

## 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 8th day of March, 2022, 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; Scott Cordes, Public Safety Director/Assistant City Administrator; Randy Gates, Finance Officer; Anna Allen, Assistant City Engineer; Lyle Lutt, Director of Administrative Services; and Katelyn Palmer.

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

### Current Business

Election of Chairperson: Commissioner Griffith nominated Commissioner Spray; seconded by Commissioner Figueroa.

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

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Election of Vice-Chairperson: Chair Spray nominated Commissioner Waite; seconded by Commissioner Deets.

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

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Chair Spray moved, seconded by Commissioner Thone to appoint Elizabeth Lienemann as Planning Commission Secretary.

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

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

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

Commissioner Waite moved, seconded by Commissioner Figueroa to approve the February 23, 2022 meeting minutes.

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

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Zoning Change from I-1 to C-2  
Southwest corner of the intersection of Madison Avenue and 6<sup>th</sup> Street

Commissioner Deets moved, seconded by Commissioner Thone to remove the item from the table.

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

Eric Beiermann with Olsson Associates, representing the applicant, explained that his colleague, Seth Lange, had provided the additional information requested at the last Planning Commission meeting.

Chair Spray gave an overview of the additional information that had been requested including: percentage of use on the property, a traffic plan and flow, as well as anticipated additional truck traffic. He noted that the additional information provided addressed all of the Commissioners concerns.

Scott Cordes, Public Safety Director/Assistant City Administrator, noted that Orphan Grain Train took action on the concerns written in the letter that was received in May 2021 and accommodated for those concerns in their current plans.

Commissioner Waite moved, seconded by Commissioner Deets to recommend approval of a zoning change on properties generally located southwest of the intersection of Madison Avenue and 6<sup>th</sup> Street.

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

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Conditional Use Permit – Storage and Warehousing of non-hazardous materials  
Southwest corner of the intersection of Madison Avenue and 6<sup>th</sup> Street

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

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

Chair Spray gave a brief overview, noting that because the request to change zoning from I-1 to C-2 had just been approved by Commissioners, storage and warehousing would require a Conditional Use Permit in the new C-2

zoning district. He requested that the site plan and traffic flow exhibits (with the exception of future changes to the road layout) be attached to the CUP.

City Engineer, Steven Rames, stated that he wants to work with the Department of Transportation to close Phillip Avenue and reopen Park Avenue as part of the project. He asked if that should be a condition for the CUP or if this was being pursued outside of the CUP. City Planner, Val Grimes, would not recommend including it as part of the CUP due to the amount of time the transition may take. Chair Spray asked if there could be a separate memo to address the change at a future time.

Commissioner Waite moved, seconded by Commissioner Thone to have City staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission Meeting to allow storage and warehousing of non-hazardous materials on properties generally located southwest of the intersection of Madison Avenue and 6th Street.

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

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## Public Hearings

### Public Hearing

#### Zoning Change from A & R-R to I-2

North of E. Nucor Road and east of 1<sup>st</sup> Street and Victory Road, Michael D. & Gina Uecker; Raymond A. and Mary B. Johnson, Trustees of the Raymond and Mary Johnson Trust; and Lea R. Puschendorf, Jr.

Chair Spray opened the public hearing at 7:46 a.m. to consider a zoning change from A (Agricultural District), and R-R (Rural Residential District) to I-2 (Heavy Industrial District) on properties generally located north of East Nucor Road, and east of North 1st Street and of Victory Road.

Nick Bowdish, Founder & Manager of Norfolk Crush, LLC, explained that he was requesting the zoning change for a \$375 million new, modern soybean crushing plant. The overall location consists of approximately 480 acres in order to accommodate efficient logistics into and out of the facility, but the facility itself would sit on about 40 acres. The core operation of the plant is to purchase and receive soybeans, from area farmers and elevators, and convert them into three products: soybean meal, soybean oil, and soybean hulls. The manufacturing facility would operating 24 hours/day and approximately 350-355 days/year. He stated that he envisions all soybeans being delivered to the facility by truck and the facility will consume about 38.5 million bushels/year and would see at least 200 trucks/day depending on the market. He also noted that the soybean oil would largely be shipped out of the facility by rail and they picked the site for the plant because of the location and collaboration for the rail with Nucor.

**Rail** – Bowdish explained that rail access from the NCRC will be provided coming through Nucor property with a single line, crossing Nucor Road. There will be five main storage tracks and each track could hold up to 110 car units.

**Traffic** – He anticipates a vast majority of truck traffic entering into the facility positioned on Industrial Highway and North 1<sup>st</sup> Street. The main entrance would be off of North 1<sup>st</sup> Street and exit would be to the south on East Nucor Road.

**Noise** – He noted that from an ambient noise perspective, nowhere in the facility does the noise level reach OSHA required standards where employees would have to have hearing protection (though it would be encouraged).

**Odor** – He explained that odor is subjective and not objective, but to him, it can smell similar to a can of Planters peanuts when it is opened.

**Lighting** – Finally, he stated that the facility will not be lit up at night similar to a sports stadium, but there would be lighting (facing down) for safety on roads throughout the facility. He will work with the neighbors if there are lighting issues.

Jim Keim, 4306 Pierce Dr., asked how much water it would take to operate the facility; whether they would have City water or wells; and what it would do to the water table. He also asked why they were building close to the subdivision instead of Nucor Road. Bowdish explained that it depends on the water quality, but soybean plants use approximately 400,000 gallons of water/day. Their current plan, working with the LENRD, is to utilize the existing wells. Each parcel already has a pivot on it and only one well will be needed at any given time because they are oversized for what is needed to operate the plant. He also explained that the location of the plant is based on railroad curvatures for safety. The site has already been placed an additional 20’-40’ south of the minimum setback.

Jan Harris, 4306 N. 1<sup>st</sup> St., expressed concern about truck traffic traveling south on North 1<sup>st</sup> Street.

Scott & Michelle Howard, 4304 Pierce Dr., had concerns with safety, noise, and odors from the plant.

Chad Barnhill, 1000 Wildwood St., explained that most of the people [who had spoken] were concerned with their homes being in the neighboring subdivision. He expressed concern about dust from the trucks and the roads in combination with the wind that would blow the dust into the subdivision. He also had concerns with the noise from the trains and trucks. He asked what could be done to make the concerns not as bad. Finally, he addressed the intersection at Industrial Road and North 1<sup>st</sup> Street and all of the accidents that have happened at that intersection and what can be done to improve traffic with an anticipated 200 trucks/day. Bowdish explained that the roads on the property will be DOT spec-type concrete roads (8” thick with rebar) and the company will own a street sweeper to maintain the roads per the specifications of the air permit.

Planner Grimes presented an email that was written by Dick Johnson, County Engineer, which included information about upgrades to the roads as a result of the project. “Val, Madison County is committed to improving North 1st Street from Northeast Industrial Highway to the plant entrance and Nucor Road from the plant exit to North 1st Street. In addition, we will be looking at improving the intersection at

North 1st Street and Northeast Industrial Highway to accommodate anticipated turning movements. Please present this email for the record.”

Steve Sunderman, chair of the Norfolk Area Economic Development Council and Greater Norfolk Economic Development Foundation, spoke in favor of the zoning change due to the positive economic impact it would have.

Ron Schmidt, Madison County Commissioner, explained that the roads were currently under a study but no decisions had been made yet on how the road will look, but ensured that it would be engineered appropriately to the traffic. He also noted that there would be a focus on Industrial Road and North 1<sup>st</sup> Street. He also pointed out that he believed North 1<sup>st</sup> Street is currently weight restricted, and it will remain that way so trucks will use Industrial Highway.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:32 a.m.

Chair Spray noted that there were already trees between the subdivision and proposed soy processing plant site to serve as a physical and sound barrier, but asked if there was something else that could also be done by the applicant. He also asked if the 24 hour/day operations would include rail traffic. Bowdish explained that out of 52 weeks, 45-50 weeks would have normal rail traffic, but there may be instances where rail traffic is bogged down or could come in over a weekend. He also noted that rail operations would typically begin at 6:00 a.m. on Monday and wind down by approximately 10 p.m. Monday – Thursday, and approximately 5:00 p.m. on Fridays; weekends would try to be avoided. He was open to suggestions for sound buffering.

Commissioner Griffith asked if the proposed site meets all the acceptable separation distances for explosive materials that will be stored on site. Bowdish confirmed that it does.

Chair Spray asked what the timeline was for starting the project. Bowdish explained that the equipment won't arrive until the third quarter of 2023 but plans to begin moving dirt in April with construction underway this summer pending approval of the zoning.

Chair Spray asked Planner Grimes what the next steps are after the vote from the Planning Commission. Planner Grimes showed the current zoning map and explained what it would look like if the zoning change request was approved at City Council. She explained that there would be another public hearing at City Council (in two weeks) for the request and that it would be noticed in the paper, and posted on the property, the Friday 10 days before the meeting. She also noted that no letters would be sent out since it is a courtesy that the Planning Commission does as a heads-up that the process has started. She explained that during the site plan and building permit process the buffering would be worked out at that time. There is a 100' buffer required between I-2 zoning to other zoning.

Commissioner Griffith stated that for the last several decades, they have tried to steer industry to this area because of the access to rail.

Commissioner Waite moved, seconded by Commissioner Griffith to recommend approval of a zoning change on properties generally located north of East Nucor Road, and east of North 1st Street and of Victory Road.

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

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Public Hearing  
Redevelopment Plan for the Geary Redevelopment Project

Chair Spray opened the public hearing at 8:50 a.m. to consider the Redevelopment Plan for the Geary Redevelopment Project.

Connie Geary, 1707 N. 13<sup>th</sup> Street, explained that she had previously applied for the zoning changes for this project and that it consists of phased construction and mixed use residential and commercial development. The work requires infrastructure improvements that are not financially feasible for the developer at one time so the project is being split into three phases. The total cost of the project is \$24 million and she is requesting \$3,232,736 from TIF. The timeline for completion will depend on the economy but there are plans to begin construction on Phase I.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:55 a.m.

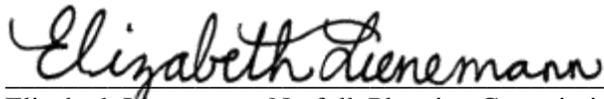
Commissioner Deets moved, seconded by Commissioner Figueroa to recommend approval of the Redevelopment Plan for the Geary Redevelopment Project.

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

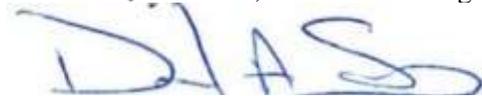
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**Other Business**

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



Elizabeth Dienemann, Norfolk Planning Commission Secretary



Dan Spray, Norfolk Planning Commission Chair