

NOTICE OF SPECIAL MEETING AND
PLANNING COMMISSION AGENDA

Notice is hereby given that the Planning Commission of the City of North Platte will hold a special meeting on September 12, 2022 at 5:30 p.m. The meeting will be held in the City of North Platte Council Chambers located in City Hall at 211 West Third Street, North Platte, Nebraska.

The City of North Platte is inviting you to view the meeting live on YouTube at the following link <https://www.ci.north-platte.ne.us/government/city-departments/development/planning-commission-agendas-minutes/>

The following items will be heard, and all interested persons are invited to attend.

1. Roll Call.

A current copy of the open meetings act of Nebraska is posted at the back of the Council Chambers.

2. Approve minutes of the special meeting held August 30, 2022.

3. Public Hearing File No. CU22-002 Discuss and consider action on an application by Gary and Ruth Stearns for a conditional use permit to allow a commercial strip mine operation on property located in an A-1 Agricultural District and described as the NW ¼ and the S ½, EXCEPT portion Deed to the State of Nebraska in Warranty Deed recorded April 2, 1943 in Book 81, Page 565 of Section 25, Township 13 North, Range 30 West of the 6th P.M. Lincoln County, Nebraska.

4. Old Business.

5. New Business.

6. Adjourn.

MINUTES OF THE SPECIAL MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 30th DAY OF AUGUST 2022 IN THE CITY HALL COUNCIL CHAMBERS.

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

MEMBERS ABSENT: Don Weber, 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 meeting held July 26, 2022. Voting Aye: McGahan, Forbes, Fudge, Jett, Bain, Wurl, Winder. Voting Nay: None. Absent: Davies, Weber. Motion carried.
3. Discuss and consider action on a request to vacate a 16' alley between 1218 N. Ash Street and 505 Rodeo Road running east and west from Ash and a request to vacate a 12' alley on the west side of 1218 N Ash Street running north and south, more particularly, the alley on the south side of Lot 3 McEachron's Subdivision, North Platte, Nebraska and the north side of Zeller 2nd Administrative Subdivision, North Platte, Nebraska and the alley on the west side of Lots 1-3 McEachron's Subdivision North Platte, Nebraska and the east side of Lot 2 Block 12 E.D. Mae Replat, North Platte, Nebraska.

Judy stated that the applicant is requesting the alley vacation to allow future reconfiguration of the lots and possible fence installation. The city has a sewer line located in both alleys and will retain both utility easements. Planning Staff has no objections to the requested alley vacations providing 16' and 12' are retained as a utility easements in place of the alleys.

A couple of the Planning Commissioners pointed out that it's hard to tell this is an alley.

Fudge moved and Jett seconded the motion to approve the request to vacate a 16' alley between 1218 N. Ash Street and 505 Rodeo Road running east and west from Ash and a request to vacate a 12' alley on the west side of 1218 N. Ash Street running north and south and retaining a 16' utility easement and a 12' utility easement in place of the alleys. Voting Aye: McGahan, Forbes, Fudge, Jett, Bain, Wurl, Winder. Voting Nay: None. Absent: Weber, Davies. Motion carried.

4. File No. SU22-016 Discuss and consider action on an application North Platte Area Chamber and Development Corporation for preliminary and final approval of Mulligan Meadows First Subdivision located at 1517-1621 Adams Avenue in an R-2 Dwelling District on property described as part of Lot 11, Cody Land and Cattle Co. Subdivision to North Platte, Lincoln County, Nebraska.

Judy stated that the subdivision will split one lot into 9 lots. Future roads will be created; however, these lots do have access to a city improved road and sewer. Water service will need to be extended to the lots. Planning Staff has no objections to Mulligan Meadows First Subdivision.

Fudge asked if there is someone ready to start building.

Gary Person, Pres, North Platte Chamber & Development Corporation, 502 S. Dewey, was present and stated their whole intent was to try to get going on housing. Part of the deterrent is the availability of lots. This would help invigorate the north side to attract developers to develop workforce housing. They asked for proposals by late September and ideally they would have one developer commit to all of it. All infrastructure is there except one block and they are going through process of getting that installed. They hope something happens before the end of the year. What happens with the 2nd, 3rd and 4th phases depends on what happens with this phase. The lots won't get developed if we don't do this.

Winder moved and Bain seconded the motion to approve Mulligan Meadows First Subdivision. Voting Aye: McGahan, Forbes, Fudge, Jett, Bain, Wurl, Winder. Voting Nay: None. Absent: Weber, Davies. Motion carried.

5. Public Hearing Discuss and consider action on a resolution regarding the City of North Platte, Nebraska Blight and Substandard Study – Wilkinson Study Area, prepared by Marvin Planning Consultants, Inc., and make a recommendation regarding its conformity with the City of North Platte Comprehensive Plan 2011 whether the real estate described should be declared substandard and blighted for the development of the City of North Platte pursuant to Nebraska Community Development Law. The area includes an estimated 30 acres located along and north of Hackberry Road and south of the Interstate 80 Corridor.

Chair McGahan opened the public hearing.

Judy explained that the City Planning Commission's responsibility in the Blight & Substandard Determination Study process is to take public comment on whether the real estate described should be declared substandard and blighted as pursuant to the Nebraska Community Development Law and if the study is in conformance with the City of North Platte Comprehensive Plan. The following statements should be considered and confirmed.

- This property as presented in the study meets the requirements to be declared substandard,
- This property as presented in the study meets the requirements to be declared blighted,
- The factors necessary to declare the property blighted and substandard are sufficiently distributed to impact development across the entire site,
- That development of this property to its full potential is in the best interest of the City of North Platte and the entire region

• That there are projects ready to develop in this area if they can meet the financial goals of the developers

The City of North Platte, Nebraska Blight and Substandard Study – Wilkinson Study Area prepared by Marvin Planning Consultants, Inc. was on the August 2, 2022 City Council Agenda and referred to the City Planning Commission for review with no comment. Nebraska State Statute 18-2103(3) regulates the percentage of city limits that may be declared blight and substandard pursuant Nebraska Community Development Law and states a city of the first class shall not designate more than thirty-five percent (35%) of the city as blighted. Currently, the city limits of the City of North Platte contain 11,330.13 acres with 2,355.83 acres designated as blighted and substandard or 20.8%. The proposed study will designate an additional 30 acres as blighted and substandard which will increase the city's percentage to 21.1% designated as blighted and substandard. Additionally, a summary of the requirements for a property to be declared substandard and blighted pursuant to Nebraska Community Development Law is attached for your review. Planning Staff recommends approval of the study and passage of the attached resolution. The study is in conformance with the North Platte Nebraska Comprehensive Plan 2011 and meets the requirements to be declared substandard and blighted. By declaring this area as blight and substandard the city remains below the 35% threshold leaving acres available for future blight and substandard declarations.

Winder moved and Bain seconded the motion to close the public hearing.

Gary Person asked to speak before the public hearing was closed. He stated there is zero chance of getting housing without having programs that allow infrastructure cost to not be carried entirely by the homeowner.

Voting Aye on closing the public hearing: McGahan, Forbes, Fudge, Jett, Bain, Wurl, Winder. Voting Nay: None. Absent: Weber, Davies. Motion carried.

Fudge stated that he struggled with this one because it's a pretty nice neighborhood.

Judy stated that blighted and substandard does not have to look bad, there are other criteria to be considered.

Fudge asked if declaring blighted and substandard affects the evaluation.

Bain stated it does not affect the evaluation.

Forbes and Jett stated there were homes in that area sold for over \$200,000.

Keith Marvin, Marvin Planning Consultants, was present and allowed to speak. He stated the study is based upon age of houses and infrastructure in the area. Some of the streets are rough because they have been there for a while. Standing water is interpreted as a potential hazard because of what can happen with mosquitoes, etc. The average age of homes is 40.8 years so it was close. The vast majority of the homes beat the 40 year age and if any more development is put in that area there is an assumption that some of that infrastructure will have to be upgraded.

There was discussion among Planning Commission members regarding the border of the study area.

Jett moved and Winder seconded the motion to approve the resolution and recommend adoption of the City of North Platte, Nebraska Blight and Substandard Study – Wilkinson Study Area, prepared by Marvin Planning Consultants, Inc., and approval of related actions. Voting Aye: McGahan, Forbes, Fudge, Jett, Bain, Wurl, Winder. Voting Nay: None. Absent: Weber, Davies. Motion carried.

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

Judy stated there is nothing prepared for this but she wants to keep it on the agenda to continue to work towards it.

7. Election of Officers.

Chair McGahan stated she is not eligible for any office on because she will be replaced before next Planning Commission meeting.

Bain nominated Fudge to be Chair, Winder seconded the nomination. Voting Aye: McGahan, Forbes, Jett, Bain, Wurl, Winder. Voting Nay: None. Abstaining: Fudge. Absent: Weber, Davies. Motion carried.

Winder nominated Jett as Vice-Chair/Secretary. Wurl seconded the nomination. Voting Aye: McGahan, Forbes, Fudge, Jett, Bain, Wurl, Winder. Voting Nay: None. Absent: Weber, Davies. Motion carried.

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

9. New Business.

Winder thanked Chair McGahan for her service.

Judy explained there will be special meetings in the future.

Judy further explained that the chair person must serve on the Board of Adjustment or appoint someone else to serve. Board of Adjustment meetings are held at 8:30 a.m. on the same Tuesday as Planning Commission meetings.

Judy also told the Planning Commission they can still register for the NPZA Conference in Kearney.

Chair McGahan stated her service on the Planning Commission has been interesting. What has happened over the 56 years or so that she has been here has been frustrating but very exciting. It has been a good experience. Working state wide and with local people has been rewarding. She thanked the Planning Commissioners for serving. She encouraged them to continue their work with the City.

10. Adjourn. Chair McGahan adjourned the meeting at 6:06 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary



**CITY OF NORTH PLATTE PLANNING COMMISSION
STAFF SUMMARY REPORT
SEPTEMBER 12, 2022**

Public Hearing:

Application No. CU22-002 Discuss and consider action on an application by Gary and Ruth Stearns for a conditional use permit to allow a commercial strip mine operation on property located in an A-1 Agricultural District and described as the NW ¼ and the S ½, EXCEPT portion Deed to the State of Nebraska in Warranty Deed recorded April 2, 1943 in Book 81, Page 565 of Section 25, Township 13 North, Range 30 West of the 6th P.M. Lincoln County, Nebraska.

A location map is attached.

The applicant states they are planning to provide the earthen material that will be required to construct the proposed Sustainable Beef Packing Plant located on Newberry Access in North Platte. This property will serve as one of two borrow pits required to provide the material needed to raise the elevation of the new site. The hours of operation for loading and transporting material will be from 7:00 AM to 6:30 PM, Monday-Friday unless it is deemed necessary to move material on Saturday due to lost days during the week to weather. This site will require 20-25 semi-trucks with side dump trailers from the borrow site to the construction site daily. Traffic control signs will be installed alerting motorists of the heavy truck traffic and efforts will be made to keep dust down as much as possible. The point of ingress and egress will also be signed appropriately. The borrow pit is being submitted exclusively for construction of the beef plant and is estimated to be completed within a year. No permanent or temporary structures will be constructed at the material site. However, a fuel transport unit will be on site and will comply to all specifications and regulations regarding fuel storage in addition to portable restrooms.

This property is located in both the City of North Platte and Lincoln County's jurisdiction. The County Planning Commission will hear the application at their meeting scheduled for Tuesday, September 13, 2022.

Planning Staff has no objections to the conditional use application as presented. The site is located in an agricultural district, which allows strip mining through approval of a conditional use application. Planning Commission may add reasonable conditions to the application as deemed appropriate. Since the strip mine is for a limited time frame (1 year) it should not be a detriment to the surrounding area.

Motion to Approve:

"I move that we find the request for a conditional use permit to allow a commercial strip mine operation for one year, located on S Old 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 (*add the highlighted portion only if adding conditions otherwise continue to "based on..."*)

and with the following condition(s):

1. _____
2. _____

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
(Add any additional documentation/evidence provided at the public hearing as Planning Commission feels necessary)

1. _____.
2. _____.”

Motion to Deny:

“I move that we find the request for a conditional use permit to allow a commercial strip mine operation for one year, located on S Old Highway 83, does not meet the minimum standards stated in the North Platte Code of Ordinances Section 156.322 and deny the conditional use permit requested based on the following factual findings:

The applicant has not met the following minimum standards stated in The North Platte Code of Ordinances Section 156.322 *(list the requirements that are not being met refer to requirements 1-5 Section 156-322 as listed above to decide which requirement(s) are not being met and the reasons why)*

1. _____.
2. _____.”

(Add any additional documentation/evidence provided at the public hearing Planning Commission feels necessary).

FORM B

LINCOLN COUNTY JOINT PLANNING COMMISSION

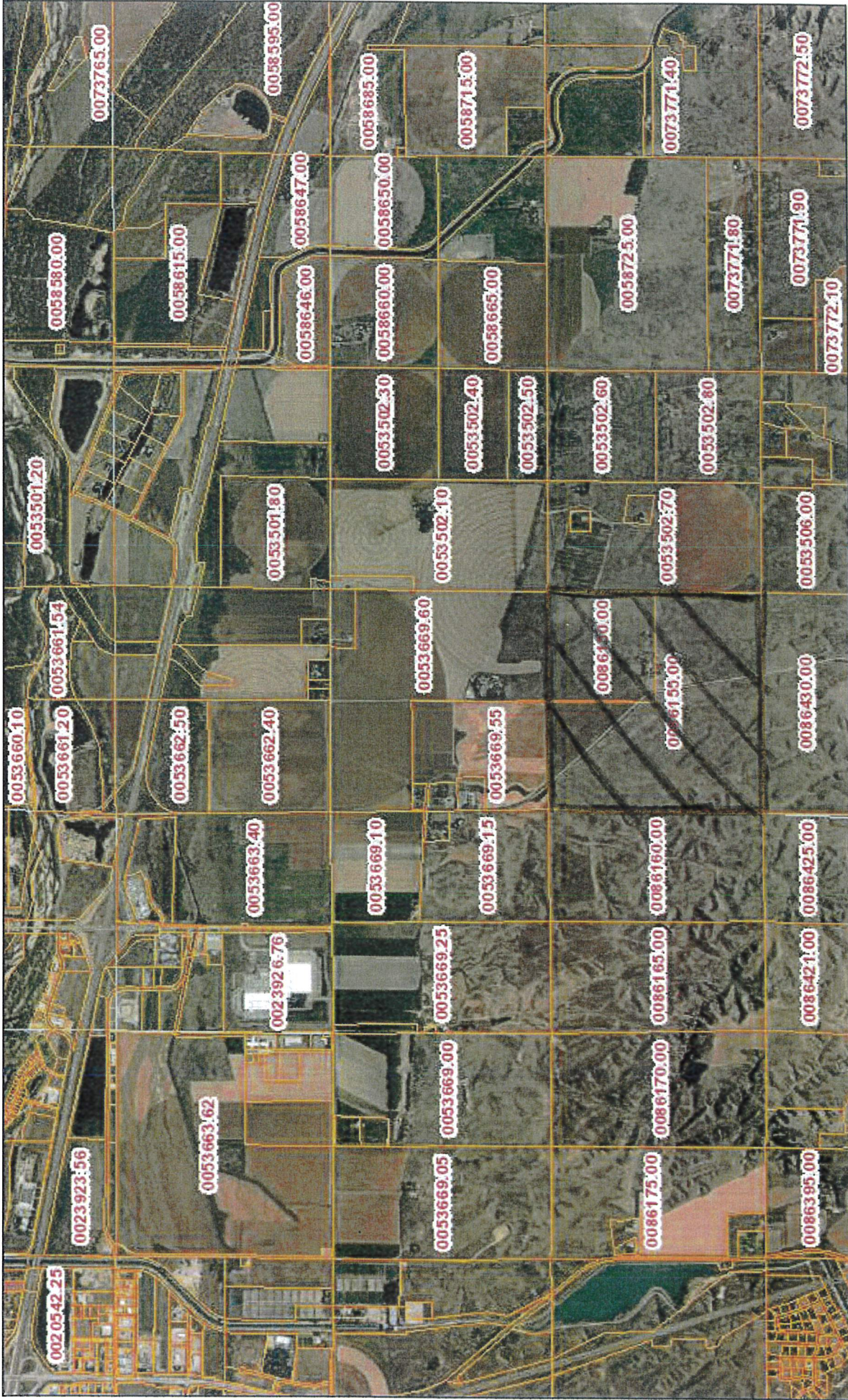
JUSTIFICATION

Questions 1 through 7 must be answered completely. On a separate sheet of paper, type out each question and answer.

1. What use is to be made of the area in question? *Strip mine*
2. Explain the need for the proposed use in the area. *Fill dirt needed for Proposed Beef Packing Plant.*
3. Will it be necessary to build a new structure or structures? *No,*
4. Will the proposed use increase traffic in the area? If so, will an increase in traffic be detrimental to the adjoining properties and are existing county roads adequate to carry an increase in traffic? (A signed statement from the Lincoln County Road Superintendent must be submitted as a part of question No. 4). *Yes, during the time of construction*
5. Is the area presently served by a similar type of zone and use? *No, this area is agricultural pasture ground*
6. How will surrounding property values be maintained or increased?
7. Explain in detail your intentions for the operation of the proposed Conditional Use Permit. This may include times of operation, maximum number of customers expected at one time, maximum number of vehicles expected at one time, percent of area to be used for retail, wholesale, service, and storage. Will all business activities be conducted inside a building or will part or all of the activities be conducted outside of a building? If so, what provisions will be provided to screen the area? Explain any other details that may help the Planning Commission determine if said Conditional Use Permit should be allowed in said area.

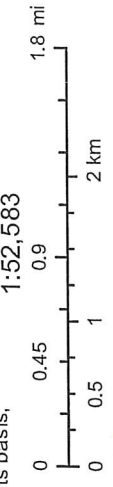
Number 7 answer:

The intentions for the operation of this 'Conditional Use Permit' are to provide the earthen material that will be required to construct the proposed Sustainable Beef Packing Plant located on Road 56G one mile north of Interstate 80. This property will serve as one of the two borrow pits required to provide material to the project site in order to raise the elevation of the existing ground to an elevation that promotes positive drainage, built to an approved design, and safeguarded from any potential flooding occurrence. The hours of operation for loading trucks and transporting the fill material will normally be from 7:00 am – 6:30 pm on a Monday – Friday schedule unless it is deemed necessary to work a Saturday due to lost days in the week to weather. The process will be to load trucks at this location, then they will proceed transporting the material to the project by accessing the Old Hwy 83 north to East State Farm Road for one mile before turning north on 56G to their project access point one mile north of I-80. This borrow hauling process may and will involve 20-25 semitrucks pulling side dump trailers from the borrow pit to the project daily. Traffic control signs will be installed alerting motorists of the heavier than normal semitruck traffic and all efforts will be made to keep dust down from this traffic. Since the entire haul route is on hard surfacing dust control should not be a major concern compared to what a county road would warrant, but dust and overall traffic flow will be monitored throughout each day. The point of ingress and egress from the borrow pit will be signed appropriately to inform the travelling public of trucks entering and exiting this site along with ongoing brooming of dirt or tracking onto the hard surfacing at such point of entrance. The borrow pit being submitted for a Conditional Use Permit will be exclusively used for the construction of the Sustainable Beef Packing Plant and the duration of the construction which is estimated to be up to one year. There will be no permanent or temporary facilities constructed on the site. A fuel transport will be on site which will comply to all specifications and regulations concerning fuel storage. Portable restrooms will be on site along with a pull behind trailer which stores project materials will also be on site when required. Erosion control measures will be installed prior to any excavation and the best practices in controlling any erosion will be installed if required as the project progresses. There will be no adverse conditions upon any neighboring residences or property. This property being submitted for approval has no retail, wholesale, servicing, or typical storage usage, it is completely for the purpose of yielding earthen material as borrow dirt to facilitate the needs for the construction of the Sustainable Beef Packing Plant design.



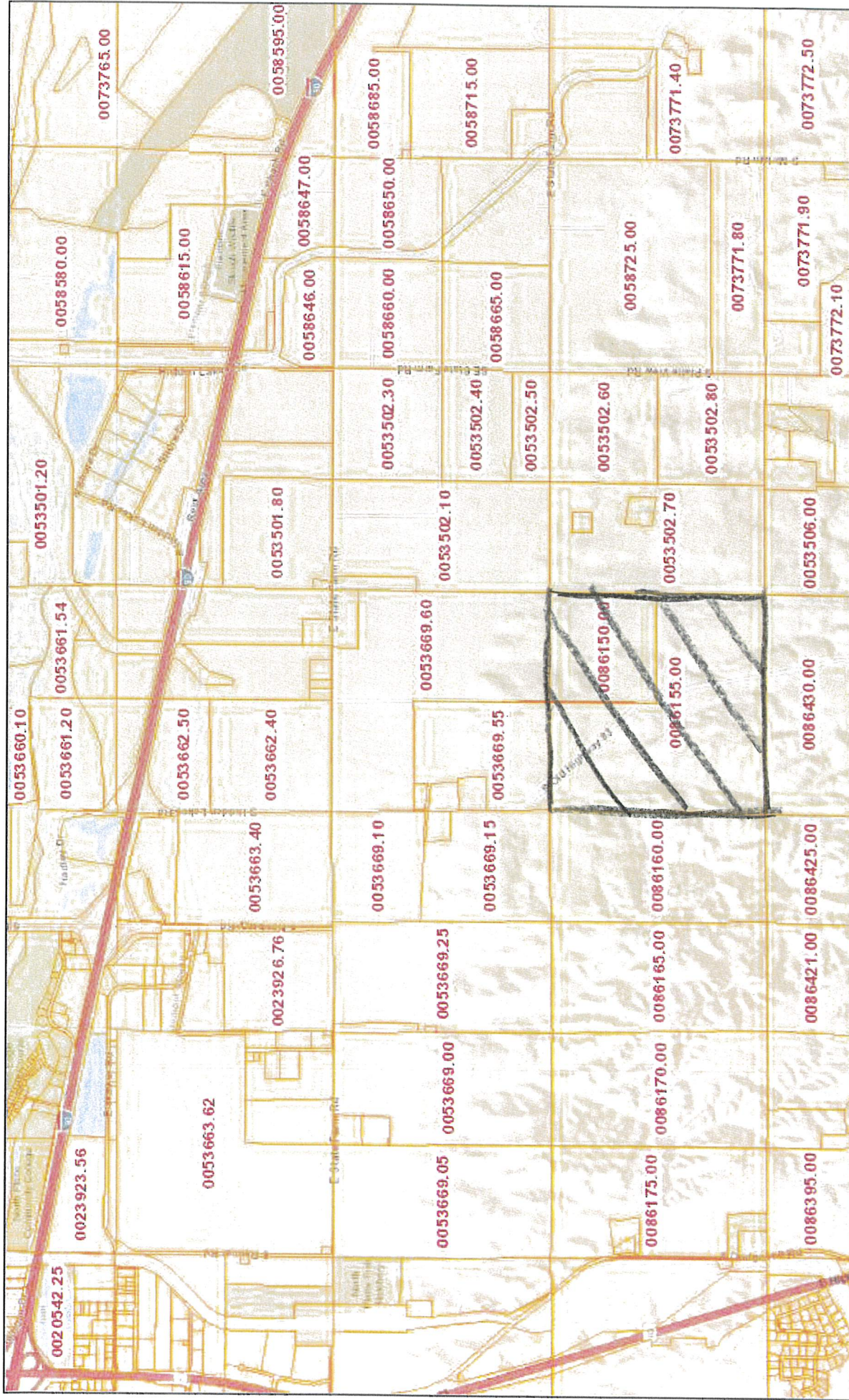
DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:52,583



- Parcels
- Sections

August 26, 2022



August 26, 2022

-  Parcels
-  Sections

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