

Agenda Packet

NORFOLK PLANNING COMMISSION

Tuesday, March 7, 2023
7:30 a.m.

Created 3/3/2023 8:41 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, March 7, 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
March 07, 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. Election of Chairperson and Vice-Chairperson. | Motion |
| 5. Consideration of Elizabeth Lienemann as Planning Commission Secretary. | Motion |
| 6. Approval of full agenda. | Motion |
| 7. Consideration of approval of the minutes of the February 22, 2023 Planning Commission meeting. | Motion |
| 8. Consideration of Resolution No. 2023PC-1, approving a Conditional Use Permit for a recreational vehicle campground on property addressed as 915 Bonita Drive. | Resolution 2023PC-1 |
| 9. Consideration of Resolution No. 2023PC-2, approving a Conditional Use Permit for a daycare on property addressed as 600 N. 12th Street. | Resolution 2023PC-2 |
| 10. Consideration of Resolution No. 2023PC-3, approving a Conditional Use Permit for farming and construction equipment sales, new and used, rentals and service on property generally located at the southwest corner of Highway 275 and South 40th Street. | Resolution 2023PC-3 |

PUBLIC HEARINGS

- | | |
|---|---------------|
| 11. Public hearing at the request of Eugene C. & Jennifer Planer, to consider a zoning change from I-1 (Light Industrial District) to R-1 (Single Family Residential District) on property addressed as 1600 S. 5th Street. | |
| 12. Consideration of recommendation of a zoning change from I-1 (Light Industrial District) to R-1 (Single Family Residential District) on property addressed as 1600 S. 5th Street. | Motion |

13. Public hearing at the request of Valley Drive Properties, LLC, to consider a zoning change from I-1 (Light Industrial District) and C-1 (Local Business District) to I-1 (Light Industrial District) on property generally located 1/8 mile southeast of the E. Norfolk Avenue and S. Victory Road roundabout.
14. Consideration of recommendation of a zoning change from I-1 (Light Industrial District) and C-1 (Local Business District) to I-1 (Light Industrial District) on property generally located 1/8 mile southeast of the E. Norfolk Avenue and S. Victory Road roundabout.

Motion

OTHER BUSINESS

15. 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 22nd day of February, 2023, beginning at 7:30 a.m.

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

Staff members present were: Val Grimes, City Planner; Steven Rames, City Engineer; Anna Allen, Assistant City Engineer; Candice Alder, Economic Development Director; Dani Myers-Noelle, City Attorney; Chad Reiman, Police Captain of Operations; and Katelyn Palmer.

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

Chair 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.

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 Thone to approve the full agenda.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Commissioner Deets moved, seconded by Commissioner Kube to approve the February 7, 2023 meeting minutes.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Zoning Change – C-3 (Service Commercial Dist.) & R-M (Mobile Home Dist.) to I-1 (Light Industrial Dist.)

Generally located at 915 Bonita Drive | Park Mobile Home Court MHC, LLC

Commissioner Deets moved, seconded by Commissioner Thone to remove the item from the table.
Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Brandon Schilling (114 Lovel Rd. #101, Knoxville, TN 37934) with Saratoga Group, presented more detailed drawings and renderings as requested by Commissioners. He noted the following details: all roads will be concrete or asphalt; all parking pads will be concrete; there will be a 50/50 split between hard surface and grass at each site; there will be about 100 new trees. The goal is to create more of a campground atmosphere. There will be approximately 27' from RV to RV. There will be two car concrete parking stalls at each site. Evergreen trees will be planted on a 4' tall berm with a wooden fence buffer along the northern side of the property.

Rules & Regulations (Terms of Service) include: age limits on RVs (15 years or newer); application process for anybody who will be staying longer than 28 days; there are no tarps/hay bales, etc. permitted; what is not in the rendering will not be allowed on the campground. There will also be restrictions on dogs and animals in the campground.

Chair Spray asked about staffing for the campground. Schilling explained that there is a Property Manager and maintenance person on site.

Chair Spray asked if they change/update their Terms of Service often or if they are pretty set. Schilling explained that the Terms of Service are different depending on the State. They typically work with a local representative, or lawyer, to write the Terms of Service. They do change and they change when they need to- to enforce or govern the property. Chair Spray asked if a copy of the Terms of Service should be attached to the Conditional Use Permit (CUP). Planner Grimes explained if they were to be filed with the CUP, they are pretty much set. It would be a better idea to reference their Terms of Service as a condition.

Commissioner Deets asked about the length of stay and what Schilling typically sees in his parks. Schilling noted that length of time is all over the board. Something they are fearful of is that someone could take residency, have a messy site, and building things on their site. He noted that whether they stay for two days or 10 months, the length of stay doesn't matter. What does matter is how the property is treated.

Steven Rames, City Engineer, noted that this property is an old lagoon site. However, the lagoon was dredged out by Porter's locally and sludge was removed/mitigated at that time.

Commissioner Deets moved, seconded by Commissioner Ronnfeldt to recommend approval of a zoning change from C-3 and R-M to I-1 on property generally located at 915 Bonita Drive.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

La Bonita RV Park Addition – Final Plat

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

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Commissioner Griffith moved, seconded by Commissioner Deets to recommend approval of the final plat of La Bonita Park RV Addition.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Conditional Use Permit – Recreational Vehicle Campground Generally located at 915 Bonita Drive | Park Mobile Home Court MHC, LLC

Commissioner Deets moved, seconded by Commissioner Ronnfeldt to remove the item from the table.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Commissioners discussed the following conditions for the permit:

- Attach a copy of the site plan
- Reference the Terms of Service
- Timeframe: personal privilege, 10 years
- Standard conditions

Commissioner Griffith moved, seconded by Commissioner Kube to have City Staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for a recreational vehicle campground on property generally located at 915 Bonita Drive.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Public Hearings

Public Hearing

Amend the Official City Code

Chair Spray opened the public hearing at 7:55 a.m. to consider amending Section 4-4 of the Official City Code to include an exception for the keeping of hens, bantam hens, or ducks with a valid permit and to more clearly define livestock as it relates to the keeping of livestock within the city; to amend Section 4-6 of the Code to address at-large chickens or ducks; to enact Section 27-295 of the City Code to allow the keeping of hens, bantam hens, or ducks in residential districts with a valid permit.

Val Grimes, City Planner, explained that this amendment would affect three sections of Code: two areas being amended (Police), one area being added (Planning). People can potentially have up to four chickens/ducks in a single-family detached house. This would not apply to apartment buildings. The Code addresses annual permitting, the upkeep, how many square feet are needed per hen, and how many square feet per hen for the run. Planner Grimes noted that one of the Councilmen reached out to Sioux City, Iowa and suggested having an area for property owner approval. Those interested in having chickens will have to go out to the general vicinity of their home and collect signatures from neighbors for their approval. All immediately connecting neighbors must say yes in order to be granted a permit.

Commissioner Griffith asked how this would be addressed with rental properties. Planner Grimes explained that rental resident can apply for a permit, but the landlord needs to provide consent.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:59 a.m.

Chair Spray inquired about enforcement of the Code and how staff would keep track of who is approved, whether they are up-to-date on their annual renewal. Planner Grimes explained that the approval will go through the Planning and Development Department with help from others for the enforcement. A permit is good through December 31st in order to make it easy for citizens to remember when to re-apply for their permit.

Commissioner Ronnfeldt asked if the chickens/ducks would have to be tagged so if a chicken/duck were to get out, staff would know where to take them to. Dani Myers-Noelle, City Attorney, explained that the Ordinance does not require a tagging process. There is a dedicated section in the Code for ducks and chickens at large. The goal is to relocate the chicken/duck and place them with a farmer through a partnership or agreement.

Commissioner Thone moved, seconded by Commissioner Kube to recommend approval of amending Section 4-4 of the Official City Code to include an exception for the keeping of hens, bantam hens, or ducks with a valid permit and to more clearly define livestock as it relates to the keeping of livestock within the city; to amend Section 4-6 of the Code to address at-large chickens or ducks; to enact Section

27-295 of the City Code to allow the keeping of hens, bantam hens, or ducks in residential districts with a valid permit.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Public Hearing
Conditional Use Permit - Daycare
600 N. 12th Street | Women's Empowering Life Line

Chair Spray opened the public hearing at 8:03 a.m. to consider a Conditional Use Permit for a daycare on property generally located at 600 N. 12th Street and properties located to the north and to the west.

Donielle Larson, Executive Director of Women's Empowering Life Line, explained that they are best known for their residential treatment centers but this will not be a residential treatment program. They are looking to start a childcare facility for the Norfolk community and are hoping to expand to become a 24/7 program.

Kara Kratochvil, Childcare Director, noted that the plan is to start off small and gradually increase the times until they become 24/7. They are looking at a year out before they are fully staffed 24/7.

Chair Spray asked how many children they anticipate. Kara noted that before it was licensed for 200 children. However, they don't anticipate that many. They are anticipating about 150 during the day, 130 in the evening, and roughly 70 overnight. For staffing, they anticipate 47 full-time staff and 26 part-time staff.

Commissioner Franklin asked if this would be open to the public. Larson confirmed that it will be open to the community. Commissioner Deets asked what age of kids they would take. Larson indicated that it would be for infant to 12 years old. Commissioner Ronnfeldt asked if they would be transporting kids. Larson confirmed.

Chair Spray asked about parking for staff as well as the drop off/pick up of children. Kara noted that she would have an open-door policy with the neighbors if any of them would have complaints. It would be run similar to Northern Hills. Larson added that there would be no coming or going during the night so as not to be disruptive of their sleep schedule. Planner Grimes also showed Commissioners the parking that the staff will be able to utilize.

Mike Anderson, explained that he has a 501c3 that owns the property. He didn't realize how great the need was for childcare in Norfolk. Former owners of Northern Hills, Zach & Liz Sudbeck, helped vet and find the best organization to run the daycare.

Marisa Anderson, Early Childhood Community Coordinator for Madison County, provided facts and statistics regarding the childcare crisis in Norfolk and the region.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:14 a.m.

Commissioners discussed the following conditions for the permit:

- Traffic flow
- Noise
- Personal privilege, 10 years
- Standard conditions

Commissioner Thone moved, seconded by Commissioner Deets to have City staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for a daycare on property generally located at 600 N. 12th Street and properties located to the north and to the west.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Public Hearing

Zoning Change – A (Agricultural District) to I-1 (Light Industrial District)
West of N. 40th Avenue & south of W. Norfolk Avenue | Flatrock Group, LLC

AND

Zoning Change – A (Agricultural District) to C-3 (Service Commercial District)
West of N. 40th Avenue and south of W. Norfolk Avenue | Flatrock Group LLC

Chair Spray opened the public hearing at 8:18 a.m. to consider a zoning change from A to I-1 and from A to C-3 property generally located west of N. 40th Avenue and south of W. Norfolk Avenue.

Mainor Martinez, representing Flatrock Group, LLC, explained that the request is for Lots 1 & 2, approximately 21 acres, to be rezoned from Ag to I-1; and for Lot 3, approximately 2.5 acres, to be rezoned from Ag to C-3. All of the lots are located to the southwest of Highway 275 & 40th. Outlot A will serve as stormwater management for the development.

Chair Spray asked if there are proposed tenants for the lots yet. Martinez noted that Lot 1 will be for a CAT equipment dealership. Lots 2 & 3 are still pending.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:22 a.m.

Commissioner Deets moved, seconded by Commissioner Franklin to recommend approval of a zoning change from A to I-1 on property generally located west of N. 40th Avenue and south of W. Norfolk Avenue.

Commissioner Deets moved, seconded by Commissioner Griffith to recommend approval of a zoning change from A to C-3 on property generally located west of N. 40th Avenue and south of W. Norfolk Avenue.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Plats/Subdivisions

Norfolk 140 Subdivision – Final Plat

Steven Rames, City Engineer, explained that the City and developer are still working on finalizing the Subdivision Agreement. On the plat, South 43rd is labeled as an “Avenue” and needs to be changed to South 43rd “Street”. He also noted that there was a traffic impact study done which will require a separated right-turn lane for east-bound on Highway 275 turning south. This will be included in the Subdivision Agreement. There will also be an 8’ trail extension on the north side of Madison, in lieu of a sidewalk along Highway 275. The developer will also be working on paving, sewer, and water districts. They will also be extending 40th Street.

Commissioner Spray moved, seconded by Commissioner Deets to recommend approval of the final plat of Norfolk 140 Subdivision with the revision of changing “43rd Avenue” to “43rd Street”.

Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Other Business

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

There was no other discussion and Chair Spray declared the meeting adjourned at 8:29 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. 2023PC-1

WHEREAS, Park Mobile Home Court MHC, LLC, a Delaware Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a recreational vehicle campground on property addressed as 915 Bonita Drive which is legally described as follows:

A PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF EWIN PROPERTIES 2ND ADDITION, IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 23 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA; THENCE S01°26'45"E ALONG THE EAST LINE OF LOT 1 AND CONTINUING ALONG THE EAST LINE OF LOT 2 OF SAID EWIN PROPERTIES 2ND ADDITION, A DISTANCE OF 380.50 FEET; THENCE S87°47'17"W A DISTANCE OF 573.00 FEET; THENCE N01°26'45"W A DISTANCE OF 380.50 FEET TO THE NORTH LINE OF LOT 2 OF SAID EWIN PROPERTIES 2ND ADDITION; THENCE N87°47'17"E ALONG THE NORTH LINE OF LOT 2 AND CONTINUING ALONG THE NORTH LINE OF LOT 1 OF SAID EWIN PROPERTIES 2ND ADDITION, A DISTANCE OF 573.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 5.00 ACRES, MORE OR LESS; and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on February 7, 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 Park Mobile Home Court MHC, LLC, a Delaware Limited Liability Company, is hereby granted a Conditional Use Permit for a recreational vehicle campground on property subject to the following terms and conditions:

1. The attached site plan is hereby approved and shall be complied with;
2. The recreational vehicle campground terms of service, as may be amended from time to time, shall be complied with;
3. The Conditional Use Permit shall be for ten (10) years;
4. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
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 any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this ____th day of _____, 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

EX COUNTY SHOP
(I-3 ZONING)

MEDELMANS LAKE DEVELOPMENT, LLC (C-3 ZONING)

BONITA DRIVE
(EX 24' CONCRETE STREET)

SCALE:
1" = 50'

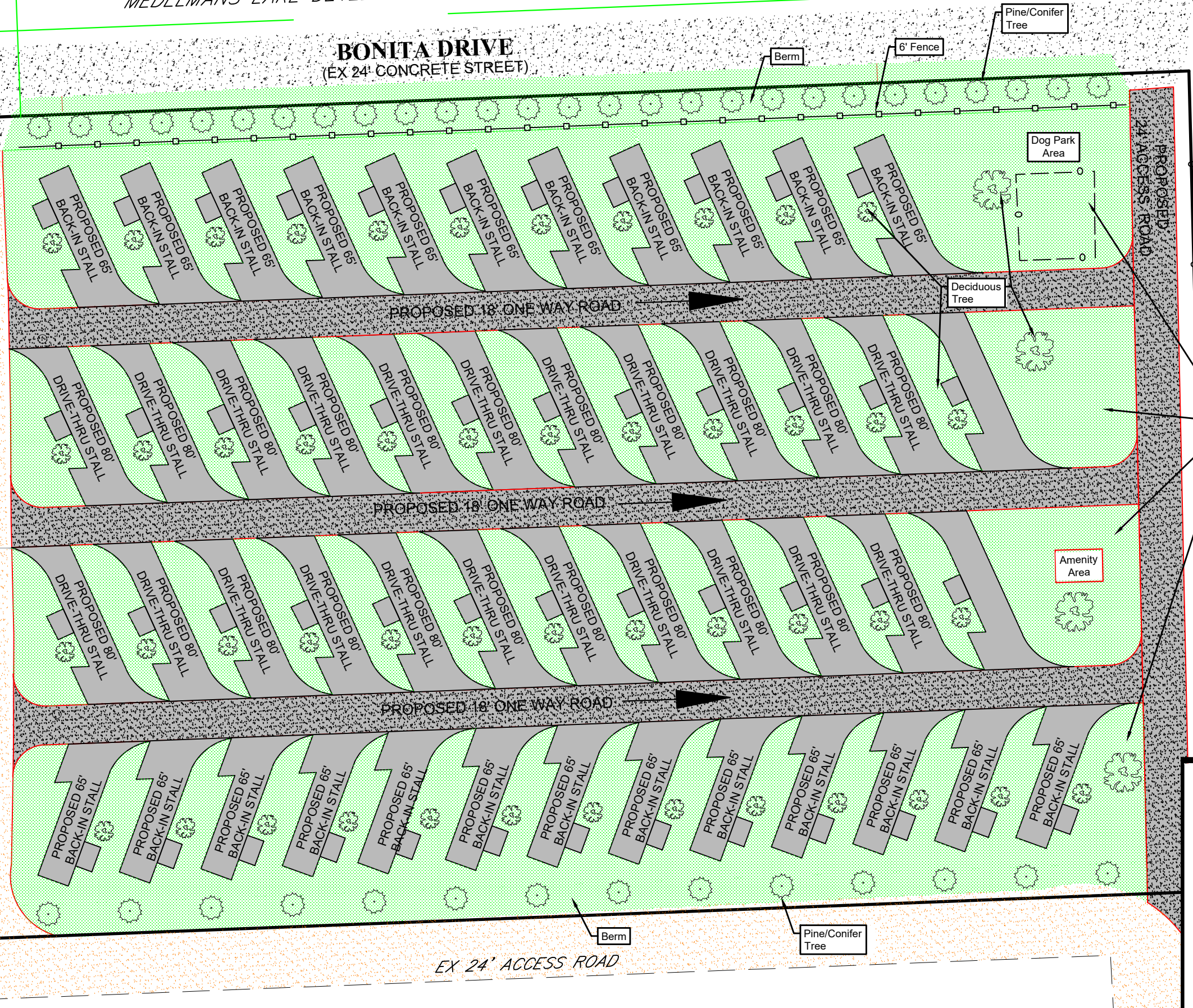


PARK MHC RV PARK
BONITA DRIVE NORFOLK, NE

JANET OHLRICH
(I-3 ZONING)

EX MH PARK
(R-M ZONING)

EX 24' ACCESS ROAD



LEGEND

	EX CONCRETE
	EX ASPHALT
	PROPOSED CONCRETE PAVEMENT
	PROPOSED ASPHALT PAVEMENT
	PROPOSED GRASS
	PROPOSED 6' FENCE
	PROPOSED PINE/CONIFER TREE
	PROPOSED DECIDUOUS TREE

SITE PLAN
DESIGNED BY: NEH
ACAD FILE: Bsp.DWG
CHECKED BY: NEH
REVISIONS:

802 W. MADISON AVE
PHOTO: 402.318.2828
PHONE: 402.801.5616
McLartyEngineering.com



SHEET NO.

81



Site View NE



NE Site
(20' Level)

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2023PC-2

WHEREAS, The Women's Empowering Life Line, Inc., a Nebraska Non-Profit Corporation, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for a daycare center on property addressed as 600 N. 12th Street and properties located to the north and to the west, which is legally described as follows:

Lots 3 and 4, Block 1, Verges Additional Suburban Lots to Norfolk, Madison County, Nebraska.

Lots 3, 4, 5, and 6, Block 4, Verges Additional Suburban Lots to Norfolk, Madison County, Nebraska

Lots 1 and 2, Block 3, Verges Additional Suburban Lots to Norfolk, Madison County, Nebraska.

Together with that part of vacated alley in Block 3 in Deed at Book 28, Page 523 and that part of vacated Walnut Street between Block 2 and Block 3 AND between Block 1 and Block 4 of Verges Additional Suburban Lots to Norfolk, Madison County, Nebraska in Deeds at Book 95 Page 678, Book 96 at Page 261 and Book 99 at Page 563.

LESS

Tract 1 of the Sudbeck Kimmel Boundary Change described as follows: A parcel of land located in Lots 1 and 2, Block 3, Verges Additional Suburban Lots to Norfolk, Madison County, Nebraska and in the North Half of the adjacent vacated alley, more particularly described as follow: Commencing at the Northwest Corner of Lot 7, in said Block 3; thence N00°11'38"W, a distance of 30.00 feet on the West line of said Lot 2; thence N89°33'31"E, a distance of 131.71 feet to the East line of Lot 1 of said Block 3 and the West right of way line of 12th Street; thence S00°07'26"E on said East line and West right of way line, a distance of 30.00 feet; thence S89°33'31"W, a distance of 131.67 feet to the point of beginning.

LESS

Tract 1 of Sudbeck-Stebbing Boundary Change described as follows: A parcel of

land located in Lots 1 and 2, Block 3, Verges Additional Suburban Lots to Norfolk, Madison County, Nebraska and in the South 36 feet of vacated Walnut Street, more particularly described as follows: Commencing at the Southeast Corner of Lot 1, Block 2 of said Verges Additional Suburban Lots; thence S00°14'03" (assumed bearing) on the East line of said Lot 1 extended South and the West right of way line of 12th Street, a distance of 30.00 feet to the point of beginning; thence S00°07'26"E on said West right of way line and on said East line, a distance of 50.00 feet; thence S89°41'42"W, a distance of 131.82 feet to the West line of Lot 2 of said Block 3; thence N00°11'38"W on said West line, a distance of 50.00 feet to the North line of the South 36 feet of vacated Walnut Street; thence N89°41'42"E, on said North line, a distance of 131.88 feet to the point of beginning; and

WHEREAS, the property described above is presently included in Zoning District R-1, Single-Family Residential District; and

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on February 22, 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 The Women's Empowering Life Line, Inc., a Nebraska Non-Profit Corporation, is hereby granted a Conditional Use Permit for a daycare center on property subject to the following terms and conditions:

1. Staff shall park in the center's off-street parking lots;
2. All applicable parking, stopping and traffic laws, pursuant to Norfolk City Code Chapter 24, shall be complied with while dropping off/picking up;
3. The Conditional Use Permit shall be for ten (10) years;
4. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
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 any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 7th day of March, 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

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

CONDITIONAL USE PERMIT
RESOLUTION NO. 2023PC-3

WHEREAS, Flatrock Group, LLC, a Delaware Limited Liability Company, hereinafter referred to as "APPLICANT", has filed an application for a Conditional Use Permit seeking a permit for farming and construction equipment sales, new and used, rentals and service on property generally located at the southwest corner of Highway 275 and South 40th Street which is legally described as follows:

A TRACT OF LAND LOCATED IN THE NORTH HALF OF SECTION 30, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., NORFOLK, MADISON COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTH QUARTER CORNER OF SAID SECTION 30; THENCE S0°12'14"E (ASSUMED BEARING), A DISTANCE OF 178.84 FEET; THENCE N27°33'55"E, A DISTANCE OF 79.98 FEET; THENCE EASTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 275 FOR THE FOLLOWING 3 COURSES; THENCE N88°46'08"E, A DISTANCE OF 360.53 FEET TO THE POINT OF BEGINNING; THENCE N88°46'08"E, A DISTANCE OF 364.58 FEET; THENCE S89°10'32"E, A DISTANCE OF 399.57 FEET; THENCE N86°00'54"E, A DISTANCE OF 162.99 FEET TO THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 275 AND THE WEST RIGHT-OF-WAY LINE OF SOUTH 37TH STREET; THENCE S0°13'23"E, ALONG SAID WEST RIGHT-OF-WAY LINE OF SOUTH 37TH STREET, A DISTANCE OF 699.31 FEET; THENCE S89°46'37"W, A DISTANCE OF 926.62 FEET; THENCE N0°13'35"W, A DISTANCE OF 689.50 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 641,918 SQUARE FEET OR 14.74 ACRES, MORE OR LESS;
and

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

WHEREAS, the Planning Commission of the City of Norfolk, Nebraska has conducted a public hearing on December 6, 2022 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 Flatrock Group, LLC, a Delaware Limited Liability Company, is hereby granted a Conditional Use Permit for farming and construction equipment sales, new and used, rentals and service on property subject to the following terms and conditions:

1. There shall be no outdoor storage, except for saleable equipment;
2. The building, landscaping, etc. enhancement required by the Highway Corridor Overlay District and approved by the review board shall be maintained;
3. The Conditional Use Permit shall be a personal privilege granted to the APPLICANT and shall not be subject to transfer;
4. 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;
5. 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;
6. There shall be compliance with any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this ____th day of _____, 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

For Office Use Only	Date Rec'd	<u>2-06-2023</u>
	Fee	\$ <u>325</u>
	Rec'd by	<u>EG</u>

ZONING CHANGE APPLICATION

Applicant: Gene + Jenn. fr Planer 1707 E South Airport Rd
 Name Address
(402)649-7571 jenn.hale@yghw.com
 Phone Email

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

Contact: _____
 (other than Name Address
 applicant) _____

 Phone Email

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

*If applying for M-U (Mixed Use) District, a copy of the plan must be submitted with the application.

Location of Property: 1600 S 5th St.

Legal Description: Riverside Park Addition Blk 16

Property Area, Square feet and/or Acres: 14,292 ft² / .33 ac

Use of Adjoining Properties:

North: R-1 East: I-1 South: I-2 (railroad) West: F-2 (railroad)

Gene Planer
 Signature of Owner

 Authorized Agent

OR

Gene Planer
 Printed Name of Owner

 Printed Name of Authorized Agent

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

**ZONING CHANGE
JUSTIFICATION FORM**

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

The plan encourages residential + discouraged industrial with maintenance issues.

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

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

The shop burned down + is being cleared away. We want to allow lady to remain in house.

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

Property to North is same, the South + West abutted to railroad

6. What is the general character of the area?

Looks more or less residential with the railroad behind + others on beyond that

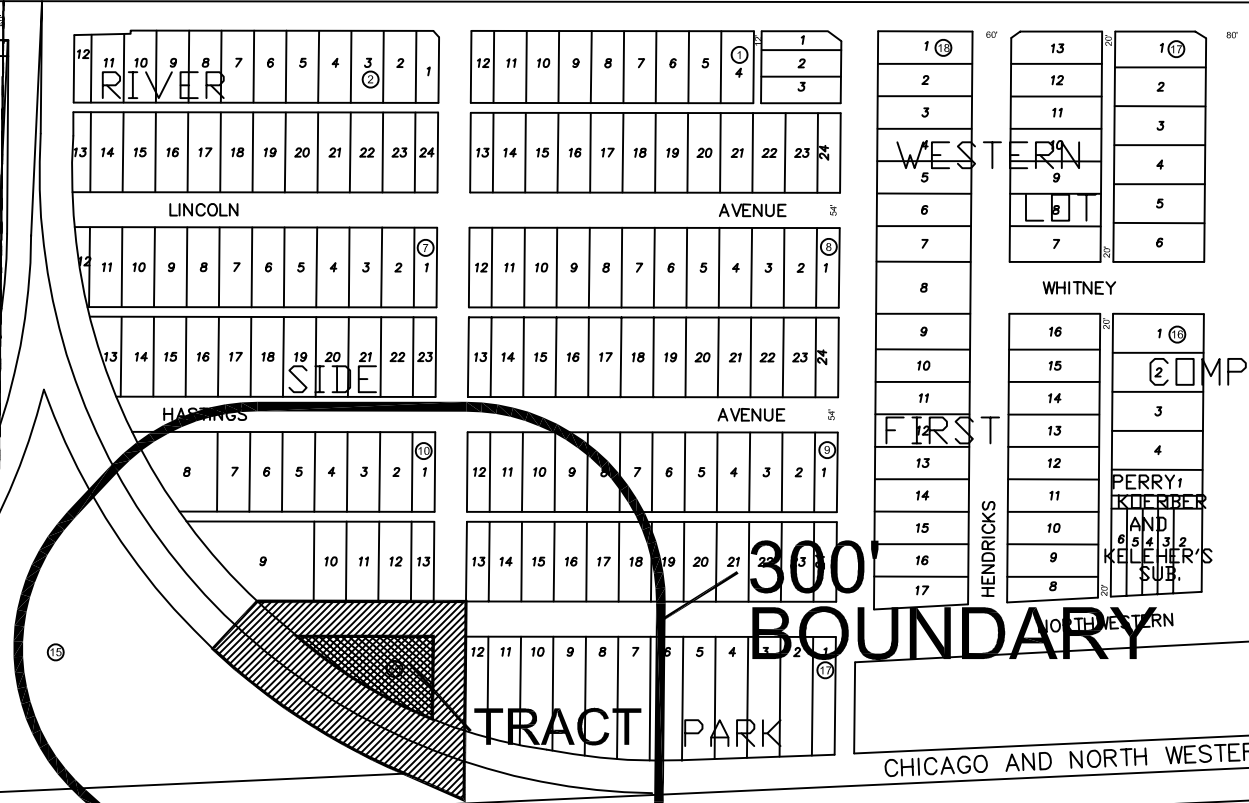
7. Is adequate sewer and water available? How do you propose to provide adequate public utilities?

Home already has all needed utilities in place

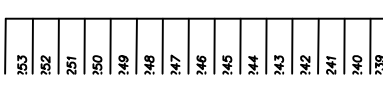
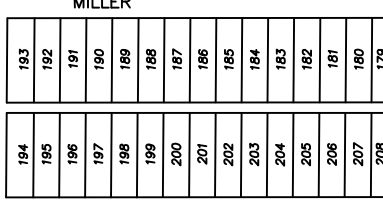
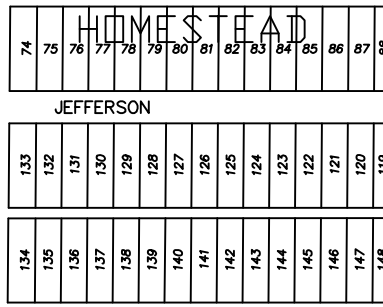
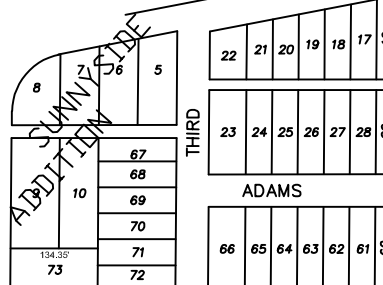
Return Completed forms to: Norfolk Planning Department; 309 N 5th Street; Norfolk, NE 68701

OMAHA AVE.

OBDIVISION



NOT TO SCALE
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VAN BUREN'S SUBDIVISION
 DIECKMAN'S LOT 1
 SMD ADDITION 2
 LENZEN ORGANIC VEGETABLES LOT SUBDIVISION
 PILE'S LOT 1

SEC. 34

Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, March 7, 2023 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of Eugene C. & Jennifer Planer, to consider a zoning change from I-1 (Light Industrial District) to R-1 (Single Family Residential District) on property addressed as 1600 S. 5th Street, legally described as follows:

Block 16, Riverside Park Addition to the City of Norfolk, Madison County, Nebraska

Publish (February 24, 2023)
1 P.O.P

For Office Use Only	Date Rec'd	<u>2/9/23</u>
	Fee	\$ <u>325</u>
	Rec'd by	<u>ej</u>

ZONING CHANGE APPLICATION

Applicant: Valley Drive Properties LLC 1302 W 7th Wayne Ne
 Name Address
402 350 1231 Kelbyherman@live.com
 Phone Email

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

Contact: Kelbyherman 1005 Darnus Drive Norfolk
 (other than Name Address
 applicant) 402 350-1231 Kelbyherman@live.com
 Phone Email

Current Zoning: C-1 / I-1 **Proposed Zoning:** I-1

*If applying for M-U (Mixed Use) District, a copy of the plan must be submitted with the application.

Location of Property: PT SW 1/4 NW 1/4 LESS PT TO STATE 25-24-1 8.13 AC

Legal Description: South east of the East Norfolk Ave and S. Victory Road
Roundabout.

Property Area, Square feet and/or Acres: 8.13 Acres 4.06 Is currently C-1
4.07 Is currently I-1

Use of Adjoining Properties:

North: CVP East: I-1 South: PD West: RI
S Victory Road

Kelbyherman
 Signature of Owner

 Authorized Agent

OR

Kelbyherman
 Printed Name of Owner

 Printed Name of Authorized Agent

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

ZONING CHANGE JUSTIFICATION FORM

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

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

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

Yes

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

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

Yes

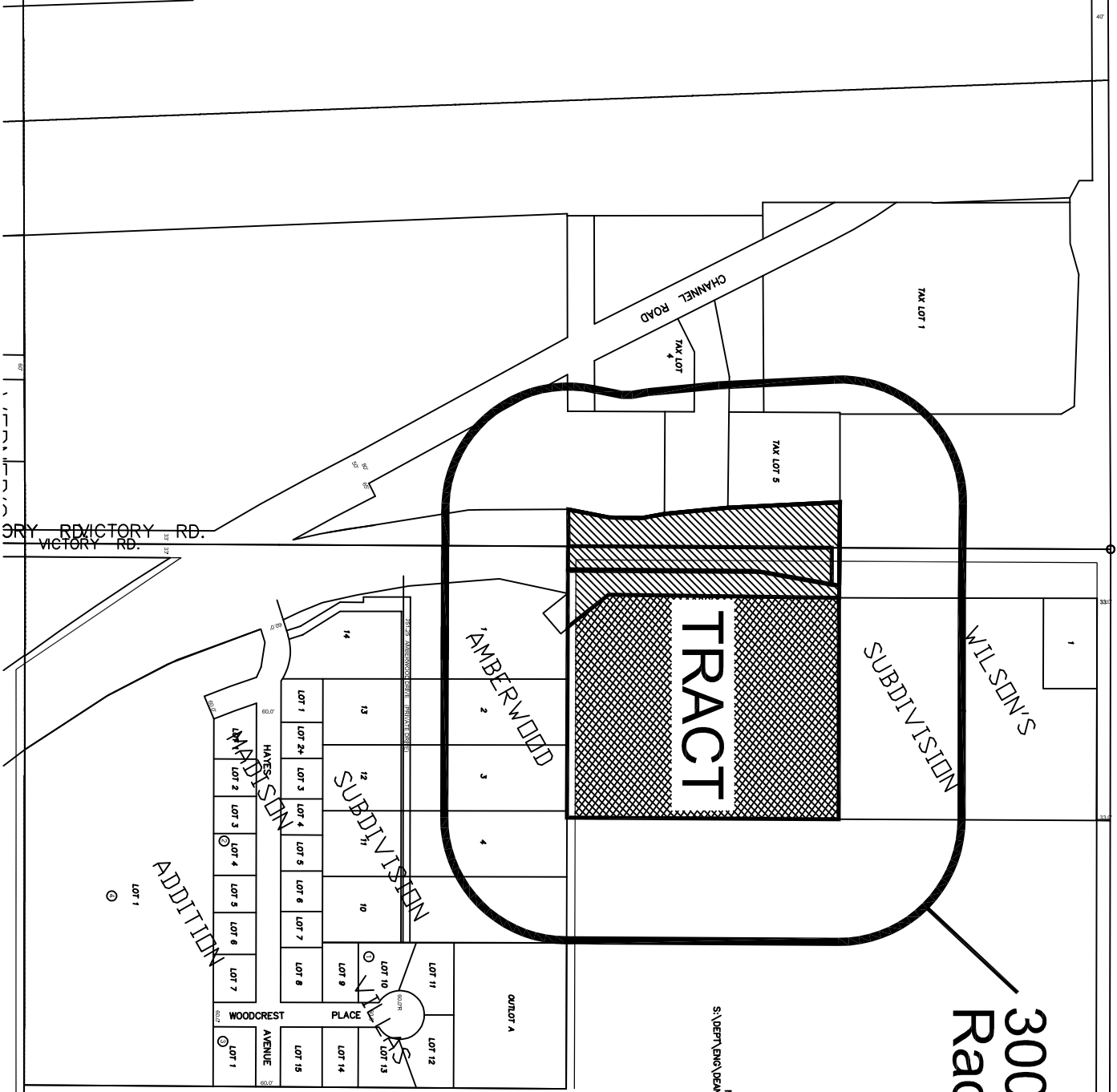
6. What is the general character of the area?

Mixed use currently ag uses east and west. Business North + Munk family South

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

Yes

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



300'
Radius

NOT TO SCALE
S:\DEPT\ENR\DEAN\TRIP\LOT_25m\2410222223.dwg



NORFOLK AVE.

Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, March 7, 2023 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of Valley Drive Properties, LLC, to consider a zoning change from I-1 (Light Industrial District) and C-1 (Local Business District) to I-1 (Light Industrial District) on property generally located 1/8 mile southeast of the E. Norfolk Avenue and S. Victory Road roundabout, legally described as follows:

The Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 24, North, Range 1, West of the 6th P.M., Madison County, Nebraska, less a tract of land deeded to the State of Nebraska, Described as follows: A tract of land located in the Westerly part of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 24, North, Range 1, West of the 6th P.M., Madison County, Nebraska, described as follows: Beginning at the West Quarter Quarter corner of the Northwest Quarter of Section 25; thence Northerly on the West line of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 25 a distance of 664.5 feet to a point on the Northerly property line; thence Easterly 89°42' Right and on said property line a distance of 90.7 feet; thence Southerly 100°10' right a distance of 193.3 feet; thence continuing Southerly 09°42' Left a distance of 474.8 feet to a point on the South line of said Southwest Quarter of the Northwest Quarter of the Northwest Quarter; thence Westerly on said South line a distance of 56.2 feet to the point of beginning, AND LESS that part to the State of Nebraska Department of Roads in Return of Appraisers recorded April 6, 2006 in Book 2006-04 Page 0668 as follows: Referring to the Southwest Corner of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25; thence Easterly along the South line of said Quarter Quarter Section, a distance of 60.00 feet to a point on the Easterly Existing Highway 35 Right of Way and the Point of beginning; thence Northerly along the existing Right of Way, deflecting 89°47'45" left, a distance of 475.08 feet; thence Northerly along the existing Right of Way, deflecting 09°42'26" right, a distance of 190.57 feet to a point on the North line of the property owned by the Condemnee; thence Easterly deflecting 80°05'02" Right, a distance of 30.01 feet along said line; thence Southerly deflecting 90°37'38" Right, a distance of 563.41 feet; thence Southeasterly, deflecting 39°03'56" Left, a distance of 126.94 feet to a point on the South line of the property owned by the Condemnee; thence Westerly deflecting 128°26'37" Right, a distance of 137.31 feet along said line, to the point of beginning.

Publish (February 24, 2023)
1 P.O.P