

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 4th day of January, 2017, beginning at 7:33 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, Maynard Ohl, Martin Griffith, Merlin Milander and Bill Fisher. Absent: None.

Staff members present were: City Planner Val Grimes, Public Works Director Dennis Smith, Emergency Manager Trent Howard, City Engineer John Heine, City Attorney Clint Schukei, Risk Manager Lyle Lutt, Economic Development Director Andrew Colvin, 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, Ohl, Griffith, Milander and Fisher. Nays: None. Absent: Motion carried (9-0).

Commissioner Ohl moved, seconded by Commissioner Milander to approve the December 20, 2016 meeting minutes.

Roll Call: Commission Members: Ayes: Lundy, Arens, Marsh, Beckman, Spray, Ohl, Griffith, Milander, and Fisher. Nays: None. Absent: None. Motion carried (9-0).

Prior to the opening of the public hearing, Brian Lundy, Planning Commission Chair, provided a statement of full disclosure informing the public that he met with the applicants on December 23, 2016 and discussed the proposed project. He stressed the most important job of the planning commission is to remain fair and impartial and added that the purpose of holding the public hearing is for the Commissioners to receive all the facts, evidence and opinions of the applicants and community members. Chair Lundy concluded by asking City Attorney Clint Schukei for any further comments. Mr. Schukei stated that he did not believe the ex parte conversations created a conflict of interest; however, encouragement for a project should happen at a public hearing for all commission members and the public to hear.

Public Hearing

Public Hearing

(Zone Change - A (Agricultural District) to S-R (Suburban Residential District))
(½ Mile south from the intersection of Omaha Ave and S. 25th St, Gerhold, Inc.)

The public hearing was opened at 7:39 a.m. to consider a zone change from A (Agricultural District) to S-R (Suburban Residential District) on property generally located ½ mile south from the intersection of Omaha Avenue and South 25th Street.

Val Grimes, Norfolk City Planner, shared a map of the area showing the current general zoning, and referenced the 2016 Comprehensive Plan draft showing the proposed area as Elkhorn River Corridor. Primary uses for this designation are open space and/or parks development with secondary use being large lot residential with special attention being paid to the possibility of flooding within the area.

Trent Howard, Emergency Manager, noted the impact that the 2010 flood had on this area, in both floodplain and non-floodplain areas. The biggest concern was erosion, specifically around the NuStar pipeline, which is in close proximity to the proposed development area. It is important that anyone wanting to build in or near a floodplain fringe be aware of the potential risk. He did note that overall the 2005 floodplain map was accurate, and Dennis Smith, Public Works Director concurred with this. Mr. Howard also shared pictures and video of the 2010 flood showing the impact to Majestic Lake and the 2 surrounding lakes.

Stuart Gerhold, applicant, representing Gerhold, Inc., presented a brief history of the property and the Gerhold, Inc, business. He expressed his desire for the rezone because of the potential that the land has to be an asset to the city as the quarry was discontinued approximately 10 years ago; it is ready for residential development.

Charlie Fike, attorney representing Gerhold, Inc., brought attention to the work and investments made by the Gerholds and city officials into revising the 2005 FEMA maps and calculations.

Eric VanDriel and Chris Merkel, representing Majestic Lake Estates, spoke in favor of the request and presented the idea for development and desired plat layout. Pointed out the high demand for available acreages in the Norfolk area. Responses to Commission questions:

- Development would consist of approximately 30 three to four acre lots.
- Current utilities would include Elkhorn Power and separate wells and septic.
- Access would be made from an easement, provided by abutting Gerhold, Inc. property, to 25th Street. Purpose of the easement is to reduce costs.
- Association would maintain the easement and roads throughout the development.
- Attempts to acquire access from 37th Street have failed.

Arnie Robinson, representing Norfolk Iron and Metal, spoke in favor with the following arguments:

- Recent Housing Study for Norfolk shows a housing shortage at all levels. Employment recruiting for NIM has been made difficult due to the current housing shortage.
- This housing development project does not require TIF financing. New development of nice 3-4 acre lots could raise the property tax base in Norfolk.
- There is limited risk to the city. The developers are taking the risk on themselves.

Jake Clausen, spoke in favor:

- Has been a member of the housing task force for several years.
- Larger residential housing of this type is a frequent request when recruiting physicians to the Norfolk area. Current housing situation will prove difficult for future physician recruitment.

Dick Johnson, on behalf of the developers and Gerhold, Inc., spoke in favor:

- Brought attention to the currently revised Section 27-8 of the city code, stating the zoning must consider the Comprehensive Plan, which designates this area as Elkhorn River Corridor. Mr. Johnson directed commissioners to pages 63 and 74 of the Comprehensive Plan, in particular the definition and appropriate uses of Conservation Residential Development.
- Discussed the access to 25th Street.
- Discussed flood stages of Norfolk. Using statistics from the 2010 flood, Mr. Johnson calculates the 2010 flood as a 250 year flood risk with a .04% chance of occurrence. According to FEMA, the Natural Resources District, and the City of Norfolk's Floodplain Ordinance a 100 year flood risk is acceptable and insurable.
- Noted that during the 2010 flood 37th Street was closed whereas 25th was never closed during the flood.

Mark Fitzgerald, attorney representing Vulcraft/Nucor Cold Finish, spoke in opposition:

- Explained his goal of trying to protect Industrial area from pressure coming from the south.
- Noted the limited amount of available railroad track surrounding Norfolk, especially in close proximity to 25th Street.
- Stated that Vulcraft/Nucor Cold finish is not against the proposed development, however, encouraged commission members to consider the pressure of directing residential traffic into this critical industrial area and its significant location in relation to the railroad.
- In response to a commission member's question, Mr. Fitzgerald sees increased residential traffic significantly impacting 25th Street, and it is different than membership traffic to Sara's Lake.

Mike Chikos, Operations Manager for Nucor Cold Finish, spoke in opposition:

- Stated his primary concern is the access route on 25th Street and its impact on not only existing operations but future operations and industrial growth in the area.

Troy Brooks, Vice President and General Manager for Vulcraft/Nucor Cold Finish, spoke in opposition:

- Stated his concern is the access route on 25th Street.
- Union Pacific Railroad currently leases approximately 15 acres of land along the railroad as a distribution site for wind turbines, which is the only trans-load site for wind turbines in the State of Nebraska.
- Expressed his concern for gaining the future acceptance of operating permits required to run an industrial business as all permits are open to public comment. Putting a residential area so close to an industrial area could potentially limit those permits and greatly affect future business operations.

Sara Ahlman, spoke in opposition:

- Spoke to the fact that 25th Street is already a very busy road.
- Addressed the safety issue of the Cowboy Trail and its access on 25th Street.

Tim Brogan, attorney representing Majestic Estates Developers, spoke in favor:

- There is evidence that 25th Street is very active and currently being used for a recreational use and has a history of being used for residential traffic.
- The proposed development and all roads will be compliant with federal, state, and city governments.

Adam Ahlman, spoke in opposition:

- Brought attention to a photo provided by Trent Howard showing where the proposed easement would be placed was all under water in 2010 flood.
- Expressed concern of the deep ditches along 25th street and the danger of water filling those ditches up creating a visually flat landscape.

No one else appeared either in favor of or in opposition to the zone change request and Chair Lundy closed the public hearing at 9:26 a.m.

Discussion among commission members primarily focused on access to 37th Street through the Merkel property. Dick Johnson explained that the amount of land available for a road in front of the Merkel property is too narrow to allow for proper removal of snow and general safety. Chair Lundy made mention to the possibility of flooding.

Commissioner Spray moved, seconded by Commissioner Beckman to approve the zone change request with the stipulation that every effort is taken to gain access by 37th Street and keep the traffic off of 25th Street.

Roll Call: Commission Members: Ayes: Arens, Marsh, Beckman, Spray, Lundy, Ohl, Griffith. Nays: Milander, Fisher. Absent: None. Motion carried (7-2).

There was no other discussion and Chair Lundy declared the meeting adjourned at 9:43 a.m.



Stacey Hansen, Norfolk Planning Commission Secretary

Brian Lundy, Norfolk Planning Commission Chair