

MINUTES OF THE MEETING OF THE NORTH PLATTE PLANNING COMMISSION HELD ON THE 25th DAY OF JUNE 2024 IN THE CITY HALL COUNCIL CHAMBERS.

MEMBERS PRESENT: David Fudge, Emily Wurl, Angie Forbes, Kathleen Matthews, Glenn Van Velson, Nelson Jett, Lee Davies, Jeff Bain

MEMBERS ABSENT: Kert McKeone

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. Van Velson moved and Bain seconded the motion to approve the minutes of the meeting held May 28, 2024. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.
3. Public Hearing File No. AM24-003 Discuss and consider action on an application by Nick and Faylene Hudson (Deep Waters Retreat, LLC) for an amendment to the North Platte Nebraska Comprehensive Plan 2011 Future Land Use Map amending certain lands from Agricultural/Vacant to Commercial located at 2211 North Buffalo Bill Avenue on property described as a tract of land in Lots 14 and 15 Cody Land and Cattle Co. Subdivision in the Northwest Quarter of Section 29, Township 14 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska consisting of 49.10 acres.

Chair Fudge opened the public hearing on Item Nos. 3 and 4 on the agenda.

Judy stated that Item Nos. 3 and 4 on the agenda involve the same property and may be discussed together. If Item #3 is not approved, then Item #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 parcel is currently a vacant cornfield. To the north there are uses that still remain under the agricultural land use category; however, they are more commercial in nature. The Lincoln County Museum, Wild West Arena and Dusty Trails are all commercial uses that neighbor this property. On the south, a proposed church with riding stables and arena is being considered, again more commercial in nature. There is residential land use to the west of the property; however, changing this to future commercial use should not be a detriment to neighboring properties.

Judy further stated that the applicant states the area is to be used for commercial business, tourism including camping/cabins, a garden, museum and the eastern portion set aside for possible future housing. The property is currently vacant and new structures will be necessary. The change in zoning will allow the applicant's services to reach more people in North Platte and the surrounding area. Planning Staff has no objections to the zone change. The commercial business and museum, if the zoning is changed, would be allowed in a B-2 Highway Commercial District, the future camping/cabins, would require a conditional use permit to be allowed in a B-2 Highway Commercial District, and future housing would possibly require a future change in zone. The parcel is currently a vacant cornfield. To the north there are uses that are more commercial in nature. On the south, a proposed church with riding stables and arena is being considered, again more commercial in nature. There is residential land use to the west of the property; however, changing this to future commercial use should not be a detriment to neighboring properties.

Bain moved and Jett seconded the motion to close the public hearing on Item Nos. 3 and 4 on the agenda. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

Davies moved and Matthews seconded the motion to make a recommendation to approve File No. AM24-003 an amendment to the North Platte Nebraska Comprehensive Plan 2011 Future Land Use Map amending certain lands from Agricultural/Vacant to Commercial located at 2211 North Buffalo Bill Avenue. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

4. Public Hearing File No. Z24-005 Discuss and consider action on an application by Nick and Faylene Hudson (Deep Waters Retreat, LLC) to rezone certain lands from an A-1 Transitional Agricultural District to a B-2 Highway Commercial District located at 2211 North Buffalo Bill Avenue on property described as a tract of land in Lots 14 and 15 Cody Land and Cattle Co. Subdivision in the Northwest Quarter of Section 29, Township 14 North, Range 30 West of the 6th P.M., Lincoln County, Nebraska consisting of 49.10 acres.

The public hearing for Item No. 4 was held and discussed with Item No. 3 above.

Jett moved and Davies seconded the motion to make a recommendation to approve File No. Z24-005 to rezone certain lands from an A-1 Transitional Agricultural District to a B-2 Highway Commercial District located at 2211 North Buffalo Bill Avenue. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

5. Public Hearing File No. Z24-007 Discuss and consider action on an application by Tom Timmerman to rezone certain lands from an A-1 Transitional Agricultural District to an R-L Suburban Residential District located at 1825 West State Farm Road on property described as Lot 2, Post Administrative Subdivision, North Platte, Lincoln County, Nebraska.

Chair Fudge opened the public hearing.

Judy stated that the applicant is requesting the rezoning to allow a subdivision to occur for future sale of two lots, proposed Lot 2 and 3 Post Third Replat, and allow the owner to retain a small lot with his existing home, proposed Lot 1 Post Third Replat. Planning Staff has no objections to the zone change. Currently the property is zoned A-1 Transitional Agricultural. City of North Platte Code of Ordinances states the minimum lot size for agricultural properties is over 10 acres. In order to subdivide, proposed Lot 2 and Lot 1 need to be rezoned to meet minimum acre requirements. The area is designated as future residential according to the City of North Platte Comprehensive Plan 2011 and will not need to be amended. Neighboring properties are zoned R-L Suburban Residential and A-1 Transitional Agricultural so the rezoning will not be a detriment to the area.

Dean Packard, 1919 W. State Farm Rd., was present and stated he has no concern as long as his right-of-way and access does not change.

Judy stated that should not be an issue.

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

Bain asked about access to these lots.

Judy stated the next item is the subdivision and staff discussed that at length. She explained where access would be.

Matthews moved and Forbes seconded the motion to make a recommendation to approve File No. Z24-007 to rezone certain lands from an A-1 Transitional Agricultural District to an R-L Suburban Residential District on property located at 1825 West State Farm Road (Proposed Lots 2 and 3 Post Third Replat). Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

6. File No. SU24-010 Discuss and consider preliminary and final approval of Post Third Replat located at 1825 West State Farm Road on property described as Lot 2, Post Administrative Subdivision, North Platte, Lincoln County, Nebraska.

Judy stated that since the rezoning was approved, the subdivision can be acted on. The subdivision will split one lot into three lots for the purpose of future sale of the property. Public utilities are not currently available to service the lots; if developed, the owner will need to use well and septic or extend water and sewer services at the owner's expense. Planning Staff requested easements for future public right of way as shown on the plat, the reason for the easements is to plan for future development of the large lot, proposed lot 2. It seems reasonable to add the easements to insure access to all properties for possible future development. Planning staff has no objections to the proposed subdivision since the rezoning has been approved. The easements can be changed in the future but we wanted to make sure that we had access to that north lot.

Davies moved and Matthews seconded the motion to make a recommendation to approve File No. SU24-010 preliminary and final approval of Post Third Replat. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

7. Public Hearing File No. Z24-008 Discuss and consider action on an application by Kim Sellers, owner, and Titan Machinery, purchaser, to rezone certain land from an R-3 Dwelling District to an I-1 Light Industrial District located at 1265 and 1301 North Dodge Avenue on property described as Lot 4 and Lot 5, Lincoln Highway 1st Replat, North Platte, Lincoln County, Nebraska.

Chair Fudge opened the public hearing.

Judy stated that the applicant is requesting the rezoning in order to purchase the properties that adjoin the current Titan Machinery location at 3211 Rodeo Rd. and would like to explore adding additional shop/retail/parking to the site. The area for the proposed rezoning has two unoccupied mobile homes on site. Planning Staff has no objections to the zone change. The property abuts the current Titan Machinery location and would make a good addition to the site. The properties they are proposing to rezone and purchase have two mobile homes, one of which appears to be in the process of demolition. Rezoning these parcels should not be a detriment to the area.

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

Jett moved and Davies seconded the motion to make a recommendation to approve File No. Z24-008 to rezone certain lands from an R-3 Dwelling District to an I-1 Light Industrial District located at 1265 and 1301 North Dodge. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

8. Public Hearing File No. AM24-004 Discuss and consider action on an application by Mark and Kadin Oettinger (Stonebridge, LLC) for an amendment to the North Platte Nebraska Comprehensive Plan 2011 Future Land Use Map amending certain lands from Residential Low Density Single Family to Commercial located on South Buffalo Bill Avenue north of West State Farm Road on property described as a tract of land from a point of beginning described as the north west corner of Block 2 Glennfield's Third Subdivision, Lincoln County, Nebraska, thence along the north property line of Block 2, S 88d50'51" E a distance of 300' thence parallel to the east lot line of Block 2, S00d21'32" W a distance of 378.78', thence parallel to the north lot line, N88d50'51" W a distance of 270.36', to the west property line of Block 2, thence along the west line of Block 2 N0d58'39" a distance of 33', thence along the south line of Block 2 S89d13'08" w a distance of 27.07', thence along the west lot line of Block 2 a distance of N01d01'56"W, 77.76', thence along the west lot line of Block 2 N00d47'28"W, a distance of 14.34', thence along the west lot line of Block 2 N0d26'40"E a distance of 225.44' to the point of beginning, 2.59 acres +/-.

Chair Fudge opened the public hearing on Items #8 and #9 on the agenda because they involve the same property and may be discussed together. If Item #8 is not approved, then Item #9 cannot be acted on and will be pulled from the agenda.

Judy explained 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. On May 28, 2024 Planning Commission approved an amendment on this property; however, that item was tabled at the City Council Meeting on June 4, 2024 and Planning Commission is being asked to consider the proposed amendment with less property involved. This amendment is for approximately 2.59 acres, the northwest portion of the property, and not the entire parcel. By only amending this portion, if the owner wishes to extend the amendment, another application will be required. Planning Staff has no objections to the amendment. This portion of the parcel is currently vacant and abuts residential areas on the east and north with commercial areas on the west. The property is directly abutting a high traffic road with speeds posted that are more conducive to commercial areas. Additional commercial development in the area where there is existing commercial development should not be a detriment to neighboring properties.

Judy further stated that the applicant states that the site will be used for a new marina/boat service center. A new building will be constructed to service local boats and engines with an opportunity for retail boat sales. The applicant does not feel there will be any increase in traffic as Buffalo Bill is highly utilized by North Platte residents traveling to Lake Maloney. This is a very convenient location for residents that live in North Platte and by the lake. Most boaters in the community must travel out of town for repairs and is a loss to the community. On May 28, 2024 Planning Commission approved rezoning this property, however, that item was tabled at the City Council Meeting on June 4, 2024 and Planning Commission is being asked to consider the proposed rezoning with less property involved. This rezoning is for approximately 2.59 acres, the northwest portion of the property and not the entire parcel. By only rezoning this portion, if the owner wishes to extend the commercial zoning in the future both a land use amendment and rezoning will require additional applications. Planning Staff has no objections to the rezoning. This portion of the parcel is currently vacant and surrounded by suburban residential areas on the east and north with commercial areas on the west. The property is directly abutting a high traffic road with speeds posted that are more conducive to commercial areas. Additional commercial development in the area where there is existing commercial development should not be a detriment to neighboring properties. The proposed amendment and rezoning area is approximately 300' wide by 300' wide which leaves a 54' buffer on the east that will remain ag.

Ian Pearson, 4701 Valley Drive, was present and stated that the local residents are against this rezoning because of the noise, traffic and possible accidents, the high water table and possible chemical leakage, added traffic to the biking/walking path, and feels they should have an environmental impact study.

Beverly Gottula, 4620 Valley Drive, was present and stated she is concerned about the noise. They knew this area was ag and marked for future residential. She feels rezoning only a portion of the field makes no sense because they will come back and rezone the rest of the property. There are bands that play at Pals until 1:00 in the morning when the neighbors were told they would be shut down by 10:00 at night. She asked the Planning Commission to consider the impact this will have on the neighborhood.

Ken Kaskie, 104 S. Maple, was present speaking for a couple of people. He stated that he disagrees that the area is more conducive to commercial than residential. He pointed out that next to this parcel there is park ground to the north, and a bike path to the west and south side and a golf course in the area. Turning this into a business park will interfere with residents of a quiet neighborhood.

Gary Person, President, North Platte Area Chamber and Development Corporation, was present and stated the Comprehensive Plan is a live working document. The current Comprehensive Plan is almost 15 years old and the next plan is in the process of being put together. There have been changes in the community. There are commercial developments immediately adjacent to Buffalo Bill Avenue and there will be a strong suggestion to create a commercial district between East State Farm Rd and Walker Rd along Buffalo. Some of that area was targeted for low density housing, but nothing has been built along the Buffalo Bill corridor. On behalf of the business community, he feels this is conducive for neighborhood business along that corridor.

Richard "Paul" Pedersen, 4801 Valley Drive, was present and stated they enjoy the quiet neighborhood. He thinks that strip is a natural strip for more housing. There is a west side to Buffalo that might fit this business.

Emil Bunger, 4701 Heritage, was present and stated he agrees the property on the west side would be more conducive to business development. A boat repair shop in the back yard would disturb peace and quiet.

Sarah Pearson, 4701 Valley Drive, was present and asked the Planning Commission if they would like this in their back yard.

Mark Oettinger, existing property owner, was present and stated that the previous owners tried for many years to get housing built out there. Pals and the convenience store have been zoned commercial. They originally came to Planning Commission to rezone the 10 acres and have lowered it to 2.5 acres. The building is to the northwest of the area. The entrance is on the north side of the property which leaves about a 50' buffer to the east that will stay ag and they will add a tree line there. The first adjoining property to the east has a mature tree growth. The closest property is 430', the next closest is 570' which is a great distance when talking a buffer between residential areas. The boat shop is designed to have excellent air conditioning with insulated doors and they want to get the work done inside. The noise will be much less than the traffic on Buffalo Bill. They will close by 6:00 p.m. M-F. The reason they picked this area is most of the testing will have to be done on the lake and this is a straight shot to the lake.

Mr. Oettinger, in response to questions from the Planning Commission, stated they plan to be open 8-5 but he 6 in case it takes a little longer to get a boat done. The rest of the area would still be zoned ag. There are no plans to expand or do anything else with that lot.

Mr. Kaskie stated that he owns the property right to the back of where he is planning to build. They bought that for their retirement and are planning to build out there.

Van Velson moved and Davies seconded the motion to close the public hearing on Item Nos. 8 and 9 on the agenda. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

Judy stated that the amendment and zoning will be on the same parcel. At the last meeting Planning Commission recommended flipping the whole property.

Attorney Troshynski pointed out that the Planning Commission provides recommendations to City Council.

Matthews stated that at the last Planning Commission meeting there wasn't any public comment. Part of her vote is based on public comment and given new testimony they have the right to change their mind.

Bain asked about the letters that are sent out.

Judy explained it's 300' from the area requesting to be rezoned. It was also published and posted. This time there was 7 property owners that were notified, last time there were about 35.

Judy explained that Buffalo is basically a 3 lane road and typically most intensive uses are up against a highway/road. Then there is usually higher intensity such as apartments or multi-family, then residential. They should look at how conducive this is to large lot residential.

Chair Fudge asked if they should assume in the new comp plan a good chunk of this will be commercial. That probably changed when the overpass was put in and other changes were made.

Brent Burklund, City Engineer, was present and stated the overpass was finished in 2011 so right around the same time as the new Comprehensive Plan.

There was some discussion about the convenience store on the corner of Walker and Buffalo.

Wurl mentioned that so many communities are talking about walkability. She feels North Platte has missed out on opportunities to have businesses mixed in that improve houses and properties.

Bain stated he is concerned with future use of the rest of the site. He can't see residential areas other than large multi-family units. He thinks it will be only commercial or ag in the future. He agreed with the entire property because it will enhance what this will do.

Planning Commission discussed that corridors like this are more conducive to commercial, noise levels are hard to measure, the city struggles with getting developers to come in.

Judy explained that when people come and propose a rezoning, the city asks them what they will do with the property. They are not required to have a plan. This applicant is giving information about what he wants to put in there. From a planning perspective, Planning Commission should be discussing what the zone should be for this area and what projects fit in that district. In this case a commercial district.

Van Velson stated he believes the expert (Gary Person) mentioned the best thing on this street is commercial.

Davies feels this will be commercial in the future. No commercial development in some areas has limited the growth of North Platte.

Attorney Troshynski stated since this is a recommendation, Planning Commission would act on both the amendment and the rezoning.

There was discussion with the attorney about whether Planning Commission could act on just the proposed amendment or go back to the original one from the last meeting. It was suggested that they could make a recommendation for or against this application or to reinforce the recommendation from the last meeting.

Judy explained that City Council tabled the item from last time because of things like noise and buffer being brought up, so she had conversations with the applicant to come up with a plan that might be more palatable to the neighbors. Her recommendation would be that the entire area should be commercial. But she does not disagree with the applicant's proposal.

Jett moved and Wurl seconded the motion to make a recommendation to approve File No. AM24-004 an amendment to the North Platte Nebraska Comprehensive Plan 2011 Future Land Use Map amending certain lands from Residential Low Density Single Family to Commercial located on South Buffalo Bill Avenue north of West State Farm Road. And would like to recommend that the entire parcel be amended.

Chair Fudge stated he will abstain on this vote.

Voting Aye on the above motion: Wurl, Van Velson, Matthews, Jett, Forbes, Davies. Voting Nay: Bain. Abstaining: Fudge. Absent: McKeone. Motion carried.

9. Public Hearing File No. Z24-009 Discuss and consider action on an application by Mark and Kadin Oettinger (Stonebridge, LLC) to rezone certain lands from an A-1 Transitional Agricultural District to a B-2 Highway Commercial District located on South Buffalo Bill Avenue north of West State Farm Road on property described in the previous agenda item.

The public hearing for Item No. 9 was held and discussed with Item No. 8 above.

Van Velson moved and Jett seconded the motion to make a recommendation to approve File No. Z24-009 to rezone certain lands from an A-1 Transitional Agricultural District to a B-2 Highway Commercial District located on South Buffalo Bill Avenue north of West State Farm Road and recommend that the city council include the entire parcel.

Chair Fudge abstained on this vote.

Voting Aye on the above motion: Wurl, Van Velson, Matthews, Jett, Forbes, Davies. Voting Nay: Bain. Abstaining: Fudge. Absent: McKeone. Motion carried.

10. Discuss and consider annexation of Parcel ID 0054624.80 described as Block 2, Glennfield's Third Subdivision, Lincoln County, Nebraska, into the corporate limits of the City of North Platte, Nebraska consisting of approximately 9.96 acres.

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 the current corporate limits of the City of North Platte. There is access to city water and sewer. This is considered a friendly annexation since it was requested by the property owner.

Davies moved and Forbes seconded the motion to make a recommendation to annex Parcel ID 0054624.80 described as Block 2, Glennfield's Third Subdivision, Lincoln County, Nebraska, into the corporate limits of the City of North Platte, Nebraska consisting of approximately 9.96 acres. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

11. Pulled from the agenda.
12. (There was no item No. 12. The number was inadvertently omitted from the agenda).
13. File No. SU24-011 Application by North Platte Area Chamber and Development (DEVCO) for Mulligan Meadows Second Subdivision located at 1511 North Adams on property described as Lot 9, Mulligan Meadows First Subdivision, North Platte, Lincoln County, Nebraska.

Judy stated that the subdivision will create six lots and a portion of West 16th Street in an R-2 Dwelling District. Public utilities will be extended to service the lots with extension of West 16th Street at the developer's expense. Planning Staff has no objections to the subdivision, this is the second phase of a proposed multi-lot housing development.

Jett moved and Davies seconded the motion to make a recommendation to approve File No. SU24-011 preliminary and final approval of Mulligan Meadows Second Subdivision. Voting Aye: Fudge, Wurl, Van Velson, Matthews, Jett, Bain, Forbes, Davies. Voting Nay: None. Absent: McKeone. Motion carried.

14. Old Business. There was no old business.
15. New Business. There was no new business.
16. Adjourn. Chair Fudge adjourned the meeting at 7:08 p.m.

Respectfully Submitted,

Michelle Bain
Recording Secretary