

MINUTES OF THE MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 26<sup>th</sup> DAY OF JULY 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: Marilyn McGahan, Angie Forbes, David Fudge, Nelson Jett, Don Weber, Jeff Bain

MEMBERS ABSENT: Emily Wurl, 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. Fudge moved and Bain seconded the motion to approve the minutes of the special meeting held May 31, 2022. Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder. Motion carried.
3. Discuss and consider action on a request to vacate a 16' alley between West 14th Street and West 13th Street, more particularly, the alley on the south side of Lots 1-5 Bokoskie's Replat, North Platte, Nebraska and the north side of Lots 6-10 Bokoskie's Replat, North Platte, Nebraska.

Judy explained that the applicant is requesting the alley vacation to allow a lot consolidation, which will provide him the ability to construct an accessory building on his property. The alley currently is not used for sanitation removal, refuse is collected in the street; however, the city has a sewer line located in the alley and will retain the 16' as a utility easement. Planning Staff has no objections to the requested alley vacation providing the 16' is retained as a utility easement

Fudge pointed out there is a fence across what would be the utility easement and asked who is responsible to clear that area if one of the utility companies need to get in there.

Judy explained and the Public Service Director agreed that if the city needs to replace utilities in there, they will clear whatever is in the way. We generally try to work with property owners, and it would be their responsibility as to whether or not they replace it.

Fudge moved and Jett seconded the motion to approve the request to vacate a 16' alley between West 14th Street and West 13th Street, more particularly, the alley on the south side of Lots 1-5 Bokoskie's Replat, North Platte, Nebraska and the north side of Lots 6-10 Bokoskie's Replat, North Platte, Nebraska and retaining a 16' utility easement. Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder. Motion carried.

4. Discuss and consider action on a request to vacate a 16' alley between East 2nd Street and East Johnson Street on the east side of Lot 1 Fredricey's Subdivision and the east of Lot 12 Johnson's Replat and the west side of Lot 2 McGowan First Replat, North Platte, Nebraska.

Judy explained that the applicant is requesting the alley vacations to allow a lot consolidation, which will provide him the ability to construct an accessory building on his property. The alleys currently are not used for sanitation removal, refuse is collected in the street; however, the city has a sewer line located in the alley running east and west from Welch Avenue to the north and south alley and will retain the east and west 16' as a utility easement located between East 2<sup>nd</sup> Street and Johnson Street running east and west. Planning Staff has no objections to the requested alley vacation providing the 16' is retained as a utility easement. There are no utilities on the north and south alley.

Fudge moved and Bain seconded the motion to approve the request to vacate a 16' alley between East 2nd Street and East Johnson Street from Welch Avenue east on the south side of Lots 1-6 Fredricey's Subdivision and the north side of Lots 7-12 Johnson's Replat, North Platte, Nebraska and a request to vacate a 16' alley between East 2nd Street and East Johnson Street on the east side of Lot 1 Fredricey's Subdivision and the east

of Lot 12 Johnson's Replat and the west side of Lot 2 McGowan First Replat, North Platte, Nebraska retaining a 16' utility easement between East 2<sup>nd</sup> Street and East Johnson Street. Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder. Motion carried.

5. Public Hearing File No. AM22-004 Discuss and consider action on an application by Jim and Lorra Carlson for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map amending property from Residential-Medium Density Single Duplex and Multi-family to Commercial located at 1801 East 2nd Street and described as the West 172.4 feet of the South 112 feet of Lot 55, Platteview Subdivision, North Platte, Lincoln County, Nebraska.

Chair McGahan opened the public hearings on Items # 5 and #6 on the agenda and stated they involve the same property and may be discussed together. If Item #5 is not approved, then Item #6 cannot be acted on and will be pulled from the agenda.

Judy stated that in order to rezone a property, it is the duty of the planning commission to ensure that the rezoning is in conformance with the current comprehensive plan. The request for the amendment has been submitted in conjunction with a rezoning. The applicants are requesting the amendment to allow a change in zoning. Planning Staff has no objections to the amendment. The area is bordered on the north by Commercial and should not be a detriment to the surrounding area.

Judy further explained that the applicants are requesting the zone change to allow storage of construction materials and equipment for their drywall business. There will be no sales from the property or customers visiting the site. The applicants do not feel that the business would be detrimental to the area as adjoining properties are commercial businesses. The site will allow the current business to expand and hire more employees in the future. Planning Staff has no objections to the rezoning if the amendment has been approved. The area is bordered on the north by commercial businesses and should not be a detriment to the surrounding area.

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

Fudge pointed out that Morland Enterprises across from this set up their business there and it is designated as residential. He asked about initiating an amendment to the land use plan for commercial use.

Chair McGahan asked Judy to have that ready for us the next meeting.

Jett moved and Bain seconded the motion to approve File No. AM22-004 an amendment to North Platte Comprehensive Plan 2011 Future Land Use Map to amend certain lands from Residential-Medium Density Single Duplex and Multi-family to Commercial located at 1801 East 2<sup>nd</sup> Street. Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder. Motion carried.

6. Public Hearing File No. Z22-002 Discuss and consider action on an application by Jim and Lorra Carlson to rezone certain lands from an R-2 Dwelling District to a B-2 Highway Commercial District on property located at 1801 East 2nd Street and described as the West 172.4 feet of the South 112 feet of Lot 55, Platteview Subdivision, North Platte, Lincoln County, Nebraska.

The public hearing on Item No. 6 (File No. Z22-002) was held and discussed with Item No. 5 above (File No. AM22-004).

Jett moved and Bain seconded the motion to approve File No. Z22-002 to rezone certain lands from an R-2 Dwelling District to a B-2 Highway Commercial District on property located at 1801 East 2<sup>nd</sup> Street on property described as the West 172.4 feet of the South 112 feet of Lot 55, Platteview Subdivision, North Platte, Lincoln County, Nebraska. Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder. Motion carried.

7. Public Hearing File No. Z22-003 Discuss and consider action on an application Joe Shown to rezone certain lands from an A-1 Transitional Agricultural District to an I-1 Light Industrial District on property located at

3022 East Philip Avenue and described as a tract of land in the NE ¼ of Section 2, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska.

Chair McGahan opened the public hearings on Items #7 and #8 on the agenda.

Judy explained that items #7 and #8 on the agenda involve the same property and may be discussed together. The only reason they have to rezone is because the State of Nebraska does not allow billboards on current zoning.

In order to rezone a property, it is the duty of the planning commission to ensure that the rezoning is in conformance with the current comprehensive plan. The North Platte Comprehensive Plan 2011 Future Land Use Map shows the property as Industrial, making the zoning request in conformance with the current comprehensive plan. The applicant is requesting the zone change to allow a conditional use application to install a 10' x 24' electronic advertising billboard on the property. Planning Staff has no objections to the rezoning as the request for rezoning is in conformance with the North Platte Comprehensive Plan 2011 Future Land Use Map. The property is currently surrounded by industrially zoned property on the north, west and east with agricultural zoned property to the south. The area is a prime location for industrial development as it is located on the corner of East Philip Avenue and Newberry Access Road.

Judy further explained that for the conditional use permit the applicant is planning to construct a 10' x 24' electronic advertising billboard on the property. It will be a steel supporting structure constructed 100 feet south of the intersection and 40 east of the property line in accordance with city requirements. There will be no increase in traffic and should not be a detriment to the character of the area since the area is close to other industrial property. The billboard will allow local businesses and community organizations to notify the public of services and goods that they provide the community. Planning Staff has no objections to the conditional use application. The site is located in a high traffic industrial zoned area and is a prime location for future industrial development. Installation of a billboard will not be a detriment to the surrounding area.

Joe Shown, applicant, 9129 E. Ehler Rd., Stapleton, Nebraska, was present to answer questions.

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

Fudge moved and Weber seconded the motion to approve File No. Z22-003 to rezone certain lands from an A-1 Agricultural District to an I-1 Light Industrial District on property located at 3022 East Philip Avenue on property described as a tract of land in the NE ¼ of Section 2, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska. Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder. Motion carried.

8. Public Hearing File No. CU22-001 Discuss and consider action on an application by Joe Shown for a conditional use permit to allow a 10' x 24' electronic advertising billboard on property located at 3022 East Philip Avenue on property described as a tract of land in the NE ¼ of Section 2, Township 13 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska.

The public hearing on Item No. 8 (File No. CU22-001) was held and discussed with Item No. 7 above (File No. Z22-003).

Fudge asked about regulations for billboards.

Judy discussed current city regulations regarding signs.

Fudge moved and Bain seconded the motion to find the request for a conditional use permit to allow a 10' x 24' electronic advertising billboard on property located at 3022 East Philip Avenue 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
- Voting Aye: Weber, McGahan, Forbes, Fudge, Jett, Bain. Voting Nay: None. Absent: Davies, Wurl, Winder.  
Motion carried.

9. Discussion of upcoming Zoning Map and Zoning Regulation amendments – Home Based Business, Home Occupation, Special Events District.

Judy stated it is the intent to review and propose updates for all the commercial, industrial and agricultural districts of the zoning regulations very similar to how Planning Commission reviewed the residential zoning districts. Once all the districts have been reviewed a public hearing will be held to adopt and approve new and updated regulations and to update the zoning map as deemed necessary by the Planning Commission. What is proposed will expand the definition regarding home occupations. While reviewing these regulations please pay close attention to the potential impact of possible additional traffic these home based businesses or home occupations may create and in what zoning districts these types of businesses may be a good fit. Additionally, the Special Events District would be a newly created district. The thought process behind creating this additional district would put properties such as Scout's Rest Ranch, Nebraskaland Days Arena, the Lincoln County Fair Grounds, Lincoln County Museum and other similar areas in a district of their own. Currently, these areas are zoned A-1 Agricultural Districts and making improvements to those properties requires conditional use permits. The Special Events District is intended to allow those properties more flexibility when making improvements. Planning Commission should consider the impact of that flexibility on neighboring properties, and also consider which properties are the best fit for this new district.

Judy further explained that the proposed home based businesses and home occupations would be allowed in residential and ag districts. Planning Commission should consider what a person will tolerate as a neighbor running a business out of their home. In the new regulations, a home occupation would be less intensive use than home based business.

There was some discussion about what types of home occupations are currently allowed and others that are probably happening in North Platte without a home occupation permit. It was suggested even businesses such as Mary Kay and Avon should maybe have a home occupation permit. Monitoring home occupations is difficult and usually on a complaint basis. Perhaps people selling things like food every weekend or having continuous garage sales need to be addressed. It was suggested that Judy come back to Planning Commission with best practice models from other cities.

There was more discussion about what venues to include in the Special Events District. There may be some buildings and things that Planning Commission should control. All the places that were named in the review comments are zoned agriculture.

Judy stated she will get copies of other Special Events Districts from Kearney and Grand Island for the next meeting. She asked the Planning Commission to let her know if they have any suggestions.

10. Old Business. There was no old business to be discussed.

11. New Business.

Judy stated that the Nebraska Planning and Zoning Association annual conference will be held September 14, 15, 16 and suggested Planning Commission members try to attend.

12. Adjourn. Chair McGahan adjourned the meeting at 6:25 p.m.

Respectfully Submitted,

Michelle Bain  
Recording Secretary