

MINUTES OF THE MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 27th DAY OF APRIL 2021 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Don Weber, Lee Davies, Emily Wurl, Marilyn McGahan, Angie Forbes, Tristen Winder, Nelson Jett, Jeff Bain, David Fudge

MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Judy Clark, Planning Administrator; Michelle Bain, Recording Secretary

Notice of the meeting was given in advance thereof, by posting in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Commission.

All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair McGahan called the meeting to order at 5:30 p.m. and stated a current copy of the open meetings act of Nebraska is posted at the back of the Council Chambers. She welcomed Angie Forbes and Emily Wurl to the Planning Commission.

2. Winder moved and Davies seconded the motion to approve the minutes of the meeting held March 23, 2021 and the work session held April 19, 2021. Roll call vote: "Aye": Davies, Winder, Fudge, Bain, Weber, McGahan, Jett, Forbes, Wurl. "Nay": None. Absent: None. Motion carried.
3. Public Hearing File No. CU21-011 Discuss and consider action on an application by Henrietta Boots, owner, and Douglas and Sharla Willard, purchaser, for a conditional use permit to allow living quarters situated in an office or business building in a B-2 Highway Commercial District located at 4022 South Highway 83 on property described as the South 510 feet, Tract B part of Schwartzlander Subdivision, North Platte Lincoln County, Nebraska.

Chair McGahan opened the public hearing.

Judy stated that the applicant states that they are planning to build a 60' x 100' steel building to store and repair hay harvesting equipment owned by their business, Willard Hay, LLC. The steel building would be located on the northeast corner of the property and they would attach a 60' x 60' living quarters. Traffic should not increase because the structure is limited to the owners' own business. According to the North Platte City Code of Ordinances, Chapter 156, Section 156.197(A)(5), apartments or living quarters situated in an office or business building may be allowed subject to approval of a conditional use permit. Dave Hahn, City Building Inspector, states that the size of the structure may require a sprinkler system, or possible design by an architect depending on the size. These issues will be discussed during the building permitting process. Brent Burkland, City Engineer, states the owners have been made aware that there will be an assessed cost to the property for water and sewer, and the access easement will be maintained by the property owner not the city. Planning Staff has no objections to the conditional use permit if all elements of the application are complied with. The applicants were in the audience.

Fudge moved and Jett seconded the motion to close the public hearing. Roll call vote: "Aye": Davies, Winder, Fudge, Bain, Weber, McGahan, Jett, Forbes, Wurl. "Nay": None. Absent: None. Motion carried.

Bain moved and Weber seconded the motion to find the request for a conditional use permit to allow living quarters situated in an office or commercial building in a B-2 Highway Commercial District located at 4022 South Highway 83 meets the minimum standards stated in the North Platte Code of Ordinances Section 156.322 and approve and grant the conditional use permit requested with the condition that all elements of the application are complied with

based on the following factual findings:

1. The use shall conform to all applicable ordinances, laws and regulations of any governmental jurisdiction.
2. The use shall have adequate water, sewer, and drainage facilities.
3. Ingress and egress shall be so designated as to minimize traffic congestion in the public streets.
4. The use shall in all other respects conform to the applicable regulations of the district in which it is located
5. The use shall be in harmony with the character of the area and the most appropriate use of the land

Roll call vote: “Aye”: Davies, Winder, Fudge, Bain, Weber, McGahan, Jett, Forbes, Wurl. “Nay”: None. Absent: None. Motion carried.

4. Public Hearing Discuss and consider action on a resolution regarding the North Platte Mall Rehabilitation Redevelopment Plan on property described as Tract 1: That portion of Lots 1, 2, 3, 8, 9 and 10 Siegelin and Waibel’s Subdivision and a portion of vacated alley between said lots 1, 2, 3, 8, 9, and 10, North Platte, Lincoln County, Nebraska. Tract 2: All of Siegelin and Waibel’s Subdivision including vacated South Pine Street, vacated K and L Streets and vacated alley, North Platte, Lincoln County Nebraska. Tract 3: Block 4, South Platte Business Park, North Platte, Lincoln County, Nebraska pursuant to Nebraska Community Development Law.

Chair McGahan opened the public hearing.

Judy stated that the City Planning Commission’s responsibility in the Redevelopment process is to take public comment on whether the real estate described is in conformance with the City of North Platte Comprehensive Plan and if the project meets or will meet subdivision and zoning regulations, and is an overall fit for development of the city. The following statements should be considered and confirmed.

- This property as presented is located in an area that has been declared blighted and substandard.
- The property is in conformance with the current City of North Platte Comprehensive Plan
- The project meets or will meet subdivision and zoning regulations.
- The development of this property to its full potential is in the best interest of the City of North Platte and the entire region.

The area involved in the North Platte Mall Rehabilitation Redevelopment project was determined to be blighted and substandard in November 1999 by the North Platte City Council as part of a larger area blight study. On March 23, 2021, the City of North Platte Planning Commission made a recommendation to approve a change in zone from B-1 and B-2 to a PB-2 (Planned Business District). According to the City of North Platte Code of Ordinances, Chapter 156, Section 156.335 states that the purpose of a planned district shall be to permit and regulate the uses permitted under this chapter in the equivalent district, and to further provide for and encourage the flexibility in location of buildings, structures, roads and drives, variation in yards and open spaces subsequent to plan approval by the Planning Commission, Mayor and City Council. It is the intent to allow the development of tracts of land to their fullest extent, observing the general intent and spirit of the zoning chapter. The North Platte City Council approved the zone change on First Reading on April 6, 2021 and on Second Reading on April 20, 2021 with final approval anticipated for May 4, 2021. As part of the approved rezoning, the applicant also provided the city with a Master Plan for the area. As stated in the Master Plan, the redevelopment of the Platte River Mall will consist of reconstruction and reconfiguration of the parking lot to the west, south and southeast of the Mall. Parking areas to the north and east will remain with some minor repairs and parking stall striping. The Verizon Store on the northwest property corner will also remain. The Mall building will remain with renovations and the applicants are planning to construct a mixed-use building on proposed Lot 9. The individual lots will be accessed using shared access easements and there will be shared parking available for the entire site. The property owners intend to construct new signs for the main entrance and individual lots. Additional variances to the City Code of Ordinances will include shared infrastructure improvements and landscaping. Planning Staff recommends approval of the North Platte Mall Rehabilitation Redevelopment Plan and passage of the resolution. The Redevelopment Plan is in conformance with the North Platte Nebraska Comprehensive Plan 2011 and meets, or will meet, with approved rezoning, the current City of North Platte Subdivision and Zoning Regulations. The property is located in the hub of the commercial district of North Platte and will be a great redevelopment project for the community. Dewey Street is not only a State Highway, but also a major thoroughfare connecting the entire community from the north to the south. Philip Avenue is also a high volume street so the development will not be a detriment due to any increase in traffic. Allowing the applicants the ability to rezone to a planned unit development provides them with the ability to develop both residential and commercial structures on the site, providing apartments allows for a site with walkability, which is an asset to growing communities. This is a good fit for the area and growth and development of North Platte.

Mike Works, Lincoln, Nebraska, was present to represent the application and answer any questions.

Gary Person, President, North Platte Area Chamber and Development Corporation, 502 South Dewey, was present and stated that this plan is a perfect fit for what the Chamber and Development Corporation want to see for retail in the community. As far as TIF proceeds and Employment Enhancement area, these are generated as

new retail sales. This would not involve using actual city resources that exist today, it will be generated through the efforts of these investors and “everybody wins”. This will attract interest from people who do not reside in North Platte and will generate over \$400,000 and even the quality growth fund money will be repaid in a short time. Our community should fully embrace this as an opportunity that may never be seen again. The investors will find businesses to locate there.

Fudge asked Mr. Person to cite samples of how the occupation tax works.

Mr. Person explained the occupation tax has been used in places like the Haymarket District in Lincoln, Old Market in Omaha, Gretna Mall, Grand Island, Kearney. When he was in Sidney they had the first EEA after it was approved. In 5 years there was only one consumer complaint about the occupation tax. It is largely not noticed by consumers or it’s an expectation. This is not a sales tax but collected in much the same manner. The retailer collects and submits to the city. The city collects a little bit to process it and writes the check to the developer. Trying to do this without this program is a death sentence to the mall. This will give the city a fighting chance to get retailers in there. This should help attract additional business, new employees, etc. and helps recruitment ability.

Forbes asked if this tax is a forever tax.

Mr. Person explained it is usually tied to a financial loan or bond and when that gets paid it goes away. Sometimes it is paid off much quicker than anticipated.

Mr. Works explained the tax is collected 20 years maximum.

Winder asked how many jobs will be created.

Mr. Works stated this is a three to four year plan and will create about 450 to 650 jobs over what is there today depending on what kind of retailer the big box retailers are. They will get a loan and the funds go to pay off the loan. The EEA will not apply to the apartments. They do have a downtown Omaha project (part office, hotel and condos) that has an EEA on it.

Dixie Francis, 2601 W. D, was present and asked how the occupation tax is determined.

Judy explained that the EEA tax is part of the TIF redevelopment contract.

Mr. Works explained that no new tax will be added until January 1 next year. New businesses would collect additional 1.95% sales tax immediately when they open their doors.

Fudge moved and Winder seconded the motion to close the public hearing. Roll call vote: “Aye”: Davies, Winder, Fudge, Bain, Weber, McGahan, Jett, Forbes, Wurl. “Nay”: None. Absent: None. Motion carried.

Chair McGahan reiterated that the City Planning Commission’s responsibility in the Redevelopment process is to take public comment on whether the real estate described is in conformance with the City of North Platte Comprehensive Plan and if the project meets or will meet subdivision and zoning regulations, and is an overall fit for development of the city. The following statements should be considered and confirmed.

- This property as presented is located in an area that has been declared blighted and substandard.
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- The project meets or will meet subdivision and zoning regulations.
- The development of this property to its full potential is in the best interest of the City of North Platte and the entire region.

Fudge asked Judy if she has any reservations about the 4 points.

Judy stated they meet all 4 points. She received a statement from Chad Nabity, Regional Planning Director in Grand Island, which states that “Because of the use of TIF and the EEA we were able help a developer take a mall that was in abject failure and turn it around into a success that draws people from all over the region. This mall was in such bad shape that I did not even want to drive my 4 wheel drive truck through the parking lot because of the pot holes. There was one almost big enough to swallow my truck. Today we have a very nice

looking property filled with stores, restaurants and shops that were not in Grand Island before the project began. We have another mall that is going through a severe downturn and I would not hesitate to take an EEA forward to help redevelop it if the developer/owner came in with a good plan especially if it was going to bring people in from out of town that want to spend money in Grand Island.”

Winder stated the impact would be larger than the 2 mile radius that the city serves. He’s excited for this development.

Fudge moved and Winder seconded the motion to approve the resolution recommending approval of the North Platte Mall Rehabilitation Redevelopment Plan of the City of North Platte, Nebraska and approval of related actions. Roll call vote: “Aye”: Davies, Winder, Fudge, Bain, Weber, McGahan, Jett, Forbes, Wurl. “Nay”: None. Absent: None. Motion carried.

5. File No. SU21-002 Discuss and consider action on an application by North Platte Mall LLC for final approval of Sandhills Mixed Use Subdivision located at 1000 South Dewey Street on property described as Tract 1: That portion of Lots 1, 2, 3, 8, 9 and 10 Siegelin and Waibel’s Subdivision and a portion of vacated alley between said lots 1, 2, 3, 8, 9, and 10, North Platte, Lincoln County, Nebraska. Tract 2: All of Siegelin and Waibel’s Subdivision including vacated South Pine Street, vacated K and L Streets and vacated alley, North Platte, Lincoln County Nebraska. Tract3: Block 4, South Platte Business Park, North Platte, Lincoln County, Nebraska.

Judy stated that the preliminary subdivision application was filed in conjunction with an application for approval of a Master Plan and rezoning from B-1 and B-2 to PB-2. The preliminary plat showed variances to shared private drives and infrastructure improvements through the use of access and utility easements. The final subdivision is being considered at this meeting. City utilities are available to service the lots through either direct access, provided utility easements or shared agreements. Two additional easements have been added to service the lots. Also, before the final plat is placed on the City Council agenda, Reid Avenue will need to be removed from the subdivision plat, Reid Avenue no longer exists between Dewey Avenue and Jeffers Street. Planning Staff has no objection to approval of the final subdivision if the Master Plan has been approved.

Fudge moved and Weber seconded the motion to approve File No. SU21-002 final approval of Sandhills Mixed Use Subdivision if Reid Avenue is removed from the subdivision plat. Roll call vote: “Aye”: Davies, Winder, Fudge, Bain, Weber, McGahan, Jett, Forbes, Wurl. “Nay”: None. Absent: None. Motion carried.

6. Discussion of solar regulations and possible amendments.

Judy stated she has had inquiries from people wanting to do solar farms so the city is trying to come up with some regulations for neighborhood solar panels or commercial type operations. She asked the Planning Commission to take a look at what is proposed and call with questions.

7. Old Business. There was no old business to be discussed.
8. New Business. There was no new business to be discussed.
9. Adjourn. Chair McGahan adjourned the meeting at 6:13 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary