

City of Norfolk

PLANNING COMMISSION 701 KOENIGSTEIN AVENUE

402 844-2050
402-644-8748 FAX

The Planning Commission Chair 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.

REGULAR MEETING
Planning Commission-Council Chambers
July 3, 2012

The Norfolk Planning Commission of the City of Norfolk conducted a public meeting in the City Council Chambers, 309 Madison Avenue, on the 3rd day of July, 2012.

Faythe Petersen welcomed the audience and stated that both Chair Snodgrass and Co-Chair Lundy were absent and a chair pro tem would have to be nominated. Commissioner Beckman nominated Ohl and Adams seconded. There were no other nominations

Chair Pro Tem Ohl called the meeting to order at 7:30 a.m. The following members answered roll call: Davis, Beckman, Adams, Boyer, Milander and Murren.

Staff Present: Trent Howard and Faythe Petersen.

Chair ProTem Ohl announced that the applicants for items 9 and 11 requested them to be removed. Commissioner Beckman moved and Murren seconded to approve the amended July 3, 2012 agenda.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

Milander moved and Davis seconded to approve the June 19, 2012 minutes.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

CURRENT BUSINESS

Discussion and action on the request of W. Theisen Grading & Equipment for a Conditional Use Permit for soil extraction east of Victory Road on Eisenhower Avenue. (Public hearing held June 19, 2012)

Chair Pro Tem Ohl read the conditions into the record. There was no other discussion.

Commissioner Milander moved and Beckman seconded to approve the Conditional Use Permit for soil extraction for W. Theisen Grading & Equipment.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

Discussion and action on the request of Scrap Mart, LLC for a Conditional Use Permit for a scrap metal processing facility east of Victory Road on Eisenhower Avenue. (Public hearing held June 19, 2012)

Chair Pro Tem Ohl read the conditions into the record. There was no other discussion.

Commissioner Murren moved and Davis seconded to approve a Conditional Use Permit for a scrap metal processing facility for Scrap Mart, LLC.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

Discussion and action on the request to rescind Conditional Use Permit 2011-PC, permitting storage of broken concrete, asphalt and brick east of Victory Road and Eisenhower Avenue. The resolution was approved May 17, 2011 and granted to W. Theisen Grading and Equipment. The commissioners questioned this rescission. Howard explained that the original Conditional Use Permit was issued when the land was zoned A and required a CUP. The land has been re-zoned and the new I-2 zoning permits storage outright.

Commissioner Murren moved and Beckman seconded to rescind CUP 2011 PC.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

Discussion and action on the final plan of the Amendment to Amended Warren Planned Development. (Hearing held May 22, 2012)

Commissioner Davis questioned if the drainage issues discussed at the hearing have been addressed. Karen Larsen, JEO, said they had surveyed the land and determined that the drainage was from west to east. There seems to be a problem with the drainage in the roadside ditch. She felt that was a county problem.

Dennis Smith questioned if the Warrens brought in fill and were mowing a portion of the neighbor's property. Warren said that was true but the neighbor was using some of his land to the west. He felt they could address the drainage problem successfully in order to present it to the city council on July 16, 2012.

Commissioner Murren moved and Adams seconded to recommend approval of the Amendment to the Amended Warren Planned Development contingent on satisfying the drainage issues.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

PUBLIC HEARINGS

Public hearing at the request of Alter Trading Corporation for a Conditional Use Permit for a salvage yard with a shredder at 500 Washington Avenue.

The hearing was opened at 7:58. Chair Pro Tem Ohl asked those in attendance to address the proposed Conditional Use Permit rather than revert to already discussed concerns. He asked Howard to explain the necessity for the second hearing and Trent said it was due to the lack of a site plan being submitted with the original application.

He asked for anyone in favor of the permit to speak.

Mark Fitzgerald, representing Alter, introduced the representatives from the company that was in attendance. He presented a new copy of the permit and stated that the shredder could have been placed without a Conditional Use Permit. He discussed some of the changes he made to the city's draft. The permit did not change any of the conditions but some references to the company and the references to a salvage yard.

Jay Robinovitz discussed the reasoning for their request to operate from 6:00 a.m. until 10:00 p.m. He stated that they were satisfied with all the conditions as presented.

Brad Tunink suggested they complete maintenance at night rather than morning.

Others speaking in favor were Courtney Klein-Faust, who read a letter of support from the president of Norfolk Iron and Metal, and Dennis Houston, chair of the Norfolk Area Chamber of Commerce.

Ohl then asked for anyone in opposition to speak.

Jason Doebe, representing the opposition, re-iterated the concerns expressed in his letter of May 18, 2012. He voiced his desire to know what the city has done to address fire protection and response, hazardous materials, toxic dust, water retention pond, runoff, maximum decibel levels. He also questioned traffic, road improvement, and fencing. He also questioned what the protocol is if the permit is not followed.

It was explained that concerns should be directed to Trent. If any offense is found to have been made, the planning commission can review the permit and uphold, deny or amend it.

The hearing was closed at 8:58 a.m.

Ohl announced that it would take a vote of 5 in favor of the permit for it to be approved.

There was discussion about the proposed changes that Alter was asking for. City Attorney Clint Schukei explained that the Resolution granting the permit in the agenda packet contained "whereas" paragraphs that are basically road maps that address part of the history of the property and how it is that we got to where we are today. It was discussed that, despite the inclusion of the "whereas" paragraphs in the Resolution granting the Conditional Use Permit, it does not mean that Alter is agreeing to those statements.

Commissioner Milander moved and Beckman seconded to approve the change on the

Conditional Use Permit to spell out the word Auto Shredder Residue to replace ASR in the permit.

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

Commissioner Murren moved and Davis seconded to approve the Conditional Use Permit for a salvage yard with a shredder at 500 Washington Avenue to Alter Trading Corporation

AYE: Davis, Beckman, Adams, Ohl, Milander, Boyer and Murren

NAY: ABSENT: Lundy, Snodgrass Motion carried.

OTHER BUSINESS

There was no other business and Beckman made the motion and Davis seconded to adjourn. All commissioners present voting in the affirmative.

Adjourned at 9:34 a.m.

Faythe Petersen, Secretary/Norfolk Planning Commission