

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 3rd day of April, 2018, beginning at 7:30 a.m.

The Planning Commission Chair, Dan Spray, 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: Dan Spray, William Coby, Frank Arens, Zackary Gangwer, Dirk Waite, Martin Griffith, Jacob Thone, and Matt Gilmore. Absent: Donna Neeman.

Staff members present were: City Planner Val Grimes, City Engineer Steven Rames, Emergency Management Coordinator Trent Howard, and Stacey Hansen.

Chair Dan Spray presided and the Planning Commission Secretary Brianna Duerst digitally recorded the audio of the proceedings.

Current Business

Commissioner Griffith moved, seconded by Commissioner Waite to approve the full agenda.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore. Nays: None. Absent: Neeman. Motion carried (8-0).

Commissioner Gangwer moved, seconded by Commissioner Thone to approve the March 20, 2018 meeting minutes.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore. Nays: None. Absent: Neeman. Motion carried (8-0).

Public Hearing

Public Hearing

Amend Official City Code – Section 6-173 – Seer Rating

Chair Spray opened the public hearing at 7:31 a.m. to consider an amendment to Section 6-173 of the code to alter the minimum seer rating for residential air conditioners and heat pumps.

Emergency Management Coordinator Trent Howard spoke to the amendment stating that after the 2012 ICC update, a mistake on the seer rating had been found. This amendment is to correct that.

No one spoke in favor or opposition of the amendment and Chair Spray closed the public hearing at 7:33 a.m.

Commissioner Waite moved, seconded by Commissioner Arens to recommend approval of an amendment to Section 6-173 of the code to alter the minimum seer rating for residential air conditioners and heat pumps.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

Public Hearing
Zoning Change Request from C-3 to R-2
AND
Preliminary Planned Development
307 North 31st Street and 306 and 310 North 32nd Street – Kerry and Barbara Werner

Chair Spray opened the public hearings simultaneously at 7:34 a.m. to consider a zoning change from C-3 (Service Commercial District) to R-2 (One and Two Family Residential District) and a preliminary planned development on properties addressed as 307 N. 31st Street and 306 and 310 N. 32nd Street.

Richard Johnson, representing the applicants spoke to the requests. The area sits south and west of a current communications tower. Johnson’s clients are proposing to build 11 single family homes on the lots. The applicant is requesting R-2 zoning as it allows smaller lots, and the planned development would grant relief from some of the City standards including the sideyard setbacks on the north lots and the bufferyard requirements on the south lots.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:40 a.m.

Commissioners expressed concern over the City’s liability in reference to the fall distance of the current tower as well as the potential health risks of locating homes so close the tower. City Planner Val Grimes explained that according to Section 27-284 of the code towers shall be located a minimum distance of 100% of the height of the tower away from any property line, but can be reduced with the conditional use permit. Grimes explained the tower has an active Conditional Use Permit, and although not specified as a listed condition, it is understood that the Planning Commission granted the current permit with a reduction.

Commissioner Arens moved, seconded by Commissioner Gilmore to recommend approval of a zoning change from C-3 to R-2 on properties addressed as 307 N. 31st Street and 306 and 310 North 32nd Street.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

Commissioner questioned the layout of the lots and why the applicant didn’t consider “flipping” the south lots around and only putting 1 street in. Johnson explained to do so would require quite a bit of dirt work as there is a considerable change in elevation and said the logical place to put a street is on the lot line. There are also a couple of large transformers that would make it very difficult to curve a street around the tower. Commissioners also questioned the width of 45 feet on some of the north lots. Grimes noted the minimum lot width in R-2 zoning is 50 feet. Commissioners discussed the possibility of requesting that the applicant remove one of the north lots in order to meet the minimum required lot width. It was discussed whether to move the preliminary planned

development to City Council with a recommendation to remove one lot or table the request and gauge the applicant's willingness to present a new preliminary planned development with 10 lots, all meeting the 50 foot lot-width minimum.

Commissioner Waite moved, seconded by Commissioner Coby to table the Preliminary Planned Development on properties addressed as 307 N. 31st Street and 306 and 310 N. 32nd Street.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore. Nays: None. Absent: Neeman. Motion carried (8-0).

Public Hearing
Zoning Change Request from R-2 to I-1
1406 Pierce Street – Ken Funk

Chair Spray opened the public hearing at 8:06 a.m. to consider a zoning change from R-2 (One and Two Family Residential District) to I-1 (Light Industrial District) on property addressed as 1406 Pierce Street.

Richard Johnson, representing the applicant, spoke to the request stating his client is looking to build an office and shop for his business on the property. Johnson noted that north and east of the property is zoned R-2 and the west and south sides of the property are zoned I-1. Johnson also stated his client is aware of and will maintain the required 40 foot bufferyard on the north side of the property as well as screening.

Melissa Begeman, 1402 Pierce Street, spoke in opposition of the request with concerns of safety for her children and potential decrease in her home valuation if the property directly south of her is zoned industrial.

Scott Adams, owner of 1401 Pierce Street, spoke in favor of the request. Adams stated he purchased the home because the area is moving in a commercial/industrial direction.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:14 a.m.

Commissioners discussed the area in general, permitted uses in I-1 zoning, and the neighbor's concerns.

Commissioner Griffith moved, seconded by Commissioner Coby to recommend approval of a zoning change from R-2 to I-1 on property addressed as 1406 Pierce Street.

Roll Call: Commission Members: Ayes: Spray, Arens, Gangwer, Waite, Griffith, and Thone. Nays: Coby and Gilmore. Absent: Neeman. Motion carried (6-2).

Public Hearing
Zoning Change from R-M to I-1
¼ mile east of Hwy 81 & Bonita Drive – Ewin Properties

Chair Spray opened the public hearing at 8:24 a.m. to consider a zoning change from R-M (Mobile Home District) to I-1 (Light Industrial District) on property generally located ¼ mile east of the intersection of Highway 81 and Bonita Drive.

Richard Johnson, representing the applicant spoke to the request stating his clients are looking to fill in the no longer used lagoon that served the trailer court and build a lean-to type building for RV parking. As the applicant is not limiting the use of the structure to the trailer court residents, the zoning needs to be changed.

Commissioner Arens questioned if Bonita Drive would ever connect to the Medelman Lake. City Engineer Steven Rames stated there is quite a bit of grade separation which would make a connection difficult. Commissioner Spray questioned if the property could be zoned to a less intensive zoning district. Grimes explained that I-1 zoning is the least intensive district that a storage facility is outright permitted. Such use is permitted in a commercial district with the addition of a conditional use permit.

Paul Medelman, owner of Bonita Drive, stated the trailer court has an easement and has increased access drives off of Bonita and asked if there would be a way with a conditional use permit to limit access to the existing drives. Medelman also stated that while Bonita Drive will most likely not open to the lake development, the requested site will still be visible and would appreciate there being conditions the owner would need to follow with a CUP.

No one spoke in favor or opposition of the request and Commissioners discussed the possibility of rezoning the property to C-3 with a conditional use permit.

Commissioner Waite moved, seconded by Commissioner Gilmore to recommend approval of a zoning change from R-M to C-3 on property generally located ¼ mile east of the intersection of Highway 81 and Bonita Drive.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

Plats / Subdivisions

Ewin Properties 2nd Addition - Final Plat

Richard Johnson, representing the applicant requested the final plat of Ewin Properties 2nd Addition be tabled.

Commissioner Griffith moved, seconded by Commissioner Gilmore to table the final plat of Ewin Properties 2nd Addition.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

Petersen-Chace Addition – Final Plat

Richard Johnson, representing the applicant presented the final plat of Petersen-Chace Addition. Johnson stated the plat is cleaning up lot lines from a previous lot boundary change.

City Engineer Steven Rames has reviewed and approved the final plat of Petersen-Chace Addition.

Commissioner Gilmore moved, seconded by Commissioner Waite to recommend approval of the final plat of Petersen-Chace Addition.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

Nightcap Addition – Final Plat

City Engineer Steven Rames has reviewed and approved the final plat of Nightcap Addition.

Commissioner Arens moved, seconded by Commissioner Griffith to recommend approval of the final plat of Nightcap Addition.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

Legacy Bend First Addition – Final Plat

City Engineer Steven Rames has reviewed and approved the final plat of Legacy Bend First Addition.

Commissioner Thone moved, seconded by Commissioner Gilmore to recommend approval of the final plat of Legacy Bend First Addition.

Roll Call: Commission Members: Ayes: Spray, Coby, Arens, Gangwer, Waite, Griffith, Thone, and Gilmore.
Nays: None. Absent: Neeman. Motion carried (8-0).

There was no other discussion and Chair Spray declared the meeting adjourned at 8:55 a.m.

Brianna Duerst, Norfolk Planning Commission Secretary

Dan Spray, Norfolk Planning Commission Chair