

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 21st day of December, 2021, 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, Kyle Deets, Melissa Figueroa, Dirk Waite, Martin Griffith, and Jacob Thone. Absent: Brandon Franklin, Mary Hammond, and Matt Gilmore.

Staff members present were: Val Grimes, City Planner; Steven Rames, City Engineer; Terry Zwiebel, Fire Marshal; Jennifer Olson, Economic Development; and Katelyn Palmer.

Chair Dan Spray presided and the Planning Commission Secretary Elizabeth Lienemann digitally recorded the audio of the proceedings.

Current Business

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

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

Commissioner Griffith moved, seconded by Commissioner Figueroa to approve the December 7, 2021 meeting minutes.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

Public Hearings

Public Hearing

Amend the Official City Code

Section 27-7 – Update Equivalent Zoning Classifications

Chair Spray opened the public hearing at 7:31 a.m. to consider an amendment to Section 27-7 of the Official City Code to update equivalent zoning classifications for property which may become the jurisdiction of the City by annexation or addition.

City Planner, Val Grimes, explained that the amendment is a housekeeping item that was brought on by the recent annexation. The City has a chart listed in City Code so that there is no guessing what the zoning of a property will be when it enters the City's zoning jurisdiction. Because the ETJ will be extended in the near future, the City needs to update the conversion chart to add additional zoning categories based on Stanton County Zoning. Stanton County has added zoning categories since the list was last updated by the City.

Chair Spray asked if there are similar requirements between the County's zoning district and the City zoning district it equates to. Planner Grimes confirmed that the requirements and districts have similar requirements.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:34 a.m.

Commissioner Waite moved, seconded by Commissioner Griffith to recommend approval of an amendment to Section 27-7 of the Official City Code to update equivalent zoning classifications for property which may become the jurisdiction of the City by annexation or addition.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

Public Hearing

Conditional Use Permit – Asphalt hot-mix facility

Grimes Asphalt & Paving Corporation, ¼ mi west of S. Victory Rd. on E. Monroe Ave.

Chair Spray opened the public hearing at 7:36 a.m. to consider a Conditional Use Permit to operate an asphalt hot-mix facility at property generally located one quarter mile west of South Victory Road on East Monroe Avenue.

City Planner, Val Grimes, explained that the land is owned by Porter and another company, Flinn Paving, currently has a CUP on the property. Grimes Asphalt is asking for the same conditions that Flinn had because they are doing the same kind of work on the property.

Chair Spray asked if any complaints had been lodged against the prior company's Conditional Use Permit. Grimes stated that she had not received calls after the company had received their permit.

Carolyn Brown (2110 S. Victory Rd.), explained that she lives next to the property and expressed concerns about the odor, noise, and dust. Chair Spray noted that he remembered a similar discussion that came about with the first Conditional Use Permit for this property and remembered that a condition was added to their permit to help with dust control.

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

Commissioner Thone noted that he had a conflict of interest with the request and would be abstaining from the vote.

Commissioner Waite moved, seconded by Commissioner Deets to have City staff prepare a Conditional Use Permit to operate an asphalt hot-mix facility at property generally located one quarter mile west of South Victory Road on East Monroe Avenue.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, and Griffith. Nays: None. Abstaining: Thone. Absent: Franklin, Hammond, and Gilmore. Motion carried (5-0-1).

Public Hearing

Conditional Use Permit – Microdistillery
Seven County Spirits, LLC, 214-216 W. Norfolk Avenue

Chair Spray opened the public hearing at 7:44 a.m. to consider a Conditional Use Permit for a microdistillery on property addressed as 214 and 216 W. Norfolk Avenue.

Terry Rasmussen, applicant, spoke to the request. Terry explained that he has plans to open a microdistillery which would include a production facility and testing room. He noted that the plan is to start construction in the spring and open for business in the fall.

Chair Spray asked what type of equipment would be used. Rasmussen explained that they would be fermenting and distilling which would involve boiling fermented grains and condensing/collecting alcohol and producing: whiskey, rum, vodka, gin, etc. Commissioner Griffith inquired what the storage capacity would be at any given time. Rasmussen estimated that he would be storing a few thousand gallons at a time.

Bob Dudley, representing Appeara, asked about the potential crowd size, parking, the footprint of the building and why the distillery was considered a special use. Chair Spray explained that the microdistillery is a Conditional Use because it is not outright permitted in the zoning code. Terry R. explained that the plan is to take the current building down and construct a new building across the two lots. The new building would extend an additional 20' towards the alley and would have an occupancy of 140 people on the main level. There are currently no plans for public parking in the back, just an area for employee parking and shipping/deliveries.

Commissioner Deets asked if they would follow traditional retail/bar hours, or if it would have a more specialized schedule and if there would be special events. Rasmussen explained that the building would be connected to the District Event Center and would allow them to release part of the microdistillery's space for large events. Currently, the plans are for the business to be open until 10-11 p.m.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:53 a.m.

Terry Zwiebel, Fire Marshal, explained the differences between a distillery and a brewery and why the microdistillery would need a Conditional Use Permit:

- A distillery has higher alcohol content, in the 90 proof range
- There are different sets of hazards between the two

Commissioner Waite asked if special building materials needed to be used for the project. Fire Marshal, Zwiebel, explained that basically any construction material type would be usable but a fire sprinkler system would need to be installed. Chair Spray inquired whether a subset of Code would need to be applied for the construction of the building and Fire Marshal Zwiebel explained that it is addressed in the International Fire Code.

Fire Marshal, Zwiebel, expressed concern with the process of grinding grain (milling) and noted that there would be a different set of requirements if grinding would be involved. Chair Spray asked the applicant if he would be doing milling on site. Rasmussen stated that he would like to do milling, about 700 pounds per week when in full production, but could do it at an off-site location.

Rasmussen also noted that he would be producing high-content alcohol (about 95%), but would not be storing it at high-content (around 65% alcohol content). He also stated that the alcohol would be aged on-site and stored in wooden or metal kegs. Commissioner Waite asked how many barrels he would be storing to age at one time. Rasmussen responded that he would like to be able to store 10,000 gallons and one barrel holds about 53 gallons.

Commissioner Waite moved, seconded by Commissioner Thone to have City staff prepare a Conditional Use Permit for a microdistillery on property addressed as 214 and 216 W. Norfolk Avenue including conditions such as:

- Maximum amount of storage – 10,000
- Maximum amount of % alcohol content stored on site – 70%
- Length of permit – perpetual

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

Plats/Subdivisions

Blum-Jasperson's Addition – Final Plat

LaVern Schroeder, representing the applicant, spoke to the request. He explained that the request was a small adjustment between two neighbors. The east property owner is selling a small amount of land to the west property owner, so that the existing driveway is all on the correct lot.

Commissioner Waite moved, seconded by Commissioner Figueroa to recommend approval of the final plat of Blum-Jasperson's Addition.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

Waivers

Sidewalk Waiver

4511 W. Lilly Lane/3111 N. 45th Street, Stephen Karmazin

Commissioner Griffith moved, seconded by Commissioner Waite to remove the item from the table.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

City Planner, Val Grimes, explained that City Council had joined the Planning Commission Subcommittee to start the conversation about sidewalk waivers. She noted that Steven Rames was going to present options at the next Subcommittee meeting and recommended tabling to the date specific of the February 23, 2022 Planning Commission Meeting.



progress. right at home.

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Commissioner Griffith moved, seconded by Commissioner Thone to table consideration of a sidewalk waiver requested by Stephen Karmazin for property located at 4511 W. Lilly Lane/3111 N. 45th Street, until February 23, 2022.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

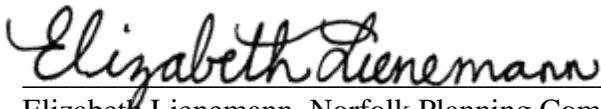
Other Business

Commissioner Waite moved, seconded by Commissioner Deets to cancel the January 4, 2022 Planning Commission meeting.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Griffith, and Thone, Nays: None. Absent: Franklin, Hammond, and Gilmore. Motion carried (6-0).

City Planner Valerie Grimes presented the November 2021 Building Permit Report.

There was no other discussion and Chair Spray declared the meeting adjourned at 8:20 a.m.



Elizabeth Lienemann, Norfolk Planning Commission Secretary



Dan Spray, Norfolk Planning Commission Chair