Agenda Packet

NORFOLK PLANNING COMMISSION

Wednesday, January 19, 2022
7:30 a.m.

Created 1/13/2022 11:28 AM

City of Norfolk NEBRASKA
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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, January 19, 2022, 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.

City of Norfolk NEBRASKA
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AGENDA

NORFOLK PLANNING COMMISSION

January 19, 2022

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 December 21, 2021 Planning Commission meeting. **Motion**
6. Consideration of Resolution No. 2022PC-1 approving a Conditional Use Permit for an asphalt plant on property generally located one quarter mile west of South Victory Road on East Monroe Avenue. **Resolution 2022PC-1**
7. Consideration of Resolution No. 2022PC-2 approving a Conditional Use Permit for a microdistillery on property addressed as 214 & 216 W. Norfolk Avenue. **Resolution 2022PC-2**

PUBLIC HEARINGS

8. Public hearing at the request of MIE, LLC, to consider a zoning change from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) on property addressed as 1413 N. 13th Street.
9. Consideration of recommendation of a zoning change from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) on property addressed as 1413 N. 13th Street. **Motion**

PLATS/SUBDIVISIONS

10. Consideration of recommendation of the final plat of Weiland's Addition. **Motion**

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OTHER BUSINESS

11. December 2021 Building Permit Report.
12. 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 December, 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, Martin Griffith, and Jacob Thone. Absent: Brandon Franklin, Mary Hammond, and Matt Gilmore.

Staff members present were: Val Grimes, City Planner; Steven Rames, City Engineer; Terry Zwiebel, Fire Marshal; Jennifer Olson, Economic Development; and Katelyn Palmer.

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

Current Business

Commissioner Waite moved, seconded by Commissioner Thone to approve the full agenda.

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

Commissioner Griffith moved, seconded by Commissioner Figueroa to approve the December 7, 2021 meeting minutes.

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

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Public Hearings

Public Hearing
Amend the Official City Code
Section 27-7 – Update Equivalent Zoning Classifications

Chair Spray opened the public hearing at 7:31 a.m. to consider an amendment to Section 27-7 of the Official City Code to update equivalent zoning classifications for property which may become the jurisdiction of the City by annexation or addition.

City Planner, Val Grimes, explained that the amendment is a housekeeping item that was brought on by the recent annexation. The City has a chart listed in City Code so that there is no guessing what the zoning of a property will be when it enters the City's zoning jurisdiction. Because the ETJ will be extended in the near future, the City needs to update the conversion chart to add additional zoning categories based on Stanton County Zoning. Stanton County has added zoning categories since the list was last updated by the City.

Chair Spray asked if there are similar requirements between the County's zoning district and the City zoning district it equates to. Planner Grimes confirmed that the requirements and districts have similar requirements.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:34 a.m.

Commissioner Waite moved, seconded by Commissioner Griffith to recommend approval of an amendment to Section 27-7 of the Official City Code to update equivalent zoning classifications for property which may become the jurisdiction of the City by annexation or addition.

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

Public Hearing
Conditional Use Permit – Asphalt hot-mix facility
Grimes Asphalt & Paving Corporation, ¼ mi west of S. Victory Rd. on E. Monroe Ave.

Chair Spray opened the public hearing at 7:36 a.m. to consider a Conditional Use Permit to operate an asphalt hot-mix facility at property generally located one quarter mile west of South Victory Road on East Monroe Avenue.

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City Planner, Val Grimes, explained that the land is owned by Porter and another company, Flinn Paving, currently has a CUP on the property. Grimes Asphalt is asking for the same conditions that Flinn had because they are doing the same kind of work on the property.

Chair Spray asked if any complaints had been lodged against the prior company's Conditional Use Permit. Grimes stated that she had not received calls after the company had received their permit.

Carolyn Brown (2110 S. Victory Rd.), explained that she lives next to the property and expressed concerns about the odor, noise, and dust. Chair Spray noted that he remembered a similar discussion that came about with the first Conditional Use Permit for this property and remembered that a condition was added to their permit to help with dust control.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:40 a.m.

Commissioner Thone noted that he had a conflict of interest with the request and would be abstaining from the vote.

Commissioner Waite moved, seconded by Commissioner Deets to have City staff prepare a Conditional Use Permit to operate an asphalt hot-mix facility at property generally located one quarter mile west of South Victory Road on East Monroe Avenue.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, and Griffith. Nays: None. Abstaining: Thone. Absent: Franklin, Hammond, and Gilmore. Motion carried (5-0-1).

Public Hearing
Conditional Use Permit – Microdistillery
Seven County Spirits, LLC, 214-216 W. Norfolk Avenue

Chair Spray opened the public hearing at 7:44 a.m. to consider a Conditional Use Permit for a microdistillery on property addressed as 214 and 216 W. Norfolk Avenue.

Terry Rasmussen, applicant, spoke to the request. Terry explained that he has plans to open a microdistillery which would include a production facility and testing room. He noted that the plan is to start construction in the spring and open for business in the fall.

Chair Spray asked what type of equipment would be used. Rasmussen explained that they would be fermenting and distilling which would involve boiling fermented grains and condensing/collecting alcohol and producing: whiskey, rum, vodka, gin,etc. Commissioner Griffith inquired what the storage capacity would be at any given time. Rasmussen estimated that he would be storing a few thousand gallons at a time.

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Bob Dudley, representing Appeara, asked about the potential crowd size, parking, the footprint of the building and why the distillery was considered a special use. Chair Spray explained that the microdistillery is a Conditional Use because it is not outright permitted in the zoning code. Terry R. explained that the plan is to take the current building down and construct a new building across the two lots. The new building would extend an additional 20' towards the alley and would have an occupancy of 140 people on the main level. There are currently no plans for public parking in the back, just an area for employee parking and shipping/deliveries.

Commissioner Deets asked if they would follow traditional retail/bar hours, or if it would have a more specialized schedule and if there would be special events. Rasmussen explained that the building would be connected to the District Event Center and would allow them to release part of the microdistillery's space for large events. Currently, the plans are for the business to be open until 10-11 p.m.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:53 a.m.

Terry Zwiebel, Fire Marshal, explained the differences between a distillery and a brewery and why the microdistillery would need a Conditional Use Permit:

- A distillery has higher alcohol content, in the 90 proof range
- There are different sets of hazards between the two

Commissioner Waite asked if special building materials needed to be used for the project. Fire Marshal, Zwiebel, explained that basically any construction material type would be usable but a fire sprinkler system would need to be installed. Chair Spray inquired whether a subset of Code would need to be applied for the construction of the building and Fire Marshal Zwiebel explained that it is addressed in the International Fire Code.

Fire Marshal, Zwiebel, expressed concern with the process of grinding grain (milling) and noted that there would be a different set of requirements if grinding would be involved. Chair Spray asked the applicant if he would be doing milling on site. Rasmussen stated that he would like to do milling, about 700 pounds per week when in full production, but could do it at an off-site location.

Rasmussen also noted that he would be producing high-content alcohol (about 95%), but would not be storing it at high-content (around 65% alcohol content). He also stated that the alcohol would be aged on-site and stored in wooden or metal kegs. Commissioner Waite asked how many barrels he would be storing to age at one time. Rasmussen responded that he would like to be able to store 10,000 gallons and one barrel holds about 53 gallons.

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Commissioner Waite moved, seconded by Commissioner Thone to have City staff prepare a Conditional Use Permit for a microdistillery on property addressed as 214 and 216 W. Norfolk Avenue including conditions such as:

- Maximum amount of storage – 10,000
- Maximum amount of % alcohol content stored on site – 70%
- Length of permit – perpetual

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

Plats/Subdivisions

Blum-Jasperson's Addition – Final Plat

LaVern Schroeder, representing the applicant, spoke to the request. He explained that the request was a small adjustment between two neighbors. The east property owner is selling a small amount of land to the west property owner, so that the existing driveway is all on the correct lot.

Commissioner Waite moved, seconded by Commissioner Figueroa to recommend approval of the final plat of Blum-Jasperson's Addition.

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

Waivers

Sidewalk Waiver
4511 W. Lilly Lane/3111 N. 45th Street, Stephen Karmazin

Commissioner Griffith moved, seconded by Commissioner Waite to remove the item from the table.

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

City Planner, Val Grimes, explained that City Council had joined the Planning Commission Subcommittee to start the conversation about sidewalk waivers. She noted that Steven Rames was going to present options at the next Subcommittee meeting and recommended tabling to the date specific of the February 23, 2022 Planning Commission Meeting.

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Commissioner Griffith moved, seconded by Commissioner Thone to table consideration of a sidewalk waiver requested by Stephen Karmazin for property located at 4511 W. Lilly Lane/3111 N. 45th Street, until February 23, 2022.

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

Other Business

Commissioner Waite moved, seconded by Commissioner Deets to cancel the January 4, 2022 Planning Commission meeting.

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

City Planner Valerie Grimes presented the November 2021 Building Permit Report.

There was no other discussion and Chair Spray declared the meeting adjourned at 8:20 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. 2022PC-1

WHEREAS, Grimes Asphalt and Paving Corporation, an Iowa Corporation, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for an asphalt plant on property legally described as follows:

A part of the North Half of the Southeast Quarter of Section Thirty-Five, Township Twenty-Four North, Range One West of the 6th P.M., Madison County, Nebraska, described as follows: Commencing at the Northwest corner of the North Half of the Southeast Quarter of said Section Thirty-five; thence East 744.8 feet to the place of beginning; thence south to the south line of said North Half of the Southeast Quarter; thence east 1895.1 feet to the southeast corner of said North Half of the Southeast Quarter; thence north to the northeast corner of said North Half of the Southeast Quarter; thence west to the place of beginning, less a tract of land described as follows: Beginning at the Northeast corner of the Southeast Quarter of said Section Thirty-five; thence west 415 feet; thence south 1320 feet to the South line of said North Half of the Southeast Quarter of said Section Thirty-five; thence East 415 feet; thence North 1320 feet to the place of beginning, containing 12.57 acres, more or less; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 21, 2021 receiving input and data from the APPLICANT and the general public concerning the proposed 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 Grimes Asphalt and Paving Corporation is hereby granted a Conditional Use Permit for an asphalt plant subject to the following terms and conditions:

1. The Conditional Use Permit shall be for five (5) years;

2. Operations shall be limited to the southeast quarter of the property legally described above;

3. Access to the property and operations shall be through use of the existing ingress/egress drive from Monroe Ave. and shall be hard surfaced 100' from the edge of pavement of Monroe Ave. with the remaining drive utilizing a form of dust control, as needed;

4. Stockpiling of materials shall be conducted in such a way as not to constitute a hazard to any person or to adjoining properties;

5. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;

6. 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;

7. 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;

8. There shall be compliance with floodplain regulations and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 19th day of January, 2022.

ATTEST:

_____
Dan Spray
Planning Commission Chair

_____
Elizabeth Lienemann
Planning Commission Secretary

Approved as to form: _____
City Attorney

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

_____
Notary Public Signature

_____
Notary Public Printed

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2022PC-2

WHEREAS, Seven County Spirits, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a microdistillery on property addressed as 214 & 216 W. Norfolk Avenue and legally described as follows:

The East 28 Feet and The West 22 Feet of Lot 13, Blk 5, Original Town of Norfolk, City of Norfolk, Madison County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District C-2, Central Business; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 21, 2021 receiving input and data from the APPLICANT and the general public concerning the proposed 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 Seven County Spirits, LLC is hereby granted a Conditional Use Permit for a microdistillery subject to the following terms and conditions:

1. There shall be a maximum of 5,000 gallons of alcohol stored on-site;
2. A maximum of 70% alcohol content may be stored on-site;
3. The Conditional Use Permit shall be perpetual and pursuant to the Norfolk City Code, shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
4. If the new structure is not built initially to standards for milling of grains and on-site milling is desired to take place, the structure shall be renovated to all current codes to allow for milling prior to beginning;

5. 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;

6. 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;

7. There shall be compliance with floodplain regulations and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 19th day of January, 2022.

ATTEST:

_____
Dan Spray
Planning Commission Chair

_____
Elizabeth Lienemann
Planning Commission Secretary

Approved as to form: _____
City Attorney

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

_____
Notary Public Signature

_____
Notary Public Printed

Version B
(aesthetics)

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2022PC-2

WHEREAS, Seven County Spirits, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a microdistillery on property addressed as 214 & 216 W. Norfolk Avenue and legally described as follows:

The East 28 Feet and The West 22 Feet of Lot 13, Blk 5, Original Town of Norfolk, City of Norfolk, Madison County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District C-2, Central Business; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 21, 2021 receiving input and data from the APPLICANT and the general public concerning the proposed 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 Seven County Spirits, LLC is hereby granted a Conditional Use Permit for a microdistillery subject to the following terms and conditions:

1. There shall be a maximum of 5,000 gallons of alcohol stored on-site;
2. A maximum of 70% alcohol content may be stored on-site;
3. The new structure front facade shall be architecturally harmonious by material and/or color to the immediately surrounding buildings and general downtown aesthetics;
4. If the new structure is not built initially to standards for milling of grains and on-site milling is desired to take place, the structure shall be renovated to all current codes to allow for milling prior to beginning;

5. The Conditional Use Permit shall be perpetual and pursuant to the Norfolk City Code, shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;

6. 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;

7. 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;

8. There shall be compliance with floodplain regulations and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 19th day of January, 2022.

ATTEST:

_____
Dan Spray
Planning Commission Chair

_____
Elizabeth Lienemann
Planning Commission Secretary

Approved as to form: _____
City Attorney

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

_____
Notary Public Signature

_____
Notary Public Printed

Version C
(95% alcohol)

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2022PC-2

WHEREAS, Seven County Spirits, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a microdistillery on property addressed as 214 & 216 W. Norfolk Avenue and legally described as follows:

The East 28 Feet and The West 22 Feet of Lot 13, Blk 5, Original Town of Norfolk, City of Norfolk, Madison County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District C-2, Central Business; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 21, 2021 receiving input and data from the APPLICANT and the general public concerning the proposed 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 Seven County Spirits, LLC is hereby granted a Conditional Use Permit for a microdistillery subject to the following terms and conditions:

1. There shall be a maximum of 5,000 gallons of alcohol stored on-site;
2. The maximum alcohol content stored on-site shall be 70%;
3. A maximum of 95% alcohol content may be produced on-site and/or purchased from others, but shall be diluted to a maximum 70% alcohol content within 5 days of production or receipt of delivery;
4. If the new structure is not built initially to standards for milling of grains and on-site milling is desired to take place, the structure shall be renovated to all current codes to allow for milling prior to beginning;

5. The Conditional Use Permit shall be perpetual and pursuant to the Norfolk City Code, shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;

6. 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;

7. 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;

8. There shall be compliance with floodplain regulations and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 19th day of January, 2022.

ATTEST:

_____
Dan Spray
Planning Commission Chair

_____
Elizabeth Lienemann
Planning Commission Secretary

Approved as to form: _____
City Attorney

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

_____
Notary Public Signature

_____
Notary Public Printed

Version D
(aesthetics & 95% alcohol)

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2022PC-2

WHEREAS, Seven County Spirits, LLC, a Nebraska Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a microdistillery on property addressed as 214 & 216 W. Norfolk Avenue and legally described as follows:

The East 28 Feet and The West 22 Feet of Lot 13, Blk 5, Original Town of Norfolk, City of Norfolk, Madison County, Nebraska; and

WHEREAS, the property described above is presently included in Zoning District C-2, Central Business; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 21, 2021 receiving input and data from the APPLICANT and the general public concerning the proposed 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 Seven County Spirits, LLC is hereby granted a Conditional Use Permit for a microdistillery subject to the following terms and conditions:

1. There shall be a maximum of 5,000 gallons of alcohol stored on-site;
2. A maximum of 70% alcohol content may be stored on-site;
3. A maximum of 95% alcohol content may be produced on-site and/or purchased from others, but shall be diluted to a maximum 70% alcohol content within 5 days of production or receipt of delivery;
4. The new structure front facade shall be architecturally harmonious by material and/or color to the immediately surrounding buildings and general downtown aesthetics;

5. If the new structure is not built initially to standards for milling of grains and on-site milling is desired to take place, the structure shall be renovated to all current codes to allow for milling prior to beginning;

6. The Conditional Use Permit shall be perpetual and pursuant to the Norfolk City Code, shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;

7. 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;

8. 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;

9. There shall be compliance with floodplain regulations and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 19th day of January, 2022.

ATTEST:

_____
Dan Spray
Planning Commission Chair

_____
Elizabeth Lienemann
Planning Commission Secretary

Approved as to form: _____
City Attorney

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

_____
Notary Public Signature

_____
Notary Public Printed

Authentisign ID: CD63C336-483E-48AB-A227-BE9F0280305A

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NEBRASKA
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309 N 5th St
Norfolk, NE 68701
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www.ci.norfolk.ne.us

For Office Use Only	Date Rec'd 12/17/21 Fee $ 300 12/20 Rec'd by RH

ZONING CHANGE APPLICATION

Applicant: MIE, LLC (Name) — PO Box 1463, Norfolk, NE 68702 (Address)

(Phone) — (Email)

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

Contact: (other than applicant) Kelby Herman (Name) — 1302 W 7th St, Wayne, NE 68787 (Address)

402-350-1231 (Phone) — kelbyherman@live.com (Email)

Current Zoning: R-1 **Proposed Zoning:** R-3

Location of Property: S16, T24N, R1W, Madison County

Legal Description: Glen Park Addition Block 2 less pt to state

Property Area, Square feet and/or Acres: 3.80 acres

Use of Adjoining Properties:

North: place of worship East: highway/commercial South: green space West: green space

X Authentisign 12/9/2021 1:58:00 PM CST
Signature of Owner

OR

Authorized Agent

Paul Sandall
Printed Name of Owner

Printed Name of Authorized Agent

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

Authentisign ID: 5CF30C6E-9DB4-4D44-88B5-0553A85B529D

City of Norfolk
NEBRASKA
progress. right at home.

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

ZONING CHANGE JUSTIFICATION FORM

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

Current land use is single family residential surrounded by public land and adjacent to the Highway.

2. Does the zone change request conform to the Comprehensive Plan?

Yes

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

No - southwest corner is in 100 year floodplain

4. What is the justification for the zone change as it relates to the overall Land Use?

This property is not directly adjacent to single family properties and would fit in with the surrounding areas as being multi-family

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

Surrounding properties are public and office/services

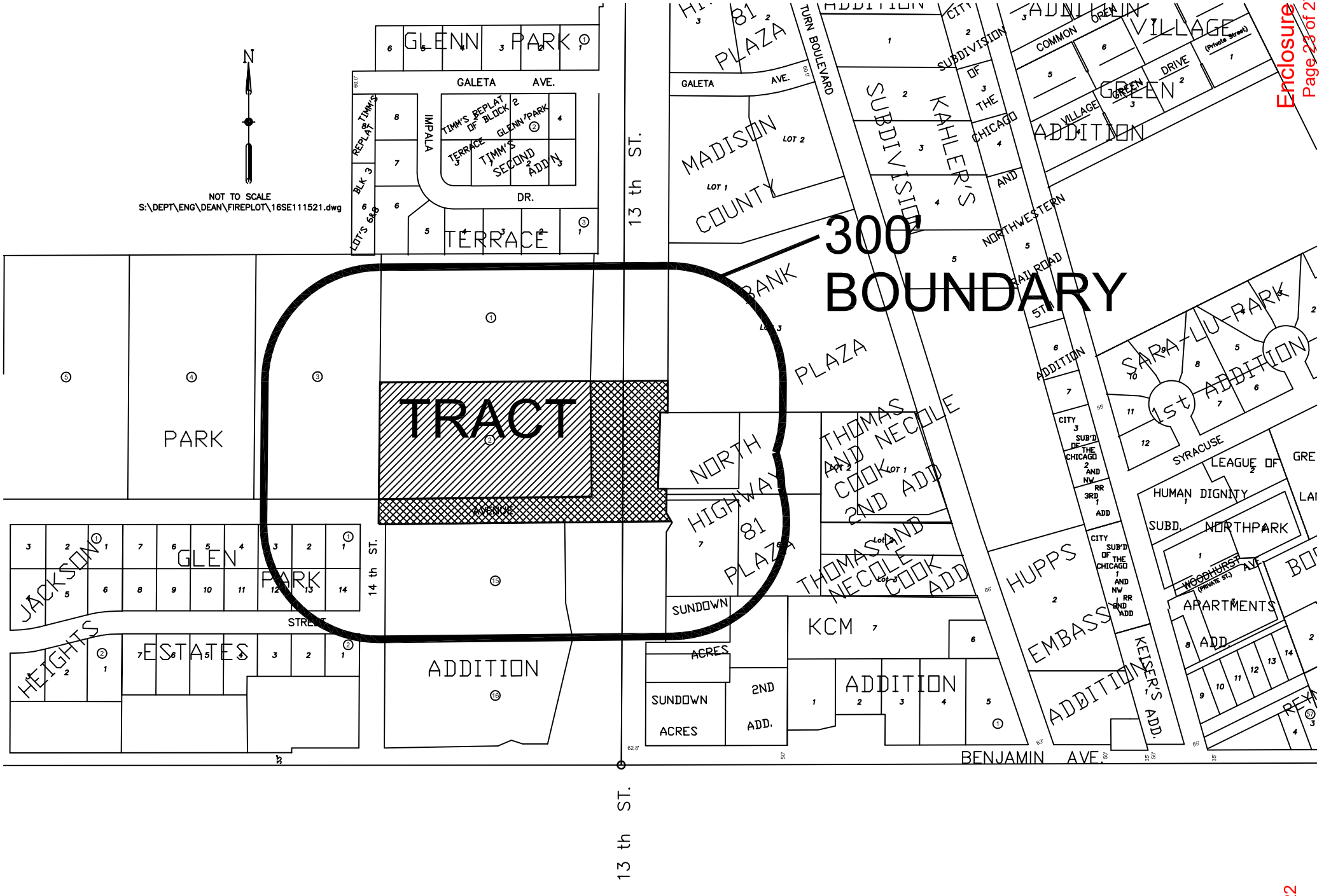
6. What is the general character of the area?

Adjacent to Highway - lots of green space

7. Is adequate sewer and water available? How do you propose to provide adequate public utilities?

Yes - we will connect to existing utilities adjacent to the property

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



Enclosure 8
Page 23 of 27

1/19/2022

City of Norfolk NEBRASKA
progress. right at home.

309 N 5th St
Norfolk, NE 68701
P402-844-2280 F402-844-2028
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Public Hearing

The Norfolk Planning Commission will hold a public hearing on Wednesday, January 19, 2022 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of MIE, LLC, to consider a zoning change from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) on property addressed as 1413 N. 13th Street, legally described as follows:

Block 2, Glen Park Addition to the City of Norfolk, Madison County, Nebraska, less that part deeded to the State of Nebraska by deed dated March 8, 1939 and filed April 12, 1939 in Book 72 Page 678 in the office of the Register of Deeds of Madison County, Nebraska and less that part deeded to the State of Nebraska, Department of Roads, described as follows: Referring to the Southeast corner of said Block; thence Westerly a distance of 30.10 feet to a point on the Westerly existing Highway Right-of-Way line to the point of beginning; thence Northerly, deflecting 90°49'54" Right, a distance of 142.59 feet along the West line of said existing Highway; thence Northerly deflecting 02°51'45" Right, a distance of 100.12 feet along said right-of-way line; thence Northerly deflecting 02°51'45" Left, a distance of 49.96 feet along said right-of-way line; thence Westerly deflecting 90°49'54" Left, a distance of 24.58 feet along the North line of said Block; thence Southerly, deflecting 89°29'54" Left, a distance of 292.39 feet to the point on the South line of said Block; thence Easterly deflecting 90°30'06" Left, a distance of 17.89 feet along said line to the point of beginning.

Publish (January 7, 2022)
1 P.O.P.

City of Norfolk
NEBRASKA
progress. right at home.

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

For Office Use Only	Date Rec'd 12/15/2021 Fee $ 260 Rec'd by EH

SUBDIVISION APPLICATION

Name of Subdivision: Weiland's Addition to the City of Norfolk, Madison County, Nebraska

☐ Preliminary ☑ Final

Applicant: Gerard Weiland (Name) 1302 Sheridan Dr., Norfolk (Address)
402-649-2307 (Phone)
(Email)

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

Contact: (other than Applicant) Gerard Weiland (Name) 1302 Sheridan Dr., Norfolk (Address)
402-649-2307 (Phone)
(Email)

Current Zoning: R-1

General Location/Address: 1302 Sheridan Drive, Norfolk

Legal Description: See Attached Sheet

Property Area, Square Feet and/or Acres: 28,998 sq.ft.

Signature of Owner

Gerard Weiland
Printed Name of Owner

OR

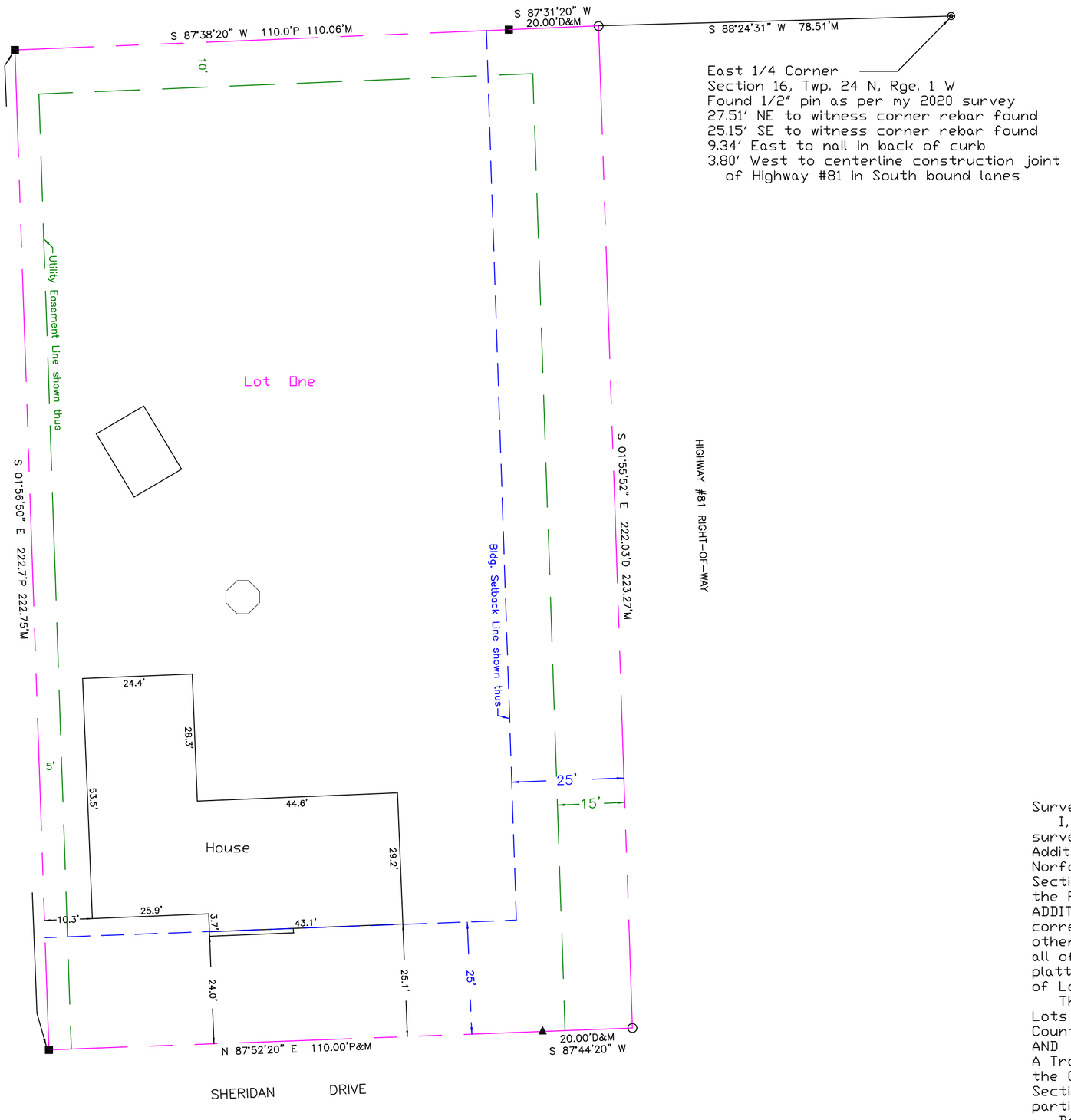
Authorized Agent

Printed Name of Authorized Agent

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

Proj. No.
2021-122

WEILAND'S ADDITION
to the City of Norfolk,
Madison County, Nebraska



Legend
- ◉ Pin Found
- ■ Pipe Found
- ▲ Drill Hole Set
- O Pin Set
- P Platted Dist.
- D Deed Dist.
- M Measured Dist.
- Property Line
- Lot Line
- Building Line
- Building Setback Line
- Utility Easement Line

Hillcrest Memorial Park Cemetery
S 1/2 SE 1/4 NE 1/4 of 16-24N-1W

Adjacent Owners as per Madison County gWorks (10/22/2021)

N

0 20 40

Lot	Area	Address
One	28,999 Sq. Feet	1302 Sheridan Drive

Notes:
1) Bearings are based on Grid North (US/NAD83/NE Datum) based on direct observation using G.P.S. equipment on the HPRTK Network.
2) Distances shown on the Plat are Horizontal Ground Distances.
3) A five (5) foot sidewalk shall be constructed by the owner on the street side or sides of each lot in the addition abutting on a platted street as provided for by Ordinance No. 5617 of the City of Norfolk passed and approved on June 3, 2019.
4) The existing Utility Easement between Lots 1 & 2, Block 2, College View Subdivision, an Addition to the City of Norfolk, Madison County, Nebraska will be vacated by the City and platted as per Weiland's Addition to the City of Norfolk, Madison County, Nebraska.

Surveyors Statement

I, LaVern F. Schroeder, Registered Land Surveyor in the State of Nebraska, have made a survey of WEILAND'S ADDITION to the City of Norfolk, Madison County, Nebraska. Said Addition being a Subdivision of Lots 1 & 2, Block 2, College View Subdivision to the City of Norfolk, Madison County, Nebraska and part of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska; that the Plat attached hereto is the original, accurate, true and correct plat of said WEILAND'S ADDITION to the City of Norfolk, Madison County, Nebraska; that said plat accurately and correctly reflects all of the lots, blocks, streets, avenues, alleys, parks, commons, and other grounds in said WEILAND'S ADDITION to the City of Norfolk, Madison County, Nebraska, all of which are correctly designated and shown on the attached plat; that I surveyed and platted said WEILAND'S ADDITION to the City of Norfolk, Madison County, Nebraska, consisting of Lot One at the instance and request of the owner.

The tract of land comprising said Addition is more particularly described as follows:
Lots 1 and 2, Block 2, College View Subdivision, an Addition to the City of Norfolk, Madison County, Nebraska
AND
A Tract of land adjoining said Lots 1 and 2, Block 2, College View Subdivision, an Addition to the City of Norfolk, Madison County, Nebraska in the Northeast ¼ of the Southeast ¼ of Section 16, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of said Lot 1;
thence Southerly, a distance of 221.95 feet (field measured 223.20 feet) along the East line of said Lots 1 and 2 to the Southeast corner of said Lot 2;
thence Easterly deflecting 90°19'47"left, a distance of 20.00 feet;
thence Northerly deflecting 89°40'12"left, a distance of 222.03 feet (field measured 223.27 feet);
thence Westerly deflecting 90°32'48"left, a distance of 20.00 feet to the point of beginning containing 4,439.88 square feet (as per deed) more or less.

I hereby state that I have executed this instrument on this 6th day of December, 2021.

_____
LaVern F. Schroeder
Registered Land Surveyor #312

General Layout
Scale: 1" = 20'

Owners Certificate

I, the undersigned, sole owner of the real estate described in the Surveyors Statement, have caused said real estate to be platted into Lot One, to be known hereinafter as WEILAND'S ADDITION to the City of Norfolk, Madison County, Nebraska. Said Addition being a Subdivision of Lots 1 & 2, Block 2, College View Subdivision to the City of Norfolk, Madison County, Nebraska and part of the Northeast 1/4 of the Southeast 1/4 of Section 16, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska; do hereby dedicate the streets, avenues, drives, roads. and alleys and other public grounds to the use and benefit of the public and provided further are easements as shown on this plat.

_____
Gerard A. Weiland

State of Nebraska)
County of Madison)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Gerard A. Weiland.

My commission expires: _____ _____ (Signature)

_____ (Printed)
Notary Public

APPROVAL

The foregoing and within plat, dedication and instrument was approved by the Planning Commission of the City of Norfolk, Madison County, Nebraska on this ____ day of _____ 2021.

_____
Dan Spray
Chairman

APPROVAL

The foregoing and within plat, dedication and instrument was approved by the Honorable Mayor of the City of Norfolk, Madison County, Nebraska, by resolution duly passed on this ___ day of _____, 2021.

Attest: _____ _____
Brianna Duerst — City Clerk
Josh Moenning — Mayor

WAIVER

I, Gerard A. Weiland am the owner of the real estate described hereon and hereby waive any right of claims as a result of damages occasioned by the establishment of grades or alterations of the surface.

_____
Gerard A. Weiland

State of Nebraska)
County of Madison)

This is to certify that this instrument was filed for record by the Register of Deeds Office at ____ __M on this ____ day of _____ 2021.

_____
Diane Nykodym
Register of Deeds

Consent of Lienholder

I, _____ , _____ (title) of BankFirst, being a lienholder of the described tract of land, hereby approve and agree to the platting of WEILAND'S ADDITION to the City of Norfolk, Madison County, Nebraska, on this ____ day of _____, 2021, on behalf of said BankFirst.

_____ (Signature)
_____ (Print), _____ (title) of BankFirst

State of Nebraska)
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, _____ (title) of BankFirst.

My commission expires: _____ _____ (Signature)

_____ (Print)
Notary Public

1/19/2022

Planning and Development
Building Services

CITY OF NORFOLK
Monthly Building Permit Report

Month
December, 2021

Permits Issued	2021 December	2021 November	2020 December	This Fiscal YTD	Last Fiscal YTD	Variation % 2021 vs. 2022
BUILDING						
Number	26	27	29	101	101	0.0%
Valuation	$4,098,055.63	$809,355.00	$6,148,616.40	$9,694,296.63	$15,752,034.15	-38.5%
Permit Fee	$13,117.87	$3,040.15	$18,781.65	$32,000.74	$43,369.20	-26.2%
ELECTRICAL						
Number	47	26	25	107	81	32.1%
Permit Fee	$4,976.00	$6,342.00	$6,876.50	$18,593.00	$13,696.50	35.8%
PLUMBING						
Number	20	17	18	53	66	-19.7%
Permit Fee	$2,848.80	$975.40	$3,527.26	$6,160.48	$15,697.42	-60.8%
MECHANICAL						
Number	25	20	20	66	52	26.9%
Permit Fee	$3,009.63	$7,294.82	$9,377.26	$12,669.50	$25,444.00	-50.2%
WATER HEATER						
Number	4	9	13	19	27	-29.6%
Permit Fee	$128.00	$288.00	$405.00	$607.00	$825.00	-26.4%
FIRE ALRM / SPR						
Number	3	8	5	13	12	8.3%
Permit Fee	$423.00	$613.50	$1,510.50	$1,245.50	$1,890.00	-34.1%
WELL / SEPTIC						
Number			5	3	6	-50.0%
Permit Fee			$125.00	$75.00	$150.00	-50.0%
FIRE PREVENTION						
Number			2		2	
Permit Fee			$140.00		$140.00	
TOTAL FEES:	**$24,503.30**	**$18,553.87**	**$40,743.17**	**$71,351.22**	**$101,212.12**	**-29.5%**

Nature of Building Permits	Last FYTD	Present FYTD	Number of Permits	Dwelling Units	Permit Fees	Valuation
Void					$0.00	$0.00
SFD	7 (7)	15 (15)	10	10	$8,280.56	$2,325,000.00
Duplex					$0.00	$0.00
MFD	2 (40)				$0.00	$0.00
Commercial			1	0	$2,447.20	$968,467.00
Industrial					$0.00	$0.00
Garages			1	0	$122.88	$10,000.00
Move & Demo			1	0	$49.00	$7,000.00
SFDA	6 (6)	2 (2)			$0.00	$0.00
Sign			2	0	$121.75	$16,470.00
Other			4	0	$931.36	$294,265.00
Alterations & Additions						
1 & 2 Family			6	0	$1,011.20	$374,538.63
Multi-Family					$0.00	$0.00
Commercial			1	0	$153.92	$102,315.00
Industrial					$0.00	$0.00
Total			**26**	**10**	**$13,117.87**	**$4,098,055.63**

Building Valuation

2022 Fiscal YTD	$9,694,296.63
2021 Fiscal YTD	$15,752,034.15
Contractor Registration	$7,815.00

Building Official

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