

## **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 22nd day of February, 2023, beginning at 7:30 a.m.

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

Staff members present were: Val Grimes, City Planner; Steven Rames, City Engineer; Anna Allen, Assistant City Engineer; Candice Alder, Economic Development Director; Dani Myers-Noelle, City Attorney; Chad Reiman, Police Captain of Operations; 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 Thone to approve the full agenda.

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

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Commissioner Deets moved, seconded by Commissioner Kube to approve the February 7, 2023 meeting minutes.

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

Zoning Change – C-3 (Service Commercial Dist.) & R-M (Mobile Home Dist.) to I-1 (Light Industrial Dist.)

Generally located at 915 Bonita Drive | Park Mobile Home Court MHC, LLC

Commissioner Deets moved, seconded by Commissioner Thone to remove the item from the table.  
Roll Call: Commission Members: Ayes: Spray, Deets, Franklin, Kube, Griffith, Thone, and Ronnfeldt.  
Nays: None. Absent: Bryant and Waite. Motion carried (7-0).

Brandon Schilling (114 Lovel Rd. #101, Knoxville, TN 37934) with Saratoga Group, presented more detailed drawings and renderings as requested by Commissioners. He noted the following details: all roads will be concrete or asphalt; all parking pads will be concrete; there will be a 50/50 split between hard surface and grass at each site; there will be about 100 new trees. The goal is to create more of a campground atmosphere. There will be approximately 27' from RV to RV. There will be two car concrete parking stalls at each site. Evergreen trees will be planted on a 4' tall berm with a wooden fence buffer along the northern side of the property.

Rules & Regulations (Terms of Service) include: age limits on RVs (15 years or newer); application process for anybody who will be staying longer than 28 days; there are no tarps/hay bales, etc. permitted; what is not in the rendering will not be allowed on the campground. There will also be restrictions on dogs and animals in the campground.

Chair Spray asked about staffing for the campground. Schilling explained that there is a Property Manager and maintenance person on site.

Chair Spray asked if they change/update their Terms of Service often or if they are pretty set. Schilling explained that the Terms of Service are different depending on the State. They typically work with a local representative, or lawyer, to write the Terms of Service. They do change and they change when they need to- to enforce or govern the property. Chair Spray asked if a copy of the Terms of Service should be attached to the Conditional Use Permit (CUP). Planner Grimes explained if they were to be filed with the CUP, they are pretty much set. It would be a better idea to reference their Terms of Service as a condition.

Commissioner Deets asked about the length of stay and what Schilling typically sees in his parks. Schilling noted that length of time is all over the board. Something they are fearful of is that someone could take residency, have a messy site, and building things on their site. He noted that whether they stay for two days or 10 months, the length of stay doesn't matter. What does matter is how the property is treated.

Steven Rames, City Engineer, noted that this property is an old lagoon site. However, the lagoon was dredged out by Porter's locally and sludge was removed/mitigated at that time.

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Commissioner Deets moved, seconded by Commissioner Ronnfeldt to recommend approval of a zoning change from C-3 and R-M to I-1 on property generally located at 915 Bonita Drive.

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

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#### La Bonita RV Park Addition – Final Plat

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

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

Commissioner Griffith moved, seconded by Commissioner Deets to recommend approval of the final plat of La Bonita Park RV Addition.

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

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#### Conditional Use Permit – Recreational Vehicle Campground Generally located at 915 Bonita Drive | Park Mobile Home Court MHC, LLC

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

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

Commissioners discussed the following conditions for the permit:

- Attach a copy of the site plan
- Reference the Terms of Service
- Timeframe: personal privilege, 10 years
- Standard conditions

Commissioner Griffith moved, seconded by Commissioner Kube to have City Staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for a recreational vehicle campground on property generally located at 915 Bonita Drive.

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

## **Public Hearings**

### Public Hearing

#### Amend the Official City Code

Chair Spray opened the public hearing at 7:55 a.m. to consider amending Section 4-4 of the Official City Code to include an exception for the keeping of hens, bantam hens, or ducks with a valid permit and to more clearly define livestock as it relates to the keeping of livestock within the city; to amend Section 4-6 of the Code to address at-large chickens or ducks; to enact Section 27-295 of the City Code to allow the keeping of hens, bantam hens, or ducks in residential districts with a valid permit.

Val Grimes, City Planner, explained that this amendment would affect three sections of Code: two areas being amended (Police), one area being added (Planning). People can potentially have up to four chickens/ducks in a single-family detached house. This would not apply to apartment buildings. The Code addresses annual permitting, the upkeep, how many square feet are needed per hen, and how many square feet per hen for the run. Planner Grimes noted that one of the Councilmen reached out to Sioux City, Iowa and suggested having an area for property owner approval. Those interested in having chickens will have to go out to the general vicinity of their home and collect signatures from neighbors for their approval. All immediately connecting neighbors must say yes in order to be granted a permit.

Commissioner Griffith asked how this would be addressed with rental properties. Planner Grimes explained that rental resident can apply for a permit, but the landlord needs to provide consent.

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

Chair Spray inquired about enforcement of the Code and how staff would keep track of who is approved, whether they are up-to-date on their annual renewal. Planner Grimes explained that the approval will go through the Planning and Development Department with help from others for the enforcement. A permit is good through December 31<sup>st</sup> in order to make it easy for citizens to remember when to re-apply for their permit.

Commissioner Ronnfeldt asked if the chickens/ducks would have to be tagged so if a chicken/duck were to get out, staff would know where to take them to. Dani Myers-Noelle, City Attorney, explained that the Ordinance does not require a tagging process. There is a dedicated section in the Code for ducks and chickens at large. The goal is to relocate the chicken/duck and place them with a farmer through a partnership or agreement.

Commissioner Thone moved, seconded by Commissioner Kube to recommend approval of amending Section 4-4 of the Official City Code to include an exception for the keeping of hens, bantam hens, or ducks with a valid permit and to more clearly define livestock as it relates to the keeping of livestock within the city; to amend Section 4-6 of the Code to address at-large chickens or ducks; to enact Section

27-295 of the City Code to allow the keeping of hens, bantam hens, or ducks in residential districts with a valid permit.

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

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Public Hearing

Conditional Use Permit - Daycare

600 N. 12<sup>th</sup> Street | Women's Empowering Life Line

Chair Spray opened the public hearing at 8:03 a.m. to consider a Conditional Use Permit for a daycare on property generally located at 600 N. 12th Street and properties located to the north and to the west.

Donielle Larson, Executive Director of Women's Empowering Life Line, explained that they are best known for their residential treatment centers but this will not be a residential treatment program. They are looking to start a childcare facility for the Norfolk community and are hoping to expand to become a 24/7 program.

Kara Kratochvil, Childcare Director, noted that the plan is to start off small and gradually increase the times until they become 24/7. They are looking at a year out before they are fully staffed 24/7.

Chair Spray asked how many children they anticipate. Kara noted that before it was licensed for 200 children. However, they don't anticipate that many. They are anticipating about 150 during the day, 130 in the evening, and roughly 70 overnight. For staffing, they anticipate 47 full-time staff and 26 part-time staff.

Commissioner Franklin asked if this would be open to the public. Larson confirmed that it will be open to the community. Commissioner Deets asked what age of kids they would take. Larson indicated that it would be for infant to 12 years old. Commissioner Ronnfeldt asked if they would be transporting kids. Larson confirmed.

Chair Spray asked about parking for staff as well as the drop off/pick up of children. Kara noted that she would have an open-door policy with the neighbors if any of them would have complaints. It would be run similar to Northern Hills. Larson added that there would be no coming or going during the night so as not to be disruptive of their sleep schedule. Planner Grimes also showed Commissioners the parking that the staff will be able to utilize.

Mike Anderson, explained that he has a 501c3 that owns the property. He didn't realize how great the need was for childcare in Norfolk. Former owners of Northern Hills, Zach & Liz Sudbeck, helped vet and find the best organization to run the daycare.

Marisa Anderson, Early Childhood Community Coordinator for Madison County, provided facts and statistics regarding the childcare crisis in Norfolk and the region.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:14 a.m.

Commissioners discussed the following conditions for the permit:

- Traffic flow
- Noise
- Personal privilege, 10 years
- Standard conditions

Commissioner Thone moved, seconded by Commissioner Deets to have City staff prepare a Conditional Use Permit for discussion and action at the next regularly scheduled Planning Commission meeting for a daycare on property generally located at 600 N. 12th Street and properties located to the north and to the west.

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

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#### Public Hearing

Zoning Change – A (Agricultural District) to I-1 (Light Industrial District)  
West of N. 40<sup>th</sup> Avenue & south of W. Norfolk Avenue | Flatrock Group, LLC

AND

Zoning Change – A (Agricultural District) to C-3 (Service Commercial District)  
West of N. 40<sup>th</sup> Avenue and south of W. Norfolk Avenue | Flatrock Group LLC

Chair Spray opened the public hearing at 8:18 a.m. to consider a zoning change from A to I-1 and from A to C-3 property generally located west of N. 40th Avenue and south of W. Norfolk Avenue.

Mainor Martinez, representing Flatrock Group, LLC, explained that the request is for Lots 1 & 2, approximately 21 acres, to be rezoned from Ag to I-1; and for Lot 3, approximately 2.5 acres, to be rezoned from Ag to C-3. All of the lots are located to the southwest of Highway 275 & 40<sup>th</sup>. Outlot A will serve as stormwater management for the development.

Chair Spray asked if there are proposed tenants for the lots yet. Martinez noted that Lot 1 will be for a CAT equipment dealership. Lots 2 & 3 are still pending.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 8:22 a.m.



Commissioner Deets moved, seconded by Commissioner Franklin to recommend approval of a zoning change from A to I-1 on property generally located west of N. 40th Avenue and south of W. Norfolk Avenue.

Commissioner Deets moved, seconded by Commissioner Griffith to recommend approval of a zoning change from A to C-3 on property generally located west of N. 40th Avenue and south of W. Norfolk Avenue.

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

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### **Plats/Subdivisions**

#### Norfolk 140 Subdivision – Final Plat

Steven Rames, City Engineer, explained that the City and developer are still working on finalizing the Subdivision Agreement. On the plat, South 43<sup>rd</sup> is labeled as an “Avenue” and needs to be changed to South 43<sup>rd</sup> “Street”. He also noted that there was a traffic impact study done which will require a separated right-turn lane for east-bound on Highway 275 turning south. This will be included in the Subdivision Agreement. There will also be an 8’ trail extension on the north side of Madison, in lieu of a sidewalk along Highway 275. The developer will also be working on paving, sewer, and water districts. They will also be extending 40<sup>th</sup> Street.

Commissioner Spray moved, seconded by Commissioner Deets to recommend approval of the final plat of Norfolk 140 Subdivision with the revision of changing “43<sup>rd</sup> Avenue” to “43<sup>rd</sup> Street”.

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

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### **Other Business**

City Planner Valerie Grimes presented the January 2023 Building Permit Report.

There was no other discussion and Chair Spray declared the meeting adjourned at 8:29 a.m.



Elizabeth Lienemann, Norfolk Planning Commission Secretary



Dan Spray, Norfolk Planning Commission Chair