

Agenda Packet

NORFOLK PLANNING COMMISSION

Tuesday, March 5, 2024
7:30 a.m.

Created 3/1/2024 11:41 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 5, 2024, 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 05, 2024

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 Sarah Wortmann as Planning Commission Secretary. **Motion**
6. Approval of full agenda. **Motion**
7. Consideration of approval of the minutes of the February 21, 2024 Planning Commission meeting. **Motion**
8. Consideration of Resolution No. 2024PC-2 approving 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. **Motion**

PUBLIC HEARINGS

9. Public hearing at the request of Donald Gerdes to consider a zone change from R-R (Rural Residential District) to I-1 (Light Industrial District) on property addressed as 83773 557th Ave.
10. Consideration of recommendation of zoning change from R-R (Rural Residential District) to I-1 (Light Industrial District) on property addressed as 83773 557th Ave. **Motion**

OTHER BUSINESS

11. 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 21st day of February 2024, beginning at 7:30 a.m.

Roll call found the following Commission Members present: Waite, Sock, Franklin, Kube (7:31), Griffith, Mason and Ronnfeldt. Absent: Spray and Bryant

Staff members present were: Valerie Grimes, City Planner; Andy Colvin, City Administrator, Steve Rames, City Engineer, Anna Allen, Assistant City Engineer, Sarah Wortmann, Planning Commission Secretary; and Katelyn Palmer, Permits Technician.

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.

Vice-Chair Waite presided, and the Planning Commission Secretary Sarah Wortmann digitally recorded the audio of the proceedings.

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 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 Ronnfeldt to approve the full agenda.

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

Commissioner Ronnfeldt moved, seconded by Commissioner Franklin, to approve the February 6, 2024, meeting minutes.

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

Conditional Use Permit – Watchman Permit
2001 S. 1st Street | Monroe Storage, LLC

Vice-Chair Waite opened for discussion to consider a request from Monroe Storage, LLC, a Nebraska limited liability company, for a Conditional Use Permit for a Watchman permit on the property addressed as 2001 S. 1st Street, which was postponed from the January 3, 2024, Planning Commission Meeting.

Val Grimes, City Planner, stated a building permit has not been issued. Grimes explained at the next meeting new commission members will be voted in and anything on the table will automatically die. Grimes stated it can be voted on today.

Commissioner Ronnfeldt moved, seconded by Commissioner Sock to have City Staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for a watchman's permit on property addressed as 2001 S. 1st Street.

Roll Call: Commission Members: Ayes: Sock. Nays: Waite, Franklin, Kube, Griffith, Mason and Ronnfeldt. Absent: Spray and Bryant. Motion Failed (1-6)

Public Hearings

Public Hearing

Zoning Change – I-1 to C-2
714 W. Norfolk Ave. | Par.Lor & Libations LLC

Vice-Chair Waite opened the public hearing at 7:34 a.m. to consider a request from Par.Lor Libations LLC., for a zoning change from I-1 (Light Industrial District) to C-2 (Central Business District) on property addressed as 714 W. Norfolk Ave.

Chris Daniels, Huff Construction, stated the owner wants to do a mixed development with studio apartments and retail but everything is still in the planning stages.

Grimes explained the applicant wants to develop retail on the first floor and residential above. She stated this lot would need to be C-2 zoned for that use to be outright permitted; there is no parking on the lot and C-2 is the only zoning district that does not require off-street parking.

No one else spoke in favor or opposition of the request and Vice-Chair Waite closed the public hearing at 7:36 a.m.

Commissioner Ronnfeldt moved, seconded by Commissioner Mason, to recommend approval of a zoning change from I-1 to C-2 on property addressed as 714 W. Norfolk Ave.

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

Public Hearing

Zoning Change – A to I-1
2200 S. Victory Road | BAS Holding, LLC.

Vice-Chair Waite opened the public hearing at 7:37 a.m. to consider a request from BAS Holding, LLC. for a zoning change from A (Agricultural District) to I-1 (Light Industrial District) on property addressed as 2200 S. Victory Rd.

Grimes explained the company requesting this zone change are the same people requesting the Conditional Use Permit in the next item. These lots are recommended to be industrially zoned according to the comprehensive plan.

Tracy Thompson, Midwest Coatings, stated they purchased the asphalt plant from Grimes Asphalt and are currently leasing the lot from Kenny Porter. He stated their intent is to keep the plant where it is currently. They had the opportunity to purchase a piece of land to the east which will tie the properties together to have one-way traffic from Monroe Ave. to Victory Road and will build an office and a shop in the future.

Carolyn Brown, 2110 S. Victory Road, spoke in opposition, stating she did not want any buildings closer to her residence.

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

Commissioner Ronnfeldt moved, seconded by Commissioner Franklin, to recommend approval of a zoning change from A to I-1 on property addressed as 2200 S. Victory Rd.

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

Public Hearing

Conditional Use Permit
¼ Mile West of South Victory Rd. on East Monroe Ave. | Midwest Coatings Company, Inc.

Vice-Chair Waite opened the public hearing at 7:46 a.m. to consider a request from Midwest Coatings Company, Inc., an Iowa Corporation, for 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.

Commissioner Griffith asked if there was current access from Victory Road to the property. Thompson confirmed there is only a field entrance. Griffith stated he would like to see the access far away from the residence on the north side because of the dust. Thompson stated he is planning to develop the access road on the south side, but Black Hills Energy has a gas line on the south side also that would need to be considered. Grimes stated these properties are in the floodplain and a floodplain development permit would need to be obtained before any new construction or road work started.

No one else spoke in favor or opposition of the request and Vice-Chair Waite closed the public hearing at 7:55 a.m.

Commissioner Ronnfeldt 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 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: Waite, Sock, Franklin, Kube, Griffith, Mason and Ronnfeldt.
Nays: None. Absent: Spray and Bryant (7-0)

Public Hearing
Highway Corridor Overlay District Waiver
2409 N. 13th St. | Flatrock Group

Vice-Chair Waite opened the public hearing at 7:59 a.m. to consider a request from Flatrock Group to consider a waiver for the Highway Corridor Overlay District at property addressed as 2409 N. 13th St.

Grimes explained the two sections of the Highway Corridor Overlay District; building and landscaping and explained the four hardships and findings of facts needed to provide a waiver of the code requirements.

Chris Daniels, Huff Construction, explained they are in the process of redeveloping the old CTC building and want to spend the money where it makes sense. He stated they are compliant with the highway corridor overlay requirements. Flatrock Group is asking for the waiver to run wainscot with a different color on new metal panels versus stone or brick, which will not be seen by public and won't add value to the property. Huff spoke about the hardships and findings of facts, stating: cost of materials will not make an impact on the city; the hardship is not shared by other properties in same zoning district; the authorization of such waiver will not be substantially detrimental to adjacent property; and unsure if granting of the waiver is based upon reason demonstrable and exceptional hardships is distinguished of variations for convenience or profit.

Ronnfeldt questioned if the fence is for security. Huff explained the fence is a requirement by the Highway Corridor, the east face will have montage fencing, not chain link and the remainder will be vinyl coated chainlink.

Griffith questioned if they are asking for use of an alternative material to use the metal material on the north side, and if wainscotting will be installed on the west side. Huff answered wainscot will still be installed for the aesthetic feature but will be hidden by landscaping and fencing. There will be no wainscotting on the west side, and the east side will get 30% high end material due to the store front having glass and stucco finish.

Kube asked the price difference. Huff, answered tens of thousands of dollars, depending on what material is used but will use material that will be durable and will last.

Bill Robinson, Flatrock Group, explained the tenant company has a branding standard and is the reason for the request of the waiver. Robinson stated the overlay, landscaping and fencing requirements are going to be met, except for the preferred material requirement which will be black no matter what.

Vice-Chair Waite verified that for this item to move forward, the hardship questions need to be answered and supported in facts, and that those requirements are difficult. Griffith stated, especially when one of their justifications for not using the required material is cost, which reflects to item #4, for profit. Waite agreed that it seems that is the focus of why they don't want to do it. He also stated that he understands the economic piece of it, and that they are reviving the property, but should have known the outcomes of what was expected going into the Highway Corridor Overlay. Grimes assumed yes, since this is the same group that is doing the CAT Dealership on Highway 275. Huff responded that the code says frontage, that is why the plans didn't comply initially, because they assumed frontage means the side of the building that faces the road.

Kube agreed the project is modern with a good aesthetic. She stated when it comes to the costs, we could say the materials will cost more for all projects along the corridor. This would set precedent if we were to approve this versus saving costs, then we would have to do it for other projects moving forward.

Doug Burkink, Davis Design, stated his company has been involved in the development and the materials being chosen.

No one else spoke in favor or opposition of the request and Vice-Chair Waite closed the public hearing at 8:23 a.m.

Waite stated he understands the financial aspects of supporting the economic growth of Norfolk. This project will give a face lift to the northern entrance of the city which it deserves and needs. It comes down to the questions we must answer to approve the waiver.

Kube questioned if the materials produce an undo hardship.

Commissioner Ronnfeldt moved, seconded by Commissioner Kube, to recommend a waiver for the Highway Corridor Overlay District at 2409 N. 13th St.

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

Other Business

City Planner Grimes presented the January 2024 Building Permit Report.

There was no other discussion and Vice-Chair Waite declared the meeting adjourned at 8:35 a.m.

Sarah Wortmann, 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. 2024PC-2

WHEREAS, Midwest Coatings Company, Inc., 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

Lot 2, Chaffin's Addition, Madison County, Nebraska

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 21, 2024 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 Midwest Coatings Company, Inc. 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 ten (10) years;
2. Operations shall be limited to the southeast quarter of the property legally described above;

3. Access to the property and operations will be through the proposed ingress/egress drive from S. Victory Rd., located in the Southern quarter of the parcel addressed as 2200 S. Victory Rd. and through use of the existing ingress/egress drive from Monroe Ave. Both ingress/egress drives shall be hard surfaced 100' from the edge of pavement of Monroe Ave. and S. Victory Rd. with the remaining drives 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 including obtaining any floodplain development permits prior to development which includes but not limited to: grading, filling, building, etc. and any other applicable City, County, State, or Federal regulations that may apply.

PASSED AND APPROVED this 5th day of March, 2024.

ATTEST:

 Planning Commission Chair

 Sarah Wortmann
 Planning Commission Secretary

Approved as to form: _____
 City Attorney

The foregoing instrument was acknowledged before me this ____ day of _____, 2024 by

_____, Planning Commission Chair and Sarah Wortmann, Planning Commission Secretary of the City of Norfolk.

 Notary Public Signature

 Notary Public Printed

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

ZONING CHANGE APPLICATION

Applicant: Donald Gerdes 83773 557th Ave., Norfolk
 Name Address
402-360-0102 bluegt65@gmail.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: R-R **Proposed Zoning:** I-1

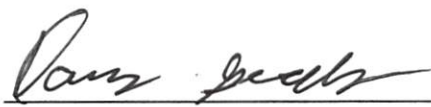
Location of Property: part of N 1/2 SE 1/4 of 14-23N-1W

Legal Description: See Attached Legal Description

Property Area, Square feet and/or Acres: 10.006 Acres

Use of Adjoining Properties:

North: Resident & AG East: AG South: Junkyard & AG West: AG



 Signature of Owner
Donald G. Gerdes

 Printed Name of Owner

OR

 Authorized Agent

 Printed Name of Authorized Agent

**ZONING CHANGE
JUSTIFICATION FORM**

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

The Comprehensive Plan does not include this property, but it shows Agricultural to the North.

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?

We are requesting this zoning change so the property owner can expand his business.

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

The property is surrounded by residents and agricultural.

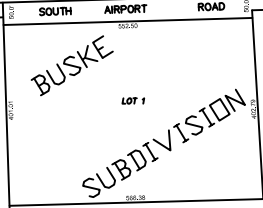
6. What is the general character of the area?

There are residents to the North, to the South is a junkyard and to the East & West is agricultural.

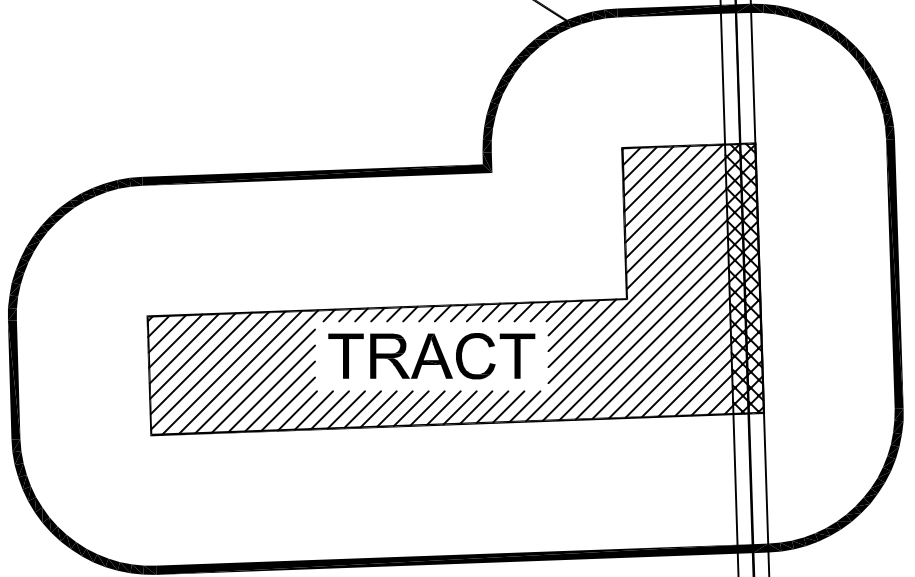
7. Is adequate sewer and water available? How do you propose to provide adequate public utilities?

The property has existing well and septic.

S. AIRPORT RD.



300'
BOUNDARY



NOT TO SCALE
S:\DEPT\ENG\DEAN\FIREPLOT\14NE23102-05-24.DWG

SEC.
14

VICTORY RD.

Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, March 5, 2024 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska at the request of Donald Gerdes, to consider a zoning change from R-R (Rural Residential District) to I-1 (Light Industrial District) on the property addressed as 83773 557th Ave. legally described as follows:

A tract of land lying wholly in the North ½ of the Southeast ¼ of the Northeast ¼ of Section 14, Township 23 North, Range 1 West of the 6th P.M., Madison County, Nebraska, more particularly described as follows: Commencing at the East 1/16th corner of the Northeast ¼ of said Section 14; thence South, on section line, on an assumed bearing of S 01°46'09" E a distance of 60.00 feet to the point of beginning; thence continuing S 01°46'09" E, on section line, a distance of 597.49 feet to the Southeast corner of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 14; thence S 87°55'36" W, on the South line of said North ½ of the Southeast ¼ of the Northeast ¼ of Section 14, a distance of 1324.86 feet to the Southwest corner of said North ½ of the Southeast ¼ of the Northeast ¼ of Section 14; thence N 01°48'12" W, on the West line of said North ½ of the Southeast ¼ of the Northeast ¼ of Section 14, a distance of 263.03 feet; thence N 87°55'36" E, parallel to said South line of the North ½ of the Southeast ¼ of the Northeast ¼ of Section 14, a distance of 1063.88 feet; thence N 01°46'09" W, parallel to section line, a distance of 334.63 feet; thence N 87°57'48" E, parallel to the North line of said North ½ of the Southeast ¼ of the Northeast ¼ of Section 14, a distance of 261.13 feet to the point of beginning and containing 10.006 acres more or less.

Publish (February 23, 2024)
1 P.O.P.