

Agenda Packet

NORFOLK PLANNING COMMISSION

Tuesday, June 6, 2023
7:30 a.m.

Created 6/2/2023 8:51 AM

**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, June 6, 2023, 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.

AGENDA
NORFOLK PLANNING COMMISSION
June 06, 2023

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 May 16, 2023 Planning Commission meeting. **Motion**
6. Consideration of Resolution No. 2023PC-4, approving a Conditional Use Permit for mining of sand and gravel on property addressed as 2410 N. Airport Road. **Resolution 2023PC-4**

PUBLIC HEARINGS

7. 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.
8. Consideration of recommendation of 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**

OTHER BUSINESS

9. Consideration of approval of Katelyn Palmer as Planning Commission Secretary pro tem effective June 21, 2023. **Motion**
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.

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 16th day of May 2023, beginning at 7:31 a.m.

Roll call found the following Commission Members present: Dirk Waite, Brandon Franklin, Kaycee Kube, Martin Griffith, Jacob Thone, and Cody Ronnfeldt. Absent: Dan Spray, Kayla Ramsay, and Chad Bryant.

Staff members present were: Val Grimes, City Planner; Steven Rames, City Engineer; Anna Allen, Assistant City Engineer; Melissa Figueroa, Business Resource Specialist; Randy Gates, Finance Officer; Lyle Lutt, Director of Administrative Services; and Katelyn Palmer.

Planning Commission Vice-Chair, Dirk Waite presided, and the Planning Commission Secretary Elizabeth Lienemann digitally recorded the audio of the proceedings.

Vice-Chair Waite 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.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Chair and all members of the Commission and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and Commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was opened to the public.

Current Business

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

Roll Call: Commission Members: Ayes: Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Spray, Ramsay, and Bryant. Motion carried (6-0).

Commissioner Kube moved, seconded by Commissioner Thone to approve the May 2, 2023 meeting minutes.

Roll Call: Commission Members: Ayes: Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Spray, Ramsay, and Bryant. Motion carried (6-0).

Public Hearings

Public Hearing

Preliminary Planned Development Carter Complex – Norfolk Rentals, LLC

Vice-Chair Waite opened the public hearing at 7:32 a.m. to consider a Preliminary Planned Development on property generally located at the northwest corner of E. Norfolk Avenue and N. Victory Road.

Chad Carter (813 Forest Dr.), applicant, explained that the plan for this parcel to build three 8-plexes, ground level, one bedroom units. The apartments will be just over 600 sqft. There will be a one-way entrance at the north off of Recovery Road.

Commissioner Ronnfeldt asked if all of the utilities were in place that were needed. Carter confirmed. NPPD will be bringing electrical utilities over from the east side of Victory Road and will tie into utilities across the southwest corner of Norfolk Avenue.

Vice-Chair Waite asked if the proximity of the property to the flood control was a concern. City Engineer, Steven Rames, explained that the developer will be fine for slab-on-grade units. Engineering will need to work with the developer on site drainage and run off to meet the criteria for the City. Vice-Chair Waite also asked what needs to happen to meet City standards for drainage. Engineer Rames noted that anything over one-acre will require retention/detention. There is potential to allow direct run-off into the flood control.

Vice-Chair Wate asked if additional information was needed prior to the project moving forward. City Engineer Rames stated that the P.D. is okay from the preliminary standpoint.

Vice-Chair Wate asked if there were any sort of aesthetic requirements for the property. Planner Grimes explained that there is nothing required in Code.

Because the Commission doesn't see Planned Developments very often, Planner Grimes ran through the P.D. process. She noted that the developer will also need to request a zoning change from R-1 to R-3 for the project. The zoning change process has not been started yet because they were interested to see what happened with the prelim. P.D. Once the okay to the prelim is given, then the zoning change will be applied for and will run at the same time as the final P.D.

Brian Compton, 929 E. Norfolk Ave., expressed concerns for his kids regarding added traffic in the area as well as the possibility of spot zoning. Planner Grimes explained that the property should be zoned R-3 because it is along a highway intersection. The Comp Plan calls for Commercial use. R-3 is a less intensive district than Commercial would be. She also explained what spot zoning is.

Commissioner Ronnfeldt asked where access onto the property would be. Planner Grimes noted that access would be off of the frontage road and the road would be a loop through the property. Vice-Chair Waite asked if there was any concern from the EMS standpoint. Planner Grimes noted that she had not heard of concerns from them. City Engineer Rames asked if any kind of analysis had been done to check on that. Chad Carter explained that he has not done that at this point. Engineer Rames noted that it is something the City would want to know.

No one else spoke in favor or opposition of the request and Vice-Chair Waite closed the public hearing at 7:51 a.m.

Commissioner Ronnfeldt asked if anything needed to be done about the drive access for emergency vehicles at this point. City Engineer Rames noted that they were okay to move forward to the final but that some adjustments may need to be made to ensure they could get a fire rig through there.

Vice-Chair Waite inquired about the setbacks on the west side of the property. Planner Grimes stated that the setback would be 30 feet (20% of the depth of the lot, does not need to be more than 30'). She also noted that it is the south building the needs the setback variance from 25' to 20'.

Commissioner Thone moved, seconded by Commissioner Kube to recommend approval of a Preliminary Planned Development on property generally located at the northwest corner of E. Norfolk Avenue and N. Victory Road.

Roll Call: Commission Members: Ayes: Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Spray, Ramsay, and Bryant. Motion carried (6-0).

Public Hearing

Redevelopment Plan for the Cornhusker Auto Redevelopment Project

Vice-Chair Waite opened the public hearing at 7:54 a.m. to consider the "Redevelopment Plan for the Cornhusker Auto Redevelopment Project."

Finance Officer, Randy Gates, explained that the project site is approximately 5 ½ acres that includes a parking area and approximately 30,670sqft box store building. The project consists mostly of the renovation and rehabilitation of the building to be used as a Nissan dealership. The Comp Plan designates this area for commercial development and the project site is located in the Highway Corridor

Overlay district. The property will need to be rezoned from C-1 to C-3 for the auto dealership. The applicant is requesting TIF in the amount of approximately \$417,000.

Commissioner Thone asked if TIF had been used in the past for the adjacent building. Finance Officer Gates confirmed that TIF had been used for the shopping/strip mall in the middle.

Commissioner Franklin noted that sidewalks had been discussed in a subcommittee meeting and asked if that was still a possibility. Finance Officer Gates said he was not sure if any decisions were made to require them or not. City Engineer Rames noted that sidewalks are required at the time a building permit is pulled. The developer could request a waiver at that time.

No one else spoke in favor or opposition of the request and Vice-Chair Waite closed the public hearing at 8:00 a.m.

Commissioner Ronnfeldt moved, seconded by Commissioner Griffith to recommend approval of the "Redevelopment Plan for the Cornhusker Auto Redevelopment Project."

Roll Call: Commission Members: Ayes: Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Spray, Ramsay, and Bryant. Motion carried (6-0).

Public Hearing

Conditional Use Permit – Sand and Gravel Mining
2410 N. Airport Road | Matteo Sand and Gravel Company, Inc.

Vice-Chair Waite opened the public hearing at 8:01 a.m. to consider a Conditional Use Permit for sand and gravel mining on property generally located at 2410 N. Airport Road.

Randy Matteo, applicant, explained that they have already been mining the property since 2001 and are expanding operations to the east. They are including additional landowners to their conditional use permit. The business is not looking to change the procedure, just add more land/property owners.

Planner Grimes explained that the applicant currently has a CUP from 2016 that is good for 20 years. The same conditions could be applied to the new conditional use permit, but would no longer have the need for item #2.

Planner Grimes noted that there are strict flood plain rules that the applicant has to follow.

No one else spoke in favor or opposition of the request and Vice-Chair Waite closed the public hearing at 8:05 a.m.

Commissioner Ronnfeldt moved, seconded by Commissioner Griffith to have City staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for sand and gravel mining on property generally located at 2410 N. Airport Road.

Roll Call: Commission Members: Ayes: Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Spray, Ramsay, and Bryant. Motion carried (6-0).

Plats/Subdivisions

Sudbeck's Second Subdivision – Final Plat

LaVern Schroeder, representing the applicant, explained that the property lies on Taylor Avenue between 10th & 11th Streets. There is a small triangle of property that he is adding to the land in order to be able to make the driveway straight into the apartment house. He had the option to do an easement but chose to do a subdivision instead.

Commissioner Griffith moved, seconded by Commissioner Kube to recommend approval of the final plat of Sudbeck's Second Subdivision.

Roll Call: Commission Members: Ayes: Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Spray, Ramsay, and Bryant. Motion carried (6-0).

Other Business

City Planner Valerie Grimes presented the April 2023 Building Permit Report.

There was no other discussion and Vice-Chair Waite declared the meeting adjourned at 8:09 a.m.

Elizabeth Lienemann, Norfolk Planning Commission Secretary

Dirk Waite, Norfolk Planning Commission Vice-Chair

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2023PC-4

WHEREAS, Matteo Sand & Gravel Company, Inc., a Nebraska Corporation, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for mining of sand and gravel on property addressed as 2410 N. Airport Road which is legally described as follows:

The West Half of the Northeast Quarter of Section Four, Township Twenty-three North, Range One West of the Sixth Principal Meridian, Madison County, Nebraska; LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS AND PARCEL OF LAND LYING IN SAID W ½ OF NE ¼, LETTERED A THROUGH E, AS FOLLOWS:

- A. Commencing at the Southeast corner of the SW ¼ of the NE ¼ of said Section 4; thence West on the ¼ section line on an assumed bearing of South 89 degrees 22 minutes 30 Seconds West 440.56 feet to the point of beginning; thence North 00 degrees 00 minutes East 902.0 feet; thence South 09 degrees 22 minutes 30 seconds West 483.0 feet; thence South 00 degrees 00 minutes West 902.0 feet to a point on the ¼ section line; thence North 89 degrees 22 minutes 30 seconds East 483.0 feet to the point of beginning. (NORTH AIRPORT SUBDIVISION containing approximately 10.00 acres, more or less);
- B. Commencing at the Southwest corner of the SE ¼ of the NE ¼ of said Section 4; thence West on the ¼ section line on an assumed bearing of South 89 degrees 22 minutes 30 seconds West 923.56 feet to the point of beginning; thence North 00 degrees 00 minutes East 902.0 feet; thence North 89 degrees 22 minutes 30 seconds East 170.16 feet; thence North 00 degrees 00 minutes East 123.7 feet; thence North 45 degrees 00 minutes West 39.6 feet; thence South 89 degrees 22 minutes 30 seconds West 564.7 feet; thence South 00 degrees 00 minutes West 158.0 feet; thence South 10 degrees 12 minutes 15 seconds East 300.0 feet; thence South 02 degrees 34 minutes 20 seconds East 133.3 feet; thence South 02 degrees 36 minutes 30 seconds West 423.7 feet to a point on the ¼ section line; thence North 89 degrees 22 minutes 30 seconds East 385.1

- feet to the point of beginning. (SHALD SUBDIVISION containing approximately 10.01 acres, more or less.)
- C. Beginning 902 feet North of the Southeast corner of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 4; thence 752 feet West; thence 1738 feet North; thence 752 feet East; thence 1738 feet South to the place of beginning. (Containing approximately 30 acres, more or less)
 - D. Commencing at the Southeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 4; thence North on the 1/16 line on an assumed bearing of North 00 degrees 00 minutes East 198.0 feet to the point of beginning; thence North 00 degrees 00 minutes East 704.0 feet; thence South 89 degrees 22 minutes 30 seconds West 440.56 feet; thence South 00 degrees 00 minutes West 902.0 feet to a point of the $\frac{1}{4}$ section line; thence North 89 degrees 22 minutes 30 seconds East 183.06 feet; thence North 00 degrees 00 minutes East 198.0 feet; thence North 89 degrees 22 minutes 30 seconds East 247.5 feet to the point of beginning. (Containing approximately 8 acres, more or less)
 - E. Commencing at the Southeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 4; thence North 198 feet, thence West 247.5 feet; thence South 198 feet; thence East 247.5 feet to the place of beginning. (Containing approximately 1 acre, more or less)

The West Half of the Northwest Quarter of Section Four, Township Twenty-three North, Range One West of the Sixth Principal Meridian, Madison County, Nebraska; LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACTS AND PARCELS OF LAND LYING IN SAID W $\frac{1}{2}$ OF NW $\frac{1}{4}$ LETTERED A THROUGH C, AS FOLLOWS:

- A. The Right of Way of the Union Pacific Railway Company
- B. Beginning at the W $\frac{1}{4}$ corner of said Section 4; thence East on section line, on an assumed bearing of North 90 degrees 00 minutes East a distance of 111.2 feet to a point on the Westerly Right of Way of the Union Pacific Railway; thence North 10 degrees 59 minutes 30 seconds East on said Right of Way, a distance of 1551.5 feet to a point; thence North 81 degrees 26 minutes 40 seconds West 395.2 feet to a point on the West section line, said point being 264.0 feet North of the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 00 degrees 34 minutes West, on section line 1582.1 feet to the point of beginning. (Containing approximately 9.07 acres, more or less)
- C. Commencing at the Northwest corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 4; thence South 1056 feet to the old riverbed of the Elkhorn River, now known as Dry Run; thence East along said old riverbed of Dry Run to the Right of Way of the Union Pacific Railway Company; thence Northeast along the West line of said Right of Way to the North line of said track; thence West to the place of beginning. (Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying west of the railroad.)

The East Half of the Northwest Quarter of Section Four, Township Twenty-three North, Range One West of the Sixth Principal Meridian, Madison County, Nebraska; LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND LYING IN SAID E $\frac{1}{2}$ OF NW $\frac{1}{4}$, LETTERED A, AS FOLLOWS:

- A. Commencing at the Southwest corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 4; thence West on the $\frac{1}{4}$ section line on an assumed bearing of South 89 degrees 22 minutes 30 seconds West 923.56 feet to the point of beginning; thence North 00 degrees 00 minutes East 902.0 feet; thence North 89 degrees 22 minutes 30 seconds East 170.16 feet; thence North 00 degrees 00 minutes East 123.7 feet; thence North 45 degrees 00 minutes West 39.6; thence South 89 degrees 22 minutes 30 seconds West 564.7 feet; thence South 00 degrees 00 minutes West 158.0 feet; thence South 10 degrees 12 minutes 15 seconds East 300.0 feet; thence South 02 degrees 34 minutes 20 seconds East 133.3 feet; thence South 02 degrees 36 minutes 30 seconds West 423.7 feet to a point on the $\frac{1}{4}$ section line; thence North 89 degrees 22 minutes 30 seconds East 385.1 feet to the point of beginning. (SHALD SUBDIVISION containing approximately 10.01 acres, more or less)

A tract of land consisting of 55 acres, more or less situated in Section 33, Township 24 North, Range One West of the 6th P.M., and Section Four, Township 23 North, Range One 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 One 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 Southwest Quarter of the Southeast Quarter of said Section 33, Township 24 North, Range One, West of the 6th P.M., Madison County, Nebraska,
And,

All of that part of the Northwest Quarter of the Northwest Quarter of Section Four, Township 23 North, Range One West of the 6th P.M., Madison County, Nebraska which lies east of the Right-of-Way of the Union Pacific Railroad.
And,
Lots 1 & 2, Shald Subdivision, Madison County, Nebraska.
AND

A tract of land lying wholly in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Commencing at the SE corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 4; thence N on the $\frac{1}{16}$ th line on an assumed bearing of N0°00'E 198.0 feet to the point of beginning; N0°00'E 704.0 feet; thence S 89°22'30"W 440.56 feet; thence S0°00'W 902.0 feet to a point on the $\frac{1}{4}$ section line; thence N 89°22'30"E 193.06 feet; thence N0°00'E 198.0 feet; thence N89°22'30"E 247.5 feet to the point of beginning.

AND

A tract of land located in the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Four (4), Township Twenty-three (23) North, Range One (1), West of the 6th P.M., Madison County, Nebraska, beginning at a point 902 feet North of the Southeast corner of said West Half of the Northeast Quarter of said Section; thence 752 feet West; thence 1738 feet North; thence 752 feet East; thence 1738 feet South to the place of beginning.

AND

Lot 3 North Airport Subdivision, Madison County, Nebraska

AND

Lot 2, North Airport Subdivision, Madison County, Nebraska

AND

The Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 4, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska, except the following: Beginning at the Southeast corner of the NE 1/4 NE 1/4 of said Section 4, Township 23 North, Range 1 West of the 6th P.M., thence North 18 Rods; thence West 17 7/9 Rods; thence South 18 Rods, thence East 1 7 7 /9 Rods to the place of beginning, and also except that part taken and deeded to the State of Nebraska for road purposes in Deed filed in M73-4 page 179 and M92-7, page 84 7 and also except Lot 1 of Bierman's Subdivision in the NE 1/4 NE 1/4 of Section 4, Township 23 North, Range 1 West of the 6th P.M., and also except the following; beginning at the Northwest corner of Lot 1 of Lakeside Addition, Madison County, Nebraska, thence proceeding west along the South line of said NE1/4 NE1/4 on an assumed bearing of S89°59'50"W, 903.3 feet to the Southwest corner of said NE1/4 NE1/4; thence N0°32'30"E, along the West line of said NE1/4 NE1/4 867.7 feet to a point on the Southerly bank of the Elkhorn River; thence S82°13'20"E, along said Southerly bank of the Elkhorn River, 523.3 feet; thence S25°17'40"E, 881.3 feet to the point of beginning, and also except A tract of land lying wholly in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section Four (4), Township Twenty-three (23) North, Range One (1), West of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Section Four (4); thence West, on section line, on an assumed bearing of South 89 degrees 35 minutes 35 seconds West 141.7 feet to a point on the West right of way of U.S. Highway No. 81 and the point of beginning; thence continuing South 89 degrees 35 minutes 35 seconds West, on last described course, 1001.2 feet to a pipe set on the high bank of the Elkhorn River; thence continuing South 89 degrees 35 minutes 35 seconds West, on the last described course, 45 feet, more or less, to the thread of the stream of said river; thence in a Southerly and Easterly direction, following the thread of the stream of said river, to the West right of way of U.S. Highway No. 81; thence North 02 degrees 51 minutes 30 seconds East, along said West right of way of U.S. Highway No. 81, a distance of 100 feet to the point of beginning, all being in Madison County, Nebraska.

AND

Tract 1: A tract of land lying wholly in the SE1/4 NE1/4 of Section 4, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska, described as follows: Beginning at the SW Corner of the SE1/4 NE1/4 of said Section 4; thence proceeding East on an assumed bearing of N90°00'E, 393.4 feet; thence N0°05'E, 183.0 feet; thence N89°58'E, 122.0 feet; thence N0°02'40"E, 129.0 feet where a witness pipe was set on the South Lake bank; thence continuing N0°02'40"E, 123.0 feet; thence S89°56'10"E, 128.17 feet where a witness pipe was set on the East Lake bank; thence continuing S89°56'10"E, 263.63 feet; thence N0°40'50"E, 174.0 feet to the SW Corner of Lakeside Addition, Madison County, Nebraska; thence continuing N0°33'50"E, 709.2 feet to the NW Corner of said Lakeside Addition; thence S89°59'50"W, 904.98 feet; thence S0°30'30"W, 1,318.5 feet to the point of beginning LESS a tract of land described as follows:

Beginning at the SW Corner of Lakeside Addition; thence South on an assumed bearing of S0°40'50"W, 174.0 feet; thence S89°56'10"W, 263.63 feet where a witness pipe was set; thence continuing N89°56'10"W, 4.0 feet to the edge of the lake as it existed on March 12, 1984; thence Northeasterly, along a meandering line on the edge of the lake as it existed on March 12, 1984, to a point which is 212.1 feet West of the SW Corner of Lakeside Addition; thence S89°59'50"E, 9.0 feet to a point where a witness pipe was set; thence continuing S89°59'50"E, 203.1 feet to the point of beginning, AND LESS Lot 1, D and C Werner Subdivision in the SE1/4 NE1/4 of Section 4, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska.

Tract 2: A tract of land lying wholly in the Northeast Quarter of the Northeast Quarter of Section 4, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1 of Lakeside Addition, Madison County, Nebraska, thence proceeding West along the South line of said NE1/4 NE1/4 on an assumed bearing of S89°59'50"W, 903.3 ft. to the Southwest corner of said NE1/4NE1/4; thence N0°32'30"E, along the West line of said NE1/4NE1/4 867.7 feet to a point on the Southerly bank of the Elkhorn River; thence S82°13'20"E, along said Southerly bank of the Elkhorn River, 523.3 ft., thence S25°17'40"E, 881.3 ft. to the point of beginning.

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 May 16, 2023 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 Matteo Sand & Gravel Company, Inc. is hereby granted a Conditional Use Permit for mining of sand and gravel subject to the following terms and conditions:

1. The APPLICANT must conform to the floodplain requirements as outlined in Chapter 27, Article VIII, Division 3 of the Norfolk City Code prior to any additional development;
2. A) Prior to any additional development, the permit holder shall provide the City Engineer with a grading map showing existing conditions. The map shall be in enough detail so that existing conditions can be replicated from the map. The information shall include X, Y, and Z elevations on at least a grid of 100 feet by 100 feet and at any other points required to show special features. The plan shall provide detailed benchmark information tied into the benchmark used by FEMA to develop the floodplain maps. The information shall be depicted on a plan to a scale so that the information is readily legible. The information shall also be depicted in grid format, contour format and cross-section format. Any

regulated wetlands shall also be shown on the map of existing conditions commencing operations;

B) APPLICANT shall also provide proposed final grades on the map depicting the existing contours and cross-sections to include pile height of sand;

3. The granting of this permit shall not create or alter any permissive right of access or easement;
4. APPLICANT shall identify the location of their Stormwater Pollution Prevention Plan (SWPPP), proposed vehicle and equipment storage areas, on-site fuel storage, type and quantity, proposed structures, proposed erosion and sediment controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land. APPLICANT shall provide the City Engineer and Prevention Bureau with a copy of their letter of authorization to discharge and any other required National Pollution Discharge Elimination System (NPDES) permits. In the floodway, at no time during or after excavation shall temporary storage of fill extend above the existing grade as detailed in Condition 3 of this permit. Any fill in the floodway must comply with Condition 1 of this permit including the required "no rise" certificate. The applicant shall provide the City Engineer with a copy of the NPDES permit required for construction projects;
5. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation, and the location of storage areas defined on the map required in Condition 5. Topsoil stockpiles shall be graded and seeded in a timely manner for the purpose of erosion control;
6. Excavation shall be conducted in such a way as not to constitute a hazard to any person, or to the adjoining property. All cuts and fill shall be constructed with a slope not greater than three to one (3-1);
7. Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded, or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public. Prior to seeding or sodding, a grading map showing final contours should be provided to the City Engineer for review for compliance with proposed final grade contours and flood plain regulations. Final grading plans shall include the same detail as Condition 3;
8. Noise levels created from the mining operation shall comply with the Final Rule (Part II, Section C) of the Current Standards of the Mine Safety Health Administration as published in the Federal Register, Volume 64, No. 176, as the same may from time to time be amended. The maximum level allowed by this rule is 85 decibels at the property line;
9. Operation of the mining and excavation operation shall abide by a 50-foot setback from any abutting property owners;

10. An informational sign shall be erected on North Airport Road containing contact phone numbers and safety information;
11. Pursuant to the Norfolk City Code, the Conditional Use Permit shall be for a period of twenty (20) years and shall be a personal privilege granted to the applicant and shall not be subject to transfer;
12. 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;
13. 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;
14. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 6th day of June, 2023.

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 _____, 2023 by Dan Spray, Planning Commission Chair and Elizabeth Lienemann, Planning Commission Secretary of the City of Norfolk.

 Notary Public Signature

 Notary Public Printed

Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, June 6, 2023 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 (May 26, 2023)
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 west ½ of the southwest ¼ of Section 8, Township 24 North, Range 1 East; The southwest ¼ of the northeast ¼ of Section 17, Township 24 North, Range 1 East; The west ½ of the southeast ¼ of Section 17, Township 24 North, Range 1 East; The southeast ¼ of the southeast ¼ of Section 17, Township 24 North, Range 1 East; The East ½ of Section 20, Township 24 North, Range 1 East; The east ½ of the northwest ¼ of Section 29, Township 24 North, Range 1 East; The east ½ of the southwest ¼ of Section 29, Township 24 North, Range 1 East; The west ½ of the northeast ¼ of Section 29, Township 24 North, Range 1 East; The west ½ of the southeast ¼ of Section 29, Township 24 North, Range 1 East; The northeast ¼ of the northeast ¼ of Section 29, Township 24 North, Range 1 East; The Northeast ¼ of the northwest ¼ of Section 32, Township 24 North, Range 1 East; The northwest ¼ of the southwest ¼ of Section 6, Township 23 North Range 1 East;

The Southeast ¼ of the Southwest ¼, and the Southwest ¼ of the Southeast ¼ of Section 14, Township 23 North Range 1 West;
The Northwest ¼ and, the northwest ¼ of the Southwest ¼, of Section 23, Township 23 North, Range 1 West;

The Southwest ¼ of the Southwest ¼ of Section 15 Township 23 North Range 1 West,
All of Section 22, Township 23 North, Range 1 West;
The North ½ of the Northwest ¼, and the northwest ¼ of the Northeast ¼, of Section 27, Township 23 North Range 1 West;

The Southwest ¼ of the Northwest ¼, and the Southwest ¼, and the South ½ of the Southeast ¼, of Section 16, Township 23 North Range 1 West;
All of Section 21, Township 23 North Range 1 West;
The Northwest ¼, and the West ½ of the Northeast ¼, and the Northeast ¼ of the Northeast ¼ of Section 28, Township 23 North Range 1 West.

The Northwest ¼ of the Northwest ¼, and the South ½ of the Northwest ¼, and the Southwest ¼ , and the Southwest ¼ of the Southeast ¼ of Section 8 Township 23 North Range 1 West.
All of Section 17 Township 23 North Range 1 West.
All of Section 20 Township 23 North Range 1 West.
The Northeast ¼ of the Northwest ¼, and the Northwest ¼ of the Northeast ¼, and the East ½ of the Northeast ¼, of Section 29 Township 23 North Range 1 West.

The South 1/2 of the Southwest 1/4, and the Southwest 1/4 of the Southeast 1/4, of Section 6 Township 23 North Range 1 West.

The Northwest 1/4, and the East 1/2 of the Southwest 1/4, and the east 1/2, of Section 7 Township 23 North Range 1 West.

The East 1/2 of the Northwest 1/4, and the East 1/2 of the Southwest 1/4, and the East 1/2, of Section 18 Township 23 North Range 1 West.

The Northeast 1/4 of the Northwest 1/4, and the Northeast 1/4, and the North 1/2 of the Southeast 1/4, and the Southeast 1/4 of the Southeast 1/4, of Section 19 Township 23 North Range 1 West.

The Southwest 1/4 of the Northwest 1/4, and the West 1/2 of the Southwest 1/4, of Section 36 Township 24 Range North 2 West.

The West 1/2, and the Southwest 1/4 of the Northeast 1/4, and the Southeast 1/4, of Section 1 Township 23 North Range 2 West.

The Northeast 1/4 of the Northwest 1/4, and the Northeast 1/4, of Section 12 Township 23 North Range 2 West.

The Northeast 1/4 of the Northeast 1/4, and the South 1/2 of the Northeast 1/4, and the Southeast 1/4 of the Southwest 1/4, and the Southeast 1/4, of Section 14 Township 24 North Range 2 West.

The South 1/2 of the Northwest 1/4, and the Northeast 1/4 of the Northwest 1/4, and the Northeast 1/4, and the Southwest 1/4, and the North 1/2 of the Southeast 1/4, and the Southwest 1/4 of the Southeast 1/4, of Section 23 Township 24 North Range 2 West.

The Northwest 1/4, and the West 1/2 of the Northeast 1/4, and the South 1/2, of Section 26 Township 24 North Range 2 West.

The North 1/2, and the East 1/2 of the Southwest 1/4, and the Southeast 1/4, of Section 35 Township 24 North Range 2 West.

The North 1/2 of the Northeast 1/4, and the Southeast 1/4 of the Northeast 1/4, and the Northeast 1/4 of the Southeast 1/4, of Section 2 Township 23 North Range 2 West.

The West 1/2 of the Northwest 1/4 of Section 13 Township 24 North Range 2 West.

The Southeast 1/4 of the northeast 1/4 of Section 4 Township 24 Range 1 West

The Northwest 1/4 of the Northwest 1/4, and the South 1/2 of the Northwest 1/4, and the Southwest 1/4 of the Northeast 1/4, of Section 3 Township 24 North Range 1 West.

The North 1/2 of the Northeast 1/4 of Section 2 Township 24 North Range 1 West.

The Northwest 1/4 of the Northwest 1/4 of Section 1 Township 24 North Range 1 West.

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 _____, 2023.

ATTEST:

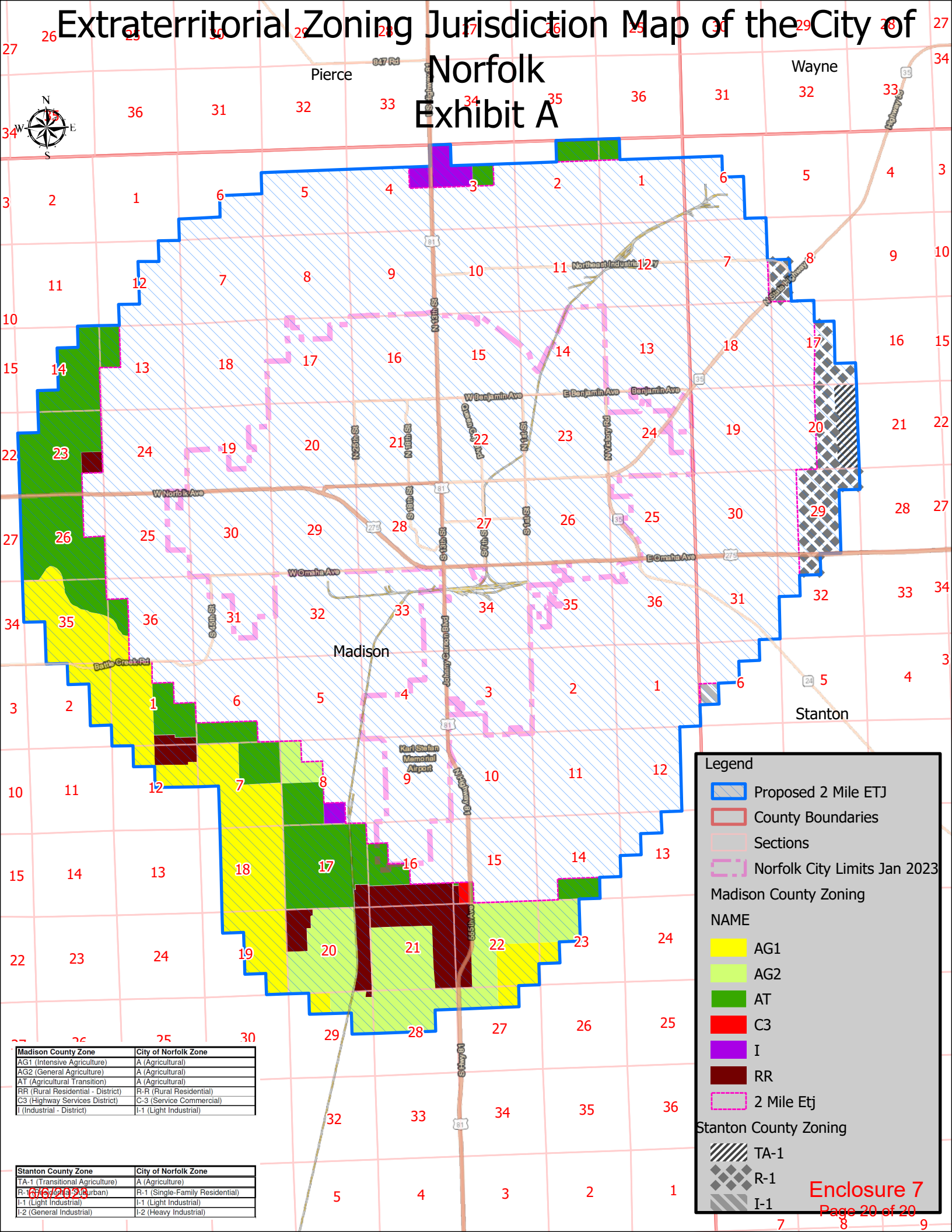
Mayor

City Clerk

Approved as to form: _____
City Attorney

Extraterritorial Zoning Jurisdiction Map of the City of Norfolk

Exhibit A



Madison County Zone	City of Norfolk Zone
AG1 (Intensive Agriculture)	A (Agricultural)
AG2 (General Agriculture)	A (Agricultural)
AT (Agricultural Transition)	A (Agricultural)
RR (Rural Residential - District)	R-R (Rural Residential)
C3 (Highway Services District)	C-3 (Service Commercial)
I (Industrial - District)	I-1 (Light Industrial)

Stanton County Zone	City of Norfolk Zone
TA-1 (Transitional Agriculture)	A (Agricultural)
R-1 (Rural Residential)	R-1 (Single-Family Residential)
I-1 (Light Industrial)	I-1 (Light Industrial)
I-2 (General Industrial)	I-2 (Heavy Industrial)

Legend

- Proposed 2 Mile ETJ
- County Boundaries
- Sections
- Norfolk City Limits Jan 2023

Madison County Zoning

NAME

- AG1
- AG2
- AT
- C3
- I
- RR
- 2 Mile Etj

Stanton County Zoning

- TA-1
- R-1
- I-1