

MINUTES OF THE SPECIAL MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 26th DAY OF SEPTEMBER 2022 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: David Fudge, Jeff Bain, Emily Wurl, Kathleen Matthews, Nelson Jett, Lee Davies, Tristen Winder

MEMBERS ABSENT: Angie Forbes, Don Weber

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 Fudge 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. Winder moved and Jett seconded the motion to approve the minutes of the special meeting held September 12, 2022. Voting Aye: Fudge, Bain, Wurl, Winder, Matthews, Davies, Jett. Voting Nay: None. Absent: Forbes, Weber. Motion carried.
3. Public Hearing File No. AM22-006 Discuss and consider action on an application by S&T LLC for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map amending property located on the corner of Lakeview Blvd and West Front Street from Residential-Medium Density Single Duplex and Multi-family to Industrial on property described as part of the SE ¼ of Section 36, Township 14 N, Range 31 W of the 6th P.M., Lincoln County, Nebraska (Proposed Lakeview Country Estates 2nd Subdivision).

Chair Fudge explained that item nos. 3 and 4 on the agenda involve the same property and may be discussed together.

Chair Fudge opened the public hearing on item nos. 3 and 4 on the agenda.

Judy explained if Item no. 3 is not approved, then Item no. 4 cannot be acted on and will be pulled from the agenda. 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 Industrial should not be a detriment to the surrounding area. The applicants state on Form B that are requesting the zone change to allow for construction of mini-warehouse storage units. There will be a secure green area with video monitoring which will enhance safety in the area and will be an asset to the high-density residential area. Planning Staff has no objections to the rezoning if the amendment has been approved. The area is bordered on the north by an industrial zoned property and should not be a detriment to the surrounding area.

Rich Mustion, 4021 Parkland Estates Court, was present and stated his property is across the street from this proposal and he is concerned about Lincoln County's housing shortage. This proposal would make prime housing land industrial and take a prime building area away.

Tami Kaschke, 3802 Sequoia Drive, was present and stated the city long term has to grow west and south. She is concerned with what types of industrial uses could go into that area in the middle of a prime residential area.

Rob Stefka, Commercial Investment Services, 212 N. Dewey, was present representing the landowner and the developer. He has pictures of what is being proposed on that land. One reason they are looking at that corner is because the zoning is pretty stringent. I-1 is to the north along West Front Street. This is not spot zoning. They understand the importance of that residential area and plan to coordinate an area where the fill will create a lake

or something like that. The proposed storage units are high security, fenced all the way around and concrete. They would probably add to the safety of the neighborhood. Front Street has heavy traffic. As the land develops, it should be residential, but the corner is more conducive to industrial uses. The storage units will all be enclosed and concrete and will meet landscaping requirements with underground sprinklers and fences. The proposed lot is 4.99 acres.

Wurl asked if housing is still a possibility in that spot with the irrigation ditch,

Mr. Stefka explained there is no access from that lot onto Front Street because of the ditch so there would be limited access.

Verdena Clark-Mustion, 4021 Parkland Estates Court, was present and stated they had a ditch along the property that was not a problem, so she doesn't see a problem for the other property. The ditch was recently filled in because they expanded Lakeview south.

Ms. Kaschke questioned what portion of the area is being rezoned and asked if they had considered going along Front Street instead of Lakeview Avenue.

Mr. Stefka explained the reason for not going along Front Street and the location of the ditch.

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

Matthews asked about lighting regulations and Judy pointed out there are lighting regulations in the City Code.

Wurl stated she is concerned about that area being industrial. The Comprehensive Plan shows the area as residential and she feels it's right for housing there.

Davies expressed the opinion that it would be well planned to put industrial and business along Front so this would be the buffer from the residential and industrial district.

Bain stated that Front Street is the most inferior area because of the thoroughfare and ditch and access. This would create a buffer for better development in the center of the remaining part of that land.

Matthews stated that there is a difference between B-1 on the corner of a residential subdivision and the proposed I-1. She has concerns with that being more industrial than business.

Bain explained that on 6th and Bare there was a storage unit there before residential. It creates a pretty good barrier.

Jett stated he hasn't heard of any issues with the storage units on Bare to the north of residential area there.

Davies stated that there are businesses all the way along there. The residences further into town are converting to businesses.

Wurl stated that's part of the mix she would like to avoid.

Judy explained if this area is rezoned to I-1, anything allowed in the I-1 district would be allowed in that area.

Jett moved and Bain seconded the motion to approve File No. AM22-006 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 Industrial at 214 N Lakeview Blvd. Voting Aye: Fudge, Bain, Winder, Matthews, Davies, Jett. Voting Nay: Wurl. Absent: Forbes, Weber. Motion carried.

4. Public Hearing File No. Z22-005 Discuss and consider action on an application by S&T LLC to rezone certain lands from an R-1 Dwelling District to an I-1 Light Industrial District on property located on the corner of Lakeview Blvd and West Front Street and described as part of the SE ¼ of Section 36, Township 14 N, Range 31 W of the 6th P.M., Lincoln County, Nebraska (Proposed Lakeview Country Estates 2nd Subdivision).

The public hearing for Item No. 4 was held in conjunction with Item No. 3 above.

Winder Moved and Bain seconded the motion to approve File No. Z22-005 to rezone certain lands from an R-1 Dwelling District to an I-1 Light Industrial District on property located at 214 N Lakeview Blvd. Voting Aye: Fudge, Bain, Winder, Matthews, Davies, Jett. Voting Nay: Wurl. Absent: Forbes, Weber. Motion carried.

5. File No. SU22-017 Discuss and consider action on an application by S&T LLC for Lakeview Country Estates 2nd Subdivision located at 214 N Lakeview Blvd on property located on the corner of Lakeview Blvd and West Front Street and described as part of the SE ¼ of Section 36, Township 14 N, Range 31 W of the 6th P.M., Lincoln County, Nebraska.

Judy explained that the subdivision will create a 4.99 acre lot from an existing large parcel. City utilities are available to service the proposed lot. Planning Staff has no objection to approval of Lakeview Country Estates 2nd Subdivision. The proposed subdivision meets zoning and subdivision regulations.

Bain moved and Davies seconded the motion to approve File No. SU22-017 for preliminary and final approval of Lakeview Country Estates 2nd Subdivision. Voting Aye: Fudge, Bain, Wurl, Winder, Matthews, Davies, Jett. Voting Nay: None. Absent: Forbes, Weber. Motion carried.

6. Public Hearing File No. AM22-005 Discuss and consider action on an application by City of North Platte for an amendment to the North Platte Comprehensive Plan 2011 Future Land Use Map amending property located on the east side of South Buffalo Bill Avenue and south side of West Walker Road from Parks and Recreation to Residential-Medium Density Single Duplex and Multi-family. The property is described as Lot 1 Doctor's Replat, North Platte, Lincoln County, Nebraska.

Chair Fudge explained that item nos. 6 and 7 on the agenda involve the same property and may be discussed together.

Chair Fudge opened the public hearing on item nos. 6 and 7 on the agenda.

Judy explained if Item no. 6 is not approved, then Item no. 7 cannot be acted on and will be pulled from the agenda. 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 by agricultural zoned property that is being used as a combination of residential home sites, a golf course and agricultural pasture ground. Residential zoning and possible future residential development will not be a detriment to the surrounding area. The city is requesting the zone change to allow for future residential development in the area. Housing has been a concern for the community for a number of years. Rezoning this property to a PR-1 will allow some flexibility for possible future development of residential lots. The property has access to a city improved road and access to city utilities making this property ready for future development. Planning Staff has no objections to the rezoning if the amendment has been approved. The area is bordered by agricultural zoned property that is being used as a combination of residential home sites, a golf course and agricultural pasture ground. Residential zoning and possible future residential development will not be a detriment to the surrounding area.

Davies asked if there are city utilities available for this site.

Judy explained there are city utilities available.

Discussion about right-of-way, utilities, etc. Might have to watch video.

Delane Wycoff, 403 S. Maloney Dr., was present and stated he is concerned about the planned use of this parcel. He was a member of the Doctors Replat group, former owners of this parcel when there was a transaction to pass ownership of this land to the city in exchange of other land that was for Centennial Park in the late 1980s. In order for this transaction to take place the doctor's group was not permitted to purchase this land from the city because it had been acquired through federal funding and passed through game and parks commission to allow the City of North Platte to acquire the property. It is his understanding that property carried a requirement that that land was dedicated to parks and recreation. They were required to offer in exchange, a parcel of land which was larger and more valuable than the land they acquired. Their understanding is those same restrictions would apply to that land. He spoke with Mayor Kelliher and Attorney Terry Waite. They aren't aware there are any restrictions. He is concerned there hasn't been adequate research performed on what is allowed for future use of this land. He encouraged the Planning Commission to table this until they can determine that there are no potential liabilities that may be coming pertinent to this property.

Mayor Brandon Kelliher, 3801 Sugarberry Court, was present and stated as far as he knows everything is accurate that was said. Nothing has been memorialized in a deed or a plat. He had two attorneys read it and in the course of research the City Attorney reached out to Nebraska Parks Commission and asked if they had a copy of a contract. They were unable to produce one. He asked if anyone could produce any documents to please bring them forward because they do not want to create a problem for the city. There is a considerable chunk of land, and he doesn't see the city putting any money in to develop a park as big as Cody Park. Tentatively planned is a housing development that brings to town a developer and a contractor. These houses would be valued in the vicinity of \$350,000 or more. The hope is that people living in North Platte today would move out to those and it would open up other homes in North Platte. At this point nothing can be found in legal documentation and the state has been consulted.

Charles Boettcher, 4801 S. Range Rd., was present and stated that was the agreement that was made. This land was equal value and greater size. Back then they wanted that to be a future park. Just because someone didn't record it doesn't mean it should get washed away.

Gary Person, President, North Platte Area Chamber and Development Corporation, 502 S. Dewey, was present and stated they support what the city is trying to do. Since it hasn't been developed as a park in 40 years, that's probably saying there are better uses for that land. He has been privy to conversations that have gone in with potential development and this is a development the community would be proud of. With jobs in North Platte this is a wonderful opportunity to grow and it won't happen without housing.

Mayor Kelliher explained that the planned use of this area includes approximately 10 acres of park, bike trails, soccer fields, or something along those lines.

Judy stated there are 96 acres total in this area.

Fred Savoia, 2502 W. Walker Rd., was present and stated the city is starting to see some growth. He understands the city wants places to be built but also understands this area was supposed to be developed for parks and recreation. He suggested looking for Telegraph articles about it. He remembers the property was swapped to build things around the hospital.

Ty Lucas, 3510 Tyler Court, was present and stated it would be standard procedure for someone who would purchase or finance a property to get title insurance. They would be responsible to review information on the Title of property for someone who would purchase the land or eventual houses. In general the vast majority of people who purchase property would have to make that judgment and incur the liability to ensure that title.

Paul Oettinger, 804 Cedarberry Rd., was present and questioned the title of the amendment and whether that title exists. He feels the city needs housing if the area cannot be developed as a park.

Judy stated the title is the title on the Land Use Map as differentiated from the Land Use Chapter in the Comprehensive Plan.

Fred Burke, 3365 Park Rd., was present and stated he is opposed to this being anything but a park. The integrity of the two gentlemen should not be questioned. This property has a unique ability to have a trout lake on it. Most of the area will not be able to be used unless it comes up to grade. He is concerned about flooding because this is in the flood plain.

Mr. Wycoff reiterated his concerns regarding the property not remaining a park.

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

There was some discussion about the Title and Deed information. The proposal does show a 10 acre park area along the slough area. The size of the property (90 acres) would be a large park. The city does need housing.

Wurl moved and Bain seconded the motion to approve File No. AM22-005 an amendment to North Platte Comprehensive Plan 2011 Future Land Use Map to amend certain lands from Parks and Recreation to Residential-Medium Density Single Duplex and Multi-family located on the east side of South Buffalo Bill Avenue and south side of West Walker Road Voting Aye: Fudge, Bain, Wurl, Winder, Matthews, Davies, Jett. Voting Nay: None. Absent: Forbes, Weber. Motion carried.

7. Public Hearing File No. Z22-004 Discuss and consider action on an application by City of North Platte to rezone certain lands from an A-1 Transitional Agricultural District to a PR-1 Dwelling District on property located on the east side of South Buffalo Bill Avenue and south side of West Walker Road and described as Lot 1 Doctor's Replat, North Platte, Lincoln County, Nebraska.

The public hearing for Item No. 7 was held in conjunction with Item No. 6 above.

Judy explained what a Planned Unit Development (PR-1) is. Basically, all the regulations in an R-1 District would go with this property. This allows the developer to vary from those regulations up to 20%. For example, in an R-1 District, all the lots have to be a minimum of 7500 sq. ft. On some of those lots, up to 20% of them could be smaller. That gives the developer a little bit of flexibility to vary from the R-1 District regulations.

Wurl Moved and Winder seconded the motion to approve File No. Z22-004 to rezone certain lands from an A-1 Transitional Agricultural District to a PR-1 Planned Dwelling District on the east side of South Buffalo Bill Avenue and south side of West Walker Road. Voting Aye: Fudge, Bain, Wurl, Winder, Matthews, Davies, Jett. Voting Nay: None. Absent: Forbes, Weber. Motion carried.

8. Public Hearing Discuss and consider action on annexation into the corporate limits of the City of North Platte Parcel ID Numbers 0053667.30, 0054621.20, 0054326.02 and 0054326.00 as surveyed, platted and recorded by the Lincoln County Register of Deeds; describing boundaries of land proposed for annexation as follows: Lot 1 and Lot 2 Buffalo Administrative Subdivision, Lincoln County, Nebraska including abutting South Buffalo Avenue and West Walker Road; and Lot 1 Doctor's Replat, Lincoln County, Nebraska including abutting South Buffalo Avenue and West Walker Road; and the SE ¼ NW ¼ Section 17, Township 13 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska including abutting South Echo Drive.

Chair Fudge opened the public hearing.

Judy explained that the proposed annexation has been requested by the property owners including the City of North Platte, KSAP, INC and Bruce and Debbie Majors. Planning staff has no objections to the proposed annexations. The annexations meet the requirements in Nebraska State Statute and will be a benefit to the City of North Platte's future growth and development. Water and sewer services to the area currently exist. Property within city limits have easier access to different types of funding opportunities, making annexation of this area a win for future development.

Mr. Person stated that one way the community has to grow is to annex areas. When city services are requested, annexation should always be done. There are plenty areas that have city services without annexation.

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

Jett moved and Winder seconded the motion make a recommendation to accept the request to annex Parcel ID Numbers 0053667.30, 0054621.20, 0054326.02 and 0054326.00 as surveyed, platted and recorded by the Lincoln County Register of Deeds into the corporate limits of the City of North Platte. Voting Aye: Fudge, Bain, Wurl, Winder, Matthews, Davies, Jett. Voting Nay: None. Absent: Forbes, Weber. Motion carried.

9. Public Hearing Discuss and consider action on a resolution regarding the City of North Platte, Nebraska Blight and Substandard Study –North Platte SW Study Area prepared by Marvin Planning Consultants, Inc. The purpose of the hearings is to obtain public comment on whether the real estate described in this notice should be declared substandard and blighted pursuant to the Nebraska Community Development Law and for Planning Commission to forward a recommendation on the study to the North Platte City Council. The proposed City of North Platte, Nebraska Blight and Substandard Study – North Platte SW Study Area includes an estimated 296 acres located along and south of West Eugene Avenue, along and east of South Buffalo Bill Avenue to east of Echo Drive including the eastern property line of a lot referred to as part of the NW ¼ NE ¼ of Section 17, Township 13 N, Range 30 West of the 6th P.M, Lincoln County, Nebraska and south to the southerner property line of a lot described as the SE ¼ NW ¼ of Section 17, Township 13 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska.

Chair Fudge opened the public hearing.

Judy stated 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 – North Platte SW Study Area prepared by Marvin Planning Consultants, Inc., was on the September 6, 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 to 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 2,385.83 acres designated as blighted and substandard or 21.1%. The proposed study will designate an additional 296 acres as blighted and substandard which will increase the city’s percentage to 23.7% designated as blighted and substandard. A copy of the study, which includes a copy of the Comprehensive Plan 2011 Future Land Use Map, as well as a summary of the requirements for a property to be declared substandard and blighted pursuant to Nebraska Community Development Law had been given to the Planning Commission members. 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.

Mr. Person stated they are trying to entice developers to North Platte. Without redevelopment assistance for infrastructure they can’t afford it. This will help keep cost down for the user. It’s a necessary tool in today’s development world.

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

Davies asked about the process to take property out of the blight & substandard designation.

Judy stated city staff should look at un-blighting some of the areas such as the Walmart DC area and possibly the Holiday Inn Express area.

Several of the Planning Commission members feel this is a valuable tool to bring developers to North Platte.

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

10. Old Business. There was no old business to be discussed.
11. New Business. There was no new business to be discussed.
12. Adjourn. Chair Fudge adjourned the meeting at 7:05 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary