

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 20th day of December, 2022, beginning at 7:30 a.m.

Roll call found the following Commission Members present: Dan Spray, Kyle Deets, Chad Bryant, Brandon Franklin, Kaycee Kube, Martin Griffith, Jacob Thone, and Cody Ronnfeldt. Absent: Dirk Waite.

Staff members present were: Val Grimes, City Planner; Adam Smith, Code Compliance Official; Randy Gates, Finance Officer; Lyle Lutt, Director of Administrative Services; Anna Allen, Assistant City Engineer; Candice Alder, Economic Development Director; and Katelyn Palmer.

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

Chair 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.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Chair and all members of the Commission and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and Commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was opened to the public.

Current Business

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

Roll Call: Commission Members: Ayes: Spray, Deets, Bryant, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Waite. Motion carried (8-0).

Commissioner Deets moved, seconded by Commissioner Ronnfeldt to approve the December 6, 2022 meeting minutes.

Roll Call: Commission Members: Ayes: Spray, Deets, Bryant, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Waite. Motion carried (8-0).

Resolution No. 2022PC-13
Conditional Use Permit – Trade School
707 & 713 W. Norfolk Avenue; Northeast Community College

Chair Spray read into record the terms of the Conditional Use Permit.

Commissioner Deets moved, seconded by Commissioner Griffith to approve Resolution No. 2022PC-13 for a Conditional Use Permit for a trade school on property addressed as 707 & 713 W. Norfolk Avenue.

Roll Call: Commission Members: Ayes: Spray, Deets, Bryant, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Waite. Motion carried (8-0).

Public Hearings

Public Hearing

West Highway 275 Phase II Redevelopment Area

Chair Spray opened the public hearing at 7:32 a.m. to consider the West Highway 275 Phase II Redevelopment Area.

Thomas Higginbotham, Executive Director of Northeast Nebraska Economic Development District (NENEDD), gave a brief history of what NENEDD does and explained that they have been doing blight and substandard determination studies for approximately 25 years. He also explained that the Community Development Law states that you must meet at least one of the objective criteria, and if you meet one of the objective criteria, then you must also meet at least one of the subjective criteria. The area is approximately 621.566 acres with approximately 200.46 acres outside City limits and approximately 420.926 acres are inside City limits. The study was conducted in August 2022 with letters being sent to property owners in the area with information collected from GIS. As of the meeting, no feedback had been received. He walked Commissioners through the objective and subjective criteria that was met for this study. Per State Statute, this area does meet the criteria to become blight and substandard. He also pointed out, for public record, that all pictures for the study were taken from the public right-of-way.

Ray Stahla, 4407 W. Norfolk Avenue, spoke in favor of the request. He explained that he and his wife own a piece of property on West Highway 275 that is part of the proposal. He stated that there has been a lot of interest in the corridor west of Norfolk Avenue. He stated that anything the City could do to help with development would be a positive thing.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:39 a.m.

Chair Spray noted that the first step to applying for TIF is a blight and substandard designation. This doesn't mean that there is a TIF request pending, or that there is something in the works per-se, but it is utilized as an economic development tool.

Commissioner Griffith stated that he would be abstaining from the vote.

Commissioner Thone moved, seconded by Commissioner Kube to recommend approval of the West Highway 275 Phase II Redevelopment Area.

Roll Call: Commission Members: Ayes: Spray, Deets, Bryant, Franklin, Kube, Thone, and Ronnfeldt. Nays: None. Absent: Waite. Abstaining: Griffith. Motion carried (7-0-1).

Public Hearing

Conditional Use Permit – Watchman or caretaker of a facility operating as a permitted use
1600 S. 5th Street; Planer Properties

Chair Spray opened the public hearing at 7:42 a.m. to consider a Conditional Use Permit for a watchman or caretaker of a facility operating as a permitted use in the existing district on property located at 1600 S. 5th Street.

Cheryl Knight, 1600 S. 5th Street, explained that she was the resident caretaker of the property. She explained that this was her home for the last 16-17 years.

Chair Spray asked what the business was. Knight explained that it was like a salvage area where they take things to Alter's and occasionally work on vehicles. Her job is to watch over the property/business and make sure nobody is bothering the stuff on the property or causing trouble. Chair Spray asked if she was employed by the company. Knight explained that she received a reduction in her rent as a type of payment.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:44 a.m.

Chair Spray asked if a watchman needs to be an employee of the company. City Planner, Val Grimes, explained that the watchman would have to be an owner or employee of the business and the applicant was aware of this. She explained that Planer Properties is not registered with the state and were calling themselves a sole proprietorship. They were informed that they need something to show that the person living in the house is either the owner or an employee of the business. If the business goes away, then the residential also goes away. She also stated that she did not receive any paperwork showing that the resident was an employee, just verbal confirmation.

Chair Spray asked, since they take things to Alter, if there was a shop on the premise. Planner Grimes stated that they had a meeting with them prior to this process. They had been having some property

maintenance issues and complaints were received that there were trailers on the property that people were living in. Through this, they found that the previous Conditional Use Permit from 2003 was no longer valid due to change in ownership. She explained that there is a machine shed on the property and most of the work was being done in there; however, they are running somewhat of a salvage business which is a little iffy. But, if they do everything inside, and then take it to Alter, that's a little easier to permit. She stated that there were conditions on the previous permit that the owners will be requesting to change. Because they can't fit everything inside of the shop, they would like to request allowing a certain amount of inoperable vehicles to be on the property for a certain amount of time outside.

Chair Spray suggested that they table the request to take a look at the larger use of the property.

Commissioner Griffith asked Planner Grimes if she was aware if the owners file taxes under the business name. Planner Grimes stated that she has not seen paperwork for the business. Chair Spray stated that they would need to see some kind of payroll/paperwork. Commissioner Franklin asked if the applicant could be present at the next meeting. Grimes stated that they had been informed of this meeting, but it would stressed a little more the next time.

Commissioner Thone moved, seconded by Commissioner Deets to table the request to have City staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for a watchman or caretaker of a facility operating as a permitted use in the existing district on property located at 1600 S. 5th Street.

Roll Call: Commission Members: Ayes: Spray, Deets, Bryant, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Waite. Motion carried (8-0).

Public Hearing

Zoning Change from R-1 (Single Family Residential) to R-3 (Multiple Family Residential)
600 N. 12th Street and properties to the north and west; Z & L Rentals, LLC

Chair Spray opened the public hearing at 7:50 a.m. to consider a zoning change from R-1 to R-3 generally located at 600 N. 12th Street and properties to the north and to the west.

Chair Spray informed Commissioners that Mike Anderson was on the phone to discuss the item.

Mike Anderson, via telephone, explained that they were requesting a change of zoning from R-1 to R-3. He noted that the building was not a house and was probably non-conforming and R-3 probably reflects what is most appropriate for the property. He stated that per the Comprehensive Plan, the property was recommended for high-density residential. He explained that their organization, Global Orphan Hope, had been involved with bringing Ukrainians to Norfolk. What they were looking at for the property was the possibility of doing three things:

1. Bringing orphan children

2. Housing some Ukrainians who had come to the US to help them maintain living in community with one another
3. Possibility for many of the Ukrainian women to work in the daycare

Anderson said he understands that if the property goes to housing people, then the building needs to be sprinkled. Consequently, the issue had come up that the daycare would close until the work is done. Since they started, he didn't realize the need for daycare in Norfolk so they have reassessed a little bit on where they are at. He noted that he has had conversations with the mayor and was informed of a committee looking at the issues with daycare and that a meeting was being scheduled with them for January 5th to see if this property could maintain being a daycare. They want to proceed with the zoning request because they feel that it is the proper thing for the property. They are trying to see if there is an option to maintain the property as a daycare considering the size and the amount of children it can handle. He also stated that, with being involved in bringing Ukrainians to the United States, the certainty is very hard to determine because of the war.

Patricia Temple, 1200 Elm Avenue, spoke in opposition to the request. She presented a petition with 28 signatures of property owners who were also opposed to the request. Their concerns included: the change of the climate of the neighborhood, property values going down, safety and security of the neighborhood, and traffic (which is already difficult on Elm Avenue). She noted that even if the Ukrainians don't use the property as housing, the zoning would be changed and it would still be multi-family.

Jeann Granstra, 1206 Verges Avenue, spoke in opposition to the request. She explained that she remembered when Northern Hills School closed and, at that time, it was thought about being an apartment and now they are back in the same situation. She is not in favor of apartments going into that area. They are not against Ukrainians, but they are against the idea of the property being apartments.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:01 a.m.

Chair Spray asked what the prior zoning of the property was when it was a school. Planner Grimes explained that schools can be in R-1 and assumed the zoning was still the same. Chair Spray noted that R-1 required a Conditional Use Permit (CUP) for a daycare and asked if R-3 would still require a CUP for a daycare. Planner Grimes confirmed. Chair Spray asked if the existing CUP was a personal privilege. Planner Grimes confirmed. Chair Spray asked what the Comprehensive Plan called for. Planner Grimes stated that the Comp Plan calls for Office Services. Chair Spray asked if a CUP was still needed for a daycare within that zoning designation. Planner Grimes explained that if it went to O-D, then a daycare would be outright permitted. Grimes also noted that Office Services could fall within R-O, O-D, C-1. Chair Spray asked what kinds of things would be outright allowed within the O-D designation. Planner Grimes provided a few examples including office space, a group care facility, and group residential (short-term).

Chair Spray asked if an orphanage could operate in R-1 with a CUP. Planner Grimes explained that an orphanage is only permitted in R-3.

Chair Spray asked for clarification that, at this time, there are no solidified plans. Anderson explained that an orphanage would be difficult at best and the odds of getting orphan children are not good. He stated that with what they have learned, he would like to see if they can put something together for it to remain a daycare but it would probably have to be a collaboration of some sort between individuals.

Commissioner Deets asked approximately how many children they anticipate to house. Anderson explained that there was a group that came to the United State that consisted of 22 children and two caregivers and that group may still have the possibility of coming to Norfolk. He doesn't think the odds are that good to get them; but, he does think that housing for the Ukrainians and for them to be in community together, is very important and they would want to try to provide affordable housing for them. Commissioner Deets asked for clarification that possibly 25 up to 100 [children]. Anderson confirmed, but noted that they would not put 100 in there – maybe twenty-three at most and the odds of that would be about 5-10%.

Commissioner Deets asked what it would do if the kids are school age, if they would go to Norfolk Public Schools or just go in the system. Anderson explained that he has been on the board of an international adoption agency for years. He stated that there is no precedent because of the war, but if they could have the children be adoptable, then they would go quickly in the community – they would be adopted. However, they don't know if they would qualify for foster care. There's no model for this which means it's very difficult at best.

But, they do see the use for Ukrainians to remain in community with each other and still have the ability to maintain daycare. However, the daycare would be much smaller. The issue with R-3 is that if they have overnight stay, then they have to sprinkle the building which means they would have to shut down the building to do the work. Chair Spray asked, adoption aside, if any discussions have been had with the school [Norfolk Public] to make sure they are ready to take all the kids. Anderson explained that he had not but he had been contacted by a school board member. He stated that the focus should be kept on what is the best use for the property.

Chair Spray stated, children aside because of the 5-10% chance of an orphanage, the property will most likely become multi-family apartments. He asked how many apartments there would be and how many people it would house. Anderson explained that, as it is now, it could house 11-12 two-bedroom units. He noted that the daycare would provide an opportunity to employ Ukrainian women and he underestimated the need in Norfolk. Right now, he would like to work towards a collaboration, with the City or the YMCA, to maintain the building as a daycare.

Chair Spray suggested, because of the uncertainty, that it would be premature to switch the zoning from R-1 to R-3. If the long-term plan was to remain a daycare, he would be more inclined to zone the property O-D, which is what is called for in the Comp Plan and allows childcare outright. He suggested

tabling the request, especially since there was a meeting planned for January 5th to discuss the childcare side. Anderson asked, that because of time constraints, not table the request. He noted again that the focus is what is the best use for that property. He also stated the he doesn't know if it's fair to ask them to say with certainty, because of the war, what the use of the property will be – but it is best zoned R-3. Tabling will not help with trying to do a collaboration with the City or the YMCA.

Patricia Temple stated that two of the residents they talked to mentioned they would have been interested in purchasing the property to keep it as a daycare.

Chair Spray stated that the applicant asked the Commissioners not to table the request and reminded them of the signatures that were provided at the meeting opposing the zoning change. Commissioner Ronnfeldt added that he was not comfortable changing the zoning to R-3 due to the uncertainty and not having enough facts or a plan presented. Commissioner Kube agreed, especially with there being multiple zoning options and some that sounded like they would be more appropriate than R-3.

Commissioner Deets moved, seconded by Commissioner Thone to recommend approval of a zoning change from R-1 to R-3 generally located at 600 N. 12th Street and properties to the north and to the west. Commissioner Bryant noted that he would be abstaining from the vote.

Roll Call: Commission Members: Ayes: None. Nays: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Absent: Waite. Abstaining: Bryant. Motion failed (0-7-1).

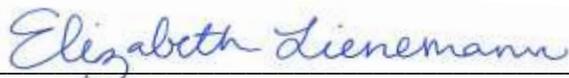
Other Business

Commissioner Griffith moved, seconded by Commissioner Deets to cancel the January 4, 2023 Planning Commission meeting.

Roll Call: Commission Members: Ayes: Spray, Deets, Bryant, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: Waite. Motion carried (8-0).

City Planner Valerie Grimes presented the November 2022 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