

Agenda Packet

NORFOLK PLANNING COMMISSION

**Wednesday, February 17, 2021
7:30 a.m.**

Created 2/11/2021 8:33 AM



309 N 5th St
Norfolk, NE 68701
P402-844-2280 F402-844-2028
www.norfolkne.gov

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 Wednesday, February 17, 2021, 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.

Pursuant to Executive Order No. 20-36, this meeting will also be available to members of the Planning Commission and the public via teleconference. Information to participate in the meeting via teleconference can be found on the meeting agenda, which can be accessed at:

<https://norfolkne.gov/government/departments/planning-and-development/planning-commission-meetings/2021-planning-commission-meetings.html> after 5:00 pm on the Friday immediately preceding the Planning Commission Meeting.

Citizens can listen to the meeting or speak during allowed times via teleconference by calling one of the following numbers and entering the Meeting ID number:

- 888 475 4499 (Toll Free)
- 877 853 5257 (Toll Free)
- Webinar ID: 995 0530 9426
 - Webinar Passcode: 217331

Citizens who wish to speak during times of allowed public input will be asked to press *9 on their phone to request speaking time. Citizens will be asked to identify themselves.

Citizens may also participate online by clicking the link below to join the webinar:

<https://zoom.us/j/99505309426?pwd=VnZiQXp1OTV6L1g4bFZEeEt5WUhqUT09>

AGENDA
NORFOLK PLANNING COMMISSION
February 17, 2021

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 2, 2021 Planning Commission meeting. | Motion |
| 6. Consideration of Resolution No. 2021PC-1 approving a conditional use permit for a watchman or caretaker of a facility operating as a permitted use in C-3 on property addressed as 1115 Bonita Drive. | Motion |

PUBLIC HEARINGS

- | | |
|---|---------------|
| 7. Public hearing at the request of City of Norfolk to consider a conditional use permit to apply stabilized wastewater solids on property generally located at the southwest corner of West Monroe Avenue and South 16th Street. | |
| 8. Consideration to have City staff prepare a conditional use permit for discussion and action at the next regularly scheduled Planning Commission Meeting to apply stabilized wastewater solids on property generally located at the southwest corner of West Monroe Avenue and South 16th Street. | Motion |

OTHER BUSINESS

9. January 2021 Building Permit Report.
10. 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 2nd day of February, 2021, beginning at 7:30 a.m.

The Planning Commission Chair, Dan Spray, 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: Dan Spray, Kyle Deets, Melissa Figueroa, Dirk Waite (7:32 a.m.), Martin Griffith, Jacob Thone, and Matt Gilmore. Absent: Zackary Gangwer and Mary Hammond.

Staff members present were: City Planner, Val Grimes; City Engineer, Steven Rames; Staff Engineer, John Cahill; Stacey Hansen, Katelyn Palmer, and Jim McKenzie.

Chair Dan Spray presided and the Planning Commission Secretary Elizabeth Lienemann digitally recorded the audio of the proceedings.

Current Business

Commissioner Griffith moved, seconded by Commissioner Gilmore to approve the full agenda.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Griffith, Thone, and Gilmore. Nays: None. Absent: Gangwer, Waite and Hammond. Motion carried (6-0).

Commissioner Deets moved, seconded by Commissioner Thone to approve the January 20, 2021 meeting minutes.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Griffith, Thone, and Gilmore. Nays: None. Absent: Gangwer, Waite and Hammond. Motion carried (6-0).

Public Hearing

Public Hearing

Conditional Use Permit for a watchman/caretaker of a facility operating as a permitted use in C-3 zoning
1115 Bonita Drive, O'Neill Fire & Safety Service, Inc.

Chair Spray opened the public hearing at 7:31 a.m. to consider a conditional use permit to allow a watchman or caretaker of a facility operating as a permitted use in C-3 zoning on property addressed as 1115 Bonita Drive.

Jim Clough, the applicant, provided a history of his business, O'Neill Fire & Safety Service, Inc. dba Heartland Fire Protection (Heartland), and the purpose of his request. He explained that he had a goal of owning his own property and had purchased 1115 Bonita Drive with the understanding from the relator and owner that he would



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be able to reside in the building. He noted that when Terry Zwiebel, Norfolk Fire Marshal, walked through the building it was discovered that a 2-hour firewall separation had not been built as is needed for a residence attached to a business. Clough stated that he had filled out a building permit for the 2-hour firewall and to build offices and that his intended use was for offices, warehouse, and shop for Heartland as well as living space for he and his wife. During this process, he learned that he needed to request a Conditional Use Permit in order to reside in the building.

Commissioner Deets clarified that there would be office space on one side of the building and that Clough and his wife would reside on the other side.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:42 a.m.

Chair Spray emphasized that the request would be a privilege of the business and that it must be occupied by someone invested in the specific business that owns the property. Commissioner Deets expressed similar concern and stated that he wants to see it tied to the business that owns the property and not to another company. Planner Grimes stated that the CUP would be tied to the business owning and operating out of the building.

Commissioner Figueroa clarified that the CUP would be tied to O'Neill Fire and Safety Service, Inc., and that the business would need to be in operation in order for the CUP to remain active. Additionally, Commissioner Gilmore asked if they would need to revisit a watchman/caretaker CUP if a new business would purchase the property. Planner Grimes confirmed.

Planner Grimes noted that the building was built in 2014-2015 as warehouse space on one side and office space on the other and was never intended to live in. The owners at that time were living there illegally.

Commissioner Waite moved, seconded by Commissioner Gilmore to have City staff prepare a conditional use permit for a watchman/caretaker of a facility operating as a permitted use in C-3 zoning at 1115 Bonita Drive for discussion and action at the next regularly scheduled Planning Commission meeting.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, Thone, and Gilmore. Nays: None. Absent: Gangwer and Hammond. Motion carried (7-0).

There was no other discussion and Chair Spray declared the meeting adjourned at 7:47 a.m.

Elizabeth Lienemann, Norfolk Planning Commission Secretary

Dan Spray, Norfolk Planning Commission Chair

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2021PC-1

WHEREAS, O'Neill Fire & Safety Service, Inc., a Nebraska Corporation, hereinafter referred to as "APPLICANT", have filed an application for a Conditional Use Permit seeking a permit for a watchman or caretaker of a facility on property addressed as 1115 Bonita Drive which is legally described as follows:

Lot 1, Ewin Properties Addition, Madison County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District C-3, Service Commercial District; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on February 2, 2021 receiving input and data from the APPLICANT and the general public concerning the Conditional Use Permit;

NOW THEREFORE, in consideration of the foregoing recitals, the Planning Commission of the City of Norfolk, Nebraska hereby adopts the following Resolution:

BE IT RESOLVED by the Planning Commission of the City of Norfolk, Nebraska that O'Neill Fire & Safety Service, Inc., a Nebraska Corporation, is hereby granted a Conditional Use Permit for a watchman or caretaker of a facility operating as a permitted use in the existing district on property subject to the following terms and conditions:

1. The residence shall be occupied by the APPLICANT owner or an employee of the APPLICANT;
2. Pursuant to the Norfolk City Code, the Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
3. Failure to observe and maintain the conditions and restrictions of the Conditional Use Permit shall be considered a violation of The Code of the City of Norfolk, Nebraska subject to penalty as provided herein and may be grounds for review including alteration or termination of the permit;

4. All procedures and standards outlined in Section 27-56 of the Norfolk City Code pertaining to Conditional Use Permits shall be observed and the Conditional Use Permit granted herein shall be subject to the provisions of the Norfolk City Code that provide for an appeal to be taken within 15 days of the decision of the Planning Commission, and;
5. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 17th day of February, 2021.

ATTEST:

Dan Spray
Planning Commission Chair

Elizabeth Lienemann
Planning Commission Secretary

Approved as to form: _____

Danielle Myers-Noelle
City Attorney

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

Notary Public Signature

Notary Public Printed



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CONDITIONAL USE

PERMIT APPLICATION

For Office Use Only	Date Rec'd _____ Fee \$ _____ Rec'd by _____
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City of Norfolk

Applicant: Poss Schroeter Address: 55963 833 RD Madison, NE 68748
Name Address
402-750-9203 Email: Schroetertree@gmail.com
Phone Email
402-844-2222 Email: rhuntley@norfkne.gov
Phone Email

*If applicant is an LLC, a copy of the operating agreement must be submitted with the application.

Contact: Rob Huntley Address: _____
(other than Name Address
applicant) 402-844-2222 Email: rhuntley@norfkne.gov
Name Address
402-844-2222 Email: rhuntley@norfkne.gov
Phone Email

Present Use of Property: CROP ground

Desired Use of Property: CROP ground SPREAD WITH BIO-SOLIDS

Timeframe of Request: Perpetual Issued for 20 years

Location of Property: _____

Legal Description: Parcel 5901 69769 OR 33-24-1W Madison County

Property Area, Square feet and/or Acres: 68.05 acres

General Character of the area: Ag & Industrial

Poss Schreter

Signature of Owner

Poss Schreter

Printed Name of Owner

Authorized Agent

OR

Printed Name of Authorized Agent

Return Completed forms to: Norfolk Planning Department; 309 N 5th Street; Norfolk, NE 68701 Rev. 1-2018



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CONDITIONAL USE PERMIT JUSTIFICATION FORM

1. What is the current zoning district?

I-1

2. For what specific use are you requesting the permit?

Crop ground spread with bio-solids

3. Will it be necessary to build a new structure? Yes No

4. What makes the location of the proposed permit appropriate in relation to the adjacent properties?

Adjacent is Ag and Industrial, no residential

5. Is screening or buffering required? Yes No

If yes, explain type _____

6. Is the ingress & egress to the property and proposed structure adequate? Yes No

If no, explain traffic flow solutions _____

7. Are off-street parking and/or loading areas required? Yes No

If yes, explain traffic flow _____

8. Describe the current traffic of the area and the effect the proposed permit will have on traffic patterns.

Low traffic, minimal impact

9. Are any signs or exterior lighting required? Yes No

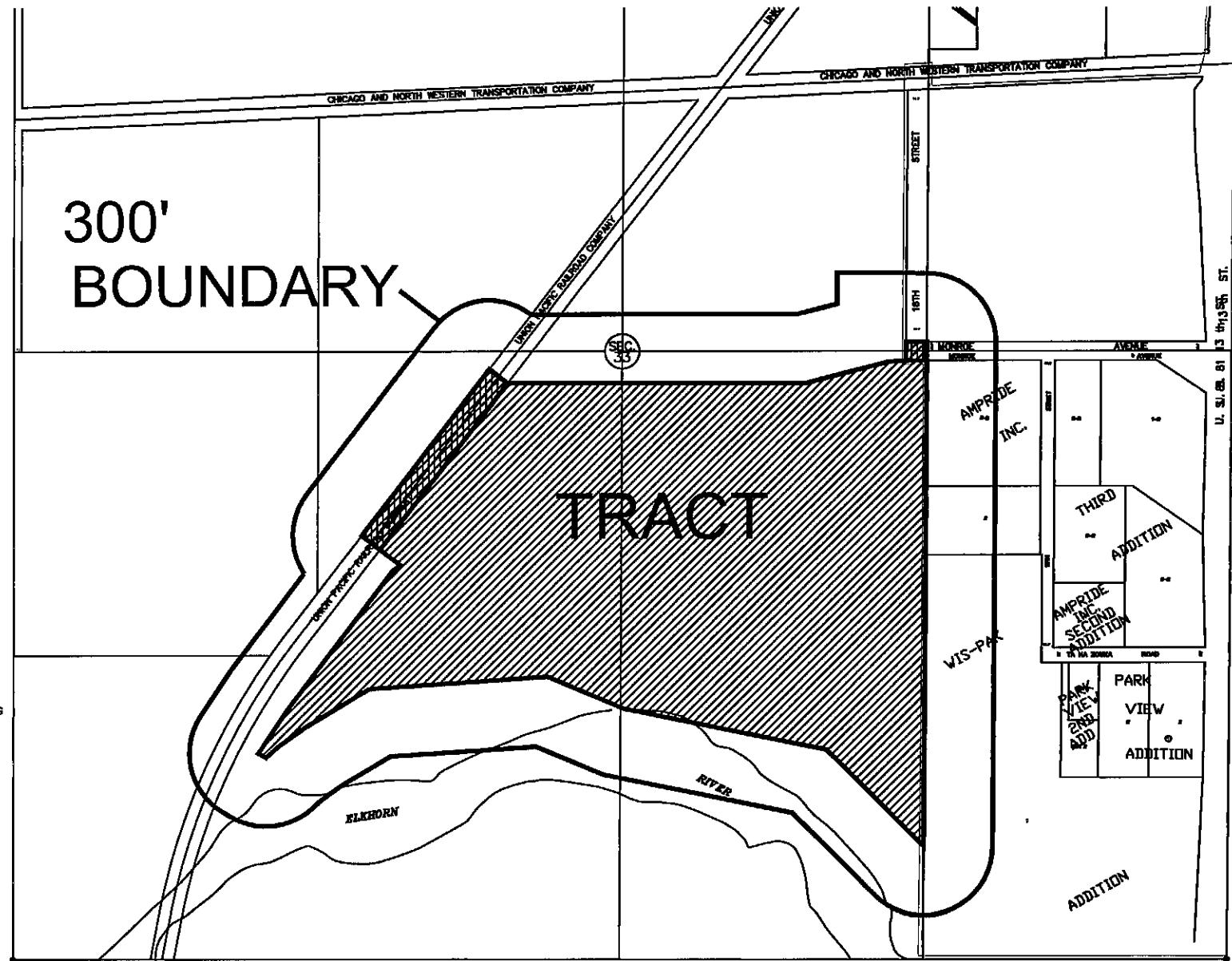
If yes, explain _____

10. Are utilities property located? Yes No

Explain location and closest availability _____

11. Adequate water and sewer available? Yes No

12. Will required yards & other open spaces be observed with the permit? Yes No





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Public Hearing

The Norfolk Planning Commission will hold a public hearing on Wednesday, February 17, 2021 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of City of Norfolk to consider a conditional use permit to apply stabilized wastewater solids on property generally located at the southwest corner of West Monroe Avenue and South 16th Street, legally described as follows:

Commencing at a point 111 74/100 rods South of the Northwest corner of the NE1/4 NE1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, and running thence West at a right angle with said line 74 20/100 rods to the right of way of the O.N. and B.H. Railroad; thence in a Southwest direction along said right of way to the Township line between Townships 23 and 24; thence East along said Township line to the Southwest corner of the SE1/4 SE1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska; thence North to the place of beginning;

EXCEPT a tract of land located in the W1/2 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, described as follows: Commencing at the West 1/4 corner of said Section 33; thence N89°33'49"E (assumed bearing) along the North line of the SW1/4 of said Section 33, 1586.81 feet to a point; thence S00°26'11"E, 863.07 feet to a point on the Southeasterly right of way line of the Union Pacific Railroad, said point also being the true point of beginning; thence S52°44'27"E, 100.00 feet; thence S37°15'33"W, 758.04 feet to the beginning of a curve to the left; thence along said curve, having a radius of 1770.76 feet and a chord bearing S33°33'04"W, 229.04 feet, an arc distance of 229.20 feet to the beginning of a curve to the left; thence along said curve, having a radius of 100.00 feet and a chord bearing S06°17'04"E, 117.92 feet, an arc distance of 126.11 feet; thence S42°24'44"E, 48.73 feet to a point on the top of the Northwesterly bank of the Elkhorn River; thence S47°35'16"W along the top of said river bank, a distance of 449.24 feet to a point on the Southeasterly right of way line of said Railroad, said point also being the beginning of a curve to the right; thence along said curve, having a radius of 1870.76 feet and chord bearing N25°11'43"E, 781 .99 feet, an arc distance of 787.80 feet; thence N37°15'33"E along the Southeasterly right of way line of said Railroad, a distance of 758.04 feet to the point of beginning;

EXCEPT a tract of land lying wholly in the S 1/2 of Section 33, Township 24, North, Range 1, West of the 6th P.M., Madison County, Nebraska, more particular described as follows: Commencing at the Center 1/16th corner of the SE1/4 of said Section 33; thence South, on the 1/16th line, on an assumed bearing of South 00 degrees, 00 minutes West 834.85 feet to the point of beginning; thence North 44 degrees, 47 minutes, 05 seconds West 597.85 feet; thence North 78 degrees, 24 minutes, 55 seconds West 897.53 feet; thence North 67 degrees, 11 minutes, 45 seconds West 359.84 feet; thence South 86 degrees, 13 minutes, 25 seconds West 778.87 feet; thence South 58 degrees, 59 minutes, 50 seconds West 326.28 feet; thence South 54 degrees, 25 minutes West 141 .39 feet; thence South 48 degrees, 15 minutes, 50 seconds West 61.09 feet; thence North 60 degrees 08 minutes 55 seconds West 34.15 feet to a point on a 100.0 foot radius curve concave to the Southeast said point being on the Southeasterly line of a tract of land deed to the City of Norfolk, Madison County, Nebraska, recorded in M97-8, Page 1066, in the Office of the Register of Deeds of Madison County, Nebraska; thence around said curve on a chord bearing South 06 degrees 03 minutes 11 seconds East 126.11 feet; thence South 42 degrees 10 minutes 51



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seconds East 48.73 feet to a point on the Northerly high bank of Elkhorn River; thence Easterly, following the meandering of the high bank of said river to a point on the West line of the SE1/4 SE1/4 of said Section 33; thence North 00 degrees 00 minutes West, on said West line of the SE1/4 SE1/4 of said Section 33, a distance of 141.95 feet to the point of beginning;

EXCEPT a tract of land in Section 33, Township 24 North, Range 1 West of the 6th P.M., and Section 4, Township 23 North, Range 1 West of the 6th P.M., all in Madison County, Nebraska, and described as follows: Bounded on the South by the South line of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska and bounded on the West by the East right of way of the Union Pacific Railroad, and bounded on the North by the Northerly high bank of the Elkhorn River, and bounded on the East by the East line of the SW1/4 SE1/4 of said Section 33, Township 24 North; Range 1 West of the 6th P.M., Madison County, Nebraska;

EXCEPT a tract of land lying wholly in the SW1/4 NE1/4 and in the SE1/4 NW1/4 of Section 33, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Beginning at the Southeast corner of the SW1/4 NE1/4 of said Section 33; thence West, on the 1/4 section line, on an assumed bearing of South 87 degrees, 52 minutes, 33 seconds West, 1714.82 feet to a point on the Southeasterly railroad right of way; thence North 35 degrees, 31 minutes, 28 seconds East, on said right of way, 1281.14 feet to the Southwest corner of a parcel of land conveyed to Union Pacific Railroad by Quitclaim Deed dated March 1, 1983; thence North 60 degrees, 21 minutes, 45 seconds East, along the Southeasterly line of said deeded parcel, 213.25 feet to the Northeast corner of said parcel and to the Southeasterly right of way of the C&NW Transportation Company; thence North 85 degrees, 20 minutes, 40 seconds East, along the Southerly right of way line, 753.46 feet to a point on the East line of the SW1/4 NE1/4; thence South 01 degrees, 38 minutes, 40 seconds East, on said East line, 1146.27 feet to the point of beginning;

Except a tract of land located in the South half (S1/2) of Section 33, Township 24 North, Range 1 West of the Sixth P.M., Madison County, Nebraska, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast quarter (SE1/4) of said Section 33; thence S87°52'26"W (assumed bearing) along the North line of said South half (S1/2) a distance of 1413.47 feet to the West right-of-way line of Monroe Avenue and point of beginning; thence S01°39'43"E along said West right-of-way line a distance of 40.36 feet to the South right-of-way line of Monroe Avenue; thence S87°51'33"W a distance of 67.72 feet to the beginning of a curve concave to the South with a radius of 410.00 feet and a central angle of 24°16'04"; thence along said curve, the chord of which bears S75°43'31"W, a chord distance of 172.36 feet to the point of tangency with a curve concave to the North, with a radius of 490.00 feet and a central angle of 24°16'56"; thence along said curve, the chord of which bears S75°43'57"W, a chord distance of 206.11 feet; thence S87°55'23"W parallel with and 120.00 feet South of the North line of said South half (S1/2) a distance of 1279.67 feet to the East right-of-way line of the Nebraska Central Railroad; thence N35°47'44"E a distance of 151.58 feet to a rebar with plastic cap L.S. number 312; thence N87°51'32"E a distance of 1624.56 feet to the point of beginning. Said tract contains a calculated area of 180,474 square feet or 4.143 acres more or less.

Publish (February 5, 2021)
1 P.O.P

CITY OF NORFOLK
Monthly Building Permit Report

**Planning and Development
Building Services**

**Month
January, 2021**

Permits Issued	2021 January	2020 December	2020 January	This Fiscal YTD	Last Fiscal YTD	Variation % 2020 vs. 2021
BUILDING						
Number	18	30	50	120	146	-17.8%
Valuation	\$906,205.02	\$6,156,116.40	\$15,048,611.66	\$16,665,739.17	\$37,409,578.68	-55.5%
Permit Fee	\$2,917.43	\$18,997.65	\$42,096.74	\$46,502.63	\$76,739.61	-39.4%
ELECTRICAL						
Number	23	25	21	103	118	-12.7%
Permit Fee	\$6,000.00	\$6,876.50	\$1,589.06	\$19,696.50	\$31,712.50	-37.9%
PLUMBING						
Number	10	18	8	76	74	2.7%
Permit Fee	\$794.57	\$3,527.26	\$2,395.83	\$16,491.99	\$20,414.44	-19.2%
MECHANICAL						
Number	16	20	16	68	80	-15.0%
Permit Fee	\$1,817.22	\$9,377.26	\$1,128.00	\$27,261.22	\$17,340.36	57.2%
WATER HEATER						
Number	15	13	10	41	39	5.1%
Permit Fee	\$472.50	\$405.00	\$300.00	\$1,266.00	\$1,165.00	8.7%
FIRE ALRM / SPR						
Number	1	5	1	13	8	62.5%
Permit Fee	\$25.00	\$1,510.50	\$333.00	\$1,915.00	\$860.00	122.7%
WELL / SEPTIC						
Number		5		6		
Permit Fee		\$125.00		\$150.00		
FIRE PREVENTION						
Number		2		2		
Permit Fee		\$140.00		\$140.00		
TOTAL FEES:	\$12,026.72	\$40,959.17	\$47,842.63	\$113,423.34	\$148,231.91	-23.5%

Nature of Building Permits	Last FYTD	Present FYTD	Number of Permits	Dwelling Units	Permit Fees	Valuation
Void					\$0.00	\$0.00
SFD	14 (14)	10 (10)	3	3	\$1,692.85	\$656,250.00
Duplex					\$0.00	\$0.00
MFD	25 (175)	2 (40)			\$0.00	\$0.00
Commercial					\$0.00	\$0.00
Industrial					\$0.00	\$0.00
Garages					\$0.00	\$0.00
Move & Demo			2	0	\$94.50	\$16,045.00
SFDA	4 (4)	6 (6)			\$0.00	\$0.00
Sign			3	0	\$126.00	\$47,904.02
Other					\$0.00	\$0.00
<u>Alterations & Additions</u>						
1 & 2 Family			10	0	\$1,004.08	\$186,006.00
Multi-Family					\$0.00	\$0.00
Commercial					\$0.00	\$0.00
Industrial					\$0.00	\$0.00
Total			18	3	\$2,917.43	\$906,205.02

Building Valuation

2021 Fiscal YTD	\$16,665,739.17
2020 Fiscal YTD	\$37,409,578.68
Contractor Registration	\$5,880.00

Building Official

NOTE: SFD's and SFDA's are to be added together for a total of single family dwelling units and valuation.