SE1/4 SECTION 23, T24N, R2W; THE E1/2 NE1/4 SECTION 26, T24N, R2W; THE W1/2 SW1/4 SECTION 25, T24N, R2W; THE N1/2 NW1/4, SE1/4 NW1/4, SW1/4 NE1/4, N1/2 SE1/4, SE1/4 SE1/4 ALL IN SECTION 36, T24N, R2W; THE S1/2 SE1/4 SECTION 31, T24N, R1W; THE NE1/4 NW1/4 SECTION 6, T23N, R1W; THE N1/2 SE1/4, SE1/4 SE1/4 ALL IN SECTION 8, T23N, R1W; THE S1/2 SW1/4, SW1/4 SE1/4 ALL IN SECTION 9, T23N, R1W; THE N1/2 NW1/4, SE1/4 NW1/4, NE1/4, N1/2 SE1/4 ALL IN SECTION 16, T23N, R1W; THE N1/2, N1/2 SW1/4, SE1/4 SW1/4, SE1/4 ALL IN SECTION 15, T23N, R1W; THE N1/2, N1/2 S1/2, SW1/4 SW1/4 ALL IN SECTION 14, T23N, R1W; THE N1/2 NW1/4, SW1/4 NW1/4 ALL IN SECTION 13, T23N, R1W; THE SE1/4 SW1/4, S1/2 SE1/4, NE1/4 SE1/4 ALL IN SECTION 11, T23N, R1W; AND THE SW1/4, W1/2 SE1/4, S1/2 NW1/4, W1/2 NE1/4 ALL IN SECTION 12, T23N, R1W, ALL WEST OF THE 6$^{TH}$ PM., MADISON COUNTY NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORFOLK, NEBRASKA:

Section 1. That the Extraterritorial Zoning Jurisdiction Map of the City of Norfolk, Nebraska, is amended in such manner that said jurisdiction shall henceforth be as set forth on the map attached hereto and marked as Exhibit “A”, which hereby extends jurisdiction due to the annexation of property adjacent to the city limits.

Section 2. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 20____.

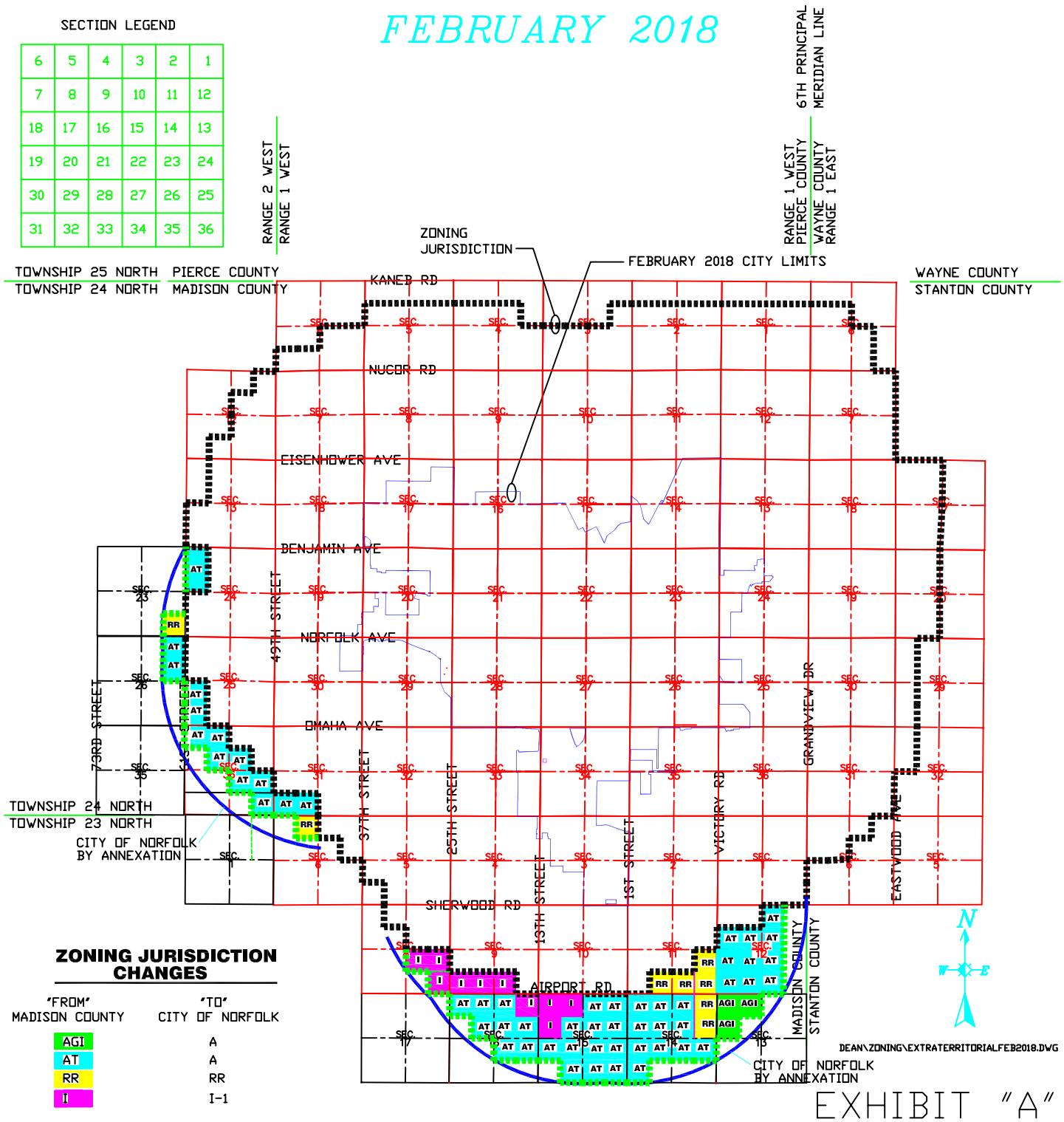
ATTEST: _____
Mayor

_____
City Clerk

Approved as to form: _____
City Attorney

# Extraterritorial Zoning Jurisdiction Map of the City of Norfolk, Nebraska

## FEBRUARY 2018



# SUBDIVISION APPLICATION
## FORM A

1. Subdivision Name Schmit's Subdivision
2. Subdivision Location in part of SW 1/4 of 17-24N-1E
3. Owner's Name James Schmit
4. Owner's Home Address P.O. Box 391, Osmond, NE 68765
5. Telephone Number Work _____
   Home _____
   Cell 402-649-1011
6. Developer's Name James Schmit
7. Developer's Address P.O. Box 391, Osmond, NE 68765
8. Engineer Schroeder Land Surve Phone 402-371-7400
9. Present use of property Ag
10. Desired use of property Residential
11. Present Zoning RR
12. *Legal Description*
**See attached sheet**

13. Area of subject property square feet and/or acres 123.8± Ac. as per Assessor's office

Signature of owner

or

Signature of Authorized Agent

RECEIVED
MAR 2 8 2016

Return Completed forms to: Norfolk Planning Commission; 701 Koenigstein; Norfolk, NE 68701 Rev: 02-2004

Legal Description:

The Southwest ¼ of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska,

Less and except tracts of land know as Donald Zastrow's Lotsplit, Donald Zastrow's Lot Boundary Change, Zastrow's Subdivision and Woodland Park Third Development all located within said Southwest ¼ of said Section 17.

# TOPOGRAPHIC SURVEY & PRELIMINARY PLAT

PRAIRIE VIEW ESTATES, STANTON COUNTY, NEBRASKA
Being part of the Southwest 1/4 of Section 17,
Township 24 North, Range 1 East of the 6th P.M.,
Stanton County, Nebraska

Proj. No.
2015-21Cont12

Legend
- ■ Pipe Found
- PP O Power Pole
- TP D Telephone Ped.

100' 0 100'

Notes:
1) Zoning: RR
2) Building Setbacks: Front Yard – 50';
   Side Yard – 15'; Rear Yard – 50'
3) Utility Easements: Side Yard – 5' on interior lot lines and 10' on exterior lot lines; Rear Yard – 10'
4) Owners are James A. & Debra S. Schmit.
5) Location of existing houses are approximate only as per Stanton County GIS Workshop (as per date of January 27, 2017).

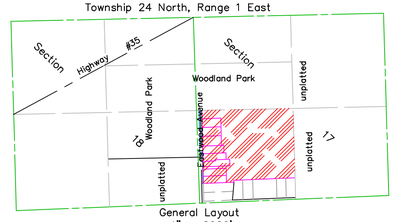

Prepared By:
Schroeder Land Surveying
1004 Norfolk Avenue
Norfolk, NE 68701
402-371-7400


Dated:
February 23, 2018

_____
LaVern F. Schroeder
Registered Land Surveyor #312

Legal Description:
The Southwest ¼ of Section 17, Township 24 North, Range 1 East of the 6th P.M., Stanton County, Nebraska, Less and except tracts of land know as Donald Zastrow's Lotsplit, Donald Zastrow's Lot Boundary Change, Zastrow's Subdivision, Woodland Park Third Development and Woodland Park Fourth Development all located within said Southwest ¼ of said Section 17.

Township 24 North, Range 1 East




General Layout
1" = 2000'