

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 17th day of January, 2018, 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 (7:32 a.m.), Jacob Thone, and Matt Gilmore. Absent: None.

Staff members present were: City Planner Val Grimes and Stacey Hansen.

Chair Brian Lundy presided and the Planning Commission Secretary Brianna Duerst digitally recorded the audio of the proceedings.

Current Business

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

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

Commissioner Beckman moved, seconded by Commissioner Marsh to approve the December 19, 2017 meeting minutes, with a correction of including Commissioner Dan Spray in the roll call.

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

Public Hearings

Public Hearing

Conditional Use Permit for an asphalt hot mix facility
¼ mile west of South Victory Rd. on East Monroe Ave. – Flinn Paving Company

Chair Brian Lundy opened the public hearing at 7:32 a.m. to consider a conditional use permit for an asphalt hot mix facility on property generally located one quarter mile west of South Victory Road on East Monroe Avenue.

Matt Flinn, owner of Flinn Paving Company, spoke to the request explaining that the business runs seasonally and only as needed, that the business would only require approximately 5 acres of space to operate, and that limited truck traffic is involved in operations. Flinn explained that their facility has been operating on Bonita Drive for the last 19 years, but due to the residential development that is going to occur in the area, a new location is needed.

Sheila Dreismeier, 2101 South Victory Road, had concerns regarding the access to Victory Road, the specific location of the facility, and potential odor caused by operations.

Carolyn Brown, 2110 South Victory Road, had concerns regarding the potential dangers of fumes created from the facility.

Flinn stated the facility would most likely be located in the southeast corner of the property, close to Porter Pit. Flinn also stated that there is a potential for an odor during the mixing process.

Commissioners discussed limiting access to Victory Road through Porter's current access. Flinn explained that would be up to the property owner, Porter Pit, LLC. Other conditions considered included limiting the business to the southeast quarter of the proposed property and the 5 year permit limit.

No one else spoke in favor or opposition of the request and Chair Lundy closed the public hearing at 7:50 a.m.

Commissioner Spray moved, seconded by Commissioner Arens to approve having City staff prepare a conditional use permit for an asphalt hot mix facility on property generally located ¼ mile west of South Victory Road on East Monroe for discussion and action at the next regularly scheduled Planning Commission meeting.

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

Public Hearing
Zoning Change from C-3 to R-3
100 West Park Avenue – Deborah Ehrlich

Chair Lundy opened the public hearing at 7:54 a.m. to consider a zoning change from C-3 (Service Commercial District) to R-3 (Multiple Family Residential District) on property addressed as 100 West Park Avenue.

Lori Ortwich, realtor representing the applicant, spoke to the request stating that the owner is looking to sell the property, which is currently non-conforming, making it difficult for potential buyers to secure financing. Ortwich stated that the area to the south and west of the property is already zoned R-3, with the proposed property the only property that is not already zoned for residential use; however, north of the property is zoned and being used commercially. Ortwich also stated that the Comprehensive Plan designation for the property is multiple family residential.

No one spoke in favor or opposition of the request and Chair Lundy closed the public hearing at 7:59 a.m.

Commissioners discussed the surrounding zoning, size of the property, and location of the property in the commercial area along 1st Street.

Commissioner Arens moved, seconded by Commissioner Marsh to recommend approval of the zoning change from C-3 to R-3 on property addressed as 100 West Park Avenue.

Roll Call: Commission Members: Ayes: Arens, Marsh, Beckman, and Gilmore. Nays: Lundy, Spray, Griffith, and Thone. Absent: None. Motion failed (4-4).

Public Hearing
Zoning Change from I-1 to R-R
2505 Crown Road – Booth Corporation

Chair Lundy opened the public hearing at 8:09 a.m. to consider a zoning change from I-1 (Light Industrial District) to R-R (Rural Residential District) on property addressed as 2505 Crown Road.

Jim Booth, Booth Corporation, spoke to the request stating that they are in the process of selling the property, but the prospective buyers have been unable to secure financing due to the nonconforming use. Booth indicated that when Booth Corp. purchased the property in 2012, it was indicated on the appraisal that the property would be able to be rebuilt if destroyed by Stanton County.

Commissioner Beckman noted concern over “spot zoning” that the change in zoning on this piece of property would create, and whether the area should remain industrial in the case of the home being destroyed. Commissioner Arens felt that while the home can be used as a nonconforming use for as long as the property owner would like, it may not be appropriate to allow another home to be built in this area.

Shane Bernhardt, current resident, explained that while a lot of the land around the property is industrially zoned, it is being used as Ag ground, apart from the commercial truck shop across the street. Bernhardt is trying to finish closing on the home, but the zoning issue has held up the loan process.

No one else spoke in favor or opposition of the request and Chair Lundy closed the public hearing at 8:24 a.m.

City Planner Val Grimes further explained what is allowed and not allowed on a nonconforming structure. Grimes also explained that the property was already zoned I-1 by Stanton County when it came into the City of Norfolk’s extraterritorial jurisdiction.

Commissioner Spray moved, seconded by Commissioner Beckman to recommend approval of the zoning change from I-1 to R-R on property addressed as 2505 Crown Road.

Roll Call: Commission Members: Ayes: Thone and Gilmore. Nays: Lundy, Arens, Marsh, Beckman, Spray, and Griffith. Absent: None. Motion failed (2-6).

Other Business

City Planner Valerie Grimes presented the January 2018 Building Permit Report.

There was no other discussion and Chair Lundy declared the meeting adjourned at 8:41 a.m.

Brianna Duerst, Norfolk Planning Commission Secretary

Brian Lundy, Norfolk Planning Commission Chair