

MINUTES OF THE MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 26<sup>th</sup> DAY OF DECEMBER 2023 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: David Fudge, Emily Wurl, Angie Forbes, Kert McKeone, Jeff Bain, Lee Davies

MEMBERS ABSENT: Kathleen Matthews, Glenn Van Velson, Nelson Jett

STAFF MEMBERS PRESENT: Judy Clark, Planning Administrator; Michelle Bain, Recording Secretary, Bill Troshynski, City Attorney

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. Bain moved and Davies seconded the motion to approve the minutes of the meeting held November 28, 2023. Voting Aye: Fudge, Bain, Wurl, Forbes, Davies, McKeone. Voting Nay: None. Absent: Van Velson, Matthews, Jett. Motion carried.

3. Presentation City of North Platte 1&6 Year Road Plan – Brent Burklund, City Engineer

Brent Burklund, City Engineer, was present and highlighted a portion of the 1 & 6 Year Road Plan which highlighted proposed extensions of some of the arterial streets in North Platte.

4. File No. SU23-009 Discuss and consider action on an application by Rhoads Enterprises, Inc. for NP Subdivision located at 2321 W. 18th Street in an R-3 Dwelling District on property described as Lot 2 Cochran First Replat, North Platte, Lincoln County, Nebraska.

Judy stated that the subdivision will split one lot into 6 lots for housing development. Water is available to service the lots. Sewer will need to be extended to service the lots; the developer is currently working with Brent Burklund, City Engineer, to design the extension. City of North Platte Code of Ordinances Section 155.093(D) the depth of a lot shall be no more than 3 times the width of the lot at the building line. The subdivision is proposing lots that are 110' x 386' exceeding the regulations. In order to allow the subdivision, the Planning Commission will need to approve a variance to the depth of lot. Planning Staff has no objections to approval of NP Subdivision if Planning Commission approves a variance to lot depth. The proposed subdivision meets zoning and subdivision regulations with the approved variance.

Bain moved and Davies seconded the motion to approve File No. SU23-009 preliminary and final approval of NP Subdivision and approval of a variance to Section 155.093(D) depth of lot. Voting Aye: Fudge, Bain, Wurl, Forbes, Davies, McKeone. Voting Nay: None. Absent: Van Velson, Matthews, Jett. Motion carried.

5. Public Hearing File No. CU23-001 Discuss and consider action on an application by Tri-State Broadcasting Association, Inc. for a conditional use permit to allow extension of an existing radio communication tower from 70' to 110' located at 201 South Bailey in a B-2 Highway Commercial District on property described as Lot 1 KJLT Replat, North Platte, Nebraska.

Chair Fudge opened the public hearing.

Judy stated that the applicant is requesting to extend the height of the studio tower from 70' to 110' feet. As technology continues to advance so does the need for KJLT's ability to deliver audio from the site. Increased bandwidth is needed through a new link for better transmission. No new tower will be erected, this is simply an extension in height. Traffic will not increase in the area and should not affect the general economic character of the area. Dave Hahn, Building Inspector, is currently reviewing the construction documents to ensure the existing tower can support the added 40' in height. Planning Staff has no objections to the conditional use

application. The property is currently used as a broadcasting station with an existing tower. The additional height does require additional setback distances and those setbacks do meet current zoning regulations. The property is located in a commercial area, the project will not increase traffic and should not be a detriment to neighboring property owners.

The applicant is present.

McKeone asked if the increased height will interfere with other transmissions.

Gary Hofer, 4243 Sweetwood Drive, was present and stated there are obstructions between the studio tower and other towers. It will not interfere with others.

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

Wurl moved and Forbes seconded the motion to find the request for a conditional use permit to allow extension of an existing radio communication tower from 70' to 110', located at 201 South Bailey 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: Fudge, Bain, Wurl, Forbes, Davies, McKeone. Voting Nay: None. Absent: Van Velson, Matthews, Jett. Motion carried.

6. Public Hearing Discuss and consider action to annex Parcel ID # 0053645.00, 0053635.00 and 0053585.10 described as Part of the E ½ W ¼ & Part of the W ½ W ¼ Section 2, Township 13N, Range 30 West of the 6th P.M., Lincoln County, Nebraska and Part of Lot 3 & Lot 4 north of Suburban Irrigation Ditch and Part of Accretions of Lot 3 & Lot 4 Section 11, Township 13 N, Range 30 West of the 6th P.M., Lincoln County, Nebraska into the corporate limits of the City of North Platte consisting of approximately 209 acres.

Chair Fudge opened the public hearing.

Judy stated that the proposed annexation was requested by the current property owner. Planning staff recommends the proposed annexation. The property is adjacent and abutting (actually surrounded by) the current corporate limits of the City of North Platte.

Gary Person, President, North Platte Area Chamber and Development, 502 South Dewey, was present and stated the Chamber is supportive of anything that brings new development into the community. This development is right with all the projects we have coming in. It is set as a donut hole inside the city limits. Old annexation laws would have mandated that to become part of the community because you can't have properties surrounding it without including it in the city. This and the next annexation will help add connectivity and open up new neighborhood commercial, light industrial and residential properties.

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

Davies moved and Bain seconded the motion to make a recommendation to annex Parcel ID # 0053645.00, 0053635.00 and 0053585.10 described as Part of the E ½ W ¼ & Part of the W ½ W ¼ Section 2, Township 13 N, Range 30 West of the 6th P.M., Lincoln County, Nebraska and Part of Lot 3 & Lot 4 north of Suburban Irrigation Ditch and Part of Accretions of Lot 3 & Lot 4 Section 11, Township 13 N, Range 30 West of the 6th P.M., Lincoln County, Nebraska into the corporate limits of the City of North Platte consisting of approximately 209 acres. Voting Aye: Fudge, Bain, Wurl, Forbes, Davies, McKeone. Voting Nay: None. Absent: Van Velson, Matthews, Jett. Motion carried.

7. Public Hearing Discuss and consider action to annex Parcel ID #0055485.00 and 0053596.00 described as North Platte Farms Subdivision Part of Tract A S ½ of Lot 3 & N ½ of Section 10, Township 13 N, Range 30 West of the 6th P.M, Lincoln County, Nebraska and a Tract of land in Part of the SE ¼ of Section 4, Township 13N, Range 30 W of the 6th P.M., Lincoln County, Nebraska into the corporate limits of the City of North Platte consisting of approximately 41.86 acres.

Chair Fudge opened the public hearing.

Judy stated that the proposed annexation was requested by the current property owner. Planning staff recommends the proposed annexation. The property is adjacent and abutting to (actually surrounded by) the current corporate limits of the City of North Platte.

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

Davies moved and Bain seconded the motion to make a recommendation to annex Parcel ID #0055485.00 and 0053596.00 described as North Platte Farms Subdivision Part of Tract A S ½ of Lot 3 & N ½ of Section 10, Township 13 N, Range 30 West of the 6th P.M, Lincoln County, Nebraska and a Tract of land in Part of the SE ¼ of Section 4, Township 13 N, Range 30 W of the 6th P.M., Lincoln County, Nebraska into the corporate limits of the City of North Platte consisting of approximately 41.86 acres. Voting Aye: Fudge, Bain, Wurl, Forbes, Davies, McKeone. Voting Nay: None. Absent: Van Velson, Jett, Matthews. Motion carried.

8. Public Hearing Discuss and consider action on a resolution regarding the City of North Platte, Nebraska Southeastern Analysis Area Update Blight and Substandard Study as 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 study includes an estimated 743.55 acres located generally from South Tabor Avenue east to Newberry Access Road and from East E Street south to the South Platte River.

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
- 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 11,867.37 acres with 2,833.13 acres designated as blighted and substandard or 23.87%. The proposed study will designate an additional 743.55 acres as blighted and substandard within city limits which would increase the city's percentage to 30.14% designated as blighted and substandard. The City of North Platte Nebraska Comprehensive Plan Chapter 4 sets several goals, objectives and action steps for housing in the community, listed are the objectives to creating sufficient housing stock to provide safe choices and options in the community:
- Mixed use – Redevelop underutilized land with a mix of land uses that encourage new housing options.
  - Workforce Housing – Create alternative housing options such as senior or low-to-moderate income households.

- Housing alternatives – Provide incentives such as density bonuses for redevelopment of areas with substandard housing stock into affordable, safe housing including housing programs that encourage construction of multi-family residential units.
- Keeping pace – Prepare for future growth by extending city infrastructure to areas targeted for development.

Planning Staff recommends approval of the study and passage of the 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. Allowing development of this property to its full potential is in the best interest of the city and the entire region.

Judy explained most of this area was declared blighted and substandard In 1997. It did expand it a little bit. The CRA attorney wanted to clean it up. The original study did not have the trailer court in it.

Gary Person explained one of the hesitations of why the attorney decided it should go through the study again was because it was not annexed although it was blighted. He just wanted to make sure, so it wasn't brought into question. These developers are trying to help the housing situation. There have been challenges of housing development and this donut hole inside the city limits for decades. These developers will not touch new development without incentives. If the property sits there without development for 50 years it will still have the same value as it currently has.

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

Davies moved and McKeone seconded the motion to approve the resolution and recommend adoption of the City of North Platte, Nebraska Southeastern Analysis Area Update Blight and Substandard Study, prepared by Marvin Planning Consultants, Inc., and approval of related actions. Moved and seconded the motion to close the public hearing. Voting Aye: Fudge, Bain, Wurl, Forbes, Davies, McKeone. Voting Nay: None. Absent: Van Velson, Matthews, Jett. Motion carried.

9. Public Hearing Discuss and consider action on a resolution regarding the Extremely Blighted Determination Study for North Platte, Nebraska as prepared by Information Art and make a recommendation whether the real estate described should be extremely blighted for development of the City of North Platte pursuant to Nebraska Community Development Law. The study includes an estimated 743.55 acres located generally from South Tabor Avenue east to Newberry Access Road from East E Street south to the South Platte River.

Chair Fudge opened the public hearing.

Judy stated that this is a little different and new to the city. The City Planning Commission's responsibility in the Extremely Blighted Determination Study process is to take public comment on whether the real estate described should be declared extremely blighted as pursuant to the Nebraska Community Development Law and if the study is in conformance legislative requirements. The following statements should be considered and confirmed.

- This property as presented in the study has been declared substandard,
- This property as presented in the study has been declared blighted,
- The property is a substandard and blighted area in which the average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period,
- The property is a substandard and blighted area in which the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area,
- 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, 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 11,867.37 acres with 3,576.68 acres designated as blighted and substandard or 30.14%, this is assuming City Council passes the previous agenda item. The proposed study will designate 743.55 acres of blight and substandard property as extreme blight. Once designated as extreme blight, the percentage of blight and substandard property within the city limits will decrease to 23.87%. Reasons a developer may ask for an extreme blight designation is to allow for 1) state income tax credit for qualified home buyers in the area, 2) special funding preferences to affordable housing developers in the area, and 3) maximum of 20 years for the use of TIF for qualified redevelopment projects. Planning Staff recommends approval of the study and passage of the attached resolution. The study is in conformance with legislative requirements under Nebraska Community Development Law. Extremely blighted designation provides benefits not only to the developer but also to qualified home buyers in the area. By declaring this area as extreme blight the city remains below the 35% designated blighted and substandard areas threshold leaving acres available for future blight and substandard declarations. This project is proposing workforce and affordable housing that would be a benefit to the City of North Platte and the entire region.

There was some discussion regarding the income tax benefit for qualified home buyers.

Greg Wilke, 2020 W. Leota, was present and stated he has done some research and can answer a few questions. He explained that the city still has all the options available to them whether or not this designation happens. Just because it qualifies for extreme blight, the project will still have to go through the process. With a history of financing projects, he is confident this type of housing will not happen without blighted. The need for North Platte is workforce housing and the maximum is \$320,000. Extreme blight doesn't change the ability to have the authority on each project, CRA or Council still has to approve it.

Joe Staroska, 1010 S. Bare, member of KOW Council Land Development Team, which is behind some of the land, was present. He stated they are looking at 354 workforce affordable single family homes to develop on this. The goal would be around \$230,000 per home. This group was focused on affordable workforce housing. Sustainable Beef will bring 800 families to this community. There are 277 multi family units in this. Some of the homes are row housing which is small individual housing which younger people are looking for. Along Philip Street will be a small commercial area with homes on the back side. The goal is an affordable home for someone to live in. Being able to apply for funds and the extension out to 20 years makes this more feasible.

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

Chair Fudge asked Mr. Person how many units are needed in the next 10 years.

Mr. Person stated conservatively about 1000 units of some type are needed.

Bain moved and Davies seconded the motion to approve the resolution and recommend adoption of the Extremely Blighted Determination Study for North Platte, Nebraska as prepared by Information Art and approval of related actions. Voting Aye: Fudge, Bain, Wurl, Forbes, Davies, McKeone, Jett. Voting Nay: None. Absent: Van Velson, Matthews. Motion carried.

10. Old Business. There was no old business.
11. New Business. There was no new business.
12. Adjourn. Chair Fudge adjourned the meeting at 6:31 p.m.

Respectfully Submitted,

Michelle Bain  
Recording Secretary