

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

MEMBERS PRESENT: Don Weber, Emily Wurl, Marilyn McGahan, Angie Forbes, Jeff Bain, David Fudge,

MEMBERS ABSENT: Nelson Jett, Tristen Winder, Lee Davies

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.

2. Weber moved and Fudge seconded the motion to approve the minutes of the meeting held June 22, 2021.
Voting Aye: Bain, Weber, McGahan, Forbes, Fudge, Wurl. Voting Nay: None. Absent: Davies, Winder, Jett.
Motion carried.
3. Public Hearing File No. CU21-015 Discuss and consider action on an application by Prospect Enterprises, LLC for a conditional use permit to allow a horse race track and associated improvements located in an I-1 Light Industrial District in the northeast corner of the intersection of Victoria Lane and East Walker Road on property described as part of Lots 8 and 9 and the SW ¼ of the SW ¼ of Section 10, Township 13 N, Range 30 W of the 6th P.M., North Platte Lincoln County, Nebraska.

Chair McGahan opened the public hearing.

Judy stated that the applicant states they are planning to improve the site for horse racing, with all ancillary services necessary for approval to be an authorized sports racing track. It is anticipated that the use will generate additional traffic and the community will see an economic benefit due to increase in jobs and increased activity. North Platte City Code of Ordinances, Chapter 156, Section 156.237(B) allows for racetracks subject to approval of a conditional use permit. Brent Burklund, City Engineer, would like the developer to know that city utilities, including water, sewer and electric are in the vicinity; however, these services will need to be extended at the developers cost according to city regulations. Water will need to be extended from the east to the west side of the property, sewer will need to be extended from south of Walker Road to and throughout the site. Electric mains and transformers will also need to be installed. Storm sewer needs to meet quality and quantity requirements and may differ depending on site runoff considerations. It is suggested that a development agreement be provided as part of the issuance of the conditional use permit. Dave Hahn, City Building Inspector, states that any structure the applicant is intending to build on site will require a building permit. The seating area associated with the track will be regulated under an Assembly Occupancy (A-5) for seating and exiting requirements. Considering the potential impact of this type of development, Planning Staff is recommending the requirement of an executed development agreement to ensure the development provides a positive impact to the community. The development agreement will include, but not be limited to, all infrastructure improvements (water, sewer, paving, storm drainage, sidewalks), building considerations and siting, landscaping and parking, driveways, fire safety installation, driveways, maintenance plan, etc.

Chair McGahan stated regarding public hearings: The applicant will speak first. Give name and address when coming to the podium. Any other conversations that come forward should be kept to about three minutes. Once a person testifies, wait until others have had a chance to speak before speaking again.

Brian Jorde, Omaha, was present on behalf of the applicant. He passed out a handout outlining what he will be discussing. He is one of the 5 board members for North Platte Exposition and Horse racing, non-profit

organization seeking to purchase the ground. The Board of Directors include: Himself, Brian Becker, Brooke and Breann Becker and Cynthia Smith who were all present. He explained that the ground is 77.25 acres and zoned industrial. The proposed track will be built to the size and dimension that can handle Thoroughbreds and Quarter Horses. North Platte was selected because they feel it could pull in visitors from 200 to 300 miles around the area within Nebraska and surrounding states. It's a good location with good infrastructure, hotels etc. This track would accommodate 600 stalls and over 1000 parking spaces to accommodate public. There would be over 100 employees. The track would be a 5/8 track to accommodate any type of racing. Brian Becker and his family have been doing this for over 2 decades and has been doing horse racing in Hastings. The horses need to be 3 or 3 ½ years old. They are hoping to build the entire industry in Nebraska, the industry has been dying. They have partnered with Global Gaming Productions and have a 4 year plan. They understand to get permission from the Planning Commission and City Council they have to pull in utilities at their cost. In the first year there will be one race day which complies with the law. Year two they intend to have nine race days, year three, 12 race days and year four up to 30 race days. They will have in excess of 100 employees simply supporting everything around the racetrack and will bring in people to train local employees. They are also looking for local contractors, for dirt work etc. They have decades of experience in horse racing. They are not asking the city to pay for utilities etc. and are respectfully requesting approval. The long term plan is to build a gaming facility. Adding the gaming helps for revenue for purses. It will add over \$1 million in tax revenue to the city and the same to the county. Twenty percent of the revenue will go directly to property tax relief.

Bain asked with one race a year why wait 4 years to put in gaming?

Mr. Jorde explained they hopefully won't have to wait that long. They do have to run one race then they can apply for gaming permit. He was trying to be conservative. They would like to be up and running well before the fourth year.

Wurl asked if there will be 100 employees on race days, what about employees on non-race days?

Mr. Jorde explained they are looking to do other types of events that would have employees.

Cynthia Smith, who will eventually be director of racing with this organization, was present and stated there are lots of employees – detailers, maintenance, racing officials. They want to train local people and intend to create long term relations with staffing organizations.

Mr. Jorde explained that on race days there will be a minimum of 100 employees. Over the years that will increase to over 200 or 250 that will be full time.

Breann Becker, Hastings, was present and stated they have been racing for 20 years. The funding comes directly from her father's pocket which is why they partnered with Global Gaming to go directly back to breeders, racers, etc. They will create a circuit which is what Nebraska needs. A lot of the tracks don't have supporting purse revenue and have shut down. There has to be revenue to keep things moving.

George Haws, 721 W. 9th St., was present and passed out information on smoke-free policies. He is the Coordinator of Tobacco Free Lincoln County. He would like to have a stipulation of smoke free policies at least for the grand stands. There are precedents for Lincoln County, smoking is prohibited in the grand stands at Wild West Arena and Fairgrounds. All schools in Lincoln County prohibit smoking including in bleachers. NP Ordinance 3728 prohibits smoking in certain areas of the park system. Nebraska's Clean Indoor Air Act prohibits indoor smoking in public sites and workplaces. State law will apply to the proposed casino and other buildings

Travis Kuenning, 201 S. Maloney Dr., was present and stated he is for a race track in North Platte but is concerned with running only one race per year He passed out copies of the application for the race license for one day of racing. He would like them to consider having a split meet. He suggested if this application is approved they have a set number of race days per year and cannot revert back to one race day a year.

Greg Renner, 19124 Osage Ct., was present and was concerned about the condition of Walker Road and the infrastructure along Walker Road.

Ed Mueller, 602 S. York Ave, was present and stated he agrees with Walker Road. He also has an issue with the back stretch being close to interstate. There will be noise and flashing vehicles and it's easy to spook a horse. He would like to see a very tall sound barrier fence put in. He asked if there will be a maintenance shed or RV parking because a lot of race trackers have RVs. He would also like to see a split meet and split the purse equally. Filling other days with Thoroughbreds would give the Quarter Horse industry the chance to catch up. He would like to see the project done right the first time if it gets passed.

Alan Erickson, 3220 W. Leota, was present and stated this is an opportunity to push forward with this and motels and other things that our city needs to grow. There are ordinances, city permits, building permits, and they are all fair and workable.

Gary Person, President, North Platte Area Chamber and Development Corp., 502 S. Dewey, was present and stated that the political reality is once this legislation was adopted and voters spoke, there will be something built west of Grand Island. Right now North Platte is on the top of the pecking order for consideration.

Mr. Renner again expressed concerns over improvements to Walker Road.

Cassidy Blake Horn, Yuma Colorado, was present. She works for George Seward who is a farmer/rancher out of Nebraska in Colorado, he raises and races Quarter Horses and was unable to attend the meeting. He says North Platte would be a perfect central location for this facility. The potential for Quarter Horse to come from North Dakota, South Dakota, Colorado and Wyoming is huge. This would take out so much travel for owners and horses. There would be numerous economic development opportunities such as horse barns, training facilities, feed stores, animal health services. Mr. Seward is excited to have this facility so close.

Tanner Isaacs, Milliken, Colorado, was present. He is farm manager for Vista Equine Colorado near Fort Collins, Colorado. He is also a Board of Director for Rocky Mountain Quarter Horse Assoc. This race track is very promising from a breeder standpoint. Sales have been record high. There are a lot of breeders looking for a place to race and North Platte would have their support. He agrees with running both Quarter Horses and Thoroughbreds. North Platte is a central location for Colorado, Wyoming South Dakota, North Dakota, Idaho, Utah. The breeders are looking for places to run and could collaborate with other associations. It's a thriving industry needing a place to call home and support to do that. This could bring in breeders.

Mr. Mueller asked about the 77 acre land. If there is need to expand, the canal, interstate, lake and Walker Road surrounding the property would limit the expansion.

Mr. Jorde stated designated smoking areas are not unreasonable. As far as wanting to race more days, they want to also. For every day there is a race, there has to be a Nebraska bred race which means Quarter Horses have to be raised in Nebraska and on a Quarter Horse registry. Which comes back to how many are of an age ready to race now. They are excited about growing registered Nebraska breds. Mr. Becker luckily owns several. Down the line they will have to be bred here in order to race. In terms of mixed meet, they will comply with whatever makes sense. As far as setback etc., they have worked with people who have designed tracks all over the country and they say it meets and exceeds standards. Many have interstates nearby and safety of horses and jockeys are paramount. If needed, the entire track can move south and spread the parking out. They have in excess of 15 acres still available so there is plenty of space to slightly reconfigure if something pops up. They will bring the roads to spec at their cost. Racing season is approximately April 15 to August 15. Their plan is to run 30 days within that window. They will be willing to work with and around other activities such as county fairs. There is a small maintenance shed in the NW corner (3600 sq. ft.). 600 stalls are the minimum. They have room to go beyond 800 if this takes off. He likes the idea of an RV park and could accommodate on the 15 acres. He appreciates the two people that drove from Colorado. He hopes they will be allowed to construct a class operation in North Platte.

Chair McGahan asked what prevents the track from having more than one race that first year.

Mr. Jorde stated just the availability of horses could be the problem. They would have Mr. Becker's horses that first race. If there are available horses they will do more.

Forbes asked if it could be just one race with Nebraska bred horses and then people from Colorado could bring horses in.

Mr. Jorde stated as long as there is one Nebraska bred race, then they could get to the Colorado horses. It's a state law to make sure Nebraska is getting behind this. Also by state law there could be a walk over where just one horse gets taken around the track.

Breann Becker stated right now in Nebraska there are many more Quarter Horses than Thoroughbreds. The potential of people from surrounding states wanting to register these horses for their 4 year plan is huge. As for the amount of horses raised in Nebraska, there will be babies on the ground but it takes 3 years for them to grow. This track will have to rely on gaming revenue. They are open for racing Thoroughbreds but the racing commission has to approve it. They are giving 8% to purses and 2% to breeders and owners.

Mr. Jorde explained those percentages are double what the other tracks do. This is to show the commitment to building this track.

Weber asked about the casino.

Mr. Jorde stated there is a million dollar fee to apply for a casino. If approved, a casino will be constructed. The casino will be connected to the track to have the economic engine to further support the track.

Bain asked about the Nebraska state law to run state horses.

Brian Becker was present and explained if running a Quarter Horse meet one Nebraska bred race must be run per day and then there can be open races. If running mixed races one Nebraska bred race of each must be run. They plan to run probably 10 races per day in the 4 year plan. The fence near the interstate would be at least an 8' fence.

Mr. Jorde explained they will build the fence as high as is required from the city.

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

Chair McGahan suggested maybe putting a time limit on the conditional use permit if nothing has been done in a certain amount of time.

Judy explained one of the things included in a development agreement would be a decommissioning plan.

Fudge moved and Weber seconded the motion to find the request for a conditional use permit allow a horse race track and associated improvements located in the northeast corner of the intersection of Victoria Lane and East Walker Road 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 and with the following conditions:

1. A fully executed Development Agreement with the City of North Platte must be in place prior to construction. The Development Agreement will include but not be limited to regulations regarding, water, sanitary sewer, subdivision, drainage, storm water management, landscaping, parking, driveways, paving, decommissioning, traffic, and electric utility layout.
2. Construction of the track and infrastructure, including utilities, drainage, and street paving must be completed within two years of the date of issuance of the conditional use approval.
3. The track must be constructed at a minimum of 5/8 of a mile.

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
- Voting Aye: Bain, Weber, McGahan, Forbes, Fudge, Wurl. Voting Nay: None. Absent: Davies, Winder, Jett.
Motion carried.

4. Discussion of upcoming Zoning Map and Zoning Regulation amendments.

Judy stated that several years ago Planning Commission looked at doing an entire zoning code revision. It was extremely overwhelming. Today she submitted a map with one zoning district (R-4). She plans to approach each section and look at maps and regulations that go with it. The city has single family lots that allow for mobile homes outside of mobile home parks, most cities do not do that anymore. She is asking for recommendations about converting R-4 to R-3 zoning. If this happens it makes a lot of very small lots in an R-3 District that has larger setbacks. Then the R-3 district would have to be considered to be changed.

Judy further stated she will try to get the solar regulations in a final format for the next meeting and will also go through R-3 and R-4 zoning with a more detailed discussion.

5. Old Business. There was no old business to be discussed.
6. New Business. NPZA workshop coming up September 15-17. She hopes to get information out soon to anyone that wants to attend.
7. Adjourn. Chair McGahan adjourned the meeting at 7:04 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary