

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 5th day of June, 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, Dirk Waite, Donna Neeman, Martin Griffith, Jacob Thone, and Matt Gilmore. Absent: Zackary Gangwer.

Staff members present were: City Planner Val Grimes, Assistant City Engineer Michael Middendorf, Candice Alder, 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 Thone to approve the full agenda.

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

Commissioner Waite moved, seconded by Commissioner Gilmore to approve the May 22, 2018 meeting minutes.

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

Public Hearings

Public Hearing

Conditional Use Permit for a Recreation Center
301 West Benjamin Ave – YMCA

Chair Spray opened the public hearing at 7:31 a.m. at the request of Young Men's Christian Association to consider a conditional use permit to operate a Recreation Center at 301 West Benjamin Avenue.

City Planner Val Grimes explained that the YMCA is currently zoned R-1, but have been grandfathered in. The building is currently going through a large expansion, something not permitted in a non-conforming property. The conditional use permit will bring them into compliance. Commissioners questioned the request for a conditional use permit as opposed to a zoning change to C-3 as the 2017 Comprehensive Plan calls for the area to be Commercial. Grimes explained that the City Administrator and the applicant had chosen this route instead of a zoning change.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:32 a.m.

Commissioner Neeman moved, seconded by Commissioner Griffith to have City staff prepare a conditional use permit for discussion and action at the next regularly scheduled Planning Commission meeting for a Recreation Center on property addressed as 301 West Benjamin Avenue.

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

Public Hearing
Zoning Change from I-1 to R-3
¼ mile north of Chestnut Street & East Omaha Avenue – Nucor Corp.

Chair Spray opened the public hearing at 7:35 a.m. to consider a zoning change from I-1 (Light Industrial District) to R-3 (Multiple Family Residential District) on property generally located ¼ north of the intersection of Chestnut Street and East Omaha Avenue.

Cliff Mesner, Mesner Development Company, explained that he is a part owner of the Nor-Park Subdivision on the west side of Chestnut Street, which was zoned Residential in 2017. There was concern over what might be developed on the east side of Chestnut Street as it remained industrially zoned owned by Nucor. Nucor expressed the need for short term multiple family residences for new employees coming to the area.

Mesner noted a major concern during the Nor-Park project was the increase in traffic. Mesner presented a portion of the traffic study that was done, and stated that the apartment units would be placed on the southern end of the property to encourage use of East Omaha Avenue. As a result of the traffic study, a third, left-turn lane will be added onto Chestnut Street, which is currently wide enough so that no construction will be required, just the painting of the lanes. Mesner also stated that while the intersection will be monitored, the estimated traffic does not justify a traffic signal.

Mesner presented the proposed layout of the project showing 10 single family attached units along Chestnut Street and five 3-story, 28-unit apartment buildings. Conceptually each building will have 2 studio, 14 one bedroom, 11 two bedroom, and 1 three bedroom units. Mesner noted there will be no income restrictions for renting. Each building will have a total of 20 garage spaces, with 8 built into the building itself, and 12 in a separate garage building. There is also an area which will be donated to the City for a City Park as there is no park space in that area of town.

Roger Nadrchal, Neighborworks of Northeast Nebraska, spoke in favor on behalf of the request.

Eric DeVall, 205 East Pasewalk, spoke in favor of the request and feels residential zoning is a better use for the area.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:44 a.m.

Commissioner Waite moved, seconded by Commission Griffith to recommend approval of a zoning change from I-1 to R-3 on property generally located ¼ north of the intersection of Chestnut Street and East Omaha Avenue.

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

Public Hearing

Zoning Change from R-1 to R-3

¼ mile north of South Victory Road & East Omaha Avenue – Daniel and Connie Geary

Chair Spray opened the public hearing at 8:00 a.m. to consider a zoning change from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District) on property generally located ¼ mile north of the intersection of South Victory Road and East Omaha Avenue.

Josh Vickery, DP Management, spoke to the request stating the company saw a need for multi-family residences in Norfolk. Proposed use of the land is 160 apartment units in 8-plexes, 80 detached garages, pool and clubhouse, walking trail, and an abundance of green space.

Tom Hoile, 720 Werner Drive, spoke in opposition of the request with concern of the large NPPD transmission line that runs through the property, the Black Hills Energy high pressure gas line on the west side of the highway, and the condition of Victory Road, lack of storm sewers, and concern of potential large assessments for the extension of City services.

Marty Pflueger, 1100 East Bluff Avenue, spoke in opposition of the request stating he doesn't feel that apartments are appropriate at this location and does not want to receive an assessment because of it. Pflueger, along with several members in the audience raised the question of how this project will affect them and what the cost will be to them.

Chair Spray requested the developer return to the stand to address the mentioned concerns.

- Traffic – Vickery stated the intent is for the traffic to flow onto Channel. Commissioner Arens asked if a second entrance/exit could be added to the highway on the north side of the property. A second entrance/exit would be dependent on the state's approval.
- Black Hill gas line and NPPD transmission line – Vickery stated they are aware of all easements and setbacks and have designed the layout accordingly. Vickery stated that as a HUD project, there are further requirements than that of NPPD that must be met.
- Sewer/Water Assessments – Assistant City Engineer Michael Middendorf explained that the sewer line would need to come down South Victory Road. Middendorf further explained that the City is looking at doing the project as a connection district, where property owners would not be assessed, but would pay a fee to hookup once a septic system failed. Middendorf also explained that while an assessment is paid over time, a connection fee is an automatic fee due at the time of installation. Grimes clarified that per City Code, once a property owner's septic system fails, if the property line is within 300 feet, and the structure is within 450 feet of a City sewer line, the property is required to tap into city services.

Sue Beckman, 1104 East Park Avenue, asked for clarification on the connection district process and confirmation that property owners would not be assessed based on frontage. Middendorf explained that what the city is working toward is a connection fee similar to that of a replacement of a septic system, however, questions remain as to what state statutes permit as to how a connection district is handled. Beckman also had concerns regarding

potential paving assessments if South Victory Road would need to be brought up to City standards in the future as a result of the development.

Renee Hoile, 720 Werner Drive, asked for clarification of a “HUD Development” and tax increment financing. Vickery explained that it is a government financing tool, requiring additional requirements. It was explained that the area is already declared blight and substandard and as such, TIF is an available resource the developer intends on utilizing.

Mark Buckingham, 1100 East Grove Avenue, questioned why the area couldn’t remain R-1 with 1 acre lots. Buckingham referenced a section of the Department of Environmental Quality requirements stating that in subdivisions septic systems can be installed on lots less than 1 ¼ acres and feels the area would make a good place for 1 acre lots and feels there would be demand for them. Buckingham also spoke of concerns over the cost of the project to existing property owners.

Randee Hale, 700 Channel Road, spoke to concerns of the sewer line and improvements of Victory Road.

Shawn Langemeier, 802 Channel Road, spoke of concern over additional traffic and sees a need for acreages in town and feels the area should be divided into 1 acre lots and apartments should go on the east side of road south of Amberwood.

Candice Alder, City of Norfolk Economic Development Department, discussed the need for housing in Norfolk and that there are businesses that are looking to expand but their plans are hampered by the lack of housing available. Alder stated that what is on the table would provide a lot of opportunities for expanding business.

Dan Geary, applicant, stated that it is not the intent for the cost of utilities to fall on the neighbors.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:44 a.m.

Commissioner Coby stated that he while likes the project and feels it represent progress in Norfolk, there are substantive questions from the neighbors and those questions deserve answers and questioned if the item could be tabled.

Commissioner Arens clarified that this area is not going to be one acre lots with individual wells and septic systems as city code requires 3 acres. Arens stated that if it is developed into 1 acre lots, those lots would be hooked up to City water and sewer.

Commissioner Coby moved, seconded by Commissioner Waite to table the request for a zoning change from R-1 to R-3 on property generally located ¼ mile from the intersection of South Victory Road and East Omaha Avenue for further discussion.

Spray stated prior to the next meeting he would like clarification on the issues of the connection district and traffic and the possibility to add another entrance/exit off of the highway.

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

Public Hearing

Zoning Change request from R-1 to O-D
1/3 mile East of West Benjamin Avenue & North 37th Street

Chair Spray opened the public hearing at 8:49 to consider a zoning change from R-1 (Single Family Residential District) to O-D (Office District) on property generally located 1/3 mile east of the intersection of West Benjamin Avenue and North 37th Street.

Tim Brogan, on behalf of the applicant, spoke to the request, giving the Commission a little history on the property just east of the requested property involving the zoning change over a year ago. Brogan explained that this 100' strip of land is fairly unmaintained, and it is their intent to clean the area up and maintain it. Grimes explained that it will also serve as the bufferyard between the R-1 zoned golf course and the property zoned O-D.

Lisa Wattier, Eldorado Hills Community Association, spoke in favor of the request.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:57 a.m.

Commissioner Arens moved, seconded by Commissioner Gilmore to recommend a zoning change from R-1 to O-D on property generally located 1/3 mile east from the intersection of West Benjamin Avenue and South 37th Street.

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

Plats / Subdivisions

Thomas and Necole Cook 2nd Addition - Final Plat

Assistant City Engineer Michael Middendorf has reviewed and approved the final plat of Thomas and Necole Cook 2nd Addition.

Commissioner Gilmore moved, seconded by Commissioner Thone to recommend approval of the final plat of Thomas and Necole Cook 2nd Addition.

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

Green Meadow 6th Addition

Assistant City Engineer has reviewed and approved the final plat of Green Meadow 6th Addition.

Commissioner Thone moved, seconded by Commissioner Neeman to recommend approval of the final plat of Green Meadow 6th Addition.



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

There was no other discussion and Chair Spray declared the meeting adjourned at 9:00 a.m.

Brianna Duerst, Norfolk Planning Commission Secretary

Dan Spray, Norfolk Planning Commission Chair