

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, 2017, beginning at 7:30 a.m.

The Planning Commission Chair, 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.

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

Staff members present were: City Planner Val Grimes, Public Works Director Dennis Smith, City Attorney Clint Schukei, City Engineer John Heine, Economic Development Director Andrew Colvin, Risk Manager Lyle Lutt, and Brianna Duerst.

Chair Brian Lundy presided and the Planning Commission Secretary Stacey Hansen digitally recorded the audio of the proceedings.

Current Business

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

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher. Nays: None. Absent: Ohl. Motion carried (8-0).

Commissioner Spray moved, seconded by Commissioner Beckman to approve the February 7, 2017 meeting minutes.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher. Nays: None. Absent: Ohl. Motion carried (8-0).

Resolution No. 2017PC-2

Conditional Use Permit to operate a Concrete Ready Mix Facility
2001 East Eisenhower Avenue, Big Rock Ready Mix, LLC

Chair Lundy read into record the conditions of the Conditional Use Permit.

Commissioner Beckman moved, seconded by Commissioner Arens to approve Resolution No. 2017PC-2 allowing the operation of a concrete ready mix facility at 2001 East Eisenhower Avenue.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher. Nays: None. Absent: Ohl. Motion carried (8-0).

Delay Bank Redevelopment Plan

Economic Development Director Andrew Colvin introduced the Delay Bank Redevelopment Plan.

Russ Wilcox, Project Representative & Owner, discussed the timeframe of the project, proposed improvements, and the estimated cost of those improvements. Key topics discussed:

- Timeframe: Plan is to have the exterior and one indoor bay completed by summer 2017. Apartment construction to begin spring 2017.
- Layout: The main floor will consist of retail and office space. The second floor will contain eight apartments.
- Parking: Working with the Vehicle Parking District.
- Projected Costs: A large amount of the estimated budget is for infrastructure improvements for the residential area, including a sprinkler system, a new water line, and overall upgrades to convert the second floor to apartments.

Commissioner Spray moved, seconded by Commissioner Beckman to recommend approval of the Delay Bank Redevelopment Plan.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher. Nays: None. Absent: Ohl. Motion carried (8-0).

Public Hearings and Related Items

Public Hearing

Zoning Change Request from A (Agricultural District) to I-2 (Heavy Industrial District)
2911 East Nucor Road, Nucor Steel

Chari Lundy opened the Public Hearing at 7:42 a.m. to consider a zoning change from A (Agricultural District) to I-2 (Heavy Industrial District) on 2 parcels of property owned by Nucor Steel.

Kurt Bogner, Representative of Nucor Steel, presented the zoning change request and explained the purpose of making the properties consistent with the rest of their property as Industrial owners.

Commissioner Beckman stated she had a neighboring property owner contact her by telephone on February 21, 2017 with some questions regarding the zone change, but that the call was not positive or negative in nature.

Marlin Winter, neighboring property owner, raised the question of the impact the zone change would have on his taxes in the future. City Administrator Shane Weidner explained that the request only changes the zoning of the land requested, that Mr. Winter's land will remain zoned Agricultural.

No one else spoke in favor or opposition of the request and Chair Lundy closed the Public Hearing at 7:46 a.m.

Commissioner Milander moved, seconded by Commissioner Griffith to approve the zone change from A (Agricultural District) to I-2 (Heavy Industrial District).

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher.
Nays: None. Absent: Ohl. Motion carried (8-0).

Plats / Subdivisions

Skyler Subdivision Final Plat

City Engineer John Heine stated that he had no comments and everything appeared acceptable on the Final Plat.

Commissioner Beckman moved, seconded by Commissioner Milander to recommend approval of the Final Plat of Skyler Subdivision.

Roll Call: Commission Members: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher. Nays: None. Absent: Ohl. Motion carried (8-0).

Bolz Subdivision – Preliminary Plat

City Engineer John Heine presented the Preliminary Plat showing the two phases of the proposed project. The current issue of flooding within Sunrise Acres was discussed. Mr. Heine stated they are working with the developers to relieve any storm water and flooding concerns.

Commissioner Beckman moved, seconded by Commissioner Griffith to approve the Preliminary Plat of Bolz Subdivision.

Roll Call: Commission Members: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Griffith, Milander and Fisher. Nays: None. Absent: Ohl. Motion carried (8-0).

Majestic Lake Addition – Preliminary Plat

Richard Johnson, representing the project developers, presented the Preliminary Plat and submitted a layout with detailed measurements of the area of 37th Street and property owned by JMHS LLC, which had been discussed at the January 4, 2017 Planning Commission Meeting as a possible access point to Majestic Lake Estates. Mr. Johnson discussed the details of the plat which consists of 31 three acre lots.

Access to the development was discussed. It was noted that placing a road in front of the JMHS building would result in a non-conforming use as the required setback is 50 feet. The building owned by JMHS, while in an Agricultural District, is under a Planned Development Overlay, which if amended could allow some relief of the setback requirements.

Chris Merkel and Eric Van Driel, developers of Majestic Lake Estates, discussed their attempts to gain access from 37th Street.

1. Made three offers to the landowners to the north to gain some more ground to build a road, but never received a counteroffer.
2. Looked into the possibility of moving the JMHS building back to provide enough room for a road. Costs to do so exceeded \$170,000, which would be detrimental to the business.

3. Made an attempt to provide some financial assistance for a private road west end of Vulcraft, but are still waiting on a response.

Public Works Director Dennis Smith noted the following concerns, followed by discussion:

- Sewer and water. The community has invested heavily in providing water and sewer services to this area and those services would be available to the proposed development. City code highly encourages connection to services if available. Mr. Johnson referenced the zoning application that stated the project was proposed to be serviced by individual well & septic.
- Street surrounding the lake. Plat shows 40 feet, City Code requires 60 feet of right of way for public streets. Good planning principles require that private streets should be setup so they can be converted to public streets in the future without requiring the then current elected officials to overlook code requirements. Further it is more likely the residents will want hard surfacing in the future before utilities, therefore consideration should be given to requiring greater than the minimum required width to allow easier installation of utilities in the future. Widening of the street would have an effect on lot sizes. Mr. Johnson feels the 40-foot-wide road is sufficient, but would agree that a 20 foot easement would provide room for utilities to be placed in the future.
- Street name on north end of property should be Monroe Avenue. Mr. Johnson concurs.
- Gas line easement not shown on the plat.

Further discussion involved options to be considered to gain the width to put a 60 foot wide access road from 37th Street. Dennis Smith explained that it has been past practice when streets are adjacent to property lines, that a portion of the streets come from each of the adjoining properties, therefore it would be reasonable that as an initial solution 40 feet of property would be provided by owners on the south and the additional feet would be provided by the owners on the north as they develop the property. Any road improvements would be offset to the north.

Discussion was also had to clarify the motion made at the January 4, 2017 Planning Commission Meeting.

Tim Brogan, attorney representing the developers, stated he would not advise his clients to pursue the options of putting themselves out of compliance or in an unmarketable position. He also stated, on behalf of his clients, opposing the option to pursue adverse possession. Mr. Brogan stated he would be open to looking into the option of amending the current Planned Development.

Commissioner Spray moved, seconded by Commissioner Beckman to approve the Preliminary Plat as it stands.

Chair Lundy expressed his desire for further conversation before making a decision. City Administrator Shane Weidner also expressed his desire for better clarity on what options are feasible. Mr. Weidner offered the opportunity to hold a separate Subcommittee meeting with both proponents and opponents of the project.

Commissioner Milander moved, seconded by Commissioner Fisher to table the preliminary plat.

Roll Call: Commission Members: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Griffith, Milander and Fisher. Nays: Spray. Absent: Ohl. Motion carried (7-1).

Direction was given to staff to put together a meeting with all interested parties to include Planning Commission subcommittee and City Council subcommittee members to continue the discussion of the Majestic Lake Addition at the earliest convenience.

City Planner Valerie Grimes presented the January 2017 Building Permit Report.

There was no other discussion and Chair Lundy declared the meeting adjourned at 9:14 a.m.



Stacey Hansen, Norfolk Planning Commission Secretary

Brian Lundy, Norfolk Planning Commission Chair