

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 6th day of December, 2016, beginning at 7:30 a.m.

The Planning Commission Chairman, Brian Lundy, 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.

Chairman Lundy presided and the Planning Commission Secretary Stacey Hansen digitally recorded the audio and video of the proceedings.

Roll call found the following Commission Members present: Barb Marsh, Sue Beckman, Brian Lundy, Maynard Ohl, Martin Griffith, Merlin Milander and Bill Fisher. Absent: Frank Arens and Dan Spray.

A quorum was declared by the Secretary.

Staff members present were: City Planner Val Grimes, City Engineer John Heine, City Attorney Clint Schukei, City Administrator Shane Weidner, Public Works Director Dennis Smith, Risk Manager Lyle Lutt, Susan Hansen and Brianna Duerst.

Current Business

Commissioner Beckman moved, seconded by Commissioner Marsh to approve the full agenda.

Roll Call: Commission Members: Ayes: Marsh, Beckman, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Arens and Spray. Motion carried (7-0).

Commissioner Marsh moved, seconded by Commissioner Ohl to approve the November 22, 2016 meeting minutes.

Roll Call: Commission Members: Ayes: Marsh, Beckman, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Arens and Spray. Motion carried (7-0).

Public Hearings and Related Items

Public Hearing

(Amend Comprehensive Plan from Single Family Residential to Mixed Use
& Zoning Change Request from R-1 to R-O)
(Conditional Use Permit Request – Travel Tax, LLC Accounting Office)
(1615 Koenigstein Avenue, Joseph C. Smith & Daina A. Smith)

The Public Hearing was opened at 7:33 a.m. for the amendment to the comprehensive plan, zoning change request, and conditional use permit.

Jason Lamkli, Attorney, represented the Applicant, and spoke to the request and location of the property. Mr. Lamkli submitted two letters from neighbors, in support of the zoning change and conditional use permit, to Chairman Lundy. Mr. Lamkli informed the Commissioners that Travel Tax, LLC, is an internet based accounting service and does not require frontage, signage, or traffic counts. The business employs three people in addition to the applicant.

Joseph A. Smith, Applicant, spoke to the nature of his business as an internet accounting service for mobile professionals who travel and work nationwide as well as for international companies. There are currently no plans for expansion, need for signage or advertising other than internet based. Mr. Smith confirmed in response to a question by Chairman Lundy that the accounting business has been active at the 1615 Koenigstein Avenue location for three years. Prior to acquiring the property for use as an office, he had been running his business out of his home since 2003.

Vlastimil Bazant, neighbor, spoke in favor of the zoning change request and property use as an office.

Scott Nixon, 1609 Koenigstein, spoke in favor of the zoning change request and property use as an office.

Pat Carney, Attorney, represented neighbors in opposition to zoning change. He spoke to whether it was appropriate to put upon neighboring property owners the risk of potential devaluation that changing the zoning at that location may cause.

John Sehi, 1621 Koenigstein, spoke in opposition of the zoning change request.

He shared the following points regarding the request:

- The neighborhood is well established with upper end homes
- How the zoning change would affect property values
- Business traffic in relation to children playing in the neighborhood
- 1600 block of Koenigstein is not an arterial street
- The right to signage is given once the property zoning is changed

Chairman Lundy recognized two letters received opposing the zoning change as well as a written notice of opposition with a collection of signatures of property owners within the 300' map.

No one else appeared either in favor of or in opposition to the requests. Chairman Lundy closed the hearing at 8:19 a.m.

Discussion among the Commissioners included:

- Review of R-O as defined in City Code
- Percentage of property owners opposed will require a super majority by the City Council to approve the request
- Unknown effect on property values
- Consideration of the continuity of zoning
- Protecting the rights of existing property owners
- Future use once zoning is changed

Commissioner Beckman moved, seconded by Commissioner Milander to deny the motion to recommend approval of the amendment to the Norfolk Comprehensive Plan from Single Family Residential to Mixed Use on the property addressed as 1615 Koenigstein Avenue.

Roll Call: Commission Members: Ayes: Marsh, Beckman, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Arens and Spray. Motion carried (7-0).

Commissioner Beckman moved, seconded by Commissioner Fisher to deny the motion to recommend approval of the zoning change from R-1 (Single Family Residential District) to R-O (Limited Residential Office District) on property addressed as 1615 Koenigstein Avenue.

Roll Call: Commission Members: Ayes: Marsh, Beckman, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Arens and Spray. Motion carried (7-0).

Commissioner Beckman moved, seconded by Commissioner Fisher to table the consideration of a Conditional Use Permit for operation of an accounting office on property addressed as 1615 Koenigstein at the request of Travel Tax, LLC.

Roll Call: Commission Members: Ayes: Marsh, Beckman, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Arens and Spray. Motion carried (7-0).

Public Hearing

(Amend Sections 27-2, 27-9, 27-72, 27-76, 27-81, 27-83, 27-92, 27-102, 27-112, 27-122, 27-132, 27-282, and 27-331 to remove the definition of “church” and replace it (along with any references thereto) with “religious assembly”; remove Section 27-8 requiring that zoning districts conform to the comprehensive plan; and amend Section 27-401 (Land Use Matrix) to resolve conflicts in the matrix.)

City Planner Valerie Grimes introduced and explained the proposed changes to the City Code:

1. Removing and replacing the definition of “church” with the more descriptive and inclusive term “religious assembly”.
2. Amend Section 27-8 to remove the need for the zone changes to conform to the Comprehensive Plan.
3. Reconciles the sections of code that refer to “church” and change to “religious assembly”.
4. Removes conflicts in the Land Use Matrix, listings that were inconsistent with each other.

Lee Weander, Norfolk, asked the question about the Conditional Use Permit process for a daycare in I-1. City Attorney Schukei explained the process.

Paul Medelman, Norfolk, stated he thought daycare should remain a “permitted” use for a church.

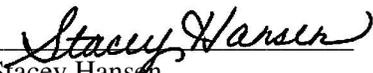
No one else appeared either in favor of or in opposition to the requests. Chairman Lundy closed the hearing at 8:49 a.m.

Commissioner Beckman moved, seconded by Commissioner Marsh to recommend to approval of the following amendments: amend Sections 27-2, 27-9, 27-72, 27-76, 27-81, 27-83, 27-92, 27-102, 27-112, 27-122, 27-

132, 27-282, and 27-331 to remove the definition of “church” and replace it (along with any references thereto) with “religious assembly”; remove Section 27-8 requiring that zoning districts conform to the comprehensive plan; and amend Section 27-401 (Land Use Matrix) to resolve conflicts in the matrix.

Roll Call: Commission Members: Ayes: Marsh, Beckman, Lundy, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Arens and Spray. Motion carried (7-0).

There was no other discussion and Chairman Lundy declared the meeting adjourned at 8:51 a.m.


Stacey Hansen
Norfolk Planning Commission Secretary

Brian Lundy
Norfolk Planning Commission Chair